

The regular meeting of the Board of Commissioners of the Borough of Harvey Cedars, NJ was called to order by Mayor Oldham at 4:30pm. Commissioners Imperiale and Rice were present.

The Mayor asked all to rise for the Pledge of Allegiance.

The Mayor stated to the best of his knowledge all the requirements of the Sunshine Law have been met. Pursuant to the applicable portions of the New Jersey Open Public Meetings Act, adequate notice of this meeting has been given. The schedule of this meeting of the Board of Commissioners of the Borough of Harvey Cedars is listed in the notice of meetings posted on the bulletin board located in the Borough Hall and the Borough’s website and was published on December 22, 2022 in the Asbury Park Press and on December 29, 2022 in the Beach Haven Times.

Motion to approve the minutes of the previous meeting held on October 6, 2023 was made by Commissioner Imperiale, seconded by Commissioner Rice.

The Mayor read the following ordinance by title and number and asked for a motion to introduce. A Copy of the full ordinance as introduced is attached hereto and made a part hereof:

ORDINANCE #2023-14 FIRST READING

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, OCEAN COUNTY, NEW JERSEY AMENDING CHAPTER XIII ENTITLED “ZONING” AS IT PERTAINS TO INSTALLATION OF POOLS

Mayor Oldham explained that the ordinance was being introduced to remedy complaints that were received during the summer, by residents who lived near properties where pools were being installed. The ordinance introduces rules for dewatering, along with setting timelines for pool installation.

Motion to adopt: Commissioner Imperiale
Second: Commissioner Rice
Vote: Ayes – Oldham, Imperiale, Rice

The Mayor read the following resolutions by title and number and asked for a motion to adopt. Copies of the full resolutions are attached hereto and made a part hereof:

RESOLUTION #2023-092:

AUTHORIZING THE BOROUGH OF HARVEY CEDARS TO ENTER INTO A SHARED SERVICES AGREEMENT WITH THE COUNTY OF OCEAN FOR THE “DWI & MOVE OVER” PROGRAMS

Commissioner Imperiale explained the purpose of joining in the program and how funding was being provided to help offset costs for the Borough.

Motion to adopt: Commissioner Imperiale
Second: Commissioner Rice

RESOLUTION #2023-093:

CHAPTER 159 ITEM OF REVENUE INSERTION IN THE SUM OF \$835.00 – BULLETPROOF VEST PARTNERSHIP

A discussion took place between Commissioner Imperiale, Chief Burnaford and a few residents regarding the cost of bulletproof vests, and need for each officer to have a new vest.

Motion to adopt: Commissioner Imperiale
Second: Commissioner Rice

RESOLUTION #2023-094:

AWARD CONTRACT TO MATHIS CONSTRUCTION FOR THE 2022 LONG BEACH BLVD DOWNTOWN STREETScape PROJECT IN THE AMOUNT OF \$661,313.20

Mayor Oldham explained that two blocks on both the east and west side of the boulevard between 80th and 78th street were included in the re-bid.

The crowded room applauded!

Saul Ellman, 82nd Street asked if the Commissioners had learned anything from this project through the course of the process, which Mr. Ellman claimed to be a four-year process. Mr. Elman pointed out that the delay in action of the project resulted in inflation on pricing and other hurdles.

Mayor Oldham explained that between required surveying, design work, and working with the County and private property owners to gain permission to make improvements on County and private property, the project took more time than expected. Mayor Oldham continued by stating that we now have the framework and designs to move forward with current and future plans. Oldham also stated that he is hopeful to get more money from the County for future work on the Long Beach Boulevard Streetscape Project.

Motion to adopt: Commissioner Imperiale
Second: Commissioner Rice
Vote: Ayes – Oldham, Imperiale, Rice

RESOLUTION #2023-095:

URGING THE APPOINTING AUTHORITY IN THE STATE OF NEW JERSEY TO CHOOSE A RESIDENT OF OCEAN COUNTY TO SIT ON THE BPU

Motion to adopt: Commissioner Imperiale
Second: Commissioner Rice

RESOLUTION #2023-96: BILLS

Motion to adopt: Commissioner Rice
Second: Commissioner Imperiale

PRIVILEGE OF THE FLOOR –

Jim Fritz, 82nd Street expressed his views regarding the recent “Meet the Candidates” election campaign gathering at a Taxpayers Association meeting, stating he thought the event went very well. Mr. Fritz added that he was however disappointed about the “cheap shots” going on with the current campaign, further stating that campaign signs were being wrongfully removed, and that this race was getting very political.

Commissioner Rice stated that he had signs out at the last campaign in 2019 and there were no issues with them at that time.

Linda Kragie, 75th Street asked Mayor Oldham if he had abandoned the residents of 75th Street with regards to getting the promised fire hydrant installed. Mayor Oldham explained that the holdup was caused due to an electrical wire that was found underground where the hydrant was to be installed. Oldham stated that the Department of Public Works is currently working on a solution. Linda Kragie expressed frustration and stated that the residents of 75th street were initially told the job would only take 2 weeks.

Susan Kramer, 80th Street stated that she recently learned that there is asbestos in the town drinking water. Ms. Kramer stated that she’s been drinking town water all of her life and had concerns. Mayor Oldham explained that PCP water piping is used regularly for water delivery. Harvey Cedars has been changing out the PCP piping with regular projects and before paving is done on streets. The asbestos is not in the drinking water, the pipes are made up of the material. Testing on water is done regularly. Mayor Oldham continued the conversation with other residents explaining the water delivery service process, water main connections and the kind of piping that is used throughout the town.

Joe Gieger, 77th Street stated that he was disappointed that all of the older pipes had not

been removed prior to the paving project. Mayor Oldham expressed that replacement of the pipes has been in the plans and many options have been looked at to figure out the best way to go about replacing the underground pipes. Older PCP pipes are being replaced when work on roads is done and before any new paving projects. Mayor Oldham also stated that we are always looking to get grant money that may be available so that less of the financial burden falls on Harvey Cedars residents.

Walt Naisby, 75th Street had questions regarding underground water pipes with directional drilling. Mayor Oldham explained the process and plans in place for town water supply and delivery.

Sual Ellman, 82nd Street asked about available funding to replace older water pipes, and if Long Beach Twp. is responsible for any of the associated costs. Mayor Oldham answered that Long Beach Twp. pays their portion of our water expenses which is based on Long Beach Township's water usage demand from Harvey Cedars. The estimated cost to replace the pipes is between two and three million dollars.

Commissioner Imperiale announced that he wanted to address the "Dirty Politics" comment that had been made earlier in the meeting. He continued by stating that he did not have campaign signs up, and he did not think that the signs looked good. Commissioner Imperiale further stated that he didn't put them up, or take them down. He explained that he had heard complaints from residents and commercial properties who were not happy to have signs placed on their property without permission.

Commissioner Imperiale thanked the Police Department and Danielle Tilton for a job well done on fulfilling the requirements for accreditation. He congratulated the entire department on all of their hard work.

Motion to adjourn: Mayor Oldham
Second: Commissioner Rice

Meeting adjourned at 5:00pm.

Anna Grimste, Municipal Clerk

Jonathan S. Oldham, Mayor

John M. Imperiale, Commissioner

Paul G. Rice, Commissioner

ORDINANCE NO. 2023-14

**AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, OCEAN COUNTY,
NEW JERSEY AMENDING CHAPTER XIII ENTITLED “ZONING”
AS IT PERTAINS TO INSTALLATION OF POOLS**

**THE BOARD OF COMMISSIONERS OF THE BOROUGH OF HARVEY
CEDARS DOES ORDAIN AS FOLLOWS:**

Section 1. Section 13-7.4 entitled “Permits” is hereby amended by supplementing the following sentence to the end of the paragraph: All pool construction and inspections must be completed within 60 days of the issuance of a pool permit.

Section 2. Section 13-17.5 entitled “Swimming Pools.” is hereby supplemented by adding paragraph f. as follows:

- f. *Dewatering.* No dewatering shall be permitted between the Friday before Memorial Day and Labor Day of any calendar year. All dewatering for swimming pools, including excavation and seasonal draining, shall be completed within 15 days from the start of the pumping.

Groundwater pumped to the surface either during construction or for any other maintenance requirements must be directed via flex pipe with a silt bag/filter (properly maintained) into the nearest storm drain or into the bay or lagoon if the pool location is along the bay or lagoon. No dirt, silt, sand or runoff debris of any kind shall be permitted or caused to accumulate on a public street or any body of water. No rubbish, debris or litter of any kind shall be permitted to remain or accumulate in or about the swimming pool during construction.

Section 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

Section 5. This Ordinance shall take effect upon final adoption after publication in accordance with law.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was duly introduced and passed on the first reading at a regular meeting of the Board of Commissioners of the Borough of Harvey Cedars held on **October 16, 2023**. Further notice is given that said Ordinance shall be considered for final passage and adoption at a regular meeting of said Board of Commissioners to be held on **November 20, 2023** at 4:30pm at the Borough Hall, 7606 Long Beach Blvd., Harvey Cedars, NJ, at which time and place any person desiring to be heard will be given an opportunity to be so heard.

Anna Grimste, Municipal Clerk

RESOLUTION #2023-092

AUTHORIZING THE BOROUGH OF HARVEY CEDARS TO ENTER INTO A SHARED SERVICES AGREEMENT WITH THE COUNTY OF OCEAN FOR THE “DWI & MOVE OVER” PROGRAMS

WHEREAS, the Uniform Shared Services and Consolidation Act, NJSA 40A:65-1 et. seq., authorizes two or more governmental entities to enter into a mutual service agreement for the provision of certain governmental services when approved by resolution under NJSA 40A:65-5; and

WHEREAS, the Driving While Intoxicated Enforcement Program (DWIEP) is a traffic safety program run by the Ocean County Prosecutor’s Office for the purpose of identifying and removing intoxicated drivers from the roadways; and

WHEREAS, the Move Over Law Enforcement Program (MOLEP) is a traffic safety program run by the Ocean County Prosecutor’s Office for the purpose of identifying and removing reckless drivers from the roadways; and

WHEREAS, these programs receive funding from the State of New Jersey and the County of Ocean; and

WHEREAS, it is the desire of the Board of Commissioners of the Borough of Harvey Cedars to enter into two (2) agreements with the County of Ocean for the purpose of setting forth the terms and conditions regarding the assignment of police officers employed by the Borough of Harvey Cedars to the DWIEP and the MOLEP.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Harvey Cedars, County of Ocean, State of New Jersey that the Mayor and Municipal Clerk are hereby authorized to execute Shared Services Agreement with Ocean County for the Driving While Intoxicated Enforcement Program and the Move Over Law Enforcement Program, copies of which are on file in the Municipal Clerk’s office, effective October 1, 2023 through September 30, 2024.

PASSED ON: October 16, 2023

RESOLUTION #2023-093

**CHAPTER 159 ITEM OF REVENUE INSERTION IN THE SUM OF \$835.00 –
BULLETPROOF VEST PARTNERSHIP**

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for an equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Commission of the Borough of Harvey Cedars, in the County of Ocean, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2023 in the sum of \$835.00, which is now available from The Department of Justice program entitled “Bulletproof Vest Partnership Program”.

BE IT FURTHER RESOLVED that the sum of \$835.00 is hereby appropriated under the caption: 8. General Appropriations (A) Operations excluded from “CAPS” Public and Private Programs offset by Revenues: Bulletproof Vest Partnership Program.

BE IT FURTHER RESOLVED that the above is a result of federal funds obtained through the Department of Justice as a federal grant.

PASSED ON: October 16, 2023

RESOLUTION #2023-094

**AWARD CONTRACT TO MATHIS CONSTRUCTION FOR THE 2022
LONG BEACH BLVD DOWNTOWN STREETScape PROJECT IN THE
AMOUNT OF \$661,313.20**

WHEREAS, the Borough of Harvey Cedars has applied to New Jersey Department of Transportation for assistance from the Transportation Trust Fund for the 2022 Long Beach Blvd Downtown Streetscape Project; and

WHEREAS, the New Jersey Department of Transportation approved the application for assistance; and

WHEREAS, Borough of Harvey Cedars solicited bids for the 2022 Long Beach Blvd Downtown Streetscape Project; and

WHEREAS, said bids were opened as advertised on September 27, 2023 and the Borough Engineer has recommended the award of a contract to Mathis Construction as the lowest responsible bidder in accordance with the bid specifications, said bid being a Base Bid in the amount of \$579,695.20 and an Alternate Bid in the amount of \$81,618.00 for a combined total of \$661,313.20; and

WHEREAS, the Finance Officer has certified the availability of funds for this contract.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Harvey Cedars, County of Ocean, hereby award a contract in the amount of Six Hundred Sixty One Thousand Three Hundred Thirteen Dollars and Twenty Cents (\$661,313.20) to:

Mathis Construction
1510 Route 539, Suite 1
Little Egg Harbor, NJ 08087

for the 2022 Long Beach Blvd Downtown Streetscape Project, contingent upon final review and approval by NJDOT.

MOTION: Commissioner Imperiale

SECOND: Commissioner Rice

ROLL CALL VOTE: Ayes – Oldham, Imperiale, Rice

PASSED ON: October 16, 2023

CERTIFICATION

I, Anna Grimste, Municipal Clerk of the Borough of Harvey Cedars, County of Ocean, hereby certify that the above is a resolution adopted by the Board of Commissioners at a meeting held on October 16, 2023.

Anna Grimste, Municipal Clerk

RESOLUTION #2023-095

**URGING THE APPOINTING AUTHORITY IN THE STATE OF NEW JERSEY TO
CHOOSE A RESIDENT OF OCEAN COUNTY TO SIT ON THE BPU**

WHEREAS, the New Jersey Board of Public Utilities is the state agency with authority to oversee the regulated utilities, which provide critical services such as natural gas, electricity, water, telecommunications, and cable television; and

WHEREAS, the law requires the BPU to ensure safe, adequate, and proper utility services at reasonable rates for all customers throughout New Jersey; and

WHEREAS, Ocean County has, for years, called upon the appointing authority in the State of New Jersey to choose a resident of Ocean County to sit on the BPU in order to provide a needed voice to represent the unique characteristics and challenges faced by communities located along the coast of the State; and

WHEREAS, the population of Ocean County continues to grow with both full-time and seasonal residents increasing the need for assurances by utility companies to provide uninterrupted service and to make certain equipment is maintained and adequately updated; and

WHEREAS, Ocean County currently has a year-round population of 650,000 residents with the number steadily increasing in the summer/warm weather months to more than 1.3 million people; and

WHEREAS, it is imperative that with the increase in population, energy and utility demands are met without interruption of service, and our residents, visitors and businesses are confident in all utilities working properly and available for their needs; and

WHEREAS, coastal counties are more prone to serious weather conditions including hurricanes, nor'easters and most recently tornadoes, which can result in power outages, utility poles down and a host of safety issues; and

WHEREAS, Ocean County residents have experienced the likes of Hurricane Irene in 2011, Superstorm Sandy in 2012, Tropical Storm Isaias, an April 1, 2023 tornado, and widespread summer power outages in the summer months dating back to July 2003 that devastated the height of the summer tourism season; and

WHEREAS, any type of lengthy power outages especially during the tourism season, which produces \$7 billion in revenue for Ocean County alone, can result in many residents and businesses, both full time and seasonal, experiencing a financial loss due to having to discard food and medication, and loss of wages; and

WHEREAS, adding to the concern, Ocean County also is home to more than 200,000 senior citizens. An aging population is often more reliant on medical devices that

use power for their health needs, and these are people that are fixed income that does not allow extra money to replace food and prescriptions spoiled by power outages or any challenges posed by other utility issues; and

WHEREAS, utility interruptions can also create safety hazards for residents and visitors along with emergency responders tasked to assist during these times; and

WHEREAS, without a voice on the BPU, Ocean County and similar coastal communities, face an uphill battle with the utility companies in getting help for residents and businesses; and

WHEREAS, coastal counties like Ocean have unique characteristics - from its land size, population shifts based on time of year, economically and geographically - that the current members of the BPU are not as familiar with as a resident of Ocean County would be; and

WHEREAS, the current sitting members of the Board of Public Utilities are from Essex, Camden, Morris, and Somerset; and

WHEREAS, in the absence of a member from Ocean County, the BPU in the meantime, should designate one of its current members as liaison to the area in order to address concerns or create alternate positions to be filled by residents of Ocean and/or Monmouth County.

NOW, THEREFORE, BE IT RESOLVED that Board of Commissioners of the Borough of Harvey Cedars, County of Ocean, hereby requests that the opening on the Board of Public Utilities to go to a qualified individual from Ocean County in order to assure representation of the interests of the residents and businesses of Ocean County and all shore communities.

BE IT FURTHER RESOLVED that the Borough of Harvey Cedars urges Governor Murphy and the Senate recognize that as the population continues to grow, and people continue to move to Ocean County to raise a family or retire, the need for representation on the BPU also increases providing coastal communities with a needed voice on the Board. And in the absence of a member from the Jersey Shore, the BPU at a minimum, should designate a liaison to this area to address ongoing concerns.

PASSED ON: October 16, 2023

CERTIFICATION

I, Anna Grimste, Municipal Clerk of the Borough of Harvey Cedars, County of Ocean, hereby certify that the above is a resolution adopted by the Board of Commissioners at a meeting held on October 16, 2023.

Anna Grimste, Municipal Clerk

RESOLUTION # 2023-096

October 16, 2023
11:31 AM

BOROUGH OF HARVEY CEDARS
Bill List By P.O. Number

Page No: 1

P.O. Type: All	Open: N	Paid: N	Void: N	
Range: First to Last	Rcvd: Y	Held: Y	Aprv: N	
Format: Condensed	Bid: Y	State: Y	Other: Y	Exempt: Y
Vendors: All	Include Non-Budgeted: Y			
Rcvd Batch Id Range: First to Last				

PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type
23-00555	05/22/23	JSUTT005	J SUTTER ENTERPRISES LLC	Range Trailer Graphics	Open	478.60	0.00
23-00666	06/19/23	SREG0020	S REGIONAL BOARD OF EDUCATION	2023-2024 Reg. School Taxes	Open	212,453.58	0.00 B
23-00805	07/21/23	GRIMS010	GRIMSTE, ANNA	2023 Open Petty Cash	Open	94.97	0.00
23-01043	09/20/23	ONEC0010	ONE CALL CONCEPTS INC	monthly markouts	Open	57.55	0.00
23-01048	09/29/23	JSUTT005	J SUTTER ENTERPRISES LLC	Graphics	Open	48.01	0.00
23-01059	10/02/23	DANDR005	D'ANDREA, NICHOLAS	Eyeglass Reimbursement 2023	Open	399.00	0.00
23-01086	10/10/23	MEADO020	MEADOWBROOK INDUSTRIES LLC	September Trash & Recycling	Open	33,929.75	0.00
23-01087	10/10/23	BRTTE005	BRT TECHNOLOGIES LLC	Assessor Postcards	Open	826.32	0.00
23-01088	10/10/23	LANGU010	LANGUAGE LINE SERVICES, INC	Phone Interpretation	Open	13.60	0.00
23-01092	10/10/23	VERIZ040	VERIZON WIRELESS MDTs	Police MDT's	Open	152.04	0.00
23-01094	10/10/23	PERRY005	PERRY WEATHER, INC	Weather Station	Open	4,049.00	0.00
23-01097	10/10/23	STOF0010	ST OF NJ - PWT DIV OF TAXATION	QUARTERLY WATER TAX	Open	308.35	0.00
23-01098	10/11/23	TOWNS030	TOWNSHIP OF STAFFORD	Construction Permits	Open	8,161.20	0.00
23-01099	10/11/23	PAVIA005	PAVIA ENTERPRISES LLC	September Courier Service	Open	291.96	0.00
23-01106	10/12/23	LBIH0010	LBI HEALTH DEPARTMENT	Third Quarter Health Services	Open	10,738.11	0.00
23-01108	10/14/23	CENTR035	CENTRAL JERSEY HEALTH INS FUND	November Premium	Open	2,127.00	0.00
23-01109	10/14/23	TWPO0010	TWP OF STAFFORD	September Animal Control	Open	391.00	0.00
23-01110	10/14/23	HIERI010	HIERING, GANNON & MC KENNA	September Legal Fees	Open	2,092.80	0.00
23-01113	10/16/23	CREAT020	CREATIVE MANAGEMENT INC	Fuel Invoices	Open	834.46	0.00
23-01114	10/16/23	CREAT020	CREATIVE MANAGEMENT INC	Fuel Invoices	Open	551.80	0.00
23-01115	10/16/23	CREAT020	CREATIVE MANAGEMENT INC	Fuel Invoices	Open	1,763.63	0.00
23-01116	10/16/23	RIGGI005	RIGGINS, INC	Fuel	Open	1,357.25	0.00
23-01117	10/16/23	RIGGI005	RIGGINS, INC	Fuel	Open	1,819.73	0.00
23-01118	10/16/23	VERIZ030	VERIZON WIRELESS - CELL	Police Cell Phones	Open	365.77	0.00
23-01119	10/16/23	ATLAN030	ATLANTIC CITY ELECTRIC	Electric - Current Charges	Open	5,121.09	0.00
23-01120	10/16/23	OWEN0010	OWEN, LITTLE & ASSOCIATES	Monthly Invoice	Open	400.00	0.00
23-01121	10/16/23	ATLAN030	ATLANTIC CITY ELECTRIC	Electric - w&s Charges	Open	5,700.41	0.00

Total Purchase Orders:	27	Total P.O. Line Items:	0	Total List Amount:	294,526.98	Total Void Amount:	0.00
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Totals by Year-Fund		Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
Fund Description	Fund						
Current Fund	3-01	281,475.65	0.00	281,475.65	0.00	0.00	281,475.65
Utility Operating	3-09	8,602.33	0.00	8,602.33	0.00	0.00	8,602.33
Year Total:		290,077.98	0.00	290,077.98	0.00	0.00	290,077.98
Trust Fund	T-17	4,449.00	0.00	4,449.00	0.00	0.00	4,449.00
Total of All Funds:		294,526.98	0.00	294,526.98	0.00	0.00	294,526.98

BE IT RESOLVED by the Commissioners of the Borough of Harvey Cedars, County of Ocean, State of New Jersey, that the foregoing bill list dated October 16, 2023 be paid upon verification by the Chief Financial Officer that sufficient funds are available for the payment of the same.

PASSED ON: October 16, 2023