

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 Gerkens and Garofalo were present.

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

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 in the Beach Haven Times on December 10, 2015 and the Asbury Park Press on December 15, 2015.

Motion to approve the minutes of the previous meeting, October 7, 2016, was made by Commissioner Gerkens, seconded by Commissioner Garofalo.

The Mayor read the following ordinance by title and number and stated that proof of publication is on hand and the ordinance has been posted.

ORDINANCE #2016-14 SECOND READING

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS APPROPRIATING THE SUM OF \$350,000 FROM THE CAPITAL IMPROVEMENT FUND FOR CERTAIN CAPITAL IMPROVEMENTS IN THE BOROUGH OF HARVEY CEDARS

Motion to open public discussion: Commissioner Garofalo
Second: Commissioner Gerkens

There were no public questions or comments.

Motion to close public discussion: Commissioner Gerkens
Second: Commissioner Garofalo

Motion to adopt: Commissioner Garofalo
Second: Commissioner Gerkens
Vote: Ayes – Oldham, Gerkens, Garofalo
A copy of the full ordinance as adopted is filed in the ordinance book.

The Mayor read the following resolutions by title only and asked for motions to adopt after reading each title. Copies of the full resolutions are attached hereto and made a part hereof:

RESOLUTION #2016-086:

AMENDMENT TO THE POLICY AND PROCEDURE MANUAL FOR THE BOROUGH OF HARVEY CEDARS AS IT PERTAINS TO JOB DESCRIPTIONS

Motion to adopt: Commissioner Gerkens
Second: Commissioner Garofalo

RESOLUTION #2016-087:

AUTHORIZING THE 2016 BEST PRACTICES CHECKLIST FOR THE BOROUGH OF HARVEY CEDARS

Motion to adopt: Commissioner Gerkens
Second: Commissioner Garofalo

RESOLUTION #2016-088:

CHAPTER 159 ITEM OF REVENUE INSERTION IN THE SUM OF \$3,750.00 – POLICE ACCREDITATION GRANT

Motion to adopt: Commissioner Garofalo
Second: Commissioner Gerkens

RESOLUTION #2016-089:

RESOLUTION OF THE BOROUGH OF HARVEY CEDARS, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE COUNTY OF OCEAN IN CONNECTION WITH THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Motion to adopt: Commissioner Gerkens
Second: Commissioner Garofalo

RESOLUTION #2016-090:

AUTHORIZING THE BOROUGH OF HARVEY CEDARS TO ENTER INTO A SHARED SERVICES AGREEMENT WITH THE COUNTY OF OCEAN FOR THE 2016 DRIVING WHILE INTOXICATED ENFORCEMENT PROGRAM

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

RESOLUTION #2016-091:

AUTHORIZING THE BOROUGH OF HARVEY CEDARS TO ENTER INTO A SHARED SERVICES AGREEMENT WITH THE COUNTY OF OCEAN FOR THE DRUG RECOGNITION EXPERT CALLOUT PROGRAM

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

RESOLUTION #2016-092:

AUTHORIZE THE DONATION OF SURPLUS POLICE EQUIPMENT TO THE FIRE COMPANY

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

RESOLUTION #2016-093:

RESOLUTION OF THE BOROUGH OF HARVEY CEDARS, COUNTY OF OCEAN, STATE OF NEW JERSEY, SUPPORTING THE SALE OF THE LONG BEACH ISLAND GRADE SCHOOL BY THE LONG BEACH ISLAND BOARD OF EDUCATION TO THE BOROUGH OF SHIP BOTTOM

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

Vote: Ayes – Oldham, Garofalo, Gerkens

RESOLUTION #2016-094:

AMENDING THE APPOINTMENT OF ALTERNATE MUNICIPAL PROSECUTOR FOR THE YEAR 2016

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

RESOLUTION #2016-095: Bills

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

PRIVILEGE OF THE FLOOR –

A discussion was held regarding the status of the beach and the funding for the repairs. The Mayor stated mobilization (of contractor's equipment to Harvey Cedars) will take place within the next week at Hudson Avenue; dune restoration and 100' of flat beach will take place at the areas void of sand; the north and south ends of town were filled (with sand during the LBI project) and the Mayor worked hard to keep the contractor here to repair the remainder of the beach; it is much cheaper to get them here now than later; no hardpack will be placed; DPW will remove the fencing and replace the dune fence by May 15th.

Commissioner Gerkens explained there are 2 options for Harvey Cedars to pay for the 25% cost share, approximately \$681K; the Borough is using \$350,000 out of the capital fund and the State is advancing the remainder which must be paid back in 2 years. The Borough can either BAN the remainder over 5 years or apply a special assessment per property over 2 years. The assessment would cost approximately \$118 per property per year. The Commissioners will be asking taxpayers if they prefer to pay a flat assessment or use BANs which is about a ½ cent tax increase over 5 years.

Mayor Oldham stated synthetic beach mats will be purchased and tried on certain walkovers to see how they work and to determine what style of mat best suits the Borough's needs prior to purchasing for more walkovers.

Motion to adjourn: Commissioner Garofalo

Second: Commissioner Gerkens

Meeting adjourned at 4:55pm.

RESOLUTION #2016-086

**AMENDMENT TO THE POLICY AND PROCEDURE MANUAL FOR THE
BOROUGH OF HARVEY CEDARS AS IT PERTAINS TO JOB DESCRIPTIONS**

WHEREAS the Borough of Harvey Cedars adopted employment policies and procedures on February 7, 1997 which are available to the employees through an encompassing manual known as the Policy and Procedure Manual; and

WHEREAS said manual shall be reviewed from time to time for policy updates.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Harvey Cedars hereby amends the personnel Policy and Procedure Manual for the Borough of Harvey Cedars as follows:

1. Section 4.8 Job Descriptions is hereby amended by updating and supplementing the Assessor's Job Duties and Responsibilities by adding the following:

On or before June 1st each year, the Assessor shall notify the Chief Finance Officer and the Governing Body of all tax appeals.

BE IT FURTHER RESOLVED as follows:

1. Any Personnel Policies or Personnel Policy Manuals inconsistent herewith are hereby repealed.
2. This update to the Policy Manual shall take effect immediately.
3. The revision of the Job Description Manual shall be known as Revision 10/2016.
4. The Personnel Officer shall offer copies of this resolution to all employees.

PASSED ON: October 18, 2016

RESOLUTION #2016-087

**AUTHORIZING THE 2016 BEST PRACTICES CHECKLIST FOR
THE BOROUGH OF HARVEY CEDARS**

WHEREAS the Best Practices Checklist was authorized through the Fiscal Year 2017 State Budget and is designed by Governor Christie's administration to provide standards by which local government officials can perform an assessment of municipal and county operations; and

WHEREAS the Best Practices Checklist will determine how much of the municipality's final 5% of State aid payment will be disbursed based upon the scoring of the checklist; and

WHEREAS a requirement of the checklist is for the governing body to acknowledge that the completed inventory was placed on an agenda of a public meeting to ensure that local officials have been apprised of all answers.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Harvey Cedars, County of Ocean, hereby acknowledges and authorizes the completed Best Practices Checklist for the year 2016 completed and submitted by the Chief Financial Officer, a copy of which is attached and is available for public inspection.

PASSED ON: October 18, 2016

RESOLUTION #2016-088

**CHAPTER 159 ITEM OF REVENUE INSERTION IN THE SUM OF \$3,750.00 –
POLICE ACCREDITATION GRANT**

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 2016 in the sum of \$3,750.00, which is now available from the Ocean County Municipal Joint Insurance Fund, entitled “Ocean JIF Police Accreditation Program Grant”.

BE IT FURTHER RESOLVED that the sum of \$3,750.00 is hereby appropriated under the caption: 8. General Appropriations (A) Operations excluded from “CAPS” Public and Private Programs offset by Revenues: Police Accreditation Grant.

PASSED ON: October 18, 2016

RESOLUTION #2016-089

**RESOLUTION OF THE BOROUGH OF HARVEY CEDARS, COUNTY OF OCEAN,
STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF AN AGREEMENT
WITH THE COUNTY OF OCEAN IN CONNECTION WITH THE COMMUNITY
DEVELOPMENT BLOCK GRANT PROGRAM**

WHEREAS the Borough of Harvey Cedars has actively participated in the Ocean County Community Development Block Grant (CDBG) Program; and

WHEREAS it is the desire of the Borough to continue to actively participate as a member of the Ocean County Community Development Block Grant (CDBG); and

WHEREAS it is the desire of the Borough Commissioners to authorize the execution of an agreement with the County of Ocean with regard to the Community Development Block Grant (CDBG) which agreement is attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Harvey Cedars, County of Ocean, State of New Jersey, as follows:

1. That the Borough Commissioners do hereby authorize the execution of the CDBG Agreement with the County of Ocean, a copy of which is attached hereto.
2. That the Mayor is hereby authorized to execute and the Borough Clerk to attest the subject agreement in accordance with the provisions of this resolution.
3. That a certified copy of this resolution, together with the subject agreement, be forwarded to the Chief Financial Officer.

PASSED ON: October 18, 2016

RESOLUTION #2016-090

AUTHORIZING THE BOROUGH OF HARVEY CEDARS TO ENTER INTO A SHARED SERVICES AGREEMENT WITH THE COUNTY OF OCEAN FOR THE 2016 DRIVING WHILE INTOXICATED ENFORCEMENT PROGRAM

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 DWIEP receives funding from the State of New Jersey and County of Ocean; and

WHEREAS it is the desire of the Board of Commissioners of the Borough of Harvey Cedars to enter into an agreement 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.

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 a Shared Services Agreement with Ocean County for the 2016 Driving While Intoxicated Enforcement Program, a copy of which is on file in the Municipal Clerk's office.

PASSED ON: October 18, 2016

RESOLUTION #2016-091

**AUTHORIZING THE BOROUGH OF HARVEY CEDARS TO ENTER INTO A
SHARED SERVICES AGREEMENT WITH THE COUNTY OF OCEAN FOR
THE DRUG RECOGNITION EXPERT CALLOUT PROGRAM**

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 Drug Recognition Expert Callout Program (DRECP) is a traffic safety program run by the Ocean County Prosecutor's Office for the purpose of utilizing a DRE callout Program to assist with identifying and removing intoxicated drivers from the roadways; and

WHEREAS the DRECP receives 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 an agreement 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 DRECP.

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 a Shared Services Agreement with Ocean County for the Drug Recognition Expert Callout Program, a copy of which is on file in the Municipal Clerk's office, retroactive from October 1, 2016 through September 30, 2017.

PASSED ON: October 18, 2016

RESOLUTION #2016-092

**AUTHORIZE THE DONATION OF SURPLUS POLICE EQUIPMENT
TO THE FIRE COMPANY**

WHEREAS pursuant to N.J.S.A. 40A:12-13(b)(1), the sale or transfer of public property for nominal consideration may be made to another municipality or political subdivision of New Jersey as long as it is authorized by resolution; and

WHEREAS the Borough of Harvey Cedars presently owns the following surplus portable message sign no longer suitable for Borough use:

ADDSCO Sign Board Serial # 522521207; and

WHEREAS the High Point Volunteer Fire Company has inspected said equipment and desires to own said surplus message board.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Harvey Cedars hereby authorizes the donation of the ADDSCO Sign Board to the High Point Volunteer Fire Company.

PASSED ON: October 18, 2016

RESOLUTION #2016-093

**RESOLUTION OF THE BOROUGH OF HARVEY CEDARS,
COUNTY OF OCEAN, STATE OF NEW JERSEY, SUPPORTING THE SALE OF
THE LONG BEACH ISLAND GRADE SCHOOL BY THE LONG BEACH ISLAND
BOARD OF EDUCATION TO THE BOROUGH OF SHIP BOTTOM**

WHEREAS the Long Beach Island Board of Education (“Board”), on the bases of significant deliberations and the recommendation of studies, previously elected to explore the sale of the Long Beach Island Grade School (“LBI School”) located in the Borough of Ship Bottom (“Ship Bottom”) to third-parties; and

WHEREAS the Board intends to sell the LBI School and consolidate all students comprising the Long Beach Island Consolidated School District (“District”) in a renovated Ethel Jacobsen Elementary School (“EJ School”); and

WHEREAS the Board intends to decide upon the final, proposed scope of the design, plan, and cost for the renovations of the EJ School in the near term, and, based upon the Board’s decision, prepare a cost estimate and submit a referendum question to the voters of the District, who will ultimately either authorize or reject the funding required for the renovations; and

WHEREAS pursuant to N.J.S.A. 18A:20-1, *et seq.*, the Board has commenced direct negotiations with Ship Bottom to sell the LBI School to Ship Bottom; and

WHEREAS as an express condition of consummating any agreement to sell the LBI School to Ship Bottom, the Board is requiring that all municipalities within the District pass a resolution setting forth that the municipalities support the sale of the LBI School to Ship Bottom at a reasonable negotiated price; and

WHEREAS the parties agree that any and all authority to make final decisions on the design, plan, scope, and budget for any and all proposed renovations to the EJ School, as well as to finalize any request for required funding to the public by way of referendum, resides with the Board; and

WHEREAS the parties further agree that pursuant to N.J.S.A. 18A:20-1, *et seq.*, the Board is granted with the statutory authority to sell the LBI School pursuant to certain requirements and that the Board is permitted to negotiate directly with Ship Bottom and make the final decision as to the terms of any such agreement of sale, including, but not limited to, the purchase price; and

WHEREAS although Harvey Cedars does not offer any support or opposition regarding the specific scope and cost of any renovations to the EJ School proposed or ultimately approved by the Board and the District voters, Harvey Cedars nevertheless agrees that Harvey Cedars will support the ultimate decision of the voters in the District relating thereto; and

WHEREAS in order to satisfy the Board's foregoing condition of selling the LBI School to Ship Bottom, Harvey Cedars hereby passes the within resolution.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Board of Commissioners of the Borough of Harvey Cedars on this 18th day of October 2016, in accordance with the aforesaid Recitals, which are expressly incorporated herein by reference, hereby supports the Board's sale of the LBI School to Ship Bottom and further supports the ultimate decision made by the voters in the District regarding the design, plan, scope, and cost of any renovations to the EJ School.

MOTION TO ADOPT: Commissioner Gerkens
SECOND: Commissioner Garofalo
VOTE: Ayes – Oldham, Garofalo, Gerkens

PASSED ON: October 18, 2016

RESOLUTION #2016-094

**AMENDING THE APPOINTMENT OF
ALTERNATE MUNICIPAL PROSECUTOR FOR THE YEAR 2016**

WHEREAS Resolution #2016-015 passed on February 16, 2016 appointed Joseph Grisanti, Esq. as Alternate Municipal Prosecutor for the Borough of Harvey Cedars; and

WHEREAS Joseph Grisanti, Esq. has been appointed as a Municipal Judge in the Township of Brick effective August 22, 2016; and

WHEREAS the Borough of Harvey Cedars deems it necessary to employ the service of Alternate Municipal Prosecutor commencing immediately and ending December 31, 2016; and

WHEREAS said contracts for professional services need not be bid under the Local Public Contract Law of the State of New Jersey.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Harvey Cedars that the following appointment is hereby made, *upon receipt of properly executed State mandated forms*, commencing immediately and ending December 31, 2016:

1. Michael Burns, Esq. as Alternate Municipal Prosecutor
Lakewood, NJ
\$500.00 per session

PASSED ON: October 18, 2016