

REGULAR MEETING – MARCH 26, 2018

Pledge of Allegiance.

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

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 Gorman seconded by Magrini that the minutes of the meeting of March 12, 2018 be approved as written.

The Vote:

Aye: All

No: None

Mayor announces that this is the time advertised for second reading and hearing on Ordinance No. 2-2018 entitled:

**“ AN ORDINANCE CREATING A NEW CHAPTER 60,
ENTITLED “GAMES OF CHANCE” IN THE CODE
OF THE BOROUGH OF AVON-BY-THE-SEA. ”**

60-1. Authorization to Conduct Games.

The Borough of Avon-By-The-Sea, pursuant to the provisions of N.J.S.A. 5:8-50 et. Seq. hereby finds and determines that it shall be lawful for certain organizations, hereinafter specified, to conduct raffles within the Borough when the entire net proceeds of such games of chance are to be devoted to educational, charitable, patriotic, religious and public-spirited uses.

60-2. Authorized Organizations.

Only the following described organizations or types of organizations shall be authorized to conduct raffles or games of chance in the Borough. Bonafide organizations or associations of veterans of any war in which the United States has been engaged; churches or religious congregations and religious organizations; charitable, educational and fraternal organizations; civic and service clubs; officially recognized volunteer fire companies; officially recognized volunteer first aid or rescue squads; and senior citizens associations and clubs.

60-3. Violations and Penalties.

Any person, company, association or organization other than those expressly described in this Chapter conducting a game of chance in the Borough or any organization or association conducting a game of chance without the express authorization from the Borough shall be deemed to be in violation of

this Chapter and, upon conviction thereof, shall be punishable as provided in N.J.S.A. 40:49-5.

60-4. Establishment of Fees.

The Borough shall charge a municipal license fee for games of chance in accordance with N.J.A.C. 13:47-4.10, in an amount equal to the amount charged by the State Legalized Games of Chance Control Commission.

60-5. Authority to Issue Licenses.

The Borough Clerk is hereby delegated the authority to act as the “issuing authority” for the purpose of approving the granting of licenses for games of chance pursuant to the terms of N.J.A.C. 13:47-1.1.

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

Motion by Magrini seconded by Gorman that the above Ordinance No. 2-2018 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 Magrini seconded by Gorman that,

ORDINANCE NO. 3-2018 entitled:

“AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)”

be introduced on first reading.

The Vote:

Aye: All

No: None

Motion by Magrini seconded by Gorman that the above Ordinance No. 3-2018 be taken up on second reading with a hearing on April 9, 2018 at 7:00 p.m.

The Vote:

Aye: All

No: None

RESOLUTION offered by Magrini seconded by Gorman that,

ORDINANCE NO. 4-2018 entitled:

“AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 118 OF THE CODE OF THE BOROUGH OF AVON-BY-THE-SEA, ENTITLED “LICENSING OF NEWSPAPER DISTRIBUTION BOXES (NEWSPAPER DISPENSING MACHINES)”.

be introduced on first reading.

The Vote:

Aye: All

No: None

Motion by Gorman seconded by Magrini that the above Ordinance No. 4-2018 be taken up on second reading with a hearing on April 9, 2018 at 7:00 p.m.

The Vote:

Aye: All

No: None

RESOLUTION offered by Magrini seconded by Gorman that,

BE IT RESOLVED by the Board of Commissioners of the Borough of Avon-By-The-Sea that it hereby introduces the 2018 Municipal Budget in the amount of \$4,839,500.00, and

BE IT FURTHER RESOLVED that the said budget requires \$3,903,000.00 to be raised in property taxes, and

BE IT FURTHER RESOLVED that a summary of said will be published in the April 5, 2018 edition of the Coast Star, and

BE IT FURTHER RESOLVED that full copies of said budget are available in the office of the Borough Clerk, and

BE IT FURTHER RESOLVED that a public hearing of said budget will be conducted on April 23, 2018 at 7:00 p.m.

The Vote:

Aye: All

No: None

RESOLUTION offered by Magrini seconded by Gorman that the Borough Administrator is authorized to sign an agreement with T&M Associates for Licensed Site Remediation Professional (LSRP) services at the Avon Marina.

The Vote:

Aye: All

No: None

RESOLUTION offered by Gorman seconded by Magrini that the Borough Administrator is authorized to sign an agreement with T&M Associates for Licensed Site Remediation Professional (LSRP) services at the Avon Public Works Yard.

The Vote:

Aye: All

No: None

RESOLUTION offered by Gorman seconded by Magrini that the bid for the 2017 Road Improvement Program be awarded to L&L Paving, Farmingdale, NJ for the low bid of \$248,609.00. This award is subject to the review and approval of the N.J. Department of Transportation.

The Vote:

Aye: All

No: None

Mr. Rooney discussed how the 5 bids were received. Estimate of the work was \$302,000. DOT paying \$210.00.

Motion by Gorman seconded by Magrini that the bills in the amount of \$218,636.45 be approved for payment.

The Vote:

Aye: All

No: None

Mayor asks if anyone would like to be heard?

John January – asked about the Licensed Site Remediation Professional Services at the Marina and Public Works Yard.

Charley Rooney explained the remediation services are done every two years. The services consist of soil testing done by T&M ensuring the soil levels are compliant with DEP standards.

Commissioner Gorman - Asked where the Borough was with hiring a Master Planner.

Barry Cooke & Kerry McGuigan - Will be started once the capital budget is adopted or can be done with emergency appropriations.

Further discussion concerning re-developing the North end of Main Street.

Marie Kenny- will the North End be re-zoned?

Mayor- Yes, and the Master Planner will work with the Planning Board.

Owen Daly- Asked why health insurance is almost as expensive as payroll?

Kerry- Health insurance is monthly contribution for retirees and current employees. Payroll contribution numbers are only since the last meeting on March 12th.

Marie Kenny- expressed frustration with the Post Office. Further discussion on Post Office inconsistencies with delivery.

Michael Lurch- flag displays will be on display in Library and Municipal Building for another few weeks.

Kerry- Wanted to remind residents the Homestead Benefit bills were mailed out today.

RESOLUTION by Gorman 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 matter involving employment and personnel.

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

The Vote:

Aye: All

No: None

John B. Magrini, Mayor

Francis E. Gorman, Commissioner

**Marc Freda,
Acting Borough Clerk**