

REGULAR MEETING – DECEMBER 10, 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 Gorman that the minutes of the meeting of November 13, 2018 be approved as written.

The Vote:

Aye: All

No: None

Historical Society presentation.

RESOLUTION offered by _____ seconded by _____ that,

ORDINANCE NO. 18-2018 entitled:

**“AN ORDINANCE AMENDING CHAPTER
128 OF THE CODE OF THE BOROUGH OF
AVON-BY-THE-SEA, COUNTY OF MONMOUTH,
STATE OF NEW JERSEY, ENTITLED “PEACE
AND GOOD ORDER”.**

be introduced on first reading.

The Vote:

Aye: ____

No: ____

Motion by _____ seconded by _____ that the above Ordinance No. 18-2018 be taken up on second reading with a hearing on January 14, 2019 at 7:00 p.m.

The Vote:

Aye: ____

No: ____

RESOLUTION offered by _____ seconded by _____ that,

ORDINANCE NO. 19-2018 entitled:

**“AN ORDINANCE AMENDING CHAPTER
113 OF THE CODE OF THE BOROUGH OF
AVON-BY-THE-SEA, COUNTY OF MONMOUTH,
STATE OF NEW JERSEY, ENTITLED “LAND
DEVELOPMENT”.**

be introduced on first reading.

The Vote:

Aye: ____

No: ____

Motion by _____ seconded by _____ that the above Ordinance No. 19-2018 be taken up on second reading with a hearing on January 14, 2019 at 7:00 p.m.

The Vote:

Aye: ____

No: ____

RESOLUTION offered by Mahon seconded by Gorman that the Board of Commissioners hereby authorizes the cancellation of 2018 water for the following account:

Block 44, Lot 16	410 Washington Ave.	Demo	\$175.00
Block 19, Lot 7	202 Sylvania Ave.	Demo	\$ 77.74

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by Magrini approving a resolution to affirm the Borough of Avon-By-The-Sea's civil rights policy with respect to all officials, appointees, employees, prospective employees, volunteers, independent contractors, and members of the public that come into contact with municipal employees, officials and volunteers,

WHEREAS, it is the policy of the Borough of Avon by the Sea to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

WHEREAS, the governing body of the Borough of Avon by the Sea has determined that certain procedures need to be established to accomplish this policy

NOW, THEREFORE, BE IT RESOLVED by the Borough of Avon-By-The-Sea that:

Section 1: No official, employee, appointee or volunteer of the Borough of Avon-By-The-Sea by whatever title known, or any entity that is in any way a part of the Borough shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Borough's business or using the facilities or property of the Borough.

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough to provide services that otherwise could be performed by the Borough.

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Borough Administrator shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Borough Administrator shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Borough Administrator shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Borough Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Borough's web site.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the Borough of Avon-By-The-Sea in order for the public to be made aware of this policy and the Borough's commitment to the implementation and enforcement of this policy.

The Vote:

Aye: All

No: None

RESOLUTION offered by Magrini seconded by Mahon that Barbara Suchecki is hereby appointed as the Community Development Representative and Marc Freda is appointed as the Alternate for 2019.

The Vote:

Aye: All

No: None

RESOLUTION offered by Magrini seconded by Gorman that,

WHEREAS, pursuant to N.J.S.A. 40A:11-11(6), the Borough of Avon-By-The-Sea (Borough) may, by this resolution and a properly executed purchase order purchase any goods or services from approved contract vendors under the NJPA/Sourcwell (hereinafter "the co-op"); and

WHEREAS, the Borough of Avon-By-The-Sea has the need to purchase goods or services offered through the Co-op, including without limitation, a Kubota;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners, in the County of Monmouth, New Jersey that it authorizes the Business Administrator or Qualified Purchasing Agent to purchase certain goods or services from the Co-op, pursuant to all conditions of the individual contracts; and

BE IT FURTHER RESOLVED, that pursuant to N.J.A.C.5:30-5.5(b), no contract amount shall be chargeable until such time as a certification of availability of funds is made by the Chief Financial Officer.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by Gorman that the Interlocal Agreement for the Reverse 9-1-1 System with Neptune Township be terminated.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by Gorman that the Business Administrator is hereby authorized to sign a three (3) year contract for the Reverse 9-1-1 System with Swiftreach.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by Magrini that,

WHEREAS, there are unexpended balances of appropriations which are not needed, and other appropriations which will be deficient,

NOW, THEREFORE, BE IT RESOLVED that the following 2018 appropriation transfers be authorized:

FROM: Grant Coor. O.E.	\$100.00
TO: Grant Coor. S&W	\$100.00

FROM: Fire Bureau O.E.	\$50.00
TO: Fire Bureau S&W	\$50.00

FROM: Legal O.E.	\$11,500.00
TO: Public Buildings Heating	\$2,500.00
TO: Landfill	\$9,000.00

FROM: Streets O.E.	\$2,500.00
TO: Gasoline	\$2,500.00

The Vote:

Aye: All

No: None

RESOLUTION offered by Gorman seconded by Mahon that,

WHEREAS, there exists a need for a Municipal Judge, and

WHEREAS, funds will be available for this purpose, and the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution

authorizing the appointments without competitive bidding must be publicly advertised,

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners that the Borough Clerk is hereby authorized and directed to engage the services of the following person:

Paul J. Capotorto

For a term of three (3) years effective January 1, 2019. This appointment is being made without competitive bidding as this appointment involves a member of a recognized profession, licensed and regulated by law, and is, therefore, exempt under N.J.S.A. 40A:11-5.

A copy of the resolution will be on file and available for public inspection in the office of the Borough Clerk.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by Magrini that,

WHEREAS, properties reflect 2018 tax and water/sewer balances and credit balances of less than \$10.00, and

WHEREAS, it is deemed unfeasible to incur the cost of collecting or refunding balances of less than \$10.00,

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Avon-By-The-Sea that the Tax Collector, pursuant to R.S. 54:4-91 and R.S. 54:4-91.2 is authorized and directed to cancel the 2018 tax and water/sewer balances less than \$10.00 and credit balances of less than \$10.00 for each of the properties.

The Vote:

Aye: All

No: None

RESOLUTION offered by Mahon seconded by Magrini that the following appointments be made to the Planning Board effective January 1, 2019:

Teresa Egan	Class IV	4 years	End 12/31/22
Francis McGovern	Alt. #2	2 years	End 12/31/20
Joseph Oldakowski	Alt. #3	2 years	End 12/31/20

The Vote:

Aye: All

No: None

RESOLUTION offered by Magrini seconded by Mahon that the following be approved for membership in the Avon Fire Department:

Brandon Downing & David Hoecker

The Vote:

Aye: All

No: None

RESOLUTION offered by Gorman seconded by Mahon that the Board of Commissioners hereby approve the following Class II Special Police Officers for 2019.

Tiana Ramos, Troy Haynes, Anthony Frate

The Vote:

Aye: All

No: None

Motion by Magrini seconded by Mahon that the bills in the amount of \$1,555,245.08 be approved for payment.

The Vote:

Aye: All

No: None

Department head reports:

Chief Haar- New Emergency Notification System to be implemented in 2-19 with SwiftReach. Three Class I's to be promoted to Class II. The Chief encourages all vehicles be locked and for residents to be aware around the holidays.

Scott DPW- Leaf season is now over. Thanked the Commissioners for permission to purchase the new Kubota through the Co-Op. Public works is transitioning for the winter season.

Karl Klug- Reminder to shut off outdoor plumbing.

Barry Cooke- Nothing to add.

Mayor asks if anyone would like to be heard?

John January- Asked about Zoning regulations discussed in the workshop.

Mayor- Would like to develop a new process which gives residents more flexibility to do work on their house without having to go to the Planning Board. – More discussion on expansion of non-conforming use in town.

Wally French- Wants to be cautious of garage apartments and further expansion. Parking is a concern.

Steve Mazouat- Maybe a good idea to discuss in caucus at next Pl Bd meeting.

Discussion on Sylvan Lake project.

Discussion on North End of town.

RESOLUTION offered by Magrini seconded by Mahon 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 &
Pending Contract Negotiation**

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**