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 on December 13, 2018 in the Beach Haven Times and on December 29, 2018 in the Asbury Park Press.

Motion to approve the minutes of the previous meeting held on November 1, 2019 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 #2019-15 SECOND READING**

**AN ORDINANCE AMENDING CHAPTER 12 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, ENTITLED “BUILDING AND HOUSING” AS IT PERTAINS TO CERTIFICATES OF OCCUPANCY**

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

The Clerk suggested the effective date to be January 1, 2020.

There were no public questions or comments.

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

Motion to adopt with the effective date as January 1, 2020: Commissioner Gerkens
Second: Commissioner Garofalo

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 #2019-114:**

**BOROUGH OF HARVEY CEDARS CALLING FOR STUDY COMMISSION TO REVIEW THE OPEN PUBLIC RECORDS ACT**

Motion to adopt: Commissioner Garofalo
Second: Commissioner Gerkens

**RESOLUTION #2019-115:**

**AUTHORIZING THE BOROUGH OF HARVEY CEDARS TO ENTER INTO A SHARED SERVICES AGREEMENT WITH THE COUNTY OF OCEAN FOR THE CHILD RESTRAINT GRANT PROGRAM**

Chief Burnaford stated Detective Butler, the traffic safety officer, took a weeklong course last year to be certified nationally to install child safety seats, there are only a handful of officers certified in this County; this resolution allows the Borough to partner with the Sheriff’s Department for program funding; Ship Bottom and Stafford also participate.

Motion to adopt: Commissioner Garofalo
Second: Commissioner Gerkens

**RESOLUTION #2019-116:**

**AUTHORIZING THE BOROUGH OF HARVEY CEDARS TO EXECUTE A CONTRACT AND SERVICE AGREEMENT FOR THE PROVISION OF CONSTRUCTION DEPARTMENT COMPUTER SOFTWARE**

Motion to adopt: Commissioner Gerkens
Second: Commissioner Garofalo
RESOLUTION #2019-117:
AUTHORIZING THE BOROUGH OF HARVEY CEDARS TO EXECUTE AN AGREEMENT WITH THE COUNTY OF OCEAN FOR RECYCLING CENTER USE AND REVENUE SHARING
Commissioner Gerkens stated the County will split 50/50 any profits, but also split if there is a loss; the loss sharing will be effective 2021.

Motion to adopt: Commissioner Gerkens
Second: Commissioner Garofalo

RESOLUTION #2019-118:
REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO AMEND THE USE OF THE CANINE UNIT PROGRAM DEDICATED TRUST FUND
Chief Burnaford explained a few years ago a canine program was started, donations were taken, the program was dissolved and there is still money in the program; this resolution will ask permission to refund or reallocate the funds.

Motion to adopt: Commissioner Garofalo
Second: Commissioner Gerkens

RESOLUTION #2019-119: Bills
Motion to adopt: Commissioner Garofalo
Second: Commissioner Gerkens

PRIVILEGE OF THE FLOOR –
Jim Fritz from West 82nd Street, said he is here for two reasons, first representing the Taxpayers Association and second as a concerned resident. Mr. Fritz said he is hearing stories about the resale requirements for his neighbor at 2 West 82nd Street; he questioned why his neighbor has to pay for items that should have been addressed four years ago (at the prior resale), such as the garage ceiling not being drywalled and the (landscaping) walls on the street were not moved; if it passed inspection four years ago with no code changes, the current owner should not be responsible for the mistake or whatever happened four years ago. Mr. Fritz said he also heard a rumor that the owner had to get a licensed contractor to put the drywall on the ceiling in the garage, the owner could not do it. Sandy Freeman, West 84th Street and the listing agent for 2 West 82nd, said the ceiling should have been sheetrocked in the 2015 resale, but must have been missed; the wall was moved back on the Boulevard, but there is a wall on 82nd Street that now has to go back 5 feet; she said she understands that things have to comply upon resale, but some things are difficult and costly, and should be grandfathered.

The Mayor said he will look into it and will get back to either the owner or Ms. Freeman.

Motion to adjourn: Commissioner Gerkens
Second: Commissioner Garofalo

Meeting adjourned at 4:49pm.

November 19, 2019 Minutes – Page 2 of 2
RESOLUTION #2019-114

BOROUGH OF HARVEY CEDARS CALLING FOR STUDY COMMISSION TO REVIEW THE OPEN PUBLIC RECORDS ACT

WHEREAS the Borough of Harvey Cedars strongly believes in and supports open transparent government, and that citizens and residents have the right to be informed about the workings of government in order to best participate in a democracy; and

WHEREAS on January 8, 2002 then Acting Governor DiFrancesco signed into law the Open Public Records Act (OPRA) which mandates that government records shall be available, with limited exceptions, for public access and simplifying the procedures for requesting such specific records; and

WHEREAS the intent of the law was to provide the public with easy access to government records with an uncomplicated process for obtaining the records and eliminating bureaucratic red tape; and

WHEREAS over the course of 18 years OPRA has been a positive light, but it has also been fraught with abuse and misuse, and has become an unanticipated financial cost to the taxpayers of New Jersey; and

WHEREAS Harvey Cedars has labored under a well-intended law that has spiraled out of control, due to the volume and nature of requests, the cost to taxpayers in responding to the requests, and the potential liability in having to pay disproportionate prevailing party attorney’s fees should the requests turn into litigated matters, as well as the liability in determining which documents shall be released, with or without redaction, while attempting to maintain individual privacy; and

WHEREAS it is not only the volume of OPRA requests that challenge our resources, but it is also the cost associated with reviewing, retrieving, and processing the OPRA request(s) by public entity personnel and counsel and possibly defending our action(s) before the Government Records Council or in Superior Court; and

WHEREAS the small municipality of Harvey Cedars received and responded to over 23 OPRA requests in 2017, 28 OPRA requests in 2018, and to date has received and responded to 53 OPRA requests as of November 1, 2019; and

WHEREAS the Borough municipal office staff, consisting of a total of only 4 employees, has spent approximately 200 hours responding to OPRA requests received in 2019 to date; and

WHEREAS due to the often-conflicting case law and Government Record Council decisions, as well as the unique characteristics of OPRA request, the Borough of Harvey Cedars must often times rely on the municipal attorney to review certain OPRA requests, resulting in additional fees; and
WHEREAS with limited exceptions OPRA has not been amended to address the clear and apparent advancement in technology that has changed the way government records are created, stored, and/or transmitted; the various interpretive decisions; privacy concerns; abuse for commercial gain; and/or the ever-increasing cost to taxpayers; and

WHEREAS as the current law approaches its twentieth (20th) anniversary, it has outgrown its original intended use and has become ripe for comprehensive review and reform.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Borough of Harvey Cedars appeals to the legislature to form a Commission comprised of Mayors, Municipal Clerks, Municipal Managers, Attorneys, Police Chiefs, open government advocates, privacy experts, members of the media, citizens and other appropriate stakeholders, to review and examine the effects of OPRA on local government and the needs to be fulfilled by the law, and use the Commission’s findings to perform a comprehensive reform of OPRA; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to:

1. Assemblywoman DiAnne Gove, 9th District
2. Assemblyman Brian Rumpf, 9th District
3. Senator Christopher Connors, 9th District
4. Assembly Speaker Craig Coughlin
5. Senate President Stephen Sweeney
6. Senator Loretta Weinberg
7. Frank F. Caruso, Executive Director of the Government Records Council
8. Philip D. Murphy, Governor of the State of New Jersey
9. Municipal Clerks Association of New Jersey
10. New Jersey State League of Municipalities

PASSED ON: November 19, 2019
RESOLUTION #2019-115

AUTHORIZING THE BOROUGH OF HARVEY CEDARS TO ENTER INTO A SHARED SERVICES AGREEMENT WITH THE COUNTY OF OCEAN FOR THE CHILD RESTRANT GRANT 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 FY20 Child Restraint Program Grant (CRG) is a program run by the Ocean County Sheriff’s Office for the purpose of inspecting and installing child restraints in vehicles; and

WHEREAS the CRG 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 and responsibilities of police officers employed by the Borough of Harvey Cedars to the CRG.

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 FY20 Child Restraint Program Grant (CRG), a copy of which is on file in the Municipal Clerk’s office, effective October 1, 2019 through September 30, 2020.

PASSED ON: November 19, 2019
RESOLUTION #2019-116

AUTHORIZED THE BOROUGH OF HARVEY CEDARS TO EXECUTE A CONTRACT AND SERVICE AGREEMENT FOR THE PROVISION OF CONSTRUCTION DEPARTMENT COMPUTER SOFTWARE

WHEREAS the Borough of Harvey Cedars Construction Department currently utilizes the State of New Jersey’s software “Permits NJ”; and

WHEREAS the Construction Official has been informed the State is discontinuing their software service effective June 1, 2020; and

WHEREAS contracts for proprietary software need not be bid under the Local Public Contract Law of the State of New Jersey; and

WHEREAS the Construction Official solicited quotes and viewed demonstrations from three software companies and has recommended to award a contract to Mitchell Humphrey & Company for their software product and maintenance support.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Harvey Cedars that, upon receipt of properly executed State mandated forms, a service contract commencing January 1, 2020 as per the attached agreement is awarded to Mitchell Humphrey & Company, a Missouri Corporation, 1285 Fern Ridge Parkway, St. Louis, Missouri 63141-4402 for the provision and maintenance of construction permit software.

BE IT FURTHER RESOLVED that the Municipal Clerk is hereby authorized to execute said agreement with Mitchell Humphrey & Co., a copy of which is on file in the Municipal Clerk’s office.

PASSED ON: November 19, 2019
RESOLUTION #2019-117

AUTHORIZING THE BOROUGH OF HARVEY CEDARS TO EXECUTE AN AGREEMENT WITH THE COUNTY OF OCEAN FOR RECYCLING CENTER USE AND REVENUE SHARING

WHEREAS it is the aim of the County to reduce the amount of solid waste generated in Ocean County through recycling programs and municipal solid waste composting in order to decrease dependence on landfills while providing reliable, environmentally sound and economical method of waste management; and

WHEREAS the Board of Chosen Freeholders has adopted a Recycling Plan for the Ocean County Solid Waste District pursuant to the provisions of the Statewide Mandatory Source Separation and Recycling Act, NJSA 13:E-99.11 et seq., and said Plan has received the approval of the Commissioner of the New Jersey Department of Environmental Protection as required by law; and

WHEREAS the County currently owns and operates two (2) County Recycling Centers for the receipt, processing and marketing of source separated commingled recyclable materials located at 800 Towbin Avenue, Lakewood, New Jersey and 379 Haywood Road, Stafford Township, New Jersey, respectively known as the Northern and Southern Ocean County Recycling Centers; and

WHEREAS the County desires to provide assistance to all municipalities located within the County in meeting their recycling goals as established by the Mandatory Source Separation and Recycling Act and the Ocean County Recycling Plan; and

WHEREAS the County wishes to share fifty (50) percent of the net revenue it receives, or fifty (50) percent of losses incurred, from the operation of the Ocean County Materials Processing Facility with those municipalities which agree to deliver to the County all recyclable materials as set forth in the agreement; and

WHEREAS the governing body of the Borough of Harvey Cedars wishes to enter into an Agreement with the County for the use of the County’s Recycling Centers and participation in the Revenue Sharing Agreements.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Harvey Cedars that the Mayor and Clerk are hereby authorized to enter into and execute the Recycling Center Use & Revenue Sharing Agreement with the County of Ocean, which will guarantee that the Borough of Harvey Cedars will be able to dispose of all mandatory recyclable materials for the next five years. A copy of the Agreement is on file and available for public inspection in the Office of the Clerk.

PASSED ON: November 19, 2019
RESOLUTION #2019-118

REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO AMEND THE USE OF THE CANINE UNIT PROGRAM DEDICATED TRUST FUND

WHEREAS permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

WHEREAS on August 7, 2015 Resolution #2015-066 was passed by the Governing Body and approved by the Division of Local Government Services on October 15, 2015 to establish a dedicated trust fund for the exclusive purpose of depositing and expending funds donated by individuals to offset the costs of operating the municipal police canine program; and

WHEREAS donations were received and a balance of $2,118.50 currently exists; and

WHEREAS for various reasons the Harvey Cedars Municipal Police Canine Program was discontinued; and

WHEREAS it is the desire of the Chief Finance Officer of the Borough of Harvey Cedars to liquidate said funds.

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

1. The Harvey Cedars Municipal Canine Program is hereby dissolved and terminated.
2. The Board of Commissioners hereby requests permission of the Director of the Division of Local Government Services to amend the use of the remaining funds in the Municipal Canine Program Trust Fund to be used for the exclusive purpose of purchasing safety equipment for the Harvey Cedars Police.
3. Following the approval of the DLGS, the Chief Finance Officer is hereby directed to contact known donors for a written request of either a refund or an approval for repurposing their donation specifically for safety equipment.
4. Donors shall have sixty (60) days from the notification date to respond. If no response is received, all monies shall be dedicated to the purchase of safety equipment for the Police Department.
5. A copy of this resolution shall be included in the donor notification.
6. The Municipal Clerk is hereby directed to forward a certified copy of this resolution to the Division of Local Government Services.

PASSED ON: November 19, 2019
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<th>PO #</th>
<th>PO Date</th>
<th>Vendor</th>
<th>PO Description</th>
<th>Status</th>
<th>Amount</th>
<th>Void Amount</th>
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<td>18-00600</td>
<td>07/11/18</td>
<td>BEACH050 BEACH HAVEN AUTOMOTIVE, INC</td>
<td>Recycle truck repairs</td>
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**RESOLUTION #2019-119**

**November 19, 2019**

**BOROUGH OF HARVEY CEDARS**

**Bill List By P.O. Number**

**P.O. Type:** All  **Open:** N  **Paid:** N  **Void:** N  **Rcvd:** Y  **Held:** Y  **Aprv:** N  **Bld:** Y  **State:** Y  **Other:** Y  **Exempt:** Y

**Range:** First to Last  **Format:** Condensed  **Bid:** Y  **State:** Y  **Other:** Y  **Exempt:** Y

**PO #**  **PO Date**  **Vendor**  **PO Description**  **Status**  **Amount**  **Void Amount**  **PO Type**

18-00600 07/11/18 BEACH050 BEACH HAVEN AUTOMOTIVE, INC Recycle truck repairs Open 104.20 0.00 B
19-00337 05/09/19 GEORG005 GEORGIA GOLF CONSTRUCTION, INC All Grass Maintenance Open 1,841.60 0.00 B
19-00587 07/08/19 OXYGEO010 OXYGEN SUPPLY COMPANY oxygen& acetylene tank rental Open 49.00 0.00 B
19-00622 07/16/19 BEACH050 BEACH HAVEN AUTOMOTIVE, INC Police vehicle maintenance Open 25.50 0.00 B
19-00625 07/16/19 LAYNE005 LAYNE CHRISTENSEN COMPANY Alum Feeder Replacement Open 35,250.00 0.00 B
19-00751 08/19/19 AMERI070 AMERICAN WEAR, INC DPW uniforms Open 124.91 0.00 B
19-00765 08/29/19 WATER020 WATER WORKS SUPPLY COMPANY Replacement 100W ERTS Open 3,792.00 0.00 B
19-00973 11/07/19 PCSLL005 PCS, LLC Decommission Old Server Open 778.02 0.00 B
19-00981 11/07/19 SHORE020 SHORE BUSINESS SOLUTIONS Copier Maintenance Fees Open 168.46 0.00 B
19-00983 11/08/19 BUCHH010 BUCHHOLZ, MARGARET Reimburse Wine Tasting Open 80.00 0.00 B
19-00984 11/12/19 ERKID005 ERKINEN, JUDITH E. Reimbursements Open 65.00 0.00 B
19-00985 11/12/19 THOMP020 THOMSON REUTERS - WEST NJ Rules of Court 2020 Open 349.00 0.00 B
19-00986 11/12/19 OTTO0010 OTTO, RONALD Eyeglass reimbursement 2019 Open 400.00 0.00 B
19-00987 11/12/19 MEAD0020 MEADOWNROCK INDUSTRIES LLC October Trash & Recycling Open 16,626.31 0.00 B
19-00989 11/12/19 GRIMSE005 GRIMSTE, ANNA Wine Tasting Supplies Open 62.14 0.00 B
19-00991 11/12/19 DARE0010 DARE, DAIZA Reimbursements Open 41.52 0.00 B
19-00994 11/13/19 VERIZ040 VERIZON WIRELESS MOTS Police MDT’s Open 152.04 0.00 B
19-00995 11/13/19 COMCA010 COMCAST CABLE Monthly Invoices Open 9.97 0.00 B
19-00996 11/13/19 COMCA010 COMCAST CABLE Monthly Invoices Open 187.97 0.00 B
19-00998 11/14/19 OWEN0010 OWEN, LITTLE & ASSOCIATES Monthly Invoices Open 13,597.50 0.00 B
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Total Purchase Orders: 61  Total P.O. Line Items: 0  Total List Amount: 334,630.90  Total Void Amount: 0.00
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 November 19, 2019 be paid upon verification by the Chief Financial Officer that sufficient funds are available for the payment of the same.

PASSED ON: November 19, 2019