

REGULAR MEETING – November 23, 2020

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 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. This meeting is being held at 301 Main Street by means of electronic communication equipment only. The public is directed to the Borough website at avonbytheseanj.com for information regarding computer and telephone access to the meeting. The public will be automatically muted upon entry to the meeting and will be able to unmute their phone by pressing *6 or by clicking on unmute if you are using the Zoom website for the public portion of the meeting.

Work Shop

Monmouth County Cares small business grant update
Governor COVID EO 196 indoor activities
Cannabis Legalization Borough follow up
Library Grant
Municipal building roof and office complex
Update – Downtown Enhancement Committee
Garden Club Holiday Luminaries project

Regular Meeting

Motion by _____ seconded by _____ that the minutes of the regular meeting of October 26, 2020 be approved as written.

Aye: ____

Nay: ____

Mayor Bonanno asks if anyone from the public has questions about agenda items only.

Resolution No. 110 – Authorizing a contract award to a State contract vendor, SHI International Corp.

**BOROUGH OF AVON-BY-THE-SEA, COUNTY OF MONMOUTH, STATE OF NEW JERSEY,
RESOLUTION NO. 110, AUTHORIZING A CONTRACT AWARD TO A STATE CONTRACT
VENDOR, SHI INTERNATIONAL CORP., SOMERSET, NJ, FOR THE ANNUAL ONBASE
SUPPORT AND MAINTENANCE RENEWAL SOFTWARE FOR ELECTRONIC
DOCUMENTATION MANAGEMENT IN THE AMOUNT OF \$20,150.00**

WHEREAS, the Borough of Avon-By-The-Sea pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Borough of Avon-By-The-Sea intends to enter into a contact with a State Contract Vendor for the Annual OnBase Support and Maintenance Renewal Software for Electronic Documentation Management, for the contract period of January 1, 2021 through December 31, 2021, through this resolution and property executed contracts, which shall be subject to all the conditions applicable to the current State contracts; and

WHEREAS, it has been recommended that contract be awarded to SHI International corp., Somerset, NJ, (A89851) based upon the proposal received, in an amount of \$20,150.00; and

WHEREAS, the availability of funds for said contract to be awarded herein have been certified by the Chief Financial Officer; and

WHEREAS, the Borough of Avon-By-The-Sea has certified that this meets the statute and regulations governing the award of said contracts;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF THE BOROUGH OF AVON-BY-THE-SEA, as follows:

1. That this contract for the SHI International Corp, Somerset, NJ, (A89851) is awarded pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-729 (c), under the State of New Jersey Cooperative Purchasing Program.
2. That the Purchasing Agent be and the same is hereby authorized to issue a contract to SHI International Corp., Somerset, NJ, based upon the proposal received, for the Annual OnBase Support and Maintenance Renewal Software for Electronic Documentation Management, for the contract period of January 1, 2021 through December 31, 2021, in an amount of \$20,150.00.

Resolution No. 110 offered by _____, seconded by _____.

Aye:

Nay:

Resolution No. 111 – Authorizing the Mayor to sign a contract with the Associated Humane Societies.

BE IT RESOLVED, that the Mayor is hereby authorized to sign a contract between the Borough of Avon-By-The-Sea and the Associated Humane Societies for animal control services for the year 2021.

Resolution No. 111 offered by _____, seconded by _____

Aye:

Nay:

Resolution No. 112 – Emergency Remote Meeting Protocol, Procedures, and Requirements for Public Participation at Remote Meetings

**BOROUGH OF AVON-BY-THE-SEA, COUNTY OF MONMOUTH,
STATE OF NEW JERSEY, RESOLUTION NO. 112, REGARDING EMERGENCY
REMOTE MEETING PROTOCOL, PROCEDURES, AND REQUIREMENTS FOR
PUBLIC PARTICIPATION AT REMOTE MEETINGS**

WHEREAS, the purpose of N.J.A.C. 5:39-1 et seq, Emergency Remote Meeting Protocol for Local Public Bodies, is to ensure that local public bodies can continue to conduct official business in an open and transparent manner whenever a declared emergency exists that prohibits physical attendance by members of the public; and

WHEREAS, a “declared emergency” means a public health emergency pursuant to the Health Powers Act (N.J.S.A. 26:13-1 et seq), or a state of emergency, pursuant to P.L. 1942, c. 251 or both, or a state of local disaster emergency which has been declared by the Governor and is in effect; and

WHEREAS, a “remote public meeting” means a public meeting that is conducted by any means of electronic communication equipment permitted under N.J.A.C. 5:39-1 et seq; and

WHEREAS, N.J.A.C. 5:39-1.3 permits a local public body to hold a remote public meeting to conduct public business during a declared emergency if the emergency reasonably prevents a local public body from safely conducting public business at a physical location with members of the public present; and

WHEREAS, if during a declared emergency the Borough of Avon-By-The-Sea (the “Borough”) holds a physical meeting in a location where, pursuant to State and/or Federal guidelines meant to mitigate risk, capacity restrictions are required to reduce the number of individuals that can be present in a meeting, the Borough Commissioners shall either:

1. Hold the public meeting at another location with adequate capacity for the reasonable expected attendance by the public; or
2. Hold the public meeting as both an in-person and a remote public meeting; and

WHEREAS, no in person meeting shall proceed if the room capacity does not permit any member of the public from attending in person; and

WHEREAS, pursuant to N.J.A.C. 5:39-1, if the Borough holds a remote meeting to conduct public business, they shall use electronic communication technology routinely used in business settings that can be accessed by the public at no cost and with participant capacity consistent with the reasonable expectations of the public body for the type of public body for the type of public meeting being held and

shall, at minimum, not be limited to fewer than 50 public participants (beyond those persons required to conduct business at the meeting); and

WHEREAS, remote public meetings may be held by the Borough in a format as selected by the governing body, by means including but not limited to, audio-only teleconferencing, electronic communications platforms with video and audio or live streaming via the internet and shall, additionally, provide a telephonic conference line to allow members of the public to dial in by telephone to listen and to provide public comment; and

WHEREAS, when the Borough holds a remote public meeting, they shall allow members of the public to make public comment by audio or by audio and video if the meeting is being held over both; and

WHEREAS, any presentations or documents that would otherwise be viewed or made available to members of the public physically attending a local public meeting shall be made visible on a video broadcast of the remote public meeting or made available on the internet website of the Borough; and

WHEREAS, the electronic communications used for a remote public meeting shall have a function that allows the Borough to mute the audio of all members of the public as well as allow members of the public to mute themselves and same shall be announced at the beginning of every remote public session; and

WHEREAS, adequate notice of the remote public meeting shall also include, in addition to the OPMA requirements of N.J.S.A. 10:4-8, clear and concise instructions for accessing the remote public meeting, the means for making public comment and how to access any public documents on their internet website in the manner as set forth at N.J.A.C. 5:39-1.5; and

WHEREAS, at the commencement of a remote public meeting the Mayor or his designee shall announce publicly and shall cause to be entered into the minutes an accurate statement regarding adequate and electronic notice or an explanation of the reason or reasons it was not adequately provided as set forth in N.J.A.C. 5:39-1.5(g); and

WHEREAS, prior to the commencement of a remote public meeting the Borough Commissioners shall make a copy of the agenda available to the public for download on the website and shall post same at the building where the meeting would otherwise be held, including posting of same at any designated and clearly delineated handicap access entrance to the building; and

WHEREAS, in support of and with respect for an open, fair and informed decision-making process, the Borough Commissioners recognize that civil, respectful and courteous discourse and behavior are conducive to the democratic and harmonious airing of concerns and decision making; and

WHEREAS, in an effort to preserve the intent of open government and maintain a positive environment for citizen input and Borough Commissioners decision making, it has been decided that policies and rules should be established to promote civility and maintain decorum at local public meetings and remote public meetings in accordance with N.J.A.C. 5:39-1.4(f)-(h); and

WHEREAS, if a member of the public becomes disruptive during a remote public meeting, including during any period for public comment, the Mayor or his designee shall mute or continuing muting, or direct appropriate staff to mute or continue muting, the disruptive member of the public and warn that continued disruption may result in their being prevented from speaking during the remote public meeting or removed from the remote public meeting; and

WHEREAS, disruptive conduct at a public or remote public meeting includes sustained inappropriate behaviors such as, but not necessarily limited to, shouting, interruption, and use of profanity; and

WHEREAS, any member of the public who continues to act in a disruptive manner at a remote public meeting after receiving an initial warning, may be muted while other members of the public are allowed to proceed with their comments; and

WHEREAS, if time permits, the disruptive individual shall be allowed to speak after all other members of the public have been given the opportunity to make comment and, if the person still remains

disruptive, the individual may be muted or kept on mute for the remainder of the remote public meeting, or be removed from the remote public meeting; and

WHEREAS, the content of the electronic notice shall be posted on the main access door of the building where the public would routinely attend public meetings of the local public body in person and the notice must be viewable from the outside; and

NOW, THEREFORE BE IT RESOLVED by the Borough Commissioners of the Borough of Avon-By-The-Sea that the standards and procedures for emergency remote meeting protocol as set forth in this resolution and as codified in N.J.A.C. 5:39-1 et seq. are hereby established and adopted; and

BE IT FURTHER RESOLVED that procedures and requirements for public participation are hereby established and adopted in order to safe guard public participation in any public or remote public meeting in the Borough of Avon-By-The-Sea and shall apply to all members of the public in attendance at any public or remote public meeting in the Borough of Avon-By-The-Sea.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the following:

1. Barry Cooke, Esq., Borough Attorney

Resolution No. 112 offered by _____, seconded by _____

Aye:

Nay:

Resolution No. 113 – Establishing the prices of the 2021 Beach Badges

**BOROUGH OF AVON-BY-THE-SEA, COUNTY OF MONMOUTH,
STATE OF NEW JERSEY, RESOLUTION NO. 113,
ESTABLISHING THE PRICES OF THE 2021 BEACH BADGES**

WHEREAS, Chapter 64-7 states that prices for the 2021 Season Beach Badges shall be established by Resolution of the Board of Commissioners;

BE IT RESOLVED, that the cost for the 2021 Season Beach Badges are as follows:

Adult	\$100.00
Senior Citizen (65 and over)	\$55.00
Junior (12-18 years)	\$55.00
Wristbands for One (1) Day	\$12.00

BE IT FURTHER RESOLVED THAT, certified copies of said Resolution be forwarded to the following:

1. John Antonides, CFO

Resolution No. 113 offered by _____, seconded by _____

Aye:

Nay:

Resolution No. 114 – Awarding Contract to the Rodgers Group, LLC for Developing Policies and Procedures for the Police Department

**BOROUGH OF AVON-BY-THE-SEA, COUNTY OF MONMOUTH, STATE OF NEW JERSEY,
RESOLUTION NO. 114, AWARDING CONTRACT TO THE RODGERS GROUP, LLC, P.O. BOX
831, ISLAND HEIGHTS, NEW JERSEY 08732, FOR DEVELOPING UPDATED POLICIES AND
PROCEDURES FOR THE POLICE DEPARTMENT**

WHEREAS, the Borough of Avon-By-The-Sea advertised for RFPs for a consultant to work with Avon-By-The-Sea Police Department for purposes of developing updated policies and procedures; and

WHEREAS, on November 17, 2020 one (1) RFP was received; and

WHEREAS, the lowest, most responsible RFP received was The Rodgers Group, LLC, P.O. Box 831, Island Heights, New Jersey 08732, in the amount of \$26,500.00; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds to pay for these services to be charged to the 2020, municipal budget; and

THEREFORE, BE IT RESOLVED that the Mayor and Commissioners of the Borough of Avon-By-The-Sea, County of Monmouth and State of New Jersey hereby award the contract to The Rodgers Group, LLC, P.O. Box 831, Island Heights, New Jersey 08732, in the maximum amount of \$26,500.00; and

BE IT FURTHER RESOLVED that the Mayor and Borough Administrator be authorized to execute the implementing contract to effectuate obtaining said services with The Rodgers Group, LLC, to the review and satisfaction of the Borough Attorney.

Resolution No. 114 offered by _____, seconded by _____

Aye:

Nay:

Resolution No. 115 – Transfer of Funds

**BOROUGH OF AVON-BY-THE-SEA, COUNTY OF MONMOUTH, STATE OF NEW JERSEY,
RESOLUTION NO. 113, AUTHORIZING THE TRANSFER OF FUNDS**

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 2020 appropriation transfers be authorized:

From:	Lifeguard S&W	\$1,820.00
To:	Beach Public Buildings S&W	\$1,820.00
From:	Lifeguard S&W	\$6,000.00
To:	Lifeguard O.E.	\$6,000.00

Resolution No. 115 offered by _____, seconded by _____

Aye:

Nay:

Resolution No. 116 – Paving the First Aid Parking Lot by the County of Monmouth

WHEREAS, The Borough of Avon-By-the-Sea is in need of paving the First Aid Parking Lot as it was found to be in need of repair; and

WHEREAS, the Borough of Avon-By-The-Sea has an interlocal agreement with the County of Monmouth for road repairs and the First Aid Parking Lot milling/paving is not subject to bid;

THEREFORE, BE IT RESOLVED that the Borough of Avon-By-The-Sea will exercise the agreement with the County of Monmouth for milling and paving of the First Aid Parking Lot at a fee not to exceed \$18,000.00.

Resolution No. 116 offered by _____, seconded by _____

Aye:

Nay:

Resolution No. 117 – Refund of the overpayment of 2020 property tax payments.

BE IT RESOLVED, that the Board of Commissioners hereby authorizes the refund of the overpayment of 2020 property tax payments to the following:

Block 52 Lot 2	Corelogic Realestate Tax	McKibbin	\$4,117.38
Block 52 Lot 6.02	Lloyd		\$4,884.02
Block 15 Lot 3	Weniger		\$494.80

Resolution No. 117 offered by _____, seconded by _____

Aye:
Nay:

Resolution No. 118 – Cancellation of 2020 water/sewer charges

The Board of Commissioners hereby authorizes the cancellation of 2020 water/sewer charges for the following accounts:

Block 20 Lot 7	134 Woodland Ave.	Demo	\$119.16
Block 31 Lot 6	201 Sylvania Avenue	Demo	\$116.66
Block 33 Lot 17.01	307 Second Avenue	Demo	\$175.00
Block 23 Lot 8	38 Sylvania Ave.	Demo	\$116.66

Resolution No. 118 offered by _____, seconded by _____
Aye:
No:

Resolution No. 119 – Shared Service Agreement with the County of Monmouth to provide community rating system project management software.

**BOROUGH OF AVON-BY-THE-SEA, COUNTY OF MONMOUTH, STATE OF NEW JERSEY,
RESOLUTION NO. 119, APPROVING SHARED SERVICES ARGREEMENT WITH THE
AUTHORIZING A SHARED SERVICE AGREEMENT WITH THE COUNTY OF MONMOUTH TO
PROVIDE COMMUNITY RATING SYSTEM PROJECT MANAGEMENT SOFTWARE**

WHEREAS, the Borough of Avon-By-The-Sea desires to enter into a shared services agreement with the County of Monmouth to provide community rating system project management software for a three (3) year term; and

WHEREAS, the Borough and the County of Monmouth are authorized pursuant to Uniformed Shared Services Consolidation Act, N.J.S.A. 40A:65-1, et seq. t enter into a shared service agreement with any other local unit to provide or receive any service that each local unit could perform on its own; and

WHEREAS, the Governing Body finds that it would be most cost effective for the Borough to enter into a Shared Services Agreement with the County of Monmouth for the aforementioned purpose

Resolution No. 119 offered by _____, seconded by _____
Aye:
No:

Resolution No. 120 – Purchasing devices for the SDL Mobile Access Solution from SHI International Corp.

**BOROUGH OF AVON-BY-THE-SEA, COUNTY OF MONMOUTH,
STATE OF NEW JERSEY, RESOLUTION NO. 120, AUTHORIZING TO PURCHASE DEVICES FOR
THE SDL MOBILE ACCESS SOLUTION FROM
SHI INTERNATIONAL CORP., SOMERSET, NJ, IN THE AMOUNT OF \$3,000.00**

BE IT RESOLVED, that the Board of Commissioners hereby authorizes the purchase of four (4) devices for the SDL Mobile Access Solution: Includes Apple iPad, Data Plan, Setup and Protective Case per Quote No. 19603606 from SHI International Corp., Somerset, NJ, in the amount of \$3,000.00.

Resolution No. 120 offered by _____, seconded by _____
Aye:
No:

Motion by _____ seconded by _____ that the bills in the amount of \$ be approved for payment.

Aye: ____
Nay: ____

Mayor Bonanno asks if anyone would like to be heard.

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

Aye: ____
Nay: ____