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. Commissioner Gerkens was present; Commissioner Garofalo was absent.

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 19, 2019 was made by Commissioner Gerkens, seconded by Mayor Oldham.

The Mayor read the following ordinance by title and number and asked for a motion to introduce.

**ORDINANCE #2019-16 FIRST READING**

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS
APPROPRIATING THE SUM OF $50,000 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR CERTAIN CAPITAL IMPROVEMENTS IN THE BOROUGH OF HARVEY CEDARS

A copy of the full ordinance as introduced is attached hereto and made a part hereof.

Motion to adopt: Commissioner Gerkens
Second: Mayor Oldham
Vote: Ayes – Oldham, Gerkens

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 #2019-120:**

AUTHORIZING AND PERMITTING THE CONTINUED USE OF AN EXISTING NON-CONFORMITY AS IT PERTAINS TO A BLOCK WALL

Motion to adopt: Commissioner Gerkens
Second: Mayor Oldham

**RESOLUTION #2019-121:**

AUTHORIZING TRANSFER OF FUNDS

Motion to adopt: Commissioner Gerkens
Second: Mayor Oldham

**RESOLUTION #2019-122:**

CHAPTER 159 ITEM OF REVENUE INSERTION IN THE SUM OF $1,255.41 – 2019 BODY ARMOR REPLACEMENT FUND PROGRAM (BARF)

Motion to adopt: Commissioner Gerkens
Second: Mayor Oldham

(Clerk’s note: after the regular meeting and adoption of this Resolution, the State informed municipalities this grant was prematurely offered to all recipients, therefore this Chapter 159 was not filed).

**RESOLUTION #2019-123:** Bills

Motion to adopt: Commissioner Gerkens
Second: Mayor Oldham

PRIVILEGE OF THE FLOOR –

Susan Carril and Wendy McBrair, from James Street and William Street respectively, were briefed by the Board of the acquisition status of Block 1 Lot 1 wetlands property. The Mayor stated the Borough Attorney could not support the Borough purchasing the wetlands property with public funding for $200,000 when the appraised value is $50,000. Although the funding is coming from Open Space, grants and private donations, the Attorney cannot justify a payment 4 times the appraised value, and suggested to use eminent domain to obtain the
property. The Board is waiting for the Attorney’s written opinion and will possibly use it for further negotiations. The Board will also request the Attorney to provide the highest offer that is acceptable.

James Fritz, West 82nd Street, thanked the Board for passing the resolution (#2019-120). The Mayor stated it was right thing to do in this circumstance, and also that the Zoning Officer was doing her job.

**Motion** to adjourn: Commissioner Gerkens
   Second: Mayor Oldham

Meeting adjourned at 5:00pm.
ORDINANCE NO. 2019-16

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS APPROPRIATING THE SUM OF $50,000 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR CERTAIN CAPITAL IMPROVEMENTS IN THE BOROUGH OF HARVEY CEDARS

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE BOROUGH OF HARVEY CEDARS as follows:

Section 1. Pursuant to the applicable statutes of the State of New Jersey, there is hereby authorized the capital improvements within the Borough of Harvey Cedars as follows:

A. For the purchase of stormwater drainage repair and supplies for 85th and 86th Streets and all work necessary therefore and incidental thereto, there is hereby appropriated the sum of $25,000.00.

B. For the purchase of the police fingerprinting system and all work necessary therefore and incidental thereto, there is hereby appropriated the sum of $25,000.00.

Section 2. This Capital Improvement Ordinance is to be financed from the capital funds that the Borough presently has on hand.

Section 3. The Capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services as on file with the municipal clerk and is available for public inspection.

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 December 6, 2019. 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 December 17, 2019 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.

Daina Dale, Municipal Clerk
RESOLUTION #2019-120

AUTHORIZING AND PERMITTING THE CONTINUED USE OF AN EXISTING NON-CONFORMITY AS IT PERTAINS TO A BLOCK WALL

WHEREAS one of the duties of the Code Enforcement/Zoning Officer of the Borough of Harvey Cedars is to ensure compliance with Borough ordinances prior to the issuance of a Certificate of Occupancy for property resales; and

WHEREAS in 2015 the property at 2 West 82nd Street, Block 68 Lot 3, a corner property that fronts Long Beach Boulevard and sides on West 82nd Street, had non-conforming block wall planters on the Boulevard and on West 82nd Street; and

WHEREAS in 2015 after consultation with the Mayor and Borough Engineer, it was agreed the property owner would remove the block wall on the Boulevard side of said property, but due to extraordinary circumstances the two walls on the 82nd Street side were permitted to remain, and a Resale Certificate of Occupancy was issued by the former Zoning Officer; and

WHEREAS in 2019, undergoing no changes to the property from the time when the 2015 Certificate of Occupancy was issued, the current property owner applied for a Resale Permit; and

WHEREAS upon inspection by the current Zoning Officer the following conditions exist and require remedy:

1. Insulation and sheetrock on garage walls not protecting a foyer, stairwell or elevator – Ordinance 12-8.7
2. Corner lots must comply with sight triangle come – Ordinance 13-15.3
3. Block wall planters and vegetation within the Right-of-Way need to be removed – Ordinance 13-16.2 d.4
4. All landscaping, including block wall planters, must be a minimum of 5 feet from the edge of pavement – Ordinance 13-15.4
5. Trees on the south/east side of property along the Boulevard must be trimmed back – Ordinance 13-16.2 d.5.b; and

WHEREAS the property owner of 2 West 82nd Street has requested the same relief be granted to the property as was given in 2015; and

WHEREAS it is the desire of the Board of Commissioners that all Borough ordinances be complied with, however the Board acknowledges the unfairness to the current property owner, given that no changes occurred to the property since the 2015 permit issuance.

Resolution #2019-120 – Page 1 of 2
NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Harvey Cedars as follows:

1. The Board hereby permits the two existing block walls and river rock borders at 2 West 82nd Street, Block 68 Lot 3, to remain until such time a demolition or a major improvement on the property occurs with the following conditions:
   a. Any trees or vegetation extending into the street beyond the block walls and borders must be trimmed back as shown in the attached pictures.
   b. All other deficiencies required to obtain a Certificate of Occupancy must be remedied, including but not limited to the removal of sheetrock on the garage walls, installation of sheetrock on the garage ceiling, and the trimming of trees/vegetation on the Boulevard side.

2. The Zoning Officer is hereby authorized to issue a Certificate of Occupancy for 2 West 82nd Street upon the submittal of proper paperwork, fees, and the remedy of all conditions as stated hereinabove.

3. All parties of the resale transaction shall receive a copy of this resolution.

4. This resolution applies solely for the property at 2 West 82nd Street, Block 68 Lot 3 and this circumstance, and by no means authorizes the Zoning Officer or any other Borough Official to grant relief of or exception to any Borough Code to this or any other property.

PASSED ON: December 6, 2019
RESOLUTION #2019-121

AUTHORIZING TRANSFER OF FUNDS

WHEREAS the date of this resolution is within the last two months of the calendar year 2019, and the first three months of the calendar year 2020; and

WHEREAS N.J.S.A. 40A:4-58 provides for the making of transfers between budget appropriations during the five month period beginning November.

NOW, THEREFORE, BE IT RESOLVED (Not less than two-thirds of all members of the governing body affirmatively confirming) that the following transfers be and the same hereby are made between budget appropriations accounts in the 2019 budget.

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PASSED ON: December 6, 2019
RESOLUTION #2019-122

CHAPTER 159 ITEM OF REVENUE INSERTION IN THE SUM OF $1,255.41 – 2019 BODY ARMOR REPLACEMENT FUND PROGRAM (BARF)

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 2019 in the sum of $1,255.41, which is now available from the New Jersey State Department of Law and Public Safety for “2019 Body Armor Replacement Fund Program”.

BE IT FURTHER RESOLVED that the sum of $1,255.41 is hereby appropriated under the caption: 8. General Appropriations (A) Operations excluded from “CAPS” Public and Private Programs offset by Revenues: Body Armor Replacement Fund Program.

BE IT FURTHER RESOLVED that the above is a result of State funds obtained through the New Jersey Division of Criminal Justice.

PASSED ON: December 6, 2019
PO #  PO Date  Vendor  PO Description  Status  Amount  Void Amount   PO Type
19-00622 07/16/19 BEACH050 BEACH HAVEN AUTOMOTIVE, INC    Police vehicle maintenance  Open  389.88  0.00
19-00626 07/16/19 WATCH005 WATCHUNG SPRING WATER CO, INC. Spring water refills     Open  33.96  0.00 B
19-00748 08/19/19 BEACH050 BEACH HAVEN AUTOMOTIVE, INC  Tools & Supplies Open  59.99  0.00 B
19-00779 08/30/19 TUCKE010 TUCKERTON LUMBER COMPANY  Bldgs & Grnds supplies   Open  67.37  0.00 B
19-00783 09/03/19 VERIZ030 VERIZON WIRELESS - CELL Monthly Invoice for DPW  Open  80.58  0.00 B
19-00812 09/10/19 DALE0020 DALE, DAINA       Petty Cash     Open  76.82  0.00 B
19-00906 10/09/19 NJCR1010 NJ CRIMINAL INTERDICTION LLC Training - Mrozinski Open  95.00  0.00 B
19-00930 10/24/19 EAGLE025 EAGLES LAKE RESERVE, INC. Revetment 20 tons 18”/24”  Open  1,669.68  0.00 B
19-00941 10/28/19 ATLAN130 ATLANTIC PLUMBING SUPPLY CORP  Sewer Lateral Camera  Open  6,791.96  0.00 B
19-00959 11/04/19 SANDP010 SANDPAPER                      Winetasting ad  Open  332.00  0.00 B
19-00981 11/12/19 QUILL010 QUILL CORPORATION  Office Supplies/ 2020 Calendar Open  157.55  0.00 B
19-01011 11/21/19 MANAH010 MANAHAWKIN MAGIC WASH Vehicle wash Open  27.25  0.00 B
19-01012 11/21/19 STOF0020 STATE TOXICOLOGY LABORATORY Drug Test - Random Open  45.00  0.00 B
19-01013 11/21/19 THIS0100 THIS & THAT UNIFORMS     Uniform Equipment     Open  529.95  0.00 B
19-01014 11/21/19 FRAZ0010 FRAZEE, STEVE     Equipment reimbursement     Open  88.97  0.00 B
19-01015 11/21/19 MROZI005 MROZINSKI, BENJAMIN     Clothing Equipment Reimburse   Open  100.00  0.00 B
19-01016 11/21/19 TREC0010 TREC ADVANCED COMPUTER   2020 Assessment Notices        Open  588.44  0.00 B
19-01017 11/21/19 FIORE005 FIORELLA, HILARY     Wine Tasting Reimbursement   Open  49.39  0.00 B
19-01018 11/21/19 DELAW030 DELAWARE VALLEY PAYROLL, INC. Payroll Processing Services  Open  525.65  0.00 B
19-01019 11/21/19 AMAZO005 AMAZON CAPITAL SERVICES, INC   Medical Supplies  Open  150.58  0.00 B
19-01020 11/25/19 COMCA010 COMCAST CABLE                  Monthly Invoices  Open  9.97  0.00 B
19-01021 11/25/19 MROZI005 MROZINSKI, BENJAMIN     Clothing Equipment Reimburse   Open  100.00  0.00 B
19-01022 11/26/19 METL020 METLIFE - GROUP BENEFITS  Monthly Premium - December Open  197.60  0.00 B
19-01023 11/26/19 GRAMC010 GRAMCO  Court recorder maintenance  Open  1,045.00  0.00 B
19-01024 11/26/19 NJST0020 NJ STATE LEAGUE OF MUNI  Annual Membership 2020 Open  200.00  0.00 B
19-01025 11/26/19 OCPO0020 OC POLICE CHIEFS ASSN     2020 Dues     Open  200.00  0.00 B
19-01026 12/02/19 COMCA010 COMCAST CABLE     Monthly Invoices     Open  448.91  0.00 B
19-01027 12/02/19 PCSLL005 PCS, LLC  Monthly Invoice  Open  900.00  0.00 B
19-01028 12/03/19 SELECT010 SELECTIVE INSURANCE  Flood Insurance - Borough Hall Open  1,733.00  0.00 B
19-01029 12/03/19 GRAMC010 GRAMCO Court recorder maintenance  Open  1,045.00  0.00 B
19-01030 12/03/19 AMZAM005 AMAZON CAPITAL SERVICES, INC   Medical Supplies  Open  150.58  0.00 B
19-01031 12/10/19 JERS040 JERSEY SHORE BOAT TOWING & SAL 25' Sailboat Removal Open  5,500.00  0.00 B
19-01032 12/10/19 COMCA010 COMCAST CABLE Monthly Invoices Open  9.97  0.00 B
19-01033 12/10/19 DECOT010 DECOTIS, FITZPATRICK & COLE Legal Services: 2019 BAN Sale Open  2,614.07  0.00 B
19-01034 12/10/19 MAGEL010 MAGELAN, MICHAEL  Legal Services: 2019 BAN Sale Open  1,571.97  0.00 B
19-01035 12/10/19 ARMAN005 ARMANDO V. RICCO, LLC Legal Services: 2019 BAN Sale Open  6,845.70  0.00 B
19-01036 12/10/19 PCLL005 PCLL005, LLC Monthly Invoice Open  900.00  0.00 B
19-01037 12/10/19 PETER020 PETERSON, BONNIE R  Prosecutor November 18, 2019 Open  550.00  0.00 B
19-01038 12/10/19 CENTR020 CENTRAL JERSEY REGISTRAR ASSN  2020 Membership Dues Open  630.05  0.00 B
19-01039 12/10/19 CENTR035 CENTRAL JERSEY HEALTH INS FUND December 2019 Dental Premium Open  328.14  0.00 B
19-01040 12/10/19 MCDO005 MCNAMARA, DANA     Petty Cash     Open  76.82  0.00 B
19-01041 12/10/19 MEADO020 MEADOWBROOK INDUSTRIES LLC  November Trash & Recycling  Open  15,443.93  0.00 B
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**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 December 6, 2019 be paid upon verification by the Chief Financial Officer that sufficient funds are available for the payment of the same.

**PASSED ON:** December 6, 2019