

REGULAR MEETING – FEBRUARY 26, 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 February 12, 2018 be approved as written.

The Vote:

Aye: ___

No: ___

Mayor announces that this is the time advertised for second reading and hearing on 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 IT ORDAINED that Chapter 142 is amended as follows:

Article IV. Section 142-16. Responsibility for removal of snow and ice.

A. The owner(s), occupant(s) or tenant(s) of premises abutting or bordering upon any street in the Borough of Avon-By-The-Sea shall remove all snow or ice from the abutting sidewalks of such streets. In the case of ice which may be so frozen as to make removal impractical, the owner(s), occupant(s) or tenant(s) shall cause the same to be thoroughly covered with sand, salt or cinders. Removal of snow and ice, or treatment of ice where required, must be done within twenty-four (24) hours after snow falls or ice is formed on said sidewalks.

All other terms and conditions of this ordinance shall remain in effect.

Would anyone like to be heard on the above ordinance? No one.

Motion by Mahon seconded by Magrini that the above Ordinance No. 1-2018 be approved on second reading and its passage published in a newspaper as required by law.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by Magrini that the Board of Commissioners hereby approve the following due dates of the first half 2018 water/sewer billing:

**First Quarter 2018 due April 1, 2018
Second Quarter 2018 due June 1, 2018**

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by Gorman that the Borough Administrator is authorized to sign the NJ DEP Certification form for the Response Action Outcome of the Avon Marina remedial action permit.

The Vote:

Aye: All

No: None

RESOLUTION offered by Magrini seconded by Mahon that the Borough Administrator is authorized to execute an annual agreement with Prevention Specialists Inc., 208 Monmouth Road, Suite 2, Oakhurst, NJ, 07755 for the 2018 agreement and DOT testing.

The Vote:

Aye: All

No: None

Motion by Magrini seconded by Gorman that the bills in the amount of \$559,962.03 be approved for payment.

The Vote:

Aye: All

No: None

Mayor asks if anyone would like to be heard?

Comm. Mahon asked where we stand with the beach lockers?

Kerry McGuigan, Administrator, said the lockers will come out of the current capital budget, so the Borough has to wait for placing the order before the approval of the capital budget.

Discussion on news rack ordinance.

Mayor – the Borough has been looking into removing news racks from Ocean Ave.

Comm. Mahon asked what the town's legal obligation is?

Barry Cooke, Attorney – no legal obligation to keep them along Ocean Ave. There is a need for the town to have a centralized location for news racks on Main St. and suggested using regulations for how many can be placed in front to the Post Office.

Mayor wants to keep the news racks within reason. Does not want to prevent businesses from having them in front of their store locations along Main St. if they apply to their business.

John January asked if you can relocate all of the news racks to the Post Office?

Barry said yes, but within reason.

Barry & Commissioners – further discussion on implementing the modular news rack box assemblies “MNBA”s along Main St. which is a model Spring Lake uses.

General Discussion:

Scottie Franklin thanked the Borough for their help with passing the vacating of Street ordinance to help clear her property title. Also, expressed her interest to see the Borough passing a resolution which would oppose off-shore drilling.

Comm. Mahon is in favor of passing that ordinance opposing drilling.

Comm. Gorman & Mayor not currently in favor of passing the resolution at this time but thanked Ms. Franklin for her concerns.

John January asked about the sale of the Methodist Church?

Comm. Mahon said there would be two buildable lots if you demolished the current building.

Comm. Gorman suggested the need for a survey to officially determine the building opportunity. He acknowledged the town paid much less than the listing price for the Baptist Church two years ago.

Mayor & Comm. Mahon do not see the town purchasing the property at the current listing price of \$1.4 million.

Michael Lurch asked if he could begin developing a town flag.

Comm. Gorman recommends he work with the women’s auxiliary club who have a potential mold he could use.

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

The Vote:

Aye: All

No: None

John B. Magrini, Mayor

Robert Mahon, Commissioner

Francis E. Gorman, Commissioner

**Marc Freda, Acting
Borough Clerk**