

**REGULAR MEETING – FEBRUARY 12, 2018**

**Pledge of Allegiance.**

**Roll Call: Commissioner Mahon, Commissioner Gorman, Mayor Magrini**

**Borough Clerk reads the following statement:**

**This is a regular meeting of the Board of Commissioners of the Borough of Avon-By-The-Sea and notice of time, date and place has been transmitted to the area newspapers, Avon Board of Education, Avon Public Library and the Avon Post Office in compliance with the rules and regulations of the Open Public Meetings Law.**

**Fire Exits are located in the direction I am indicating. In case of fire, you will be notified by an alarm bell. If so notified, please move in a calm, orderly manner to the nearest smoke free exit. Thank you.**

**Motion by Magrini seconded by Mahon that the minutes of the meeting of January 22, 2018 be approved as written.**

**The Vote:**

**Aye: All**

**No: None**

**RESOLUTION offered by Mahon seconded by Magrini that,**

**ORDINANCE NO. 1-2018 entitled:**

**“ AN ORDINANCE AMENDING CHAPTER 142,  
ENTITLED “STREETS AND SIDEWALKS”,  
OF THE CODE OF THE BOROUGH OF  
AVON-BY-THE-SEA, IN THE COUNTY OF  
MONMOUTH, NEW JERSEY. ”**

**be introduced on first reading.**

**The Vote:**

**Aye: All**

**No: None**

**Motion by Mahon seconded by Magrini that the above Ordinance No. 1-2018 be taken up on second reading with a hearing on February 26, 2018 at 7:00 p.m.**

**The Vote:**

**Aye: All**

**No: None**

**RESOLUTION offered by Magrini seconded by Mahon that,**

**WHEREAS, N.J.S.A. 40a:4-5 as amended by P.L. 2017, c. 183 requires the governing body of each municipality and county to certify that their local unit’s hiring practices comply with the United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of 1964,” as amended, 42 U.S.C. 2000e et seq., (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and**

**WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history as evidenced by the group affidavit form of the governing body attached hereto.**

**NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Avon-By-The-Sea, hereby states that it has complied with N.J.S.A. 40a:4-5, as amended by P.L. 2017, C. 183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.**

**The Vote:**

**Aye: All**

**No: None**

**RESOLUTION offered by Mahon seconded by Magrini that the Board of Commissioners hereby approve a change order for the contract with Lucas Construction for the 2017 Lane Improvement Program for a reduction in the amount of \$57,069.60, addition in the amount of \$21,004.57 for a total change of -\$36,605.03 and a revised contract amount of \$387,818.97.**

**The Vote:**

**Aye: All**

**No: None**

**RESOLUTION offered by Gorman seconded by Magrini that the Borough Administrator is hereby authorized to sign an agreement between Princeton Hydro, LLC and the Borough of Avon-By-The-Sea for 2018.**

**The Vote:**

**Aye: All**

**No: None**

**RESOLUTION offered by Magrini seconded by Mahon that the Borough Administrator is hereby authorized to sign an agreement between Goose Control Technology and the Borough of Avon-By-The-Sea for 2018.**

**The Vote:**

**Aye: All**

**No: None**

**RESOLUTION offered by Magrini seconded by Gorman that the Board of Commissioners hereby authorizes the refund of the overpayment of a 2018 property tax payment to the following:**

**Block 43.01, Lot 5 Corelogic Real Est. Tax Serv. 23 Poole Ave. \$2,021.02**

**The Vote:**

**Aye: All**

**No: None**

**RESOLUTION offered by Mahon seconded by Magrini authorizing a refund of overpaid taxes caused by Tax Court Judgement Docket No. 005441-2017 for the year 2017,**

**WHEREAS, the owners of Block 53 Lot 9.01, 200 Ocean Avenue, Avon-by-the-Sea, N.J. has been successful in their appeal to The Tax Court of New Jersey and having agreed upon a settlement adjusting their assessed value as follows:**

<u>2017 Assessment from Tax Duplicate</u>	<u>Tax Court Judgment</u>
1,904,100.00 Land	1,904,100.00 Land
1,077,300.00 Improvements	877,300.00 Improvements
<u>2,981,400.00 Total Assessment</u>	<u>2,781,400.00 Total Assessment</u>
\$ 33,898.52 taxes paid 2017	\$ 31,624.52 taxes due 2017

**WHEREAS, this has resulted in their overpaying the property tax for the year 2017 in the amount of \$2,274.00 and;**

**WHEREAS, they have been awarded this judgment and therefore are entitled to a refund,**

**NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Avon-by-the-Sea, that the CFO be authorized to refund the overpayment of \$2,274.00 for the year 2017 to: Leon & Myra Pirak in care of Valerie Hofer, Esq. Trust A/C, The Law Office of Valerie Hofer, Esq., 120 Lebbie Lane, Fairless Hills, PA, 19030**

**The Vote:**

**Aye: All**

**No: None**

**RESOLUTION offered by Mahon seconded by Magrini authorizing a refund of overpaid taxes caused by Tax Court Judgement Docket No. 007503-2016 for the year 2016,**

**WHEREAS, the owners of Block 53 Lot 9.01, 200 Ocean Avenue, Avon-by-the-Sea, N.J. has been successful in their appeal to The Tax Court of New Jersey and having agreed upon a settlement adjusting their assessed value as follows:**

<u>2016 Assessment from Tax Duplicate</u>	<u>Tax Court Judgment</u>
1,904,100.00 Land	1,904,100.00 Land
1,077,300.00 Improvements	877,300.00 Improvements
<u>2,981,400.00 Total Assessment</u>	<u>2,781,400.00 Total Assessment</u>
\$ 34,047.59 taxes paid 2016	\$ 31,763.59 taxes due 2016

**WHEREAS, this has resulted in their overpaying the property tax for the year 2016 in the amount of \$2,284.00 and;**

**WHEREAS, they have been awarded this judgment and therefore are entitled to a refund,**

**NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Avon-by-the-Sea, that the CFO be authorized to refund the**

overpayment of \$2,284.00 for the year 2016 to: Leon & Myra Pirak in care of Valerie Hofer, Esq. Trust A/C, The Law Office of Valerie Hofer, Esq., 120 Lebbie Lane, Fairless Hills, PA, 19030.

The Vote:

Aye: All

No: None

**RESOLUTION** offered by Magrini seconded by Gorman authorizing a refund of overpaid taxes caused by Tax Court Judgement Docket No. 005736-2017 for the year 2017,

WHEREAS, the owners of Block 35 Lot 6.09, 30 Garfield Avenue, Avon-by-the-Sea, N.J. has been successful in their appeal to The Tax Court of New Jersey and having agreed upon a settlement adjusting their assessed value as follows:

<u>2017 Assessment from Tax Duplicate</u>	<u>Tax Court Judgment</u>
1,068,200.00 Land	1,068,200.00 Land
526,200.00 Improvements	501,800.00 Improvements
<u>1,594,400.00 Total Assessment</u>	<u>1,570,000.00 Total Assessment</u>
\$ 18,128.33 taxes paid 2017	\$ 17,850.90 taxes due 2017

WHEREAS, this has resulted in their overpaying the property tax for the year 2017 in the amount of \$277.43 and;

WHEREAS, they have been awarded this judgment and therefore are entitled to a refund,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Avon-by-the-Sea, that the CFO be authorized to refund the overpayment of \$277.43 for the year 2017 to: William & Teresa Egan in care of Valerie Hofer, Esq. Trust A/C, The Law Office of Valerie Hofer, Esq., 120 Lebbie Lane, Fairless Hills, PA, 19030.

The Vote:

Aye: All

No: None

Motion by Magrini seconded by Mahon that the bills in the amount of \$980,696.46 be approved for payment.

The Vote:

Aye: All

No: None

Department Head reports:

Sgt. McGrath, Police Dept. – snow removal has been addressed well. Mentioned the Borough is in the process of interviewing for Class I and II positions. In addition, there was discussion of getting new signs ready to be posted along the beaches for this summer.

Comm. Gorman – happy to hear new signs will be ready for the summer.

**Mayor asked if the manpower seemed to be doing well on the beaches over the summer. Sgt. McGrath said yes.**

**Charles Rooney, Engineer – discussed the 2017 Road Program for the west side of Main St. – funded by DOT grant money, therefore, the plans required state approval.**

**Mayor asked about future bulkhead repairs. Charley said we may be able to get the County to share costs with repairs.**

**Scott Hauselt, DPW Supt. – marina has been repainted; DPW has received more salt and should be good for the rest of the winter season. In the spring, they will begin a sand redistribution project near the boardwalk.**

**Comm. Mahon – asked if DPW can continue and finish an old Eagle Scout project of finishing the wood near the Pavilion and Columns for continuity. Scott said yes.**

**Wally French – further discussion on sand redistribution and asked if the snow removal ordinance is being enforced.**

**Mayor & Comm. Gorman said yes, the ordinance is being enforced.**

**John January – asked about the orange cones near the pavilion on the boardwalk.**

**Scott said the cones are where the benches normally are. Benches are currently being repaired.**

**Mrs. Farmer – asked about railing being installed outside the Marina. The Mayor said it is being addressed.**

**Sheila Watson, Librarian – library is running great. On Thurs., Mar. 1<sup>st</sup> Gordon Bond is coming to the Marina to discuss his book Man Failure.**

**Kerry McGuigan, Adm. – busy working on the budget and getting ready for mailing out water/sewer bills.**

**Karl Klug, Water Supt. – urged residents to pay attention to keep water running with the cold weather, during the cold streak in Jan. there were many houses that experienced issues and 1 water main break.**

**Mayor asks if anyone would like to be heard?**

**Comm. Gorman – emphasized moving forward with banning marijuana smoke shops. Also, he is opposed to replacing the Main St. bridge.**

**Further discussion on Main St. bridge repairs.**

**Mayor & Comm. Gorman – do not object to writing a letter to the State saying the Borough is opposed to raising the bridge.**

**Mr. French – wanted to that the Police Dept. for their recent help and also said if anyone is looking for something to cheer up their day, the library is a good place to go.**

**RESOLUTION by Mahon seconded by Magrini that,**

**WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and**

**WHEREAS, this public body is of the opinion that such circumstances presently exist; and**

**WHEREAS, the Governing Body wishes to discuss:**

**Any pending or anticipated litigation or contract negotiation herein which the public body is, or may become a party.**

**Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.**

**NOW, THEREFORE, BE IT RESOLVED that the public be excluded from this meeting.**

**The Vote:**

**Aye: All**

**No: None**

**Motion by Mahon seconded by Magrini that being there is no further business, the meeting is adjourned.**

**The Vote:**

**Aye: All**

**No: None**

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**John B. Magrini, Mayor**

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**Robert Mahon, Commissioner**

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**Francis E. Gorman, Commissioner**

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**Marc Freda, Acting  
Borough Clerk**