

REGULAR MEETING – June 14, 2021

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 at the Avon Marina, 2 Main Street, Avon 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

Area Network of Shore Water Emergency Responders (ANSWER) 25th anniversary
Beach-Badge sales, Beach management
Traffic control

Regular Meeting

Mayor Bonanno asks if anyone has any questions about agenda items only.

Mayor Bonanno announces that this is the date and time advertised for second reading and hearing on Ordinance No. 18-2021 entitled:

ORDINANCE NO. 18-2021 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 CHAPTER §64 “Beaches”, Article III. “Rules and Regulations”, SECTION §64-8.1 et seq. “No Smoking and Beach Refuse”

Mayor Bonanno asks if anyone from the public would like to be heard on the ordinance.

Motion by _____, seconded by _____ that the above Ordinance No. 18-2021 be approved on second reading and its passage published in a newspaper as required by law.

Aye: _____

Nay: _____

ORDINANCE NO. 19-2021 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 CHAPTER §64 “Beaches”, Article III “Rules and Regulations”, SECTION §64-17 et seq. “Alcohol Beverages”

Mayor Bonanno asks if anyone from the public would like to be heard on the ordinance.

Motion by _____, seconded by _____ that the above Ordinance No. 19-2021 be approved on second reading and its passage published in a newspaper as required by law.

Aye: _____

Nay: _____

ORDINANCE NO. 20-2021 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 CHAPTER §121 “Riverfront Park and Marina”, SECTION §121-4A et seq. “Prohibited Acts”

Mayor Bonanno asks if anyone from the public would like to be heard on the ordinance.

Motion by _____, seconded by _____ that the above Ordinance No. 20-2021 be approved on second reading and its passage published in a newspaper as required by law.

Aye: _____

Nay: _____

ORDINANCE NO. 21-2021 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 CHAPTER §128 “Peace and Good Order”, SECTION §128-8.1 et seq. “Cannabis and Cannabis Items”

Mayor Bonanno asks if anyone from the public would like to be heard on the ordinance.

Motion by _____, seconded by _____ that the above Ordinance No. 21-2021 be approved on second reading and its passage published in a newspaper as required by law.

Aye: _____

Nay: _____

ORDINANCE 22-2021 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 CHAPTER §128-3 “NO SMOKING ZONES”

Mayor Bonanno asks if anyone from the public would like to be heard on the ordinance.

Motion by _____, seconded by _____ that the above Ordinance No. 20-2021 be approved on second reading and its passage published in a newspaper as required by law.

Aye: _____

Nay: _____

Resolution 74 – Liquor License Renewal 320 Main Street Hospitality, LLC

WHEREAS, application has been made for a Seasonal Retail Consumption License No. 1305-34-001-005 by 320 Main Street Hospitality, LLC; and

BE IT RESOLVED that the Board of Commissioners do hereby approve the renewal of the Seasonal Retail Consumption License No. 1305-34-001-006 for 320 Main Street Hospitality, LLC as an inactive license held in pocket for the fee of \$1,500.00.

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

Aye: _____

Nay: _____

Resolution 75 – Purchase of a Kubota RTV-X1100CWL-H Tractor

WHEREAS, the Borough of Avon-By-The-Sea desires to purchase a Kubota RTV-X1100CWL-H Tractor; and

WHEREAS, the Borough of Avon-By-The-Sea is a member of a National Cooperative purchasing Program known as the National Joint Powers Alliance, now known as Sourcewell; and

WHEREAS, Sourcewell, the National Cooperative Purchasing Program has acted as lead agency and awarded Contract #122220-KBA; and

WHEREAS, N.J.S.A. 52:34-6.2 permits the Borough of Avon-By-The-Sea to purchase a Kubota RTVX1100CWL-H Tractor using the offered National Cooperative Contract without public bidding, subject to the submittal and acceptance of certain documentation by Cherry Valley Tractor Sales, Inc.; and

WHEREAS, the Borough of Avon-By-The-Sea intends under Soucewell, under the Category: Grounds Maintenance Equipment, Attachments, Accessories & Related Services – Contract #122220-KBA, to purchase from Cherry Valley Tractor Sales, Inc., 35 W Route 70, Marlton, NJ, a Kubota RTV-X1100CWL-H Tractor for the Borough of Avon-By-The-Sea, in an amount not to exceed \$19,654.83 as listed in the quote dated March 24, 2021, made available through the National Cooperative Pricing through Sourcewell; and

WHEREAS the Director of Public Works and the Qualified Purchasing Agent, with the concurrence of the Business Administrator, recommend the use of the National Cooperative Pricing through Sourcewell for this procurement; and

WHEREAS, the Borough of Avon-By-The-Sea Purchasing Agent has determined that the use of the offered National Cooperative Contract will result in cost savings after all factors, including charges for service, material and delivery have been considered and has verified that such equipment is not available through State Contract awarded by the Division of Purchase and Property in the New Jersey Department of the Treasury pursuant to N.J.S.A. 40A:11-12; and

WHEREAS, the availability of funds for said purchase 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; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Avon-By-The-Sea, that the Purchasing Agent is authorized to prepare a purchase order to procure a Kubota RTV-X1100CWL-H Tractor for the Borough, for a price not to exceed \$19,654.83; and

BE IT FURTHER RESOLVED that the purchase order shall contain a requirement that “the vendor shall maintain all documentation related to products, transactions or services under this contract for a period of five years from the date of final payment. Such records shall be made available to the New Jersey Office of the State Comptroller upon request”.

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

Aye: _____

Nay: _____

Resolution 80 – Size of Coolers Allowed on the Beach

WHEREAS, the Borough of Avon by the Sea, in order to reduce litter and to control the use of alcohol at its beachfront area, hereby, effective July 1, 2021, prohibits anyone from bringing a cooler with a width in excess of 15 inches and length greater than 30 inches onto the beach and boardwalk within the Borough.

THEREFORE, NOW, BE IT RESOLVED by the Board of Commissioners that in accordance with Chapter 64, Section 8.1 “Coolers on the Beach and Boardwalk Area”, of the Code of the Borough of Avon-By-The-Sea:

- D. Coolers with a width in excess of fifteen (15) inches and length greater than thirty (30) inches are prohibited on the beach and boardwalk within the Borough. The penalty for violation of this section shall be Two Hundred Fifty Dollars (\$250.00) and two (2) days community service.

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

Aye: _____

Nay: _____

Resolution 81 – Neighborhood Block Party

WHEREAS, the Board of Commissioners has received a letter requesting that a portion of Second Avenue and Washington Avenue blocked off for the purpose of holding a “Neighborhood Block Party”; and

WHEREAS, it is the judgment of the Board of Commissioners that such events promote the general welfare and “spirit” of the community; and

WHEREAS, it is recognized that such social events must be carefully planned and conducted so as to avoid injury, inconvenience, or other types of harm; and

WHEREAS, granting such a request is within the authority of the Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. A portion of Second Avenue from Roosevelt Avenue to the river blocked off for the purpose of holding a “Neighborhood Block Party” on July 3, 2021, between the hours of 4:00 p.m. and 9:00 p.m. The blocking of the street may not exceed these hours.
2. The blocking shall be accomplished by the use of “street horses” or such other method in the discretion of the Chief of Police, which are clearly visible in the prevailing lighting conditions, and which provide acceptable protection to avoid entry into the lane by any motor vehicles.
3. The organizers of said event must contact each and every property owner, and/or tenant with property touching on said portion of the avenues and secure said owner or tenant’s permission to close the avenue.
4. Should any owner or tenant object, then the avenue may not be closed, and this resolution is declared null and void.
5. The organizers shall file with the Municipal Clerk, not later than the close of business on July 2, 2021, an affidavit (i.e., sworn statement) attesting to the fact that they have contacted all owners and tenants and that none have objected. Should said affidavit not be timely filed, or should any owner or tenant object, then this resolution shall be considered null and void.
6. In the conducting of said social event, all statutes, ordinances and applicable regulations and laws must be complied with. This includes, but is not limited to those statutes, ordinances, regulations, and laws pertaining to the sale and consumption of alcoholic beverages and the control of noise.
7. This resolution is subject to the approval of the Avon Fire Department, Police Department and First Aid Squad.
8. This resolution is specifically contingent upon the Borough confirming that said party and closing of said avenue shall not in any way adversely affect the Borough’s insurance coverage. Should there be an adverse effect then this resolution shall be declared null and void.
9. Any promotional “circular/leaflet” regarding said party must be distributed in strict compliance with Borough Ordinances.

10. The organizers are responsible to ensure that the avenue is clean and free of debris following the party.

Copies of this Resolution shall be forwarded to the following:

- a. Police Chief Christopher Garrity, Avon Police Department
- b. Scott Hauselt, Superintendent, Avon Public Works Department

_____ 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”.

The Municipal Clerk asks if any member of the governing body wish to remove any of the items from the consent agenda to discuss individually.

Resolution 73 – Extending the Main Street Business District Enhancement Advisory Committee an additional 120 days

WHEREAS on September 28, 2020, the Board of Commissioners of the Borough of Avon by the Sea created the Main Street Business District Enhancement Advisory Committee per Resolution No. 96 to provide advice to the governing body for the business district; and

WHEREAS the original term of the Advisory Committee’s findings and recommendations were to be submitted to the Board of the Commissioners 180 days from its formation; and

WHEREAS the Mayor and Commissioners see the need to extend the length of the Main Street Advisory Committee an additional 120 days in order to fully research the scope of the needed enhancements the Main Street Business District will require; and

NOW, THEREFORE BE IT RESOLVED that the Main Street District Enhancement Advisory Committee be extended an additional 120 days.

Resolution 76 – Authorizing the Mayor to sign the Open Space Grant Program Agreement

WHEREAS, the Borough of Avon-by-the-Sea has applied for and obtained a grant from the Monmouth County Park System in the amount of \$15,000 to carry out projects to improve the Borough’s outdoor recreation areas; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Avon-By-The-Sea that the Mayor is authorized to sign the Open Space Grant Program Agreement Application #20-18.

Resolution 77 – Urging the County of Monmouth to lower the speed on Ocean Ave. to 25 MPH throughout the year

WHEREAS, Ocean Avenue in the Borough of Avon-By-The-Sea is also Monmouth County Road 18; and

WHEREAS, the speed limit on County Road 18 in the Borough of Avon-By-The Sea and in adjoining towns is 25 MPH between May 15th and October 15th, and 35 MPH during the remainder of the year; and

WHEREAS, the beachfront area of Avon-By-The-Sea is heavily used during much of the time period prior to May 15th and after October 15th which results in more pedestrians and cyclists crossing Ocean Avenue and more traffic as well; and

WHEREAS, the reduction of the speed limit to 25 MPH during the remainder of the year would enhance public safety along Ocean Avenue;

NOW, THEREFORE, BE IT RESOLVED the Board of Commissioners of the Borough of Avon-By-The-Sea urges the County of Monmouth to make the speed limit 25 MPH throughout the year in Avon-By-The-Sea and in the surrounding communities if they wish to do so as well.

Resolution 78 – Authorizing the Mayor and Clerk to execute a CDBG project agreement with Monmouth County

WHEREAS, certain federal funds are potentially available to Monmouth County under the Housing and Community Development Act of 1974, as amended; and

WHEREAS, the County of Monmouth expects to receive an allocation for Fiscal Year 2021 from the United States Department of Housing and Urban Development; and

WHEREAS, the County of Monmouth has submitted its Annual Plan for Fiscal Year 2021 to the U.S. Department of Housing and Urban Development, which included a project hereinafter referred to as Avon Public Library Barrier Free Access Project with a grant allocation of \$174,605.00.

WHEREAS, the Borough of Avon by the Sea hereby met all the requirements for the release of funds to begin incurring costs for this project; and

WHEREAS, the Borough of Avon by the Sea has filed with the Monmouth County Community Development Program an acceptable timetable for completion and expenditure of grant funds, which is included as an appendix to the Project Agreement.

NOW, THEREFORE, BE IT ORDAINED, that the Mayor and Municipal Clerk are hereby authorized to execute with the County of Monmouth the attached Project Agreement on behalf of the Borough of Avon by the Sea.

Resolution 79 – Authorizing the Mayor to sign a Certification Prohibiting the use of Excessive Force and Federal Funds for Lobbying

WHEREAS, certain federal funds are potentially available to Monmouth County through the Housing and Community Development Act of 1974, as amended; and

WHEREAS, the United States Department of Housing and Urban Development has allocated funding to the County of Monmouth for Fiscal Year 2021; and

WHEREAS, the County is making some of these funds available to certain participating municipalities and non-profit agencies; and

WHEREAS, it is required that the Borough of Avon by the Sea execute a Project Agreement with Monmouth County to undertake a project known as Avon Public Library Barrier Free Access Project and WHEREAS, the U.S. Department of Housing and Urban Development is requiring that the Mayor of the Borough of Avon by the Sea sign additional certifications in order to receive these funds; and

WHEREAS, the Borough of Avon by the Sea has adopted a policy prohibiting the use of excessive force by its law enforcement agency (police force) within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

WHEREAS, a copy of that policy is attached to and made part of this resolution.

NOW, THEREFORE, BE IT ORDAINED, that the Borough of Avon by the Sea has met the conditions of receiving a Fiscal Year 2021 allocation by adopting a policy prohibiting the use of

excessive force and by not using federal funds for lobbying or by disclosing that funds have been used for lobbying.

BE IT FURTHER RESOLVED, that the Mayor of the Borough of Avon by the Sea is hereby authorized to sign the attached certifications which will become part of the Fiscal Year 2021 Project Agreement.

Resolution 82 – Rescinding Executive Order No. 2020-01

WHEREAS, on March 9, 2020, the Governor of the State of New Jersey declared a Public Health Emergency and State of Emergency in the State of New Jersey pursuant to Executive Order No. 103; and

WHEREAS, as a result of the COVID-19 State of Emergency declared by the Governor, the Borough of Avon-By-The-Sea passed Executive Order No. 2020-01 declaring a State of Emergency in the Borough; and

WHEREAS, Executive Order 2020-01 prohibited diagonal parking on all public streets and closing the Borough’s boardwalk; and

WHEREAS, on June 4, 2021, Governor Murphy signed Executive Order No. 244 ending the COVID-19 Public Health Emergency; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Avon-By-The-Sea that Executive Order 2020-01 be rescinded.

Resolution 83 - Authorizing T&M to submit 2022 DOT Application

WHEREAS, Washington Avenue from Main Street to Second Avenue is in need of paving; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Avon-By-The-Sea authorizes that T&M Associates submit the 2022 DOT Grant Application to repave Washington Avenue from Main Street to Second Avenue.

Approval of minutes from the May 24, 2021, Meeting

Approving the payment of bills in the amount of \$ \$618,138.56

Mayor Bonanno 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

Mayor Bonanno asks if anyone from the public would like to be heard.

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