

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 in the Beach Haven Times on December 10, 2015 and the Asbury Park Press on December 15, 2015.

**Motion** to approve the minutes of the previous meeting, November 15, 2016, 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 #2016-104:**

**AUTHORIZING THE SALE OF PERSONAL PROPERTY OWNED BY THE BOROUGH OF HARVEY CEDARS NO LONGER NEEDED FOR PUBLIC USE**

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

**RESOLUTION #2016-105:**

**RESOLUTION OF THE BOROUGH OF HARVEY CEDARS, COUNTY OF OCEAN, AUTHORIZING VERIZON WIRELESS TO USE EXISTING POLES IN THE BOROUGH'S RIGHT-OF-WAY FOR THE INSTALLATION OF COMMUNICATION EQUIPMENT**

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

**RESOLUTION #2016-106:**

**AUTHORIZING TRANSFER OF FUNDS**

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

**RESOLUTION #2016-107:**

**DESIGNATING REGULAR MEETING DATES FOR THE BOARD OF COMMISSIONERS FOR THE YEAR 2017**

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

**RESOLUTION #2016-108:**

**RESOLUTION OF THE BOROUGH OF HARVEY CEDARS, COUNTY OF OCEAN, STATE OF NEW JERSEY, SUPPORTING BILLS S981 & A2375 AMENDING THE NEW JERSEY ELECTRONIC WASTE MANAGEMENT ACT**

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

**RESOLUTION #2016-109: Bills**

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

**TOPICS OF INTEREST –**

Chief Burnaford stated the State has an online registration for emergency notifications called *NJ Register Ready* that can be used in Harvey Cedars for the senior wellness program. Counties and Municipalities have the ability to use the data. It is for full time or part time residents. A link will be placed on the website.

Mayor Oldham reminded all that the children's Christmas party will be at the firehouse this Sunday at 4pm. The Ship Bottom parade will be Saturday at 1pm. The Mayor said the bulkhead project on Union Ave. will begin in the next 2 weeks; a pre-construction meeting

was held for the 80<sup>th</sup> Street water plant chlorine pipe project; the plant will be shut down in January for the pipe installation.

**PRIVILEGE OF THE FLOOR –**

Bob Danna asked what “personal property” meant and what is “e-management” (in the above resolutions). The Board responded that the Borough is auctioning old computers, trucks, etc. that are no longer needed. The e-management relates to recycling of electronics such as TV’s, computers, computer monitors; manufacturers have a responsibility of recycling old electronics and the introduced bill will help enforce their obligations.

Art Ballinger stated that something should be done about the ruts on the beach made by the beach buggies; it is difficult to walk or lay on the beach, the beach is disgraceful; 63 buggy permits were sold for \$50 each and only 3 are from Harvey Cedars residents; the only time limitation is June, July & August; he asked the Board to come up with a solution for the future.

**Motion** to adjourn: Commissioner Garofalo

Second: Commissioner Gerkens

Meeting adjourned at 4:45pm.

**RESOLUTION #2016-104**

**AUTHORIZING THE SALE OF PERSONAL PROPERTY OWNED BY THE  
BOROUGH OF HARVEY CEDARS NO LONGER NEEDED FOR PUBLIC USE**

**WHEREAS** pursuant to NJSA 40A:11-36 the governing body may by resolution authorize the sale of personal property no longer needed for public use by sealed bid or public auction; and

**WHEREAS** pursuant to Local Finance Notice No. 2008-09 a public auction is authorized to be held with an online vendor; and

**WHEREAS** the Borough of Harvey Cedars is the owner of certain surplus property which is no longer needed for public use; and

**WHEREAS** the Board of Commissioners is desirous of selling said surplus property in an “as is” condition without express or implied warranties.

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

(1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-70967/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals are available online at govdeals.com and also available from the Municipal Clerk.

(2) The sale will be conducted online and the address of the auction site is www.govdeals.com.

(3) The sale is being conducted pursuant to Local Finance Notice 2008-9.

(4) A list of the surplus property to be sold is as follows:

- a. 1993 Ford Ranger (lifeguard pickup)
- b. 5 Dell Computer towers
  - Dell Dimension 4600 Tower hard drive removed
  - Dell Dimension 4100 Tower hard drive removed
  - LG computer tower hard drive removed
- c. Office Equipment –
  - Minolta Weathermatic Dual 35mm Camera
  - Pentax Zoom 90WR 35mm camera w/manual
  - Metrologic Fusion Model #MS3780 Barcode Scanner
  - BioScan II Series 2000 - Time Clock
  - Brother Fax575 machine
  - Itron G5 Series Handheld Computer
  - IBM Correcting Selectric III typewriter
- d. Printers –
  - Minolta Magicolor 2200 Printer
  - Two (2) HP LaserJet 2430 DTN Printers & cartridges
  - Sharp AR-168D printer
  - Miscellaneous ink cartridges, cords, CDs

(5) The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.

(6) The Borough of Harvey Cedars reserves the right to accept or reject any bid submitted.

PASSED ON: December 2, 2016

**RESOLUTION #2016-105**

**RESOLUTION OF THE BOROUGH OF HARVEY CEDARS, COUNTY OF OCEAN,  
AUTHORIZING VERIZON WIRELESS TO USE EXISTING POLES IN THE  
BOROUGH'S RIGHT-OF-WAY FOR THE INSTALLATION OF COMMUNICATION  
EQUIPMENT**

**WHEREAS** Cellco Partnership d/b/a Verizon Wireless, (“Verizon Wireless”), is a provider of commercial mobile service subject to regulation by the Federal Communications Commission; and

**WHEREAS** Verizon Wireless has entered into agreements with parties that have the lawful right to maintain poles in the public right-of-way pursuant to which Verizon Wireless may use such poles erected within the public right-of-way in the Borough of Harvey Cedars; and

**WHEREAS** New Jersey law permits such use provided that there is the consent of the relevant municipality;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Harvey Cedars, County of Ocean, State of New Jersey that permission and authority are hereby granted to Verizon Wireless and its successors and assigns, to use poles erected by parties that have the lawful right to maintain poles within the public right-of-way in the Borough of Harvey Cedars, subject to the following:

- A. Verizon Wireless, and its successors and assigns, shall adhere to all applicable Federal, State, and Local laws regarding safety requirements related to the use of the public right-of-way.
- B. Verizon Wireless, and its successors and assigns, shall comply with all applicable Federal, State, and Local laws requiring permits prior to beginning construction, and shall obtain any applicable permits that may be required by the Borough of Harvey Cedars.
- C. Such permission be and is hereby given upon the condition and provision that Verizon Wireless, and its successors and assigns, shall indemnify, defend and hold harmless the Borough of Harvey Cedars, its officers, agents, and servants, from any claim of liability or loss or bodily injury or property damage resulting from or arising out of the acts or omissions of Verizon Wireless or its agents in connection with the use and occupancy poles located within the public right-of-way, except to the extent resulting from the acts or omissions of the Borough of Harvey Cedars.
- D. Verizon Wireless shall, at its own cost and expense, maintain commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence. Verizon Wireless shall include the Borough of Harvey Cedars as an additional insured.

- E. Verizon Wireless shall be responsible for the repair of any damage to paving, existing utility lines, or any surface or subsurface installations, arising from its construction, installation or maintenance of its facilities.
- F. Notwithstanding any provision contained herein, neither the Borough of Harvey Cedars nor Verizon Wireless shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this instrument.
- G. This instrument shall be adopted on behalf of the Borough of Harvey Cedars by the Board of Commissioners of the Borough of Harvey Cedars and attested to by Borough of Harvey Cedars Clerk who shall affix the Borough of Harvey Cedars Seal thereto.
- H. The permission and authority hereby granted shall continue for the same period of time as the grant to parties whose poles Verizon Wireless is using.

PASSED ON: December 2, 2016

**RESOLUTION #2016-106**

**AUTHORIZING TRANSFER OF FUNDS**

**WHEREAS** the date of this resolution is within the last two months of the calendar year 2016, and the first three months of the calendar year 2017; 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 2016 budget.

<b><u>CURRENT</u></b>	<b><u>FROM:</u></b>	<b><u>TO:</u></b>
Road Repair & Maint S&W 6-01-26-290-000-110		35,000.00
Land Use Board S&W 6-01-21-180-000-110		2,200.00
Road Repair & Maint OE 6-01-26-290-000-220	15,000.00	
Buildings & Grounds OE 6-01-26-310-000-200	16,000.00	
Vehicle Maintenance OE 6-01-26-315-000-250		5,000.00
Recreation OE 6-01-28-370-000-201	1,000.00	
Beaches S&W 6-01-28-380-000-110	5,000.00	
Tax Assessor OE 6-01-20-150-000-220	4,000.00	
Construction OE 6-01-22-195-000-220	1,200.00	

PASSED ON: December 2, 2016

**RESOLUTION #2016-107**

**DESIGNATING REGULAR MEETING DATES FOR THE BOARD OF  
COMMISSIONERS FOR THE YEAR 2017**

**WHEREAS** the Open Public Meetings Act of 1976 requires public bodies to provide notice of all meetings in an effort to enhance the proper functioning of the democratic processes; and

**WHEREAS** it is the desire of this Board of Commissioners to adhere to the provision of said act.

**NOW, THEREFORE**, pursuant to the provisions of the Open Public Meetings Act, **BE IT RESOLVED** by the Board of Commissioners of the Borough of Harvey Cedars for the year 2017 as follows:

1. The Board of Commissioners hereby designates the first Friday of each month at 4:30pm and the third Tuesday of each month at 4:30pm for its regular meeting, with exceptions noted below, unless otherwise modified by this Board. Formal action will be taken.

<u>1<sup>st</sup> Friday of the Month</u>	<u>3<sup>rd</sup> Tuesday of the Month</u>
January 6, 2017	January 17, 2017
February 3, 2017	February 21, 2017
March 3, 2017	March 21, 2017
April 7, 2017	April 18, 2017
May 5, 2017	May 16, 2017
June 2, 2017	June 20, 2017
July 7, 2017	July 18, 2017
August 4, 2017	August 15, 2017
September 1, 2017	September 19, 2017
October 6, 2017	October 17, 2017
November 3, 2017	November 21, 2017
December 1, 2017	December 19, 2017

2. The Board of Commissioners hereby designates two (2) hours preceding and one (1) hour after each regular meeting for its policy meeting unless otherwise modified by resolution of the Board. No formal action will be taken.
3. The Board of Commissioners will hold daily work sessions, as well as Executive Sessions on Tuesdays from 11:00am to 12noon. No formal action will be taken.
4. All aforementioned meetings shall be held at the Borough Hall, 7606 Long Beach Blvd., Harvey Cedars, NJ.

PASSED ON: December 2, 2016

**RESOLUTION #2016-108**

**RESOLUTION OF THE BOROUGH OF HARVEY CEDARS, COUNTY OF OCEAN,  
STATE OF NEW JERSEY,  
SUPPORTING BILLS S981 & A2375  
AMENDING THE NEW JERSEY ELECTRONIC WASTE MANAGEMENT ACT**

**WHEREAS** counties and municipalities are burdened with the expense and environmental impact of the existing New Jersey “Electronic Waste Management Act”; and

**WHEREAS** manufacturers of Covered Electronic Devices (CED) are not meeting their legal obligation to provide a free and convenient collection opportunity in each county; and

**WHEREAS** CED manufacturers are not fully supporting successful government programs by covering the full cost to collect and dispose of CEDs generated by consumers in accordance with the New Jersey “Electronic Waste Management Act”; and

**WHEREAS** the lack of support by CED manufacturers, has resulted in negative economic impacts to local government budgets and the elimination of longstanding successful collection programs; and

**WHEREAS** existing manufacturer supported private collection opportunities are insufficient and incapable of handling the overwhelming volume of material should government collection processes cease to operate; and

**WHEREAS** the elimination of government collection programs has serious potential to cause an increase in illegal dumping activities and the release of environmentally harmful materials contained in CEDs, due to the lack of drop off opportunities provided by CED manufacturers.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Borough of Harvey Cedars, County of Ocean, calls upon the members of the Senate, General Assembly and specifically the Governor of New Jersey, to support **Senate Bill S981** sponsored by Senator Bob Smith, District 17, (Middlesex and Somerset), Senator Christopher “Kip” Bateman, District 16 (Hunterdon, Mercer, Middlesex and Somerset), and **Assembly Bill A2375**, sponsored by Assemblyman John F. McKeon, District 27, (Essex and Morris County), amending the New Jersey “Electronic Waste Management Act” that would enable the continuation of government sponsored collection programs, free of charge to consumers and taxpayers, therefore fulfilling the intent of the original law. Certified copies of this resolution shall be transmitted to Senate and Assembly members, Governor Chris Christie, the New Jersey Municipal League and the Association of New Jersey Recyclers (ANJR).

PASSED ON: December 2, 2016