

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, April 16, 2019, was made by Commissioner Gerkens, seconded by Commissioner Garofalo.

Motion to approve the minutes of the special meeting held on April 22, 2019, was made by Commissioner Garofalo, seconded by Commissioner 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 #2019-044:

CONTRACT AWARD TO JOHNSON BARAN FOR THE 2018 ROAD RECONSTRUCTION PROJECT IN THE AMOUNT OF \$115,417.00

(Holly Avenue from Cumberland to Salem)

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

Vote: Ayes – Oldham, Gerkens, Garofalo

RESOLUTION #2019-045:

RESOLUTION OF THE BOROUGH OF HARVEY CEDARS, COUNTY OF OCEAN, STATE OF NEW JERSEY RE-AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF STAFFORD AND THE BOROUGH OF HARVEY CEDARS FOR PLUMBING, ELECTRICAL AND FIRE SUBCODE INSPECTION AND PLAN REVIEW SERVICES

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

RESOLUTION #2019-046:

APPOINTMENTS OF CLASS I SPECIAL OFFICERS FOR THE BOROUGH OF HARVEY CEDARS

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

RESOLUTION #2019-047:

RE-APPOINTMENT OF CLASS I SPECIAL OFFICER FOR THE BOROUGH OF HARVEY CEDARS

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

RESOLUTION #2019-048:

AUTHORIZING AND CERTIFYING THE SELF-EXAMINATION OF THE ANNUAL BUDGET FOR THE BOROUGH OF HARVEY CEDARS, OCEAN COUNTY, NJ

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

The Mayor read the following resolution:

RESOLUTION #2019-049:

AUTHORIZING THE BUDGET BEING READ BY TITLE ONLY

WHEREAS the Local Budget Law provides that the budget be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full governing body, providing that at least one week prior to the date of hearing a complete copy of the approved budget as advertised has been posted in the Borough Hall and copies have been made available by the Clerk to persons requiring them; and

WHEREAS these two conditions have been met.

NOW, THEREFORE, BE IT RESOLVED that the 2019 budget will be read by title only.

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

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

There were no public comments.

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

The Mayor read the following resolution:

RESOLUTION #2098-050:

BUDGET ADOPTION

BE IT RESOLVED by the Board of Commissioners of the Borough of Harvey Cedars, County of Ocean that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$3,275,090.59 for municipal purposes.

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

RESOLUTION #2019-051:

AUTHORIZING DONATION OF BEACH PATROL OAR FOR DISPLAY PURPOSES

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

RESOLUTION #2019-052:

AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT WITH THE COUNTY OF OCEAN TO INCLUDE ADDITIONAL COUNTY SERVICES (SCHEDULE “C”)

Motion to adopt: Commissioner Gerkens
Second: Commissioner Garofalo

RESOLUTION #2019-053:

APPOINTMENTS OF A SPECIAL PROSECUTOR AND HEARING OFFICER FOR THE BOROUGH OF HARVEY CEDARS

Motion to adopt: Commissioner Gerkens

RESOLUTION #2019-054: Bills

Motion to adopt: Commissioner Gerkens
Second: Commissioner Garofalo

Public Property Usage requests:

1. Wedding Ceremony – Sunset Park

A motion was made by Commissioner Gerkens, seconded by Commissioner Garofalo, to approve the request to use the ballfield in Sunset Park to Robert Puff for a whiffle ball game and pre-wedding pictures on Saturday, August 10, 2019 from 10am to 1pm.

PRIVILEGE OF THE FLOOR –

Todd Leatherman introduced and submitted documentation for his portable modular toilet system. Toilets are not allowed below flood elevation, but this system was designed to prevent backflow in case of flooding. There are 2 check valves, one internal and one external. Mr. Leatherman has spoken with the Borough Engineer and is requesting the Borough to consider changing the ordinance to allow for this type of toilet system for outside use. The Mayor will discuss this with the Borough Engineer and the Board will review the literature.

William Bartholomew and his father addressed the Board regarding his feral cat problem. He stated it is a major problem, the cats are pooping on his entrance path, in the outside shower where items are stored, and on an outside seat cushion, which he had brought with him. The Mayor read a report from Stafford Animal Control included in their billing regarding Animal Control's findings at Mr. Bartholomew's property on March 27, 2019. It stated "walked area with Health Department office Dan and Chief Burnaford, saw no evidence of cat damage or excessive population. 76 Sunset Blvd. had 4 bowls on deck". The Mayor asked Mr. Bartholomew if he had spoken with Dottie Reynolds as he had asked him to do. Mr. Bartholomew said he had not. After a brief discussion of the Borough's and property owner's responsibilities, it was agreed that Dottie Reynolds will be invited to attend the next meeting for the Board and Mr. Bartholomew to gain knowledge about the feral cats.

Motion to adjourn: Commissioner Garofalo

Second: Commissioner Gerkens

Meeting adjourned at 5:30pm.

RESOLUTION #2019-044

**CONTRACT AWARD TO JOHNSON BARAN FOR THE
2018 ROAD RECONSTRUCTION PROJECT IN THE AMOUNT OF \$115,417.00
(Holly Avenue from Cumberland to Salem)**

WHEREAS the Borough of Harvey Cedars has applied to New Jersey Department of Transportation for Assistance from the Transportation Trust Fund for the 2018 Road Reconstruction/Improvement Project; and

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

WHEREAS the Borough of Harvey Cedars solicited bids for the 2018 Road Reconstruction/Improvement Project; and

WHEREAS said bids were opened as advertised on April 23, 2019 and the Borough Engineer has recommended the award of a contract to Johnson Baran as the lowest responsible bidder in accordance with the bid specifications, said bid being \$115,417.00; and

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Commissioners of the Borough of Harvey Cedars, County of Ocean, hereby award a contract in the amount of One Hundred Fifteen Thousand Four Hundred Seventeen Dollars and No Cents (\$115,417.00) to:

Johnson Baran
PO Box 842
Forked River, NJ 08731

for the 2018 Road Reconstruction/Improvement Project, contingent upon final review and approval by NJDOT.

MOTION: Commissioner Gerkens

SECOND: Commissioner Garofalo

ROLL CALL VOTE: Ayes – Oldham, Gerkens, Garofalo

DATED: May 3, 2019

RESOLUTION #2019-045

RESOLUTION OF THE BOROUGH OF HARVEY CEDARS, COUNTY OF OCEAN, STATE OF NEW JERSEY RE-AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF STAFFORD AND THE BOROUGH OF HARVEY CEDARS FOR PLUMBING, ELECTRICAL AND FIRE SUBCODE INSPECTION AND PLAN REVIEW SERVICES

WHEREAS the Shared Services and Consolidation Act, N.J.S.A. 40A: 65-1 et seq., authorizes the Borough of Harvey Cedars to enter into a contract for the provision of certain governmental services with the Township of Stafford; and

WHEREAS N.J.S.A. requires that such a contract be authorized by resolution; and

WHEREAS the Borough of Harvey Cedars and Stafford Township entered into an agreement effective January 1, 2012 to provide plumbing, electrical and fire subcode inspection and plan review services for a period of four (4) years ending December 31, 2015, renewed through 2018 by mutual agreement; and

WHEREAS it is the desire of the Borough of Harvey Cedars to renew said services with the Township of Stafford for a four (4) year period.

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

1. The Mayor and Municipal Clerk are hereby authorized and directed to enter into and execute a Shared Services Agreement with the Township of Stafford for the provision of plumbing, electrical and fire subcode inspection and plan review services, in accordance with the terms of said agreement attached hereto and made part hereof commencing January 1, 2019 and ending December 31, 2022.
2. A copy of this agreement shall be kept on file and be available for public inspection in the office of the Municipal clerk.
3. A certified copy of this resolution shall be forwarded to the Township of Stafford and the Chief Financial Officer.

PASSED ON: May 3, 2019

RESOLUTION #2019-046

APPOINTMENTS OF CLASS I SPECIAL OFFICERS FOR THE BOROUGH OF HARVEY CEDARS

WHEREAS it is the desire of the Borough of Harvey Cedars to employ seasonal police officers; and

WHEREAS the Harvey Cedars Police Chief has recommended to the Board of Commissioners to appoint two (3) Class I Special Officers for the 2019 season.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Harvey Cedars that the following are hereby appointed Class I Special Officers for the Borough of Harvey Cedars, effective May 20, 2019:

1. Alexis Bruno
2. Quinn Baumgarten

BE IT FURTHER RESOLVED as follows:

1. The above-appointed Special Officers are hereby authorized to attend the Class I Police Academy in Beach Haven, NJ.
2. The duties of the above-appointed Special Officers shall be limited and confined to crowd control, traffic control, and enforcement of regulations and special duties assigned by the Chief of Police.
3. A certified copy of this resolution shall be forwarded to the New Jersey Police Training Commission (NJPTC).

PASSED ON: May 3, 2019

RESOLUTION #2019-047

**RE-APPOINTMENT OF CLASS I SPECIAL OFFICER FOR THE BOROUGH
OF HARVEY CEDARS**

WHEREAS it is the desire of the Borough of Harvey Cedars to employ seasonal police officers; and

WHEREAS the Harvey Cedars Police Chief has recommended to the Board of Commissioners to re-appoint Joseph Pinto as a Class I Special Officer for the 2019 season.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Harvey Cedars that Joseph Pinto is hereby re-appointed as a Class I Special Officer for the Borough of Harvey Cedars for the 2019 season.

BE IT FURTHER RESOLVED as follows:

1. The duties of the above-appointed Special Officer shall be limited and confined to crowd control, traffic control, and enforcement of regulations and special duties assigned by the Chief of Police.
2. A certified copy of this resolution shall be forwarded to the New Jersey Police Training Commission (NJPTC).

PASSED ON: May 3, 2019

RESOLUTION #2019-048

**AUTHORIZING AND CERTIFYING THE SELF-EXAMINATION OF THE
ANNUAL BUDGET FOR THE BOROUGH OF HARVEY CEDARS,
OCEAN COUNTY, NJ**

WHEREAS NJSA 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services of conducting the annual budget examination; and

WHEREAS NJAC 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS pursuant to NJAC 5:30-7.2 thru 7.5 the Borough of Harvey Cedars has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary condition to participate in the program for the 2019 budget year.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Harvey Cedars that in accordance with NJAC 5:30-7.6a & b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provision relating to limitation on increases of appropriations pursuant to NJSA 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met (complies with the "CAP" law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and NJAC 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of NJSA 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

PASSED ON: May 3, 2019

RESOLUTION #2019-051

**AUTHORIZING DONATION OF BEACH PATROL OAR FOR DISPLAY
PURPOSES**

WHEREAS Kubels Restaurant in Barnegat Light is requesting the Borough of Harvey Cedars to donate a Harvey Cedars Beach Patrol oar to be displayed in their newly renovated establishment; and

WHEREAS Kubels Restaurant has continuously supported the High Point Volunteer Fire Company and Harvey Cedars activities both in spirit and financially; and

WHEREAS the Board of Commissioners of the Borough of Harvey Cedars is in favor of promoting its beach patrol.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Harvey Cedars that one retired Harvey Cedars Beach Patrol oar is hereby authorized to be donated to Kubels Restaurant and the aid oar is hereby authorized to be delivered to Kubels Restaurant by Chief Burnaford.

PASSED ON: May 3, 2019

RESOLUTION #2019-052

**AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT WITH THE
COUNTY OF OCEAN TO INCLUDE ADDITIONAL COUNTY SERVICES
(SCHEDULE "C")**

WHEREAS the County of Ocean has created and established a program to assist municipalities and governmental agencies in the repair and maintenance of municipal streets and property in addition to providing certain materials and supplies in connection therewith; and

WHEREAS the governing body of the Borough of Harvey Cedars adopted Resolution #2018-135 at a regular meeting held on December 18, 2018 authorizing the execution of the Intergovernmental Agreement with the County of Ocean to provide certain materials and supplies for the maintenance of roads or property within the municipality at a cost not to exceed **\$11,000.00**; and

WHEREAS the Borough of Harvey Cedars and the County have executed such agreement; and

WHEREAS after the execution of the agreement, the governing body of the Borough of Harvey Cedars realized the need for additional County services; and

WHEREAS the governing body of the Borough of Harvey Cedars requested the County to provide said services and supplies for the protection of public and private property at a cost not to exceed **\$11,150.00**; and

WHEREAS the Borough of Harvey Cedars wishes to amend the Intergovernmental Agreement with the County to include the provision of these services.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF HARVEY CEDARS, STATE OF NEW JERSEY as follows:

1. The Mayor and Clerk of the Borough of Harvey Cedars are hereby authorized and directed to enter into and execute an Intergovernmental Agreement with the County of Ocean for the provision of services and supplies in an amount not to exceed **\$11,150.00** as more specifically set forth in that Agreement.
2. A copy of the Agreement shall be kept on file and be available for public inspection at the Office of the Borough Clerk.
3. This Agreement shall take effect upon full execution by the parties and shall remain in full force and effect through December 31, 2019. Sufficient funds have been appropriated and are available for this purpose in the current municipal budget.
4. A certified copy of this resolution shall be forwarded to:
 - A. Clerk of the Ocean County Board of Chosen Freeholders
 - B. Ocean County Road Dept.
 - C. Ocean County Engineering
 - D. Ocean County Department of Finance

PASSED ON: May 3, 2019

RESOLUTION #2019-053

**APPOINTMENTS OF A SPECIAL PROSECUTOR AND HEARING OFFICER FOR THE
BOROUGH OF HARVEY CEDARS**

WHEREAS the Board of Commissioners of the Borough of Harvey Cedars, County of Ocean, State of New Jersey has determined that it should designate a Special Prosecutor and a Hearing Officer for Borough personnel issues; 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 Conflict Commissioner of the Department of Public Affairs and Public Safety of the Borough of Harvey Cedars that the following appointments are hereby made, *upon receipt of properly executed State mandated forms*, commencing immediately for the calendar year of 2019:

1. Peter Van Dyke, Esq. of the firm Kelaher, Van Dyke & Moriarty, as Special Prosecutor
680 Hooper Avenue
Building C, Suite 302
Toms River, NJ 08754
\$165 per hour

2. James Gluck, Esq. of the firm Gluck & Allen LLC, as Hearing Officer
217 Washington Street
Toms River, NJ 08753
\$165 per hour

PASSED ON: May 3, 2019