

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, May 21, 2019, was made by Commissioner Gerkens, seconded by Commissioner Garofalo.

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

ORDINANCE #2019-06 FIRST READING

AN ORDINANCE SUPPLEMENTING AND AMENDING CHAPTER 10 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, ENTITLED "WATERFRONT REGULATIONS" AS IT PERTAINS TO MOTORIZED VEHICLES ON THE BEACH

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

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

Vote: Ayes – Oldham, Gerkens, Garofalo

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

ORDINANCE #2019-07 FIRST READING

AN ORDINANCE AMENDING CHAPTER 4 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, ENTITLED "GENERAL LICENSING" AS IT PERTAINS TO WAIVING CERTAIN BEACH VEHICLE REGISTRATION FEES

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

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

Vote: Ayes – Oldham, Garofalo, Gerkens

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

ORDINANCE #2019-08 FIRST READING

AN ORDINANCE AMENDING AND SUPPLEMENTING THE BOROUGH CODE OF THE BOROUGH OF HARVEY CEDARS TO ADD TO CHAPTER 2, ENTITLED "ADMINISTRATION" AS IT PERTAINS TO A PUBLIC SAFETY ADMINISTRATOR

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

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

Vote: Ayes – Oldham, Gerkens, Garofalo

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 #2019-059:

CHAPTER 159 ITEM OF REVENUE INSERTION IN THE SUM OF \$5,983.32 – CLEAN COMMUNITIES GRANT PROGRAM

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

RESOLUTION #2019-060:

SUPPORTING THE PATH TO PROGRESS RECOMMENDATIONS MADE BY THE NEW JERSEY ECONOMIC AND FISCAL POLICY WORKGROUP

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

RESOLUTION #2019-061:

DESIGNATING PROFESSIONAL SERVICES FOR RANDOM DRUG, RANDOM ALCOHOL AND AUDIOMETRIC TESTING

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

RESOLUTION #2019-062: Bills

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

Public Property Usage requests:

1. Block Party – James Street

A motion was made by Commissioner Garofalo, seconded by Commissioner Gerkens, to approve the request by Susan Carril for their annual neighborhood block party on Friday, July 5, 2019 (raindate July 6th) from 6:30pm to dusk.

2. Bicycle Fundraiser – Long Beach Blvd.

A motion was made by Commissioner Garofalo, seconded by Commissioner Gerkens, to approve the request to use Long Beach Blvd. to “Cycle 4 Awareness” for an autism awareness bicycling fundraiser on Sunday, September 8, 2019 from 8:00am to 2:00pm. Ride begins in Barnegat Light to Holgate and back.

COMCAST CABLE FRANCHISE RENEWAL PUBLIC HEARING

In accordance with the provisions of NJSA 48:5A-23 and NJAC 14:18-11.6, notice of this hearing was published in the Beach Haven Times on April 18, 2019 and on May 30, 2019. Notice of the hearing has been given to the Board of Public Utilities Office of Cable Television. Copies of this application have been on file for public inspection in the office of the municipal clerk.

Motion to open public hearing: Commissioner Gerkens

Second: Commissioner Garofalo

Robert Clifton, Senior Director of Government & Regulatory Affairs from Comcast Cable explained the franchise renewal process. Questions from the governing body and the public were addressed. A full transcript of the public hearing will be available in the office of the municipal clerk approximately one week after the hearing and attached hereto and made a part hereof.

Motion to close public hearing: Commissioner Gerkens

Second: Commissioner Garofalo

TOPICS OF INTEREST –

The Mayor announced the Fire Company’s annual Striper Shootout is tomorrow.

PRIVILEGE OF THE FLOOR –

There were no comments.

Motion to adjourn: Commissioner Garofalo

Second: Commissioner Gerkens

Meeting adjourned at 4:57pm.

ORDINANCE NO. 2019-06

**AN ORDINANCE SUPPLEMENTING AND AMENDING CHAPTER 10 OF THE
REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS,
1975, ENTITLED “WATERFRONT REGULATIONS” AS IT PERTAINS TO
MOTORIZED VEHICLES ON THE BEACH**

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

Section 1. Section 10-1.2 entitled “Definitions” is hereby amended by amending the definition of “Authorized vehicle”, item #4, as follows:

4. Electric motorized beach wheelchairs or mobility devices not exceeding 3 HP. No motorized wheelchair or mobility device shall be operated on the beach at a speed in excess of five miles per hour at any time. No passengers may be transported on any such motorized wheelchair or mobility device without the written permission of the Chief of Police.

Section 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

Section 4. This Ordinance shall take effect upon final adoption after publication in accordance with law.

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 **June 7, 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 **June 18, 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

ORDINANCE NO. 2019-07

AN ORDINANCE AMENDING CHAPTER 4 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, ENTITLED “GENERAL LICENSING” AS IT PERTAINS TO WAIVING CERTAIN BEACH VEHICLE REGISTRATION FEES

THE BOARD OF COMMISSIONERS OF THE BOROUGH OF HARVEY CEDARS, OCEAN COUNTY, NEW JERSEY, DOES ORDAIN:

Section 1. Section 4-2.4 of the Revised General Ordinances of the Borough of Harvey Cedars, 1975, Entitled “Reserved.” is hereby renamed “Registration Fee Waived for Disabled Persons.” and supplemented as follows:

4-2.4 Registration Fee Waived for Disabled Persons. The annual registration fee shall be waived for any applicant presenting proof of a medically documented disability. The disabled person registering the vehicle shall be issued a special plate or other identifying insignia for identification purposes, which shall be displayed in a conspicuous place on the vehicle while accessing the beach and while it is being operated by the disabled person on the strand or beach. Any other operator of the registered vehicle shall be subject to the registration fee.

Section 2. All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.

Section 3. If any word, phrase, clause, section or provision of this ordinance shall be found by any court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause, section or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.

Section 4. This Ordinance shall take effect after final adoption and publication in accordance with law.

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 **June 7, 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 **June 18, 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

ORDINANCE NO. 2019-08

AN ORDINANCE AMENDING AND SUPPLEMENTING THE BOROUGH CODE OF THE BOROUGH OF HARVEY CEDARS TO ADD TO CHAPTER 2, ENTITLED “ADMINISTRATION” AS IT PERTAINS TO A PUBLIC SAFETY ADMINISTRATOR

BE IT ORDAINED by the Board of Commissioners of the Borough of Harvey Cedars, as follows:

SECTION 1. Section 2-5.2 entitled “Police Department – Establishment”, first paragraph, is hereby amended to read as follows:

There is hereby created in and for the Borough of Harvey Cedars a Police Department which shall consist of a Public Safety Administrator, Chief of Police, Lieutenants, Sergeants, and patrol officers, to be appointed to these positions by the governing body of the Borough of Harvey Cedars. The decision whether or not to fill the mentioned positions is within the complete and unfettered discretion of Director of Public Affairs and Public Safety.

SECTION 2. Section 2-5.2 entitled “Police Department – Establishment”, paragraph M, is hereby amended and supplemented to read as follows:

M. Public Safety Administrator

Qualifications: The Public Safety Administrator shall be qualified by training and experience for the duties of the position and shall have a minimum of ten (10) years of experience as a member of a police department or other law enforcement or public safety agency, four (4) years of which shall have been in a supervisory and administrative capacity, and such other qualifications or experience deemed necessary or appropriate by the Director of Public Affairs and Public Safety.

Terms of Appointment: If filled, the Public Safety Administrator will serve at the pleasure of the Director of Public Affairs and Public Safety pursuant to such terms and conditions as established by that Director or the Borough, as required by law.

Appointment: The Director of Public Affairs and Public Safety may appoint a Public Safety Administrator under the following circumstances:

1. Incapacity, inability or unavailability of any nature whatsoever of the Chief of Police to perform any or all functions of that position, if that position is filled;
2. Actual vacancy in the position of Chief of Police;
3. Vacancy created by operation of law or legal authority in connection with the position of Chief of Police. Where the vacancy is caused by suspension, administrative leave or other limitation of duties imposed by operation of law or exercise of legal authority, the initial appointment of a Public Safety Administrator shall be for no longer than the term of such vacancy unless it results in a permanent vacancy in which case, the Public Safety Administrator shall continue to serve at the pleasure of the Director of Public Affairs and Public Safety;
4. Determination based upon the needs of the Borough and the Police Department provided that the duties of Public Safety Administrator do not divest the Chief of Police of authority vested in that position by virtue of N.J.S.A. 40A:14-118.

Powers and Duties: The Public Safety Administrator shall have control over the Police Department in such manner as consistent with all applicable statutes, ordinances and regulations. S/he shall be responsible for the administration and regulation of the Police Department and shall:

1. Supervise the Police Chief or Officer in Charge, who shall be directly responsible to the Public Safety Administrator for the efficiency and routine day-to-day operations of the police rank-and-file.
2. Keep abreast of the public safety requirements of the Borough and formulate policies, plans and procedures to determine needs for approval by the Director of Public Affairs and Public Safety.
3. Develop organization, manpower and resource recommendations and, upon approval of same, effect their implementation.
4. Establish performance criteria for the Department as a whole as well as its individual members and conduct periodic evaluations to assure compliance with those criteria.
5. Provide such assistance as may be necessary to any other department for its proper functioning.
6. Reviews and assists with budget preparation and submission of expenditures as it relates to the Police Department.
7. Delegate such of his authority, as s/he may deem necessary, for efficient operation of the Police Department to be exercised under his direction and supervision.
8. Performs or directs performance of all administrative duties of the Police Department.
9. Completion and filing of reports related to the Police Department.
10. Make application for applicable federal or state grants subject to approval of the Director of Public Affairs and Public Safety.
11. Act as the direct line of authority between the Police Department and the Director of Public Affairs and Public Safety.
12. Report to the Director of Public Affairs and Public Safety and/or Governing Body as requested, in lieu of the Chief of Police as provided within Ord. § 2-5.2(C)(5). In such case, the Chief of Police shall provide the reports contemplated by Ord. § 2-5.2(C)(5) to the Public Safety Administrator.
13. In the absence of a Chief of Police, discipline police officers consistent with Department Rules and Regulations, and N.J.S.A. 40A:14-147 and sign the written charges as provided by law and Department Rules and Regulations.
14. In the absence of a Chief of Police, oversight and control of the Lifeguard Department subject to the final authority of the Director of Public Affairs and Public Safety.
15. The Public Safety Administrator shall not exercise the following powers: issuing firearms permits (N.J.S.A. 2C:58-3); qualifying and supervising special police (N.J.S.A. 40:14-146); carry weapons (N.J.S.A. 2C:39-6); exercising of police powers, e.g. make arrests (N.J.S.A. 40A:14-152); issuing temporary handicap parking permits (N.J.S.A. 39:4-206); or any other power or duty restricted to a member of law enforcement. Such duties shall remain the function of the Chief of Police. In the absence of a Chief of Police, such duties shall be performed by the highest ranking law enforcement officer in good standing within the Police Department. As provided by law, the duties of Public Safety Director shall not infringe upon the duties of Chief of Police save instances of incapacity, inability, unavailability or vacancy.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.

SECTION 4. If any word, phrase, clause, section or provision of this ordinance shall be found by any court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause, section or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.

SECTION 5. This ordinance shall take effect within twenty days from second reading and adoption in accordance with law.

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 **June 7, 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 **June 18, 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 #2019-059

**CHAPTER 159 ITEM OF REVENUE INSERTION IN THE SUM OF \$5,983.32 –
CLEAN COMMUNITIES GRANT PROGRAM**

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 Commissioners of the Borough of Harvey Cedars, in the County of Ocean, New Jersey, hereby request 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 \$5,983.32, which is now available from the State of New Jersey, Department of Environmental Protection entitled “Clean Communities Grant Program”.

BE IT FURTHER RESOLVED that the sum of \$5,983.32 is hereby appropriated under the caption: 8. General Appropriations (A) Operations excluded from “CAPS” Public and Private Programs offset by Revenues: Clean Communities Program.

BE IT FURTHER RESOLVED that the above is a result of State funds obtained through the Department of Community Affairs as a State grant.

PASSED ON: June 7, 2019

RESOLUTION #2019-060

**SUPPORTING THE PATH TO PROGRESS RECOMMENDATIONS MADE BY THE
NEW JERSEY ECONOMIC AND FISCAL POLICY WORKGROUP**

WHEREAS New Jersey faces a daunting fiscal crisis; and

WHEREAS for two decades, while county and municipal governments made the proper pension payments, New Jersey governors from both parties severely underfunded the pension system for teachers and State government workers; and

WHEREAS while local government pension systems are funded at the national average, the State's unfunded liability for pensions and retiree health benefits now tops \$150 billion – four times the size of the State budget; and

WHEREAS actuaries project the State will have to increase its pension contribution from \$3.2 billion in this year's budget to \$6.7 billion to reach the Actuarially Required Contribution (ARC) by FY 2023; and

WHEREAS health care costs continue to rise, and New Jersey and its local governments cannot sustain the unparalleled platinum-level benefits that they provide to their employees; and

WHEREAS the State has held municipal aid flat, moved the Energy Tax Receipts out of the Property Tax Relief Fund, and with the sunseting of Chapter 78 relief and the 2% arbitration cap; and

WHEREAS the State must bring pension and health care costs under control in order to hold down property taxes.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Harvey Cedars, Ocean County, expresses its support for the recommendations of the Path to Progress report issued by the New Jersey Economic and Fiscal Policy Workgroup; and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to Senator Christopher Connors, Assemblywoman DiAnne Gove, Assemblyman Brian Rumpf, Senate President Sweeney, Assembly Speaker Coughlin, Senator Paul Sarlo, Senator Steve Oroho, Assembly Majority Leader Greenwald, Assemblywoman Eliana Pintor-Marin, Senator Tony Bucco, Senator Troy Singleton, Senator Dawn Addiego, the Governor of State of New Jersey, the New Jersey Association of Counties, and the New Jersey State League of Municipalities.

PASSED ON: June 7, 2019

RESOLUTION #2019-061

**DESIGNATING PROFESSIONAL SERVICES FOR RANDOM DRUG,
RANDOM ALCOHOL AND AUDIOMETRIC TESTING**

WHEREAS the Board of Commissioners of the Borough of Harvey Cedars, County of Ocean, State of New Jersey wishes to retain the services of professionals for random drug testing and for post-accident and reasonable suspicion testing when needed, and for audiometric and respiratory testing; and

WHEREAS the Ocean County Municipal Joint Insurance Fund (OCMJIF), acting as a lead agency, issued a Request for Qualifications (RFQ) in order to obtain competitive pricing for random drug/alcohol testing services and for audiometric and respiratory testing services, and has recommended Dynamic Testing Services and Interstate Mobile Care, respectively, for said services.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Harvey Cedars that the following professional services be retained by the Borough of Harvey Cedars for a period three year period commencing January 1, 2019 and the following fees are set for said professional services per the RFQ's received by the OCMJIF:

1. Dynamic Testing Service to administer drug and alcohol testing
230 Main Street, Suite C, Toms River, NJ 08753
\$35.00 - \$45.00 per test / \$200.00 after hours fee
2. Interstate Mobile Care to administer audiometric and respiratory testing
PO Box 64, Sewell, NJ 08080
\$38.00 - \$144.00 per test / \$485.00 shared on-site fee

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

PASSED ON: June 7, 2019