

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 McBair, 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 82<sup>nd</sup> 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 Gerken

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 85<sup>th</sup> and 86<sup>th</sup> 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.

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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 82<sup>nd</sup> Street, Block 68 Lot 3, a corner property that fronts Long Beach Boulevard and sides on West 82<sup>nd</sup> Street, had non-conforming block wall planters on the Boulevard and on West 82<sup>nd</sup> 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 82<sup>nd</sup> 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 82<sup>nd</sup> 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.

**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 82<sup>nd</sup> 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 82<sup>nd</sup> 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 82<sup>nd</sup> 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.

<b><u>CURRENT</u></b>		<b><u>FROM:</u></b>	<b><u>TO:</u></b>
Police S&W	9-01-25-240-000-110		\$17,000.00
Police OE	9-01-25-240-000-220	\$17,000.00	

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

**RESOLUTION #2019-123**

December 5, 2019  
01:22 PM

BOROUGH OF HARVEY CEDARS  
Bill List By P.O. Number

Page No: 1

P.O. Type: All	Open: N	Paid: N	Void: N	
Range: First to Last	Rcvd: Y	Held: Y	Aprv: N	
Format: Condensed	Bid: Y	State: Y	Other: Y	Exempt: Y

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
19-00906	10/09/19	NJCRI010	NJ CRIMINAL INTERDICTION LLC	Training - Mrozinski	Open	95.00	0.00
19-00932	10/24/19	EAGLE025	EAGLES LAKE RESERVE, INC	Revetment 20 tons 18"/24"	Open	1,669.68	0.00
19-00933	10/24/19	JRHE0010	J.R. HENDERSON LABS, INC.	Monthly lab tests	Open	55.00	0.00 B
19-00941	10/28/19	ATLAN130	ATLANTIC PLUMBING SUPPLY CORP	Sewer Lateral Camera	Open	6,791.96	0.00
19-00959	11/04/19	SANDP010	SANDPAPER	winetasting ad	Open	332.00	0.00
19-00988	11/12/19	QUILL010	QUILL CORPORATION	Office Supplies/ 2020 Calendar	Open	157.55	0.00
19-01011	11/21/19	MANAH010	MANAHAWKIN MAGIC WASH	vehicle wash	Open	27.25	0.00
19-01012	11/21/19	STOF0020	STATE TOXICOLOGY LABORATORY	Drug Test - Random	Open	45.00	0.00
19-01013	11/21/19	THIS0010	THIS & THAT UNIFORMS	Uniform Equipment	Open	529.95	0.00
19-01016	11/21/19	CROWL010	CROWLEY, MICHAEL	2019 clothing reimbursement	Open	72.82	0.00
19-01017	11/21/19	FRAZE010	FRAZEE, STEVE	Equipment reimbursement	Open	88.97	0.00
19-01018	11/25/19	FIORE005	FIORELLA, HILARY	wine Tasting Reimbursement	Open	49.39	0.00
19-01019	11/25/19	WATCH005	WATCHUNG SPRING WATER CO, INC.	Water Bottle Delivery	Open	51.94	0.00
19-01020	11/25/19	RUMPF005	RUMPF LAW, P.C.	Public Defender	Open	250.00	0.00
19-01021	11/25/19	STOTT010	STOTT, DIANA	wine Tasting Reimbursements	Open	95.72	0.00
19-01022	11/25/19	DELA0030	DELAWARE VALLEY PAYROLL, INC.	Payroll Processing Services	Open	525.65	0.00
19-01023	11/25/19	VERIZ030	VERIZON WIRELESS - CELL	Police Cell Phones	Open	128.25	0.00
19-01024	11/25/19	AUKST005	AUKSTIKALNIS, BARBARA	wine Tasting Reimbursement	Open	33.45	0.00
19-01025	11/25/19	BERMA005	BERMAN, MINDA E.	Reimburse wine Tasting Event	Open	84.81	0.00
19-01026	11/26/19	TREC0010	TREC ADVANCED COMPUTER	2020 Assessment Notices	Open	588.44	0.00
19-01027	11/26/19	MROZI005	MROZINSKI, BENJAMIN	Clothing Equipment Reimburse	Open	100.00	0.00
19-01028	11/26/19	FORDC005	FORD CREDIT	Zoning Car Lease Payment	Open	248.97	0.00
19-01029	11/27/19	AMAZ0005	AMAZON CAPITAL SERVIECS, INC	Medical Supplies	Open	150.58	0.00
19-01030	11/27/19	LONG0010	LONG BEACH TOWNSHIP	911 Dispatch Agreement	Open	70,981.41	0.00
19-01031	11/27/19	JERSE040	JERSEY SHORE BOAT TOWING & SAL	25' Sailboat Removal	Open	5,500.00	0.00
19-01034	12/02/19	COMCA010	COMCAST CABLE	Monthly Invoices	Open	9.97	0.00
19-01036	12/02/19	DECOT010	DECOTIIS, FITZPATRICK & COLE	Legal Services: 2019 BAN Sale	Open	2,614.07	0.00
19-01041	12/03/19	MAGEL010	LINE SYSTEMS	monthly invoice	Open	1,571.97	0.00
19-01042	12/03/19	ARMAN005	ARMANDO V. RICCIO, LLC	Legal Services	Open	6,845.70	0.00
19-01043	12/03/19	PCSL005	PCS, LLC	Monthly Invoice	Open	900.00	0.00
19-01044	12/03/19	SELEC010	SELECTIVE INSURANCE	Flood Insurance - Borough Hall	Open	1,733.00	0.00
19-01045	12/03/19	GRAMC010	GRAMCO	Court recorder maintenance	Open	1,045.00	0.00
19-01046	12/03/19	NJST0020	NJ STATE LEAGUE OF MUNI	Annual Membership 2020	Open	225.00	0.00
19-01047	12/03/19	METRO020	METLIFE - GROUP BENEFITS	Monthly Premium - December	Open	197.60	0.00
19-01049	12/03/19	PETER020	PETERSON, BONNIE R	Prosecutor November 18, 2019	Open	550.00	0.00
19-01050	12/03/19	CENTR035	CENTRAL JERSEY HEALTH INS FUND	December 2019 Dental Premium	Open	1,822.00	0.00
19-01051	12/03/19	CENTR020	CENTRAL JERSEY REGISTRAR ASSN	2020 Membership Dues	Open	40.00	0.00
19-01052	12/04/19	OWEN0010	OWEN, LITTLE & ASSOCIATES	Monthly LUB Invoices	Open	470.50	0.00
19-01053	12/04/19	COMCA010	COMCAST CABLE	Monthly Invoices	Open	448.91	0.00
19-01054	12/04/19	OWEN0010	OWEN, LITTLE & ASSOCIATES	Monthly Invoice	Open	400.00	0.00
19-01056	12/04/19	NJNA0020	NJ NATURAL GAS	Monthly Invoice	Open	630.05	0.00
19-01057	12/04/19	NJNA0020	NJ NATURAL GAS	Monthly Invoices	Open	328.14	0.00
19-01058	12/04/19	OCPO0020	OC POLICE CHIEFS ASSN	2020 Dues	Open	200.00	0.00
19-01060	12/05/19	MEADO020	MEADOWBROOK INDUSTRIES LLC	November Trash & Recycling	Open	15,443.93	0.00



December 5, 2019  
01:22 PM

BOROUGH OF HARVEY CEDARS  
Bill List By P.O. Number

Page No: 2

PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type	
19-01061	12/05/19	FRATE005	FRATERNAL ORDER OF POLICE LBI	Refund Canine Donation	Open	1,000.00	0.00	
19-01062	12/05/19	PEDRO010	PEDRONI FUEL COMPANY	Current Fuel Charges	Open	3,264.08	0.00	
19-01063	12/05/19	PEDRO010	PEDRONI FUEL COMPANY	Water Fuel Charges	Open	1,631.47	0.00	
Total Purchase Orders:		53	Total P.O. Line Items:	0	Total List Amount:	130,733.78	Total Void Amount:	0.00

Totals by Year-Fund		Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
Fund Description	Fund						
Current Fund	8-01	35,139.31	0.00	35,139.31	0.00	0.00	35,139.31
Current Fund	9-01	79,760.44	0.00	79,760.44	0.00	0.00	79,760.44
Utility Operating	9-09	11,067.55	0.00	11,067.55	0.00	0.00	11,067.55
Year Total:		90,827.99	0.00	90,827.99	0.00	0.00	90,827.99
General Capital F	C-04	1,307.03	0.00	1,307.03	0.00	0.00	1,307.03
Utility Capital F	C-08	933.60	0.00	933.60	0.00	0.00	933.60
Year Total:		2,240.63	0.00	2,240.63	0.00	0.00	2,240.63
Trust Fund	T-17	2,525.85	0.00	2,525.85	0.00	0.00	2,525.85
Total Of All Funds:		130,733.78	0.00	130,733.78	0.00	0.00	130,733.78

**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