

Borough of Avon-By-The-Sea
Regular Meeting Agenda – January 10, 2022

Pledge of Allegiance.

Roll Call: Mayor Bonanno, Commissioner Mahon, Commissioner 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 being held by means of electronic communication equipment 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.

Workshop

Sustainable New Jersey Certification Program
Beach Badge Sales

Regular Meeting

Municipal Clerk asks if anyone has any questions about agenda items only.

• **Resolution No. 16-2022 – Appointing Municipal Engineer**

WHEREAS, the Borough of Avon-By-The-Sea has a need to acquire a Municipal Engineer and does so pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5; and

WHEREAS, the Borough Administrator has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one (1) year and may be extended three (3) times as approved by the Board of Commissioners, and

WHEREAS, Ray Savacool has submitted and/or will submit a proposal indicating he will provide engineering services for no more than \$135.00 per hour; and

WHEREAS, Ray Savacool has completed and submitted a Business Entity Disclosure Certification which certifies that Ray Savacool has not made any reportable contributions to a political or candidate committee in the Borough of Avon-By-The-Sea in the previous one year, and that the contract will prohibit Ray Savacool from making any reportable contributions through the term of the contract, and

WHEREAS, funds will be provided for in the 2022 Municipal Budget,

WHEREAS, this appointment is being made without competitive bidding as this appointment involves a member of a recognized profession, licensed, and regulated by law, and are, therefore, exempt under N.J.S.A. 40A:11-5.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Avon-By-The-Sea authorizes the Mayor to enter into a contract with Ray Savacool as described herein;

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

BE IT FURTHER RESOLVED that a copy of the resolution and contracts will be on file and available for public inspection in the office of the Borough Clerk.

_____ made a motion to approve the resolution, seconded by _____

Aye: _____

Nay: _____

- **Resolution No. 17-2022 – Appointing Municipal Attorney**

WHEREAS, the Borough of Avon-By-The-Sea has a need to acquire a Municipal Attorney and does so pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5; and

WHEREAS, the Borough Administrator has determined and certified in writing that the value of the acquisition may exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one (1) year and may be extended three (3) times as approved by the Board of Commissioners; and

WHEREAS, Barry A. Cooke has submitted and/or will submit a proposal indicating he will provide legal services for \$130.00 per hour and a \$600.00 per month retainer; and

WHEREAS, Barry A. Cooke has completed and submitted a Business Entity Disclosure Certification which certifies that Barry A. Cooke has not made any reportable contributions to a political or candidate committee in the Borough of Avon-By-The-Sea in the previous one year, and that the contract will prohibit Barry A. Cooke from making any reportable contributions through the term of the contract; and

WHEREAS, funds will be provided for in the 2022 Municipal Budget; and

WHEREAS, this appointment is being made without competitive bidding as this appointment involves a member of a recognized profession, licensed, and regulated by law, and are, therefore, exempt under N.J.S.A. 40A:11-5.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Avon-By-The-Sea authorizes the Mayor to enter into a contract with Barry A. Cooke as described herein;

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

BE IT FURTHER RESOLVED that a copy of the resolution and contracts will be on file and available for public inspection in the office of the Borough Clerk.

_____ made a motion to approve the resolution, seconded by _____

Aye: _____

Nay: _____

- **Resolution No. 18-2022 – Appointing Municipal Auditor**

WHEREAS, the Borough of Avon-By-The-Sea has a need to acquire a Municipal Auditor and does so pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5; and

WHEREAS, the Borough Administrator has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one (1) year and may be extended three (3) times as approved by the Board of Commissioners; and

WHEREAS, Robert A. Hulsart has submitted and/or will submit a proposal indicating they will provide the municipal auditing for \$26,500.00; and

WHEREAS, Robert A. Hulsart has completed and submitted a Business Entity Disclosure Certification which certifies that Robert A. Hulsart has not made any reportable contributions to a political or candidate committee in the Borough of Avon-By-The-Sea in the previous one year, and that the contract will prohibit the Robert A. Hulsart from making any reportable contributions through the term of the contract; and

WHEREAS, funds will be provided for in the 2022 Municipal Budget; and

WHEREAS, this appointment is being made without competitive bidding as this appointment involves a member of a recognized profession, licensed, and regulated by law, and are, therefore, exempt under N.J.S.A. 40A:11-5.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Avon-By-The-Sea authorizes the Mayor to enter into a contract with Robert A. Hulsart as described herein;

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

BE IT FURTHER RESOLVED that a copy of the resolution and contracts will be on file and available for public inspection in the office of the Borough Clerk.

_____ made a motion to approve the resolution, seconded by _____

Aye: _____

Nay: _____

Consent Agenda

Municipal Clerk states “All matters listed below are considered to be routine in nature and will be enacted by one motion. There will be no separate discussion on these items. If any discussion is desired by the governing body, that particular item will be removed from the consent agenda and will be considered separately”. Would any member of the governing body wish to remove any of the items from the consent agenda to discuss individually?

• **Resolution No. 01-2022 – Temporary Budget 2022**

WHEREAS, R.S. 40A:4-19 of the Local Budget Law provides that while any contracts, commitments or payments are to be made prior to the adoption of the 2022 budget, temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided, and

WHEREAS, 26.25% of the total appropriations in the year 2022 budget, exclusive of any appropriation in the 2022 capital improvements and debt service, is \$200,000.00 in the Beach Utility Budget, \$400,000.00 in the Water Utility Budget and \$1,400,000.00 in the Current Budget for a total of \$1,875,000.00

NOW, THEREFORE, BE IT RESOLVED that the temporary appropriations are made and that a certified copy of this resolution be transmitted to the Chief Financial Officer.

• **Resolution No. 02-2022 – Designation of Depositories for 2022**

WHEREAS, R.E. 17:9-9 and N.J. 40:5-A5-14 provide for the designation of depositories for Municipal Funds by Resolution of the Governing Body.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Avon-By-The-Sea Commissioners that the following banks be designated for deposit of Borough Funds:

Amboy Bank, The Bank of America, Citizens Bank, Investors Bank, Kearny Bank, Manasquan Bank, Ocean First Bank, PNC Bank, State Street Bank & Trust Company, State of NJ Cash Management Fund, Valley Bank, Wells Fargo Bank

• **Resolution No. 03-2022 – Cash Management Plan**

WHEREAS, NJSA 40A:5-14 mandates that the Governing Body shall, by Resolution passed by a majority of the membership thereof, approve a Cash Management Plan;

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

1. The attached updated Cash Management Plan will guide the investment of idle cash of the Borough of Avon-By-The-Sea.

2. The attached updated Cash Management Plan includes a Policy Statement to guide its implementation.
3. The Chief Financial Officer will administer the Plan.
4. The Plan is subject to annual audit.

BE IT FURTHER RESOLVED that a certified copy of the within Resolution be forwarded to the following:

1. Borough Chief Financial Officer.
2. Borough Auditor.
3. All depositories named in Section IV of the attached updated Cash Management Plan.
4. All dealers and brokerage firms in Section V of the attached Cash Management Plan.

- **Resolution No. 04-2022 – Designating Official Newspapers 2022**

BE IT RESOLVED by the Board of Commissioners that the official newspapers used by the Borough of Avon-By-The-Sea for the year 2022 will be the Asbury Park Press, The Coast Star, and The Coaster.

- **Resolution No. 05-2022 – Allowing payment of certain monthly bills to be paid before the bills list approval.**

WHEREAS, the Borough of Avon-By-The-Sea has budgeted funds for 2022 for payment of utilities, payroll, debt service, governmental fees, and insurance, and for the printing and mailing costs of the Borough; and

WHEREAS, the payment of these items frequently arrives out of time for placement on the next available bill list, and in several months of the year the governing body does not meet for a period of one month, thereby inadvertently placing these bills and mailings in arrears because of the schedule of meetings; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Commissioners of the Borough of Avon-By-The-Sea that the Chief Financial Officer be and is hereby authorized to make pre-payment of the following fixed items prior to the same appearing on the meeting bill lists, such funds to be taken from the pre-budgeted amount for each such expenses for 2022;

1. Utilities (electric, gas, water, sewer, cable, and telephone).
2. Payroll.
3. Debt services as evidenced by pre-existing bonds and notes.
4. Health, dental and other insurance premiums.
5. Federal, state, county fees and taxes.
6. Postage for tax bills, newsletters, and other Township mailings.

- **Resolution No. 06-2022 – Recommendations from the tax collector**

BE IT RESOLVED that upon the recommendation of the Borough of Avon-By-The-Sea Tax Collector:

1. There shall be a ten (10) day grace period on the quarterly taxes, after which unpaid taxes will be charged interest back to the due date.
2. Interest shall be charged and calculated at the rate of eight (8)% per annum on the first \$1,500.00 of the delinquency, and eighteen (18)% per annum on any amount in excess of \$1,500.00 calculated from the date the tax was payable until the actual payment is received until all of the delinquencies on a property are brought to a current status.
3. There shall be a six (6)% penalty for a delinquency over \$10,000.00 if not paid prior to the end of the calendar year. Delinquency is defined to mean the sum of all taxes and municipal charges due on a given parcel of property covering any number of quarters.
4. Redemption fees for Tax Sale Certificates are as follows:

Two (2)% on certificates \$200.00 to \$4,999.99
Four (4)% on certificates \$5,000.00 to \$9,999.99
Six (6)% on certificates over \$10,000.00

5. A service charge of \$20.00 will be charged for each returned check, used to make any payment to the Borough of Avon-By-The-Sea, for any reason specified by a financial institution.
6. A fee of \$5.00 will be charged for the first duplicate copy of the tax bill requested by a mortgage servicing organization and a fee of \$25.00 will be charged to each subsequent duplicate copy of the same bill in the same tax year.
7. All tax sale certificate redemption amounts shall be obtained from the Tax Collector. In addition, a \$25.00 fee will be charged for each additional request for a redemption.
8. There shall be a fee of \$100.00 for the issuance of a duplicate tax sale certificate.

- **Resolution No. 07-2022 – Appointments of Deputy Borough Clerk, Recreation Director and CRP/Recycling Coordinator**

Michele Darling	Deputy Borough Clerk	1 year term	End 12/31/22
Douglas Carter	Recreation Director	1 year term	End 12/31/22
Scott Hauselt	CRP/Recycling Coord.	1 year term	End 12/31/22

- **Resolution No. 08-2022 – Appointing Joint Insurance Fund and Alternate Fund Commissioners.**

Thea Kratochvil is appointed as the Monmouth County Joint Insurance Fund Commissioner. Sheila Sullivan is appointed as the Alternate Fund Commissioner.

- **Resolution No. 09-2022 – Appointing Municipal Prosecutor**

The Board of Commissioners appoint James D. Carton, IV, Esq. as Municipal Prosecutor for the year 2022. 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.

Be it further resolved that a certified copy of the within Resolution be forwarded to the following:

Assignment Judge, Superior Court
Monmouth County Courthouse
71 Monument Park
Freehold, NJ 07728

James D. Carton, IV, Esq.
Patricia Magill, Municipal Court Administrator

- **Resolution No. 10-2022 – Appointing Alternate Municipal Court Prosecutor**

The Board of Commissioners appoint Michael J. Lynch, Esq. as Alternate Municipal Prosecutor for the year 2022. 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.

Be it further resolved that a certified copy of the within Resolution be forwarded to the following:

Assignment Judge, Superior Court
Monmouth County Courthouse
71 Monument Park
Freehold, NJ 07728

Michael J. Lynch, Esq.
Patricia Magill, Municipal Court Administrator

- **Resolution No. 11-2022 – Appointing Municipal Public Defender**

The Board of Commissioners hereby appoint Edward Kerwin, Esq. of the law offices of Daniel J. Zirrit, LLC as Municipal Public Defender for the year 2022. 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.

Be it further resolved that a certified copy of the within Resolution be forwarded to the following:

Assignment Judge, Superior Court
Monmouth County Courthouse
71 Monument Park
Freehold, NJ 07728

Edward Kerwin, Esq.
Patricia Magill, Municipal Court Administrator

- **Resolution No. 12-2022 – Appointing Alternate Municipal Public Defender**

The Board of Commissioners hereby appoint Donald Greer, Esq. as Alternate Municipal Public Defender for the year 2022 at a rate of \$225.00 per session. 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.

Be it further resolved that a certified copy of the within Resolution be forwarded to the following:

Assignment Judge, Superior Court
Monmouth County Courthouse
71 Monument Park
Freehold, NJ 07728

Donald Greer, Esq.
Patricia Magill, Municipal Court Administrator

- **Resolution No. 13-2022 – Appointing Public Agency Compliance Officer**

The Board of Commissioners hereby appoint Kerry McGuigan is hereby designated as the Public Agency Compliance Officer for the Borough of Avon-By-The-Sea.

- **Resolution No. 14-2022 – Appointing Alternate Building Inspector Stephen LoSacco**

The Board of Commissioners hereby appoint Stephen LoSacco as an alternate Building Inspector effective January 1, 2022 at a rate of \$200.00 per week.

- **Resolution No. 15-2022 – Appointing Alternate Building Inspector, Alternate Building Subcode Official, and Alternate Construction Official Frank DiRoma**

The Board of Commissioners hereby appoint Frank DiRoma as an alternate Building Inspector, alternate Building Subcode Official, and alternate Construction Official effective January 1, 2022

- **Resolution No. 19-2022 – Appointing Community Development Representative and Alternate**

The Board of Commissioners hereby appoint Barbara Suchecki as the Community Development Representative and Kerry McGuigan as the Alternate for 2022.

- **Resolution No. 20-2022 – Approving Payment Certificate Number No. 1 NJDOT FY2021 Municipal Aid Program**

WHEREAS, a request for payment number one (1) has been received and the engineer has approved the recommendation for the NJDOT FY2021 Municipal Aid Program for Fifth Avenue and Various Roadways Project in the Borough of Avon-By-The-Sea; and

WHEREAS, the payment in the amount of \$225,051.58 has been approved to be paid to Earle Asphalt Company

Total Amount of Work Completed to Date	\$229,644.47
Less 2% Retainage	<u>-\$4,592.89</u>
Subtotal	\$225,051.58
Less Previous Payments	<u>\$0.00</u>
Total Amount Due This Certificate No. 1	\$225,051.58

- **Resolution No. 21-2022 – Supporting Participation in the Sustainable Jersey Municipal Certification Program**

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic, and social objectives are balanced and mutually supportive; and

WHEREAS, Avon by the Sea strives to save tax dollars, assure clean land, air and water, improve working and living environments as steps to building a sustainable community that will thrive well into the future; and

WHEREAS, Avon by the Sea hereby acknowledges that the residents of Avon by the Sea desire a stable, sustainable future for themselves and future generations; and

WHEREAS, Avon by the Sea wishes to support a model of government which benefits our residents now and far into the future by exploring and adopting sustainable, economically-sound, local government practices; and

WHEREAS, by endorsing a sustainable path Avon by the Sea is pledging to educate itself and community members further about sustainable activities and to develop initiatives supporting sustainable local government practices; and

WHEREAS, as elected representatives of Avon by the Sea, we have a significant responsibility to provide leadership which will seek community-based sustainable solutions to strengthen our community:

NOW THEREFORE BE IT RESOLVED, that to focus attention and effort within Avon by the Sea on matters of sustainability, the Board of Commissioners wishes to pursue local initiatives and actions that will lead to Sustainable Jersey Municipal Certification.

BE IT FURTHER RESOLVED, by the Board of Commissioners of Avon by the Sea that we do hereby authorize Board of Commissioners to serve as Avon by the Sea’s agent for the Sustainable Jersey Municipal Certification process and authorize Stephen Mazouat and Sandra McLaughlin to complete the Municipal Registration on behalf Avon by the Sea.

BE IT FURTHER RESOLVED, by the Board of Commissioner of Avon by the Sea that we do hereby establish a Green Team Committee consisting of the Members of the Environmental Commission.

- **Resolution No. 22-2022 - Cancellation of 2021 Water/Sewer Charges B 32 L 16**

The Board of Commissioners hereby authorizes the cancellation of 2021 water/sewer charges for the following accounts:

Block 54 Lot 3 19 Washington Ave. (Rear)	Demo \$116.68
Block 54 Lot 3 19 Washington Ave. (Front)	Demo \$116.68

- **Approving minutes from the December 28, 2021 Meeting**
- **Approving the payment of bills in the amount of \$430,111.02**

Municipal Clerk asks if anyone has any questions regarding the consent agenda items.

_____ made a motion to approve the consent agenda, seconded by _____

Aye: _____

Nay: _____

- **Department Head Reports**
- **Public Comment**

Motion by _____ seconded by _____ that being there is no further business, the meeting is adjourned.