

BOROUGH OF BRADLEY BEACH, MONMOUTH COUNTY

ORDINANCE 2021-7

AN ORDINANCE AMENDING ARTICLE II: "SYLVAN LAKE COMMISSION" IN CHAPTER 24: "COMMISSIONS AND COMMITTEES" OF THE BOROUGH'S REVISED GENERAL ORDINANCES TO APPROVE THE SYLVAN LAKE COMMISSION'S AMENDED BY-LAWS.

Mayor Fox offered the following Ordinance and moved its introduction:

WHEREAS, in 2005, the Borough of Bradley Beach (the "Borough") and the Borough of Avon By The Sea (together, the "Municipalities") formed the Sylvan Lake Commission to provide advisory guidance to the Municipalities regarding the ecological health and ongoing maintenance and stability of Sylvan Lake; and

WHEREAS, the Sylvan Lake Commission was initially formed pursuant to the authority granted the Municipalities by N.J.S.A. 40:48B-1, *et seq.*; and

WHEREAS, N.J.S.A. 40:48B-1, *et seq.* was thereafter repealed and replaced by the New Jersey Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, *et seq.*; and

WHEREAS, given the Municipalities' fifteen years of experience in operating the Sylvan Lake Commission, together with the aforementioned revisions to New Jersey law affecting "joint meetings" or "regional service agencies" such as the Commission, representatives from both Municipalities recently met and agreed to revise the Commission's Agreement of Charter to better enable and achieve the Commission's purposes and to comply with updated laws;

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Bradley Beach, County of Monmouth, and State of New Jersey as follows:

SECTION 1. Article II entitled "Sylvan Lake Commission" of Chapter 24 entitled "Commissions and Committees" of the Revised General Ordinances of the Borough of Bradley Beach is hereby amended as follows:

Article II: Sylvan Lake Commission

§ 24-4 Establishment and Purpose.

- A. The Borough of Bradley Beach ~~has been meeting with and~~ the Borough of Avon ~~have established, pursuant to N.J.S.A. 40A:65-1, et seq., a regional service agency known as the Sylvan Lake Commission for the purpose of creating a joint work plan for the improvement of Sylvan Lake;~~

- B. Pursuant to N.J.S.A. 40A:65-16, the Borough of Bradley Beach and the Borough of Avon A Draft have entered into an Agreement of Charter of for the Sylvan Lake Commission establishing the purposes and responsibilities of the intermunicipal body regional service agency; and
- C. The Draft Agreement of Charter, dated March 2021, embodies the mutual understandings between the Borough of Bradley Beach and the Borough of Avon, as well as the organization, duties, and responsibilities of the Commission;
- ~~D. The "Agreement of Charter of The Sylvan Lake Commission" will be made pursuant to N.J.S.A. 40:48B-1 et seq.; and~~
- ED. The Borough of Bradley Beach Mayor and Council has reviewed said Draft Agreement and deems it in the best interests of the citizens of the Borough of Bradley Beach to be a party to said Commission.

§ 24-5 Creation of Commission.

The Borough of Bradley Beach has agreed to create and participate in the Sylvan Lake Commission.

§ 24-6 Execution of agreement.

The Mayor and Borough Clerk be and they are hereby authorized to execute an agreement known as the "Agreement of Charter of for The Sylvan Lake Commission."

SECTION 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other parts, portions and provisions of The Revised General Ordinances of the Borough of Bradley Beach are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. This Ordinance shall take effect upon adoption and publication in accordance with the laws of the State of New Jersey.

SO ORDAINED as aforesaid.

Erica Kostyz

ERICA KOSTYZ
Municipal Clerk

Larry Fox

LARRY FOX
Mayor

Introduced: February 23, 2021

Date of Hearing and Adoption: March 9, 2021