

REGULAR MEETING – AUGUST 27, 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 August 14, 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. 15-2018 entitled:

**“AN ORDINANCE AMENDING AND
SUPPLEMENTING CHAPTER 161
OF THE CODE OF THE BOROUGH OF
AVON-BY-THE-SEA, ENTITLED
“VEHICLES AND TRAFFIC.”**

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

Motion by Magrini seconded by Mahon that the above Ordinance No. 15-2018 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 Gorman that,

Ordinance No. 14-2018 entitled:

**“AN ORDINANCE AMENDING CHAPTER
32 OF THE CODE OF THE BOROUGH OF
AVON-BY-THE-SEA, ENTITLED “POLICE
DEPARTMENT”.**

be introduced on first reading.

The Vote:

Aye: Mahon, Gorman

No: None

Abstain: Magrini

Motion by Mahon seconded by Gorman that the above Ordinance No. 14-2018 be taken up on second reading with a hearing on September 10, 2018 at 7:00 p.m.

The Vote:

Aye: Mahon, Gorman

No: None

Abstain: Magrini

RESOLUTION offered by Magrini seconded by Mahon that,

Ordinance No. 16-2018 entitled:

**“AN ORDINANCE VACATING A PORTION
OF A PUBLIC STREET IN THE BOROUGH
OF AVON-BY-THE-SEA, IN THE COUNTY OF
MONMOUTH, STATE OF NEW JERSEY,
KNOWN AS SOUTH STATION AVENUE.”**

be introduced on first reading.

The Vote:

Aye: All

No: None

Motion by Gorman seconded by Magrini that the above Ordinance No. 16-2018 be taken up on second reading with a hearing September 10, 2018 at 7:00 p.m.

The Vote:

Aye: All

No: None

RESOLUTION offered by Magrini seconded by Mahon that,

WHEREAS, an overbilling of the final taxes on the following property was a result of the assessed values in the 2018 Tax Duplicate, and

WHEREAS, the overbilled tax amount must be cancelled, and when the cancellation creates an overpayment on the account, it must be refunded to the property owner, and

WHEREAS, the following property owner has overpaid their 2018 property taxes and a refund is due in the following amount:

**Block 26, Lot 1.01, 435 Sylvania Avenue, Down To Earth Construction, LLC
Cancel: \$1,033.22, Refund Due: \$1,033.22**

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Borough of Avon-By-The-Sea, County of Monmouth, State of New Jersey, that the Tax Collector is authorized to refund the above owner and to cancel the overbilled taxes and to adjust the records accordingly.

The Vote:

Aye: All

No: None

RESOLUTION offered by Magrini seconded by Mahon that,

WHEREAS, on October 13, 2018, the Avon Home & School Association will be hosting a School Fundraiser, which includes a gathering at the Avon Borough Municipal Building Lawn & Gym; and

WHEREAS, as part of the gathering, the Association intends to apply for and obtain a Social Affair Permit for the sale and consumption of alcoholic beverages from the Division of Alcoholic Beverage Control, Department of Law and Public Safety; and

WHEREAS, N.J.S.A. 33:1-74 authorizes the Association to apply for and obtain a Social Affair Permit to serve alcoholic beverages at fund-raising events; and

WHEREAS, the Division of Alcoholic Beverage Control, Department of Law and Public Safety requires an application for a Social Affair Permit be made on forms prescribed by the Director, which includes the endorsement of the Borough; and

WHEREAS, the application requires the Borough to endorse the application and authorize its execution by the Chief of Police, Municipal Clerk and Borough Administrator; and

NOW, THEREFORE, BE IT RESOLVED by the Avon Board of Commissioners, hereby endorses the application of the Association and authorizes the Municipal Clerk, Chief of Police and Administrator to execute an application for a Social Affair Permit to be submitted to the Division of Alcoholic Beverage Control, Department of Law and Public Safety.

The Vote:

Aye: All

No: None

RESOLUTION offered by Magrini seconded by Mahon authorizing the Borough of Avon-By-The-Sea to settle litigation between Coombs vs. Borough of Avon-By-The-Sea.

The Vote:

Aye: All

No: None

Motion by Gorman seconded by Magrini that the bills in the amount of \$252,752.88 be approved for payment.

The Vote:

Aye: All

No: None

Mayor asks if anyone would like to be heard?

Marie Kenny- Asked about the Resolution to settle litigation between Coombs.

Barry Cooke - It is regarding an OPRA case which has been settled.

Comm. Gorman- Asked about the Main St bridge.

Comm. Mahon- The bridge will be remaining open except for tomorrow night the bridge will be closed from 9pm – 6 am for barrier gate bridge repair.

Ms. Farmer- Asked if there will be signs for the bridge closure.

Comm. Mahon- Yes.

Mayor- Acknowledged the demolition of the Methodist Church has begun.

Scottie Franklin- Thanked Claire from the Macaroon shop for advocating for keeping the bridge open.

Mayor- Wanted to also commend the Borough for meeting with the DOT as well.

Jeff Anastelli- Asked the Governing Body to consider letting veterans onto the beach. Expressed his frustration with being a disabled veteran and having to pay to get onto the beach.

Mayor- Thanked Mr. Anastelli for his service. There has been a long-lasting town policy to only allow active military onto the beach for free but said the Commissioners will review.

Maureen Boyle- Concerned with parking outside of the Woodland Ave condos across from the Columns. The lack of vision is extremely dangerous and is upset her Condo Association is not doing anything about it.

Mayor & Barry- Difficult to restrict parking regulations on private property.

Charley- The parking lot may be in the Borough right of way which means the Borough may in fact be able to dictate the parking rules.

Mayor- Told Ms. Boyle the town will review.

Further discussion on the parking situation.

Marie Kenny- asked about executive session.

Mayor- it is to discuss the leasing or acquisition of property.

Ms. Farmer- Asked about placing the railing outside of the Marina Building.

Mayor- will discuss this with Barbara and Scott.

RESOLUTION offered 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:

**Leasing or acquisition of property &
Employment & 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 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, RMC
Borough Clerk**