

Borough of Avon-By-The-Sea  
Regular Meeting Agenda – February 28, 2022

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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**

State Lead service line replacement program follow up  
Sylvan Lake outfall pipe  
Main Street bridge

**Regular Meeting**

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

**ORDINANCE NO. 03-2022** Public Hearing

**AN ORDINANCE OF THE BOROUGH OF AVON-BY-THE-SEA, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF AVON-BY-THE-SEA SECTION §136-27 “ANNUAL SEWER RENTAL”**

Motion by \_\_\_\_\_, seconded by \_\_\_\_\_ that the above Ordinance No. 03-2022 be approved on second reading and its passage published in a newspaper as required by law.

**ORDINANCE NO. 04-2022** Public Hearing

**AN ORDINANCE OF THE BOROUGH OF AVON-BY-THE-SEA, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF AVON-BY-THE-SEA SECTION §168-20 “ANNUAL MINIMUM CHARGE”**

Motion by \_\_\_\_\_, seconded by \_\_\_\_\_ that the above Ordinance No. 04-2022 be approved on second reading and its passage published in a newspaper as required by law.

**ORDINANCE NO. 05-2022** Public Hearing

**AN ORDINANCE OF THE BOROUGH OF AVON-BY-THE-SEA, COUNTY OF MONMOUTH, STATE OF NEW JERSEY TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

Motion by \_\_\_\_\_, seconded by \_\_\_\_\_ that the above Ordinance No. 05-2022 be approved on second reading and its passage published in a newspaper as required by law.

**ORDINANCE NO. 06-2022** Introduction

**AN ORDINANCE OF THE BOROUGH OF AVON-BY-THE-SEA, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF AVON-BY-THE-SEA CHAPTER §70 “GUEST HOUSES AND HOTELS”**

\_\_\_\_\_ made a motion that Ordinance 06-2022 be introduced on first reading, seconded by \_\_\_\_\_.

Aye:  
Nay:

Motion by \_\_\_\_\_, seconded by \_\_\_\_\_ that the above Ordinance No. 06-2022 be taken up on second reading with a hearing on March 14, 2022 at 7:00 p.m.

Aye:  
Nay:

**ORDINANCE NO. 07-2022** Introduction

**AN ORDINANCE OF THE BOROUGH OF AVON-BY-THE-SEA, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF AVON-BY-THE-SEA CHAPTER §134 “RENTAL PROPERTIES”**

\_\_\_\_\_ made a motion that Ordinance 07-2022 be introduced on first reading, seconded by \_\_\_\_\_.

Aye:  
Nay:

Motion by \_\_\_\_\_, seconded by \_\_\_\_\_ that the above Ordinance No. 07-2022 be taken up on second reading with a hearing on March 14, 2022 at 7:00 p.m.

Aye:  
Nay:

**Consent Agenda**

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 anything from the consent agenda to discuss individually?

**Resolution No. 38-2022 – Approving Seasonal License Event Permits for the Columns**

WHEREAS, the Avon Hotel Corp., T/A the Columns has submitted an Alcohol Beverage Control Application to the State of New Jersey for a Seasonal License Event Permit; and

WHEREAS, The Columns have requested the Seasonal License Event Permits for the following dates: April 22nd (wedding), April 23rd (wedding), April 29th (wedding), April 30th (wedding); and

WHEREAS, the Chief of Police has reviewed the applications and has no objection to the granting of a special permit to be issued to the applicant to sell alcoholic beverages at the affairs to be held on the dates and premises noted; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Avon-By-The-Sea, in the County of Monmouth, and State of New Jersey approve the Seasonal License Event Permit for the Avon Hotel Corp., T/A the Columns.

**Resolution No. 39-2022 – Approving the Sustainable Jersey Grant Application in the amount of \$2,000 entitled “Borough of Avon-by-the-Sea Boardwalk Water Refill Stations”**

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, The Borough of Avon-by-the-Sea strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, The Borough of Avon-by-the-Sea is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants Program; and

THEREFORE, BE IT RESOLVED by the Commissioners of Avon-by-the-Sea has determined that Avon-by-the-Sea should apply for the aforementioned Grant; and

BE IT FURTHER RESOLVED, that the Commissioners of Avon-by-the-Sea, State of New Jersey, authorize the submission of the aforementioned Sustainable Jersey Grant.

**Resolution No. 40-2022 – Approving the Sustainable Jersey Grant Application in the amount of \$10,000 entitled “Environmental Resource Inventory of Avon-by-the-Sea”**

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, The Borough of Avon-By-The-Sea strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, The Borough of Avon-By-The-Sea is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants Program;

THEREFORE, BE IT RESOLVED, the Commissioners of Avon-by-the-Sea has determined that Avon-by-the-Sea should apply for the aforementioned Grant.

BE IT FURTHER RESOLVED, that the Commissioners of Avon-by-the-Sea, State of New Jersey, authorize the submission of the aforementioned Sustainable Jersey Grant.

**Resolution No. 41-2022 – Approving the Purchase of 14 Beach Lockers from Oaktree Sheds**

WHEREAS, the Borough of Avon-By-The-Sea has received a quote from Oaktree Sheds and Gazebos, 943 Highway 33 West, Monroe, NJ 08831, to purchase fourteen (14) 4’ x 8’ vinyl beach lockers in the amount of \$24,850.00; and

WHEREAS, it has been determined that the quote meets the needs of the Borough of Avon-By-The-Sea; and

THEREFORE, BE IT RESOLVED, that the Chief Financial Officer certifies that funds are available in the budget, account numbers 1-01- -311-001; and

BE IT FURTHER RESOLVED, that this resolution is available for public inspection in the Borough of Avon-by-the-Sea clerk's office.

**Resolution No. 42-2022 – Authorizing Water Quality Treatment from Princeton Hydro for Sylvan Lake**

WHEREAS, the Borough of Avon-By-The-Sea wishes to enter into an agreement with Princeton Hydro to obtain water quality treatment services for 2022 Lake Treatment Services for Sylvan Lake, Avon-By-The-Sea, New Jersey; and

WHEREAS, Princeton Hydro, PO Box 720, 1108 Old York Road, Ringoes, New Jersey 08551 desires to provide such services; and

WHEREAS, the price for this service will not exceed \$6,184.00; and

NOW, THEREFORE, BE IT RESOLVED, by the Commissioners of the Borough of Avon-By-The-Sea authorize the Mayor and Municipal Clerk to sign the agreement between the Borough of Avon-By-The-Sea and Princeton Hydro.

Copies of this Resolution shall be forwarded to the following:

- a. Princeton Hydro, PO Box 720, 1108 Old York Road, Ringoes, NJ 08551
- b. Barry Cooke, Borough Attorney
- c. John Antonides, Borough CFO

**Resolution No. 43-2022 – Interlocal Agreement with the Township of Neptune for Prisoner Processing and Holding System**

WHEREAS, the Borough of Avon-By-The-Sea recommends a shared services agreement for Prisoner Processing and Holding System; and

WHEREAS, in enacting the “Uniform Shared Services and Consolidation Act,” N.J.S.A. 40A:65-1 et seq., the New Jersey Legislature has permitted municipalities to enter into agreements to provide or receive services to/from one another; and

WHEREAS, accordingly, the Borough of Avon-By-The-Sea and Township of Neptune desire to enter into this Interlocal Shared Services Agreement (“Agreement”).

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Avon-By-The-Sea, in the County of Monmouth, and State of New Jersey that the Mayor and Borough Clerk are hereby authorized to enter into an Interlocal Shared Services Agreement with the Township of Neptune for Prisoner Processing and Holding System; and

BE IT FURTHER RESOLVED that the Interlocal Shared Services Agreement for Prisoner Processing and Holding System shall commence January 1, 2022 through December 31, 2025.

**Resolution No. 44-2022 – Emergency Contracts for Sylvan Lake Outfall**

WHEREAS, the Local Public Contracts Law permits the award of emergency contracts pursuant to N.J.S.A. 40A:11-6 et. seq., subject to certain criteria; and

WHEREAS, the Local Public Contracts Law pursuant to N.J.S.A. 40A:11-6 et seq. allows the award of contracts without public advertising for bids and bidding when an emergency exists affecting the public health, safety or welfare which requires the immediate delivery of goods or the performance of services, wherein the award of contract is made in the manner prescribed by the aforesaid statutory provision; and

WHEREAS, the Borough of Avon-by-the-Sea has determined that an emergency exists, wherein due to a sinkhole formed in line with the Sylvan Lake Storm Outfall, there is a compromise in line; and

WHEREAS, as a result of the aforesaid emergency, there was/is a need to use a truck to televise the line and repair any leaks found and make repairs where needed; and

WHEREAS, the Borough has determined that the aforesaid emergency affects the public health, safety and/or welfare; and

WHEREAS, in accordance with the aforesaid declaration and pursuant to N.J.S.A. 40A:11-6 et. seq., the aforesaid televising of the line project is awarded to:

- Oswald Enterprises, to televise, in an amount estimated \$5,500 per day; and company to be named if further work is needed; and

WHEREAS, certification of funds having been made by the Chief Financial Officer, that funds are available for the said purpose.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Avon-by-the-Sea that the contracts for the aforesaid emergency work be performed as needed.

BE IT FURTHER RESOLVED, that these contracts are being awarded without public advertisement for bids pursuant to an emergency situation affecting the public health, safety and/or welfare, and as authorized by the Local Public Contract Laws, in accordance with N.J.S.A. 40A:11-6, which permits the awarding of emergency contracts.

BE IT FURTHER RESOLVED, that the Borough officials, including but not limited to, the Borough Administrator, are hereby authorized to execute the said emergency contracts, as well as any and all documents required to effectuate the same.

**Resolution No. 45-2022 – Refund Overpayment of Taxes**

The Board of Commissioners hereby authorizes the refund of the overpayment of a 2022 property tax payment to the following:

Block 46 Lot 4	417 Washington Avenue, LLC	\$1,329.74
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**Resolution No. 46-2022 – Water/Sewer due dates for the first half 2022**

The Board of Commissioners hereby approve the following due dates for the first half 2022 water/sewer billing:

First Quarter 2022 due May 1, 2022  
Second Quarter 2022 due June 1, 2022

**Resolution No. 47-2022 - Replacing the Sewer Pump #2 (Model 32020905083 SN-0710032) at the Sewer Plant**

WHEREAS, the Borough of Avon-By-The-Sea has received a quote from Pumping Services, Inc. under the North Jersey Wastewater Cooperative Pricing System, Passaic Valley Contract #B270-2 to replace the Sewer Pump #2 at the water plant in an amount not to exceed \$44,000.00; and

WHEREAS, it has been determined that the quote meets the needs of the Water and Sewer Department; and

THEREFORE, BE IT RESOLVED that the Chief Financial Officer certifies that funds are available in the Water OE account number 2-03- -101-201; and

BE IT FURTHER RESOLVED, that this resolution is available for public inspection in the Borough of Avon-by-the-Sea clerk's office.

**Resolution No. 47-2022 – Approving Special Events**

The following Special Events applications are hereby approved by the Board of Commissioners:

- April 1, 2022 – St. Theresa Parish, Church Dinner, Avon Borough Gym
- April 2, 2022 – Jersey Shore Running Club, Relay Race/Half Marathon, Boardwalk
- April 9, 2022 – Avon Home & School, Harvest Evening, Avon Borough Gym
- April 17, 2022 – St. Theresa Parish, Easter Sunrise Service, Beach and Pavilion

**Resolution No. 48-2022 – Opposing the Clean Wind Application to the DEP**

WHEREAS, Ocean Wind II, LLC has applied to the DEP for a Coastal General Permit 23 for geotechnical survey borings; and

WHEREAS, Ocean Wind II, LLC, an affiliate of Orsted Wind Power North America LLC, is planning a geotechnical survey of the Ocean Wind 2 Wind Farm Export Cable in the Atlantic Ocean in New Jersey State waters; and

WHEREAS, the Commissioners of the Borough of Avon-by-the-Sea are concerned about the potential impact that it would have our fisheries and the heave boat traffic in our area; and

WHEREAS, the Commissioners of the Borough of Avon-by-the-Sea are additionally concerned about the impact that windmills and the cables associated with them would have on our shore and on fragile marine life and aviary life, particularly migratory populations, and the potential dangers posed to boating; and

WHEREAS, the Commissioners of the Borough of Avon-by-the-Sea believes that before beginning to conduct any geotechnical borings, let alone construction of any coastal windfarms in our area, any applicant must be required to conduct extensive studies of the environmental impacts and financial impacts to our unique area of the coast; and

THEREFORE, BE IT RESOLVED, the Commissioners of the Borough of Avon-by-the-Sea would like to state their opposition to the application from Ocean Wind II, LLC for a Coastal General Permit 23 for geotechnical survey borings with a copy of this resolution to be sent to the New Jersey Department of Environmental Protection, Division of Land Resource Protection .

**Approving minutes from the February 14, 2022 Meeting  
Approving the payment of bills in the amount of \$607,544.17**

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: \_\_\_\_\_

**Public Comment**

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