

RE-ORGANIZATION MEETING MINUTES – JANUARY 3, 2024 – 7:00 P.M.

Pledge of Allegiance.

Borough Clerk read the following statement:

This is Re-organization 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.

The following are the results of the Municipal Election held on November 7, 2023, as certified by the Municipal Clerk, said statement is on file in my office.

EDWARD BONANNO	489
JOHN MAGRINI	457
MICHELLE DEVOY	454

Borough Clerk administered the Oath of Allegiance and Public Office to the newly elected Board of Commissioners.

Resolution No. 1-2024 – Appointing Edward Bonanno as Director of Public Affairs and Safety

BE IT RESOLVED, that **EDWARD BONANNO** is hereby designated and appointed **DIRECTOR OF PUBLIC AFFAIRS AND SAFETY**. There is hereby designated to and vested in said Department of Public Affairs and Safety the Executive, Administrative, Legislative and Judicial Powers, Duties and Authority relating to the Police Department, Fire Department, Elections, Emergency Management, Board of Health and Animal Regulations, Lifeguards, and the Municipal Court.

Motion by Magrini, seconded by Devoy, that Edward Bonanno is appointed as Director of Public Affairs and Safety.

The Vote:

Aye: Mayor Bonanno, Commissioner Devoy, Commissioner Magrini

No: None

Resolution No. 2-2024 – Appointing John Magrini as Director of the Department of Revenue and Finance

BE IT RESOLVED, that **JOHN MAGRINI** is hereby designated and appointed **DIRECTOR OF THE DEPARTMENT OF REVENUE AND FINANCE**. There is hereby assigned to and vested in said Department of Revenue and Finance the Executive, Administrative, Legislative and Judicial Powers, duties and authority relating to the Collection and Assessment of Taxes, Water and Sewer Departments, Audits, Tax Sales, Inspection of Hotel and Rooming Houses, Construction Code Office, Plumbing and Fire Inspectors, Insurance, Beach and Pool Badges, Cashiers, Gate Attendants, Public Assistance, Recreation, the Public Library and Legal Services.

Motion by Bonanno, seconded by Devoy that John Magrini is appointed as Director of the Department of Revenues and Finance.

The Vote:

Aye: Mayor Bonanno, Commissioner Devoy, Commissioner Magrini

No: None

Resolution No. 3-2024 – Appointing Michelle Devoy as Director of the Department of Public Works, Parks, and Public Property

BE IT RESOLVED, that **MICHELLE DEVOY** is hereby appointed **DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS, PARKS, AND PUBLIC PROPERTY**. There is hereby assigned to and vested in said Department of Public Works, Parks, and Public Property the Executive, Administrative, Legislative and Judicial Powers, duties and authority relating to road Repairs and Maintenance of Curbs, Public Buildings and Grounds, Garbage and Trash Removal, Playgrounds, Beaches, Street and Boardwalk Lighting, Shade Trees, Sanitary Landfill, and Municipal Pool.

Motion by Bonanno, seconded by Magrini that Michelle Devoy is appointed as Director of the Department of Public Works, Parks, and Public Property.

The Vote:

Aye: Mayor Bonanno, Commissioner Devoy, Commissioner Magrini

No: None

Resolution No. 4-2024 – Appointing Edward Bonanno as Mayor of the Borough of Avon-by-the-Sea

BE IT RESOLVED that **EDWARD BONANNO** be and is hereby designated **MAYOR** of the **BOROUGH OF AVON-BY-THE-SEA** and the presiding officer of all meetings of the Board of Commissioners.

Motion by Magrini, seconded by Devoy that Edward Bonanno is appointed as Mayor of the Borough of Avon-by-the-Sea.

The Vote:

Aye: Mayor Bonanno, Commissioner Devoy, Commissioner Magrini

No: None

Workshop

1. Mayor Bonanno wished everyone a Happy New Year and welcomed Michelle Devoy to the Board of Commissioners.
2. Sylvan Lake Living Shoreline – Mayor Bonanno advised that the Borough is introducing a Bond Ordinance this evening to cover additional work on the Living Shoreline. The grant that was received for the project only covered part of the work that the Borough was hoping to have done. The Bond Ordinance will allow for the Living Shoreline to be completed to the extent the Borough had hoped. Mayor Bonanno also highlighted that the Borough has Galaxy Geese monitoring geese control in the Sylvan Lake area. Commissioner Magrini agreed with the decision to move forward with the Bond Ordinance for the project funding.
3. Sewer Infrastructure – Mayor Bonanno asked Borough Engineer to provide an update on the sewer infrastructure. Engineer Savacool provided an update on the sewer infrastructure in town. Advised T&M has been compiling all of the prior surveys/televising that has been done in the past in the sewer and are determining where there are weaknesses. Replacement of sanitary sewer from 4th Avenue to 5th Avenue and 5th Avenue to Marine Place will be completed by the Spring/early Summer.
4. Avon Gym – Mayor Bonanno announced that we are close to starting work on the Municipal Building roof replacement project. Once the roof has been completed, Borough will be looking to replace or repair the Municipal gym floor as it has been damaged over the years. Commissioner Magrini advised the current floor is 20+ years old.
5. Downtown Development – Discussion regarding the Greene Property on Main Street, which the Borough plans to purchase. Going to be doing environmental due diligence as we move closer to purchasing the property. Mayor Bonanno advised the Commissioners are seeking input from members of the town regarding what the Borough does with the property. Acquisition of the property could allow for further redevelopment of the downtown area. Due diligence period ends January 30, 2024.
6. Replacement of the Main Street Bridge – Mayor Bonanno advised of the future bridge replacement project on Main Street. The Borough has invited NJDOT to attend a town meeting and present their proposals. Main Street Bridge is in bad shape and will require replacement. Total closure would be 3 years. NJDOT representatives will present proposals and also allow the public to ask questions at a future meeting.

7. Coast Guard Station – Mayor Bonanno addressed the Coast Guard property that is being auctioned by the GSA. Borough had hoped it owned a part of the Coast Guard land, but an official survey showed we do not. Auction will be occurring on January 9, 2024. Mayor Bonanno advised the GSA did not want to sell the land to the Borough at a reduced cost, and with the high bulkhead prices the land seems to be above our needs.
8. Volunteer Park – Mayor Bonanno advised that the Borough is looking to renovate the playground and the basketball court this Spring located in Volunteer Park. The Volunteer Park Basketball Court was damaged by the ice rink and years of use.
9. Food Drive – Mayor Bonanno announced that the Borough will be doing another food drive this year through Fulfill. The need for food in Monmouth County pantries is also great in the Spring and Summer, which many people do not realize.
10. Avon Day 2024 – Mayor Bonanno advised there will be another Avon Day in September. Official date to follow.
11. Pool - Commissioner Magrini addressed Commissioner Devoy regarding the pool since she is now overseeing the pool. He advised they will connect through Borough Administrator Kerry McGuigan regarding different projects taking place with the pool. He also welcomed Commissioner Devoy to the Board.

Regular Meeting

Municipal Clerk asked if anyone had any questions about agenda items only. None.

Bond Ordinance No. 1-2024 – Introduction

**BOND ORDINANCE PROVIDING FOR PHASE II OF THE
SYLVAN LAKE LIVING SHORELINE PROJECT, IN THE
BOROUGH OF AVON-BY-THE-SEA, IN THE COUNTY OF
MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING
\$131,500 THEREFOR AND AUTHORIZING THE ISSUANCE
OF \$125,000 BONDS OR NOTES OF THE BOROUGH TO
FINANCE PART OF THE COST THEREOF.**

Bonanno made a motion that Bond Ordinance No. 1-2024 be introduced on first reading, seconded by Devoy.

The Vote:

Aye: Mayor Bonanno, Commissioner Devoy, Commissioner Magrini

No: None

Motion by Bonanno seconded by Devoy that the above Bond Ordinance No. 1-2024 be taken up on second reading with a hearing on January 22, 2024 at 5:00 p.m.

The Vote:

Aye: Mayor Bonanno, Commissioner Devoy, Commissioner Magrini

No: None

Approving minutes from the December 11, 2023 Meeting.

Motion by Bonanno seconded by Magrini, that the December 11, 2023 Meeting Minutes be approved.

The Vote:

Aye: Mayor Bonanno, Commissioner Magrini

No: None

Abstain: Commissioner Devoy

Approving the payment of bills in the amount of \$827,535.68

Motion by Bonanno seconded by Magrini, that the bills list be approved.

The Vote:

Aye: Mayor Bonanno, Commissioner Magrini

No: None

Abstain: Commissioner Devoy

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? None.

Resolution No. 5-2024 – Approving 2024 Temporary Budget

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 2024 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 2024 budget, exclusive of any appropriation in the 2024 capital improvements and debt service, is \$350,000 in the Beach Utility Budget, \$350,000 in the Water Utility Budget and \$1,350,000 in the Current Budget for a total of \$2,050,000.00, plus a Temporary Capital Budget of \$131,500.00.

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. 6-2024 – Designation of Depositories for 2024

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:

The Bank of America
Citizens Bank
Kearny Bank
Manasquan Bank
Ocean First Bank
PNC Bank
Valley Bank
Wells Fargo Bank

Resolution No. 7-2024 – Approving 2024 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. 8-2024 – Designating 2024 Official Newspapers

BE IT RESOLVED by the Board of Commissioners that the official newspapers used by the Borough of Avon-by-the-Sea for the year 2024 will be the Asbury Park Press, The Coast Star, and The Coaster.

Resolution No. 9-2024 – 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

WHEREAS, Ray Savacool of T&M Associates, Inc. has submitted a proposal indicating he will provide engineering services for no more than \$142.00 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 2024 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 Ray Savacool of T&M Associates, Inc. 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.

Resolution No. 10-2024 – 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

WHEREAS, Barry A. Cooke of Wilentz, Goldman, & Spritzer P.A. has submitted a proposal indicating he will provide legal services for \$140.00 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 2024 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 of Wilentz, Goldman, & Spritzer P.A. 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.

Resolution No. 11-2024 – Appointing Planning Board Attorney

WHEREAS, the Borough of Avon-by-the-Sea has a need to acquire a Planning Board 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

WHEREAS, Mark Kitrick of Kitrick, McWeeney & Wells, LLC has submitted a proposal indicating he will provide general legal services for \$140.00 per hour and appellate legal services for \$160.00 per hour; and

WHEREAS, Mark Kitrick has completed and submitted a Business Entity Disclosure Certification which certifies that Mark Kitrick 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 Mark Kitrick from making any reportable contributions through the term of the contract; and

WHEREAS, funds will be provided for in the 2024 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 Mark Kitrick of Kitrick, McWeeney & Wells, LLC 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.

Resolution No. 12-2024 – 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 2024 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.

Resolution No. 13-2024 – Allowing Payment of Certain Bills to be Paid Prior to Bills List Approval

WHEREAS, the Borough of Avon-by-the-Sea has budgeted funds for 2024 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 2024:

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. 14-2024 – 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: 5 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. 15-2024 – Appointments of Deputy Borough Clerk, Recreation Director, and CRP/Recycling Coordinator

Michele Darling	Deputy Borough Clerk	1 year term	End 12/31/24
Douglas Carter	Recreation Director	1 year term	End 12/31/24
Scott Hauselt	CRP/Recycling Coord.	1 year term	End 12/31/24

Resolution No. 16-2024 – Appointing Joint Insurance Fund and Alternate Fund Commissioners

Anna Bongiorno is appointed as the Monmouth County Joint Insurance Fund Commissioner. Molly Egan is appointed as the Alternate Fund Commissioner.

Resolution No. 17-2024 – Appointing Municipal Prosecutor

The Board of Commissioners appoint James D. Carton, IV, Esq. as Municipal Prosecutor for the year 2024 at a rate of \$2,100.00 per year plus \$575.00 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

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

Resolution No. 18-2024 – Appointing Alternate Municipal Court Prosecutor

The Board of Commissioners appoint Michael J. Lynch, Esq. as Alternate Municipal Prosecutor for the year 2024 at a rate of \$575.00 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

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

Resolution No. 19-2024 – Appointing Municipal Public Defender

The Board of Commissioners hereby appoint Edward Kerwin, Esq. of the law offices of Daniel J. Zirrieth, LLC as Municipal Public Defender for the year 2024 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

Edward Kerwin, Esq.
Patricia Magill, Municipal Court Administrator

Resolution No. 20-2024 – Appointing Alternate Municipal Public Defender

The Board of Commissioners hereby appoint Donald Greer, Esq. as Alternate Municipal Public Defender for the year 2024 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. 21-2024 – 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. 22-2024 – Appointing Alternate Building Inspector Stephen LoSacco

The Board of Commissioners hereby appoint Stephen LoSacco as an alternate Building Inspector effective January 1, 2024 at a rate of \$200.00 per week.

Resolution No. 23-2024 – 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, 2024.

Resolution No. 24-2024 – Appointing Community Development Representative and Alternate

The Board of Commissioners hereby appoint Barbara Suchecki as the Community Development Representative for the term of January 1, 2024 through December 31, 2024. The Board of Commissioners hereby appoint Kerry McGuigan as the Alternate Community Development Representative for the term of January 1, 2024 through December 31, 2024.

Resolution No. 25-2024 – Appointing Planning Board Representatives

The Board of Commissioners hereby authorize the following appointments be made to the Planning Board effective January 1, 2024:

Jack Ryan	Class IV	4 years	End 12/31/27
John Magrini	Commissioner/Class III	1 years	End 12/31/24
Edward Bonanno	Mayor	4 years	End 12/31/27
Sheila Sullivan	Secretary	1 year	End 12/23/24

Resolution No. 26-2024 – Appointing Environmental Commission Representatives

The Board of Commissioners hereby authorize the following appointments be made to the Environmental Commission effective January 1, 2024:

Michelle Etienne	Commission Member	1 year	End 12/31/24
Jodi Hopkinson	Alternate No. 1	2 years	End 12/31/25

Resolution No. 27-2024 – Amending Resolution No. 156-2023 to Reflect an Additional \$35,000.00 of Grant Funding

The governing body of Borough of Avon-by-the-Sea desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately ~~\$490,768.00~~ \$525,768.00 to fund the following project:

Improvement of Existing Stormwater Infrastructure – Sylvan Lake Living Shoreline Project Phase II

Therefore, the Governing Body resolves that Mayor Edward Bonanno is authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than ~~\$490,768.00~~ \$525,768.00 and not more than ~~\$490,768.00~~ \$525,768.00 and (c) to execute.

The Board of Commissioners authorizes and hereby agrees to match ~~10.05%~~ 9.44% of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified. Up To 0% of

the match will be made up of in-kind services (if allowed by grant program requirements and the agreement).

The Grantee agrees to comply with all applicable Federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

Resolution No. 28-2024 – Authorizing the Cancellation of Property Taxes for Resident Entitled to an Exemption Due to the Veteran Administration Determination of 100% Permanently and Totally Disabled

WHEREAS, the owner and resident of the below property has met all of the requirements for a Totally Disabled Veteran Exemption as prescribed by New Jersey Statute 54:4-3.30 for exempt status until the applicant passes or the home is sold; and

WHEREAS, the owner, Robert Valvano, of 311 Lincoln Avenue, also known as Block 45 Lot 6, has applied to the Tax Assessor of the Borough of Avon-by-the-Sea for Tax Exempt Status and has been approved by the Tax Assessor of the Borough of Avon by the Sea for Tax Exempt Status; and

WHEREAS, the Tax Collector of the Borough of Avon-by-the-Sea recommends the cancellation of taxes in the amount of \$7,416.41 for the preliminary year 2024, for the listed property.

BE IT RESOLVED, that the taxes on the aforementioned list be cancelled and that the Tax Assessor and the Tax Collector are herewith authorized and instructed to adjust their records accordingly; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be forwarded to the Tax Assessor, Tax Collector, and Chief Financial Officer.

AND NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Borough of Avon by the Sea, that the exemption is granted.

Resolution No. 29-2024 – Authorizing the Borough Administrator to Sign Contract with Goose Control Technology

The Board of Commissioners of the Borough of Avon-by-the-Sea hereby authorizes the Borough to enter into an agreement with Goose Control Technology for Egg Treatment in the amount of \$1,800.00 and Permit facilitation/Record Keeping in the amount of \$450.00, totaling \$2,250.00.

Resolution No. 30-2024 – Authorizing Stanley Jay Appraisal Associates LLC to Perform Real Estate Appraisal Services for the Borough

WHEREAS, there exists a need for professional real estate appraisal services for 411 Main Street, Avon-by-the-Sea, NJ 07717 (Block 24, Lot 1); and

WHEREAS, the Borough wishes to retain Stanley Jay Appraisal Associates LLC to perform such services; and

WHEREAS, the maximum amount of for services under this contract shall not exceed \$2,500.00; and

WHEREAS, funds are available for this purpose; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. §40A:11-1 et seq.) requires that the Resolution authorizing the award of contracts for “Professional Services” without competitive bids and the contract itself be available for public inspection.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Avon-by-the-Sea hereby authorize Stanley Jay Appraisal Associates LLC to perform

real estate appraisal services at 411 Main Street, Avon-by-the-Sea, NJ 07717 in an amount not to exceed \$2,500.00.

Resolution No. 31-2024 – Amending Resolution No. 251-2023 to Reflect New Minimum Bid Amount

Amending the minimum bid to \$4,500.00.

WHEREAS, the Borough of Avon-by-the-Sea has determined that the personal property incorporated herein is no longer needed for public use; and

WHEREAS, the Borough of Avon-by-the-Sea intends to utilize the online auction services of Municibid located at <https://municibid.com/nj/njinfo/>; and

WHEREAS, the sale of the surplus property shall be conducted through Municibid pursuant to New Jersey State Contract T2581 – Auctioneering Services: Internet Auctions to Sell Surplus Property; and

WHEREAS, the sales are being conducted pursuant to N.J.S.A. 40A:11-36 and the guidance set forth in the Division of Local Government Services’ Local Finance Notice 2019-15.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Avon-by-the-Sea in the County of Monmouth, State of New Jersey, that the Borough of Avon-by-the-Sea is hereby authorized to sell the surplus personal property as indicated on an online auction website entitled <https://municibid.com> and as follows:

<u>Year</u>	<u>Type</u>	<u>Make</u>	<u>VIN Number</u>	<u>Minimum Bid</u>
2013	Chevy	Tahoe	1GNSK2E00DR282916	\$9,000.00 \$4,500.00

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the terms and conditions of the agreement entered into between Municibid and the Borough of Avon-by-the-Sea are available at <https://municibid.com/nj/njinfo/> and in the Borough of Avon-by-the-Sea Clerk’s office.

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be available for public inspection in the office of the Municipal Clerk.

Municipal Clerk asked if anyone had any questions regarding the consent agenda items. None.

Motion by Devoy seconded by Bonanno that the consent agenda be approved.

The Vote:

Aye: Mayor Bonanno, Commissioner Devoy, Commissioner Magrini

No: None

Department Head Reports

- Chief Garrity, Police Department - Chief Garrity provided a report on service calls from 2023. Reported 2,133 traffic stops, up 758 from the year before. Contributes the increase to additional Class II Specials on patrol and different officer schedules, allowing officers to focus in specific areas. Class II Specials will be starting at the Academy this Monday with a tentative end date of May. Reminded everyone of the protocols to follow if the Borough is faced with a storm this weekend. Wished everyone a Happy and Safe New Year!
- Ray Savacool, Borough Engineer – Ray Savacool reported that the Railroad Avenue construction plans are 95% complete. Authorization to bid later this winter for construction permits. Commissioner Magrini asked Engineer Savacool to give his input on giving the State pushback regarding the Main Street Bridge project. Commissioner Magrini voiced concerns about closing the bridge for 3 years and the impact this would have on local

businesses. Engineer Savacool advised of the pros and cons regarding the form in which the bridge is repaired. Also advised he does not feel there is a lot of room for pushback.

- Mike O'Brien, Water Department – O'Brien advised Neptune Township was hired and came in for televising the sewer but there were scheduling issues due to rain. Will be rescheduling the televising. Pump has been installed in the sewer, so both pumps are installed.
- Sheila Watson, Library – Sheila Watson advised the library elevator is functional. Sheila announced that Library Board President Elenor Mahon is here tonight at the meeting and can verify that interior and exterior work in the library has been completed. There is a new toddler area in the library, along with a new design in the foyer. The librarian welcomed Commissioner Devoy to the Board of Commissioners.
- Al Virgilio, Department of Public Works – Al Virgilio advised it looks like rain in our forecast rather than snow this weekend. He advised that the Borough would put out a reverse 911 notice in case of snow. Plows/salters are ready to go in case there is snow this weekend. Mayor Bonanno thanked the DPW again for their great job with the holiday decorations.
- Barry Cooke, Borough Attorney – Wished the Borough a Happy New Year and thanked the Commissioners for his re-appointment. Welcomed the new Commissioner.

Public Comment

- Kevin Doran (108 Second Avenue) - Congratulations to the new Commissioner. Asked the Chief a question regarding an incident that occurred on Thanksgiving and whether there had been any arrests. Chief advised there have not. Doran also asked why the Borough selects 8 banks for depositories. Commissioner Magrini advised that the Borough does not necessarily use all 8 banks but designating them allows us to do business with the differing banks, should we need to. Doran then asked the Borough Attorney if there is any further information on the litigation regarding the restaurant development at 320 Main Street. Attorney Cooke advised no motion hearings or any proceedings in court have taken place to his knowledge. He also advised Doran that the Borough itself is not involved in the litigation, but instead the Planning Board and the owner of the restaurant building. They are currently in the discovery phase of the appeal. Cooke further explained steps that may be involved in the process. Commissioner Magrini asked what the timeline for something like this could be. Cooke advised it is dependent on the urgency of the parties involved.
- Tim Mulcahy (500 Lincoln Avenue) - Asked another question regarding the ABC and the proposed restaurant on Main Street. Attorney Cooke advised that the ABC is not hearing the issue at this time.

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

The Vote:

Aye: Mayor Bonanno, Commissioner Devoy, Commissioner Magrini

No: None

Ed Bonanno, Mayor

Michelle Devoy, Commissioner

John Magrini, Commissioner

Anna Bongiorno, RMC
Borough Clerk