

March 22, 2022

BOROUGH OF BRADLEY BEACH, MONMOUTH COUNTY

RESOLUTION 2022-103

**RESOLUTION OF INTENT TO ENTER INTO SHARED SERVICES AGREEMENT
WITH THE BOROUGH OF AVON-BY-THE-SEA FOR THE JOINT REPAIR
AND/OR REPLACEMENT OF FAILING STORMWATER MANAGEMENT
INFRASTRUCTURE IN THE AREA OF SYLVAN LAKE**

Mayor Fox offered the following Resolution and moved its adoption:

WHEREAS, the Borough of Bradley Beach (“Bradley Beach”) and the Borough of Avon-By-The-Sea (“Avon”) share stormwater management infrastructure in the area of Sylvan Lake located at the border between Bradley Beach and Avon; and

WHEREAS, the failure of said stormwater management infrastructure near Sylvan Lake has created a large sink hole on the beach close to the border of Bradley Beach and Avon; and

WHEREAS, the officials and professionals of both Bradley Beach and Avon have extensively inspected and conferred with each other, and with Monmouth County, and with other applicable governmental agencies regarding the municipalities’ mutual repair and/or replacement of the failing stormwater management infrastructure in the area of Sylvan Lake; and

WHEREAS, pursuant to the New Jersey Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, *et seq.*, Bradley Beach and Avon are permitted to enter into a contract for the joint provisions within their combined jurisdictions of any service which any party to the agreement is empowered to render within its own jurisdiction; and

WHEREAS, both Bradley Beach and Avon believe that a Shared Services Agreement will ultimately be necessary to jointly repair and/or replace their stormwater management infrastructure in the area of Sylvan Lake, however, the preliminary engineering and design work to apportion such costs as between Bradley Beach and Avon must first be completed; and

WHEREAS, both Bradley Beach and Avon recognize and acknowledge that the failure of their common stormwater management infrastructure in the area of Sylvan Lake constitutes an emergency as defined under the New Jersey Local Public Contracts Law, at N.J.S.A. 40A:11-6.1, and both municipalities will cause applicable documentation and certifications to be filed with their respective Purchasing Agents regarding same; and

WHEREAS, both Bradley Beach and Avon recognize and acknowledge that professional engineering services must likewise be procured on an emergent basis, and that Bradley Beach shall be the contracting agency for this purpose, and the costs of which engineering services, in consultation with Avon, shall be later allocated in accordance with the parties' Shared Services Agreement; and

WHEREAS, both Bradley Beach and Avon recognize and acknowledge that Monmouth County and other applicable governmental agencies shall be involved in the municipalities' mutual repair and/or replacement of the failing stormwater management infrastructure in the area of Sylvan Lake, and that Bradley Beach shall be the lead agency for this purpose. Bradley Beach and Avon will work together to obtain funding from State, County and Federal Governments;

NOW, THEREFORE, BE IT RESOLVED that the Mayor & Council of the Borough of Bradley Beach, County of Monmouth, State of New Jersey hereby declares its intention to enter into a Shared Services Agreement with the Borough of Avon-By-The-Sea, upon the following conditions, to advance the municipalities' joint repair and/or replacement of their shared stormwater management infrastructure in the area of Sylvan Lake:

- (1) Bradley Beach and Avon mutually declare that the failure of their shared stormwater management infrastructure in the area of Sylvan Lake constitutes an emergency as defined under the New Jersey Local Public Contracts Law, at N.J.S.A. 40A:11-6.1; and
- (2) Bradley Beach and Avon hereby agree to emergently procure professional engineering services to address the failure of their stormwater management infrastructure in the area of Sylvan Lake, and Bradley Beach shall be the contracting agency for this purpose; and
- (3) Bradley Beach and Avon hereby agree that Monmouth County and other governmental agencies will be involved in the municipalities' joint repair and/or replacement of their failing stormwater management infrastructure in the area of Sylvan Lake, and that Bradley Beach shall be the lead agency for this purpose; and
- (4) Bradley Beach and Avon hereby agree that all costs incurred in connection with the foregoing shall be tracked and allocated to the respective municipalities in their eventual Shared Services Agreement to be negotiated after preliminary engineering work determines the appropriate allocation of such costs as between the parties.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be forwarded to the Borough Administrator, Borough Engineer, Borough CFO, and Avon-By-The-Sea.

Seconded by Councilman Sexsmith and adopted upon the following vote:

	AYES	NAYS	ABSTAIN	ABSENT
Mr. Bonnell	X			
Mr. Gubitosi	X			
Mr. Sexsmith	X			
Mr. Weber	X			
Mayor Fox	X			

CERTIFICATION

I, Erica Kostyz, Municipal Clerk of the Borough of Bradley Beach, Monmouth County, New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Governing Body at the March 22, 2022 Council Meeting.


ERICA KOSTYZ, RMC, CMR
Municipal Clerk