HARVEY CEDARS, NJ

Due to the increase of COVID-19 cases in New Jersey, the regular meeting of the Board of Commissioners of the Borough of Harvey Cedars, NJ was hosted by the Municipal Clerk via Zoom with all in attendance from remote locations. Mayor Oldham, Commissioner Imperiale and Commissioner Rice were in attendance as well as members of the public.

The meeting was called to order by Mayor Oldham at 4:30pm.

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 26, 2020 in the Asbury Park Press and on December 31, 2020 in the Beach Haven Times. N.J.S.A 10:4-8(b) authorizes local units to conduct public meetings through use of streaming services and other online meeting platforms. Zoom link information for this meeting was posted on the website January 4, 2021.

Motion to approve the minutes of the previous meeting held on December 21, 2020 was made by Commissioner Imperiale, seconded by Commissioner Rice.

Mayor Oldham announced there was an outbreak of COVID in the Borough Hall and meetings will continue to be held virtually; the Borough Hall is closed at this time due to an abundance of caution, the staff is working from home, the Construction Department will still be open, the Police Department is functioning and Public Works is working every day. The Borough Hall will reopen once all the quarantines and protocols have taken place. Commissioner Imperiale reiterated the entire borough staff is working and every aspect of the job is being done; he commended all departments for not missing a beat. The Mayor added that the vaccine is coming, and hopefully it will be rolling out soon to the general public; continue to wear masks and be cautious.

Motion to approve the minutes of the worksessions and executive sessions held in the year 2020 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.

ORDINANCE #2021-01 FIRST READING

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS APPROPRIATING THE SUM OF \$150,000 FROM THE UTILITY CAPITAL IMPROVEMENT FUND FOR CERTAIN CAPITAL IMPROVEMENTS IN THE BOROUGH OF HARVEY CEDARS (Directional drilling to Pay Torrace)

(Directional drilling to Bay Terrace)

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

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

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 #2021-001: AUTHORIZING TEMPORARY BUDGET Motion to adopt: Commissioner Rice Second: Commissioner Imperiale Vote: Aytes – Oldham, Imperiale Rice

RESOLUTION #2021-002:

DESIGNATING PROFESSIONAL SERVICES FOR THE YEAR 2021 Motion to adopt: Commissioner Imperiale

Second: Commissioner Rice

RESOLUTION #2021-003:

ANNUAL APPOINTMENTS MADE BY THE BOARD OF COMMISSIONERS FOR THE YEAR 2021

Motion to adopt: Commissioner Imperiale Second: Commissioner Rice

RESOLUTION #2021-004:

ANNUAL APPOINTMENTS FOR LAND USE BOARD MEMBERS Motion to adopt: Commissioner Imperiale Second: Commissioner Rice

RESOLUTION #2021-005: APPOINTMENT OF OPEN SPACE COMMITTEE MEMBERS FOR THE BOROUGH OF HARVEY CEDARS

Motion to adopt: Commissioner Imperiale Second: Commissioner Rice

RESOLUTION #2021-006:

PERMITTING PRE-PAYMENT OF CERTAIN ITEMS

Motion to adopt: Commissioner Rice Second: Commissioner Imperiale

RESOLUTION #2021-007: AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE HARVEY CEDARS POLICE DEPARTMENT/P.B.A. LOCAL #175

Commissioner Imperiale explained the police contract expired on December 31st and this has been a 3-month process which was made more difficult because of COVID. He thanked Commissioner Rice, Labor Attorney Armando Riccio, Sergeants Snow and Frazee and officer Ben Mrozinski for their work on the contract and believes the 4-year contract is a good contract. Commissioner Imperiale asked for a motion to approve.

Motion to adopt: Commissioner Rice Second: Commissioner Imperiale

RESOLUTION #2021-008:

AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF LONG BEACH FOR DISPATCHING SERVICES FOR A PERIOD OF THREE YEARS

Motion to adopt: Commissioner Imperiale Second: Commissioner Rice

Public Property Usage requests:

1. Yoga/Paddle Yoga – Sunset Park & Beach

A motion was made by Commissioner Rice, seconded by Commissioner Imperiale, to approve the request to use Sunset Park and 80th Street beach to Liquid Bliss Yoga for paddle yoga and beach yoga in the mornings from May through September 2021.

PRIVILEGE OF THE FLOOR -

Jim Fritz hoped others from the Taxpayers Association would be present, however he said that at the Trustee meeting the coyote concern was discussed; there is a private company that can trap the coyotes for a cost of approximately \$1500; he asked if the Borough would be willing to split the cost with the Association for someone to privately trap the coyotes. After a discussion was held with the Board and Police Chief, it was determined that this is an Islandwide concern where all the towns should be involved. Jim Fritz will reach out to the Joint Taxpayers Association, the Mayor will reach out to other Mayors, and the Police Chief will find out more on the release of trapped coyotes.

Motion to adjourn: Commissioner Imperiale Second: Commissioner Rice

Meeting adjourned at 4:50pm.

ORDINANCE NO. 2021-01

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS APPROPRIATING THE SUM OF \$150,000 FROM THE UTILITY 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:

- <u>Section 1.</u> 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 directional drilling and the installation of a watermain connecting Bay Terrace and West 84th Street there is hereby appropriated the sum of \$150,000.00.
- <u>Section 2.</u> This Utility Capital Improvement Ordinance is to be financed from the utility capital funds that the Borough presently has on hand.
- Section 3. The Utility 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 utility capital budget and utility 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 **January 8, 2021**. 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 **February 5, 2021** 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

TEMPORARY BUDGET

WHEREAS N.J.S. 40A:4-19 provides that where any contract, commitment, or payments are to be made prior to the final adoption of the 2021 budget, temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided; and

WHEREAS the date of this resolution is within the first thirty days of January, 2021; and

WHEREAS the total appropriations in the 2020 budget, exclusive of any appropriations made for interest and debt redemption charges and capital improvement fund is the sum of \$4,179,361.10; and

WHEREAS twenty-six and one quarter percent of the total appropriations in the 2020 budget, exclusive of any appropriations made for interest and debt redemption charges and the capital improvement fund is the sum of \$1,097,082.29.

NOW, THEREFORE, BE IT RESOLVED that the following temporary appropriations be made as follows:

	<u>Account</u> <u>Number</u>	<u>2021</u> Temporary
<u>Current Fund</u>		
Administrator S&W	1-01-20-100-000-110	2,562.50
Director - Public Affairs S&W	1-01-20-110-000-110	1,875.00
Director - Public Affairs OE	1-01-20-110-000-210	500.00
Director - Rev & Finance S&W	1-01-20-111-000-110	1,875.00
Director - Rev & Finance OE	1-01-20-111-000-210	500.00
Director - Pub Works S&W	1-01-20-112-000-110	1,875.00
Director - Pub Works OE	1-01-20-112-000-210	500.00
Municipal Clerk S&W	1-01-20-120-000-110	26,012.50
Municipal Clerk OE	1-01-20-120-000-205	5,000.00
Finance Administration S&W	1-01-20-130-000-110	14,000.00
Finance Administration OE	1-01-20-130-000-210	3,000.00
Audit Services	1-01-20-135-000-200	10,000.00
Computer Data Processing OE	1-01-20-140-000-200	1,800.00
Tax Collection S&W	1-01-20-145-000-110	19,475.00
Tax Collection OE	1-01-20-145-000-220	3,000.00
Tax Assessor S&W	1-01-20-150-000-110	6,724.00
Tax Assessor OE	1-01-20-150-000-220	1,000.00
Legal Services	1-01-20-155-000-270	15,000.00
Engineering	1-01-20-165-000-220	15,000.00
Land Use Board S&W	1-01-21-180-000-110	7,995.00
Land Use Board OE	1-01-21-180-000-220	2,000.00
Zoning OE	1-01-21-180-000-221	2,000.00
Construction S&W	1-01-22-195-000-110	4,000.00
Construction OE	1-01-22-195-000-220	500.00
Liability Insurance	1-01-23-210-000-000	17,000.00
Workers Comp Insurance	1-01-23-215-000-000	20,000.00
Employees Group Dental	1-01-23-220-001-000	6,000.00
Employees Group Health	1-01-23-220-002-000	100,000.00
Unemployment Insurance	1-01-23-225-000-000	2,700.00
Police S&W	1-01-25-240-000-110	300,000.00
Police OE	1-01-25-240-000-220	33,000.00

Borough Prosecutor OE	1-01-25-275-000-200	2,200.00	
Road Repair & Maint S&W	1-01-26-290-000-110	85,000.00	
Road Repair & Maint OE	1-01-26-290-000-220	20,000.00	
Garbage & Trash Collection	1-01-26-305-000-220	80,000.00	
Buildings & Grounds OE	1-01-26-310-000-200	20,000.00	
Vehicle Maintenance S&W	1-01-26-315-000-110	10,000.00	
Vehicle Maintenance OE	1-01-26-315-000-250	10,000.00	
Recreation S&W	1-01-28-370-000-110	100.00	
Recreation OE	1-01-28-370-000-201	100.00	
Maintenance of Parks OE	1-01-28-375-000-220	5,000.00	
Beaches OE	1-01-28-380-000-220	8,000.00	
Lifeguards S&W	1-01-28-381-000-110	10,500.00	
Lifeguards OE	1-01-28-381-000-220	5,000.00	
Beachfront Maintenance OE	1-01-28-383-000-023	10,000.00	
Electricity	1-01-31-430-000-000	4,200.00	
Street Lighting	1-01-31-435-000-000	9,500.00	
Telephone	1-01-31-440-000-000	10,500.00	
Natural Gas	1-01-31-447-000-000	2,500.00	
Gasoline	1-01-31-460-000-000	6,000.00	
Landfill Disposal Costs	1-01-31-465-000-781	20,000.00	
Recycling Tax	1-01-31-466-000-782	1,000.00	
Social Security	1-01-36-472-000-000	30,750.00	
Health Services Shared Svc	1-01-42-330-020-000	11,000.00	
Animal Control Shared Svc	1-01-42-340-020-000	1,500.00	
IT Shared Svc	1-01-42-360-020-000	500.00	
Municipal Court S&W	1-01-43-490-000-110	5,000.00	
Municipal Court OE	1-01-43-490-000-201	1,000.00	
Public Defender	1-01-43-495-000-000	750.00	
Total Current Fund temporary appropriations		994,994.00	1,097,082.29

Water/Sewer Fund		
Water/Sewer S&W	1-09-56-100-000-110	112,500.00
Water/Sewer OE	1-09-56-100-000-201	113,936.00
Social Security	1-09-56-541-000-010	8,200.00
Unemployment Insurance	1-09-56-542-000-010	820.00
Principal NJEIT	1-09-56-524-000-024	7,000.00
Interest NJEIT	1-09-56-525-000-025	6,500.00

Total Water/Sewer Utility temporary appropriations248,956.00

DESIGNATING PROFESSIONAL SERVICES FOR THE YEAR 2021

WHEREAS the Board of Commissioners of the Borough of Harvey Cedars, County of Ocean, State of New Jersey has determined that it should hire a borough attorney, bond counsel, prosecutors, auditor, engineer, public defender, labor attorney, and computer software specialists; 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 professionals be retained by the Borough of Harvey Cedars, *upon receipt of properly executed State mandated forms*, for a period commencing January 1, 2021 and ending December 31, 2021 and the following fees are set for said professional services per quotes and contracts received by the Borough:

- The firm Hiering, Gannon & McKenna as <u>Borough Attorney</u> and <u>Labor Attorney</u> 29 Hadley Avenue, Toms River, NJ 08753
- \$160.00 per hour/ \$250.00 per Borough meeting
 Armando V. Riccio, LLC as <u>Alternate Labor Attorney</u>
- 7 North Main Street, Suite A, Medford, NJ 08055 **\$90.00 - \$175.00 per hour / service dependent**
- 3. William Mayer, Esq of the firm DeCotiis, FitzPatrick, Cole & Giblin, LLP as <u>Bond</u> <u>Counsel</u>
 - 500 Frank W. Burr Blvd., Suite 31, Teaneck, NJ 07666 **\$120.00 - \$250.00 per hour / service dependent**
- 4. Robert Allison, CPA of the firm Holman, Frenia & Allison as <u>Municipal Auditor</u> 912 Highway 33, Suite 2, Freehold, NJ 07728
 \$40,270 per audit
 - \$80.00 \$200.00 per hour / service dependent
- Frank J. Little, P.E. of the firm Owen, Little & Associates as <u>Municipal Engineer</u> 442 Atlantic City Blvd., Beachwood, NJ 08722 \$140.00 per hour
 - \$40.00 \$190.00 per hour / service dependent
- 6. Debra H. Rumpf, Esq. as <u>Public Defender</u> 11 Leifried Lane, Tuckerton, NJ 08087 \$250.00 per court attendance
- 7. Stuart Snyder, Esq. as <u>Alternate Public Defender</u> 2100 Long Beach Blvd., Surf City, NJ 08008
 \$250.00 per court attendance
- Bonnie R. Peterson, Esq. as <u>Municipal Prosecutor</u> 1201 S.W. Central Avenue, PO Box J, Seaside Park, NJ 08752 \$550.00 per month
- Laura M. Benson, Esq. as <u>Alternate Municipal Prosecutor</u> 212 Hooper Ave., Toms River, NJ 08754 \$550.00 per month
- 10. Edmunds & Associates, Inc. as Finance & Tax and Water Billing <u>Software Support</u> <u>Professional</u>

301A Tilton Road, Northfield, NJ 08225 \$11,530.00 annually

BE IT FURTHER RESOLVED that the Mayor, the Commissioner of Revenue and Finance and the Municipal Clerk are hereby authorized to execute the professional service contracts.

PASSED ON: January 8, 2021

CERTIFICATION

I, Daina Dale, 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 January 8, 2021.

Daina Dale

Daina Dale, Municipal Clerk

ANNUAL APPOINTMENTS MADE BY THE BOARD OF COMMISSIONERS FOR THE YEAR 2021

BE IT RESOLVED by the Board of Commissioners of the Borough of Harvey Cedars that the following appointments be and are hereby made for a one (1) year term commencing January 1, 2021 and ending December 31, 2021 and the duties of each employee are governed by State statutes and/or the Ocean County Joint Insurance Fund:

- 1. John Imperiale as the Americans with Disabilities Act (ADA) Coordinator.
- 2. Daina Dale as the Registrar.
- 3. Anna Grimste as the Deputy Registrar.
- 4. Rebecca Wessler as Alternate Deputy Registrar.
- 5. Daina Dale as the Public Agency Compliance Officer (P.A.C.O.)
- 6. John Imperiale as the Joint Insurance Fund Commissioner.

BE IT FURTHER RESOLVED by the Board of Commissioners of the Borough of Harvey Cedars that the following appointments be and are hereby made for a one (1) year term commencing January 1, 2021 and ending December 31, 2021 and the duties of each appointee shall be governed and defined in the General Ordinances and/or the Personnel Policy Job Description Manual of the Borough of Harvey Cedars:

- 1. Anna Grimste as the Deputy Municipal Clerk.
- 2. Rebecca Wessler as Deputy Tax Collector.
- 3. Briana Lombard as the Community Rating System (CRS) Coordinator.
- 4. Briana Lombard as the Recycling Coordinator.
- 5. William Montag as Stormwater Coordinator.

ANNUAL APPOINTMENTS FOR LAND USE BOARD MEMBERS

WHEREAS the Board of Commissioners of the Borough of Harvey Cedars adopted Ordinance No. 2011-01 on February 4, 2011 establishing the Land Use Board of the Borough of Harvey Cedars; and

WHEREAS said Ordinance requires the Mayor to appoint one Class II, six Class IV and four Alternative members and the majority of the Board of Commissioners shall appoint one Class III member; and

WHEREAS some terms expire on December 31, 2020.

NOW, THEREFORE, BE IT RESOLVED by the Mayor of the Borough of Harvey Cedars that the following appointments are made to the Harvey Cedars Land Use Board:

- 1. Daina Dale to serve as the Class II member for a one (1) year term ending 12/31/21.
- 2. Mark Simmons to serve as a Class IV member for a four (4) year term ending 12/31/24.
- 3. Anthony Aukstikalnis to serve as a Class IV member for a four (4) year term ending 12/31/24.
- 4. Mindy Berman to serve as Alternate #2 member for a two (2) year term ending 12/31/22.

BE IT FURTHER RESOLVED by the majority of the Board of Commissioners of the Borough of Harvey Cedars that John Imperiale is hereby appointed to the Harvey Cedars Land Use Board to serve as a Class III member for a one (1) year term ending December 31, 2021.

APPOINTMENT OF OPEN SPACE COMMITTEE MEMBERS FOR THE BOROUGH OF HARVEY CEDARS

WHEREAS the Board of Commissioners of the Borough of Harvey Cedars adopted Ordinance No. 2017-11 on June 2, 2017 with amendments made on June 20, 2017 establishing the Open Space Advisory Committee of the Borough of Harvey Cedars; and

WHEREAS said Ordinance states the Open Space Advisory Committee shall be appointed annually consisting of ten (10) members as follows:

- 1. One (1) member of the Harvey Cedars Board of Commissioners.
- 2. One (1) member of the Harvey Cedars Land Use Board.
- 3. Three (3) residents of the Borough of Harvey Cedars.
- 4. Four (4) property owners or residents of the Borough of Harvey Cedars.
- 5. One (1) representative of the Harvey Cedars Taxpayers Association designated by their Executive Board.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Harvey Cedars that the following are hereby appointed to the Harvey Cedars Open Space Advisory Committee for the year 2021:

- 1. Anthony Aukstikalnis to serve as a member from the Land Use Board.
- 2. Susan Carril to serve as a property owner member.
- 3. MaryLu Danna to serve as a resident member.
- 4. Judith Gerkens to serve as a resident member.
- 5. John Imperiale to serve as a member from the Board of Commissioners.
- 6. Susan Lewis to serve as a property owner member.
- 7. Edward O'Connor to serve as a resident member.
- 8. Linda Pugliese to serve as a resident member.
- 9. James Fritz and/or his designee to serve as a representative from the Harvey Cedars Taxpayers Association.
- 10. Richard Warren to serve as a resident member.

PERMITTING PRE-PAYMENT OF CERTAIN ITEMS

WHEREAS the Borough of Harvey Cedars has budgeted funds for 2021 for payment of utilities, payroll, debt service, governmental fees, insurances, and mailing costs of the Borough; and

WHEREAS the payment of these items frequently arrives out of time for placement on the next available bill list and thereby inadvertently placing these bills in arrears.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Harvey Cedars that the Chief Financial Officer is hereby authorized to make pre-payments of the following fixed items prior to the same appearing on the meeting bill lists; such funds to be taken from the pre-budgeted amount for each such expenses for 2021:

- 1. Utilities (electric, gas, telephone and cable).
- 2. Payroll.
- 3. Debt services as evidenced by pre-existing notes.
- 4. Health, dental, flood and other insurance premiums.
- 5. Federal, state, county, school fees and taxes.
- 6. Postage for tax bills, newsletters and other Borough mailings.

AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE HARVEY CEDARS POLICE DEPARTMENT/P.B.A. LOCAL #175

WHEREAS the labor agreement that currently exists between the Borough of Harvey Cedars and the Policemen's Benevolent Association Local 175 expires December 31, 2020; and

WHEREAS a new labor agreement has been negotiated for a four (4) year period from January 1, 2021 through December 31, 2024; and

WHEREAS the negotiated labor agreement has been ratified by Policemen's Benevolent Association Local 175.

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

- 1. The PBA agreement for the years 2021–2024, a copy of which is on file in the Municipal Clerk's office, is hereby approved by the Borough of Harvey Cedars.
- 2. The Commissioner of Public Affairs and Safety is hereby authorized to execute same.
- 3. A certified copy of the resolution and the Agreement shall be forwarded to the Public Employment Relations Commission as per NJSA 34:13A-8.2.

AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF LONG BEACH FOR DISPATCHING SERVICES FOR A PERIOD OF THREE YEARS

WHEREAS the Uniform Shared Services and Consolidation Act, NJSA 40A:65-1 et. seq., authorizes municipalities to agree to provide shared services when approved by resolution under NJSA 40A:65-5; and

WHEREAS the Borough of Harvey Cedars and the Township of Long Beach have entered into a Shared Services Agreement for dispatching services, NCIC Look Up Service, name and address property look up services and it is the desire of the Board of Commissioners of the Borough of Harvey Cedars to authorize the renewal and execution of an agreement with the Township of Long Beach for said services.

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 the Township of Long Beach for police dispatching services, NCIC Look Up Service, name and address property look up service, and 911 emergency dispatching service, a copy of which is attached hereto, in accordance with the provisions of law for a period of three (3) years commencing January 1, 2021 and ending December 31, 2023.