#### HARVEY CEDARS, NJ

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 held on November 1, 2019 was made by Commissioner Gerkens, seconded by Commissioner Garofalo.

The Mayor read the following ordinance by title and number and stated that proof of publication is on hand and the ordinance has been posted.

#### **ORDINANCE #2019-15 SECOND READING**

AN ORDINANCE AMENDING CHAPTER 12 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, ENTITLED "BUILDING AND HOUSING" AS IT PERTAINS TO CERTIFICATES OF OCCUPANCY

Motion to open public discussion: Commissioner Garofalo

Second: Commissioner Gerkens

The Clerk suggested the effective date to be January 1, 2020.

There were no public questions or comments.

Motion to close public discussion: Commissioner Garofalo

Second: Commissioner Gerkens

Motion to adopt with the effective date as January 1, 2020: Commissioner Gerkens

Second: Commissioner Garofalo

Vote: Ayes – Oldham, Gerkens, Garofalo

A copy of the full ordinance as adopted is filed in the ordinance book.

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 #2019-114:** 

### BOROUGH OF HARVEY CEDARS CALLING FOR STUDY COMMISSION TO REVIEW THE OPEN PUBLIC RECORDS ACT

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

### **RESOLUTION #2019-115:**

# AUTHORIZING THE BOROUGH OF HARVEY CEDARS TO ENTER INTO A SHARED SERVICES AGREEMENT WITH THE COUNTY OF OCEAN FOR THE CHILD RESTRAINT GRANT PROGRAM

Chief Burnaford stated Detective Butler, the traffic safety officer, took a weeklong course last year to be certified nationally to install child safety seats, there are only a handful of officers certified in this County; this resolution allows the Borough to partner with the Sheriff's Department for program funding; Ship Bottom and Stafford also participate.

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

#### **RESOLUTION #2019-116:**

# AUTHORIZING THE BOROUGH OF HARVEY CEDARS TO EXECUTE A CONTRACT AND SERVICE AGREEMENT FOR THE PROVISION OF CONSTRUCTION DEPARTMENT COMPUTER SOFTWARE

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

#### **RESOLUTION #2019-117:**

## AUTHORIZING THE BOROUGH OF HARVEY CEDARS TO EXECUTE AN AGREEMENT WITH THE COUNTY OF OCEAN FOR RECYCLING CENTER USE AND REVENUE SHARING

Commissioner Gerkens stated the County will split 50/50 any profits, but also split if there is a loss; the loss sharing will be effective 2021.

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

#### **RESOLUTION #2019-118:**

# REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO AMEND THE USE OF THE CANINE UNIT PROGRAM DEDICATED TRUST FUND

Chief Burnaford explained a few years ago a canine program was started, donations were taken, the program was dissolved and there is still money in the program; this resolution will ask permission to refund or reallocate the funds.

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

#### **RESOLUTION #2019-119: Bills**

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

#### PRIVILEGE OF THE FLOOR -

Jim Fritz from West 82<sup>nd</sup> Street, said he is here for two reasons, first representing the Taxpayers Association and second as a concerned resident. Mr. Fritz said he is hearing stories about the resale requirements for his neighbor at 2 West 82<sup>nd</sup> Street; he questioned why his neighbor has to pay for items that should have been addressed four years ago (at the prior resale), such as the garage ceiling not being drywalled and the (landscaping) walls on the street were not moved; if it passed inspection four years ago with no code changes, the current owner should not be responsible for the mistake or whatever happened four years ago. Mr. Fritz said he also heard a rumor that the owner had to get a licensed contractor to put the drywall on the ceiling in the garage, the owner could not do it. Sandy Freeman, West 84<sup>th</sup> Street and the listing agent for 2 West 82<sup>nd</sup>, said the ceiling should have been sheetrocked in the 2015 resale, but must have been missed; the wall was moved back on the Boulevard, but there is a wall on 82<sup>nd</sup> Street that now has to go back 5 feet; she said she understands that things have to comply upon resale, but some things are difficult and costly, and should be grandfathered.

The Mayor said he will look into it and will get back to either the owner or Ms. Freeman.

**Motion** to adjourn: Commissioner Gerkens Second: Commissioner Garofalo

Meeting adjourned at 4:49pm.

### BOROUGH OF HARVEY CEDARS CALLING FOR STUDY COMMISSION TO REVIEW THE OPEN PUBLIC RECORDS ACT

WHEREAS the Borough of Harvey Cedars strongly believes in and supports open transparent government, and that citizens and residents have the right to be informed about the workings of government in order to best participate in a democracy; and

WHEREAS on January 8, 2002 then Acting Governor DiFrancesco signed into law the Open Public Records Act (OPRA) which mandates that government records shall be available, with limited exceptions, for public access and simplifying the procedures for requesting such specific records; and

WHEREAS the intent of the law was to provide the public with easy access to government records with an uncomplicated process for obtaining the records and eliminating bureaucratic red tape; and

WHEREAS over the course of 18 years OPRA has been a positive light, but it has also been fraught with abuse and misuse, and has become an unanticipated financial cost to the taxpayers of New Jersey; and

WHEREAS Harvey Cedars has labored under a well-intended law that has spiraled out of control, due to the volume and nature of requests, the cost to taxpayers in responding to the requests, and the potential liability in having to pay disproportionate prevailing party attorney's fees should the requests turn into litigated matters, as well as the liability in determining which documents shall be released, with or without redaction, while attempting to maintain individual privacy; and

WHEREAS it is not only the volume of OPRA requests that challenge our resources, but it is also the cost associated with reviewing, retrieving, and processing the OPRA request(s) by public entity personnel and counsel and possibly defending our action(s) before the Government Records Council or in Superior Court; and

**WHEREAS** the small municipality of Harvey Cedars received and responded to over 23 OPRA requests in 2017, 28 OPRA requests in 2018, and to date has received and responded to 53 OPRA requests as of November 1, 2019; and

**WHEREAS** the Borough municipal office staff, consisting of a total of only 4 employees, has spent approximately 200 hours responding to OPRA requests received in 2019 to date; and

WHEREAS due to the often-conflicting case law and Government Record Council decisions, as well as the unique characteristics of OPRA request, the Borough of Harvey Cedars must often times rely on the municipal attorney to review certain OPRA requests, resulting in additional fees; and

WHEREAS with limited exceptions OPRA has not been amended to address the clear and

apparent advancement in technology that has changed the way government records are created,

stored, and/or transmitted; the various interpretive decisions; privacy concerns; abuse for

commercial gain; and/or the ever-increasing cost to taxpayers; and

WHEREAS as the current law approaches its twentieth (20<sup>th</sup>) anniversary, it has outgrown

its original intended use and has become ripe for comprehensive review and reform.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Borough of

Harvey Cedars appeals to the legislature to form a Commission comprised of Mayors, Municipal

Clerks, Municipal Managers, Attorneys, Police Chiefs, open government advocates, privacy

experts, members of the media, citizens and other appropriate stakeholders, to review and examine

the effects of OPRA on local government and the needs to be fulfilled by the law, and use the

Commission's findings to perform a comprehensive reform of OPRA; and

**BE IT FURTHER RESOLVED,** that copies of this resolution be forwarded to:

1. Assemblywoman DiAnne Gove, 9th District

2. Assemblyman Brian Rumpf, 9<sup>th</sup> District

3. Senator Christopher Connors, 9<sup>th</sup> District

4. Assembly Speaker Craig Coughlin

5. Senate President Stephen Sweeney

6. Senator Loretta Weinberg

7. Frank F. Caruso, Executive Director of the Government Records Council

8. Philip D. Murphy, Governor of the State of New Jersey

9. Municipal Clerks Association of New Jersey

10. New Jersey State League of Municipalities

AUTHORIZING THE BOROUGH OF HARVEY CEDARS TO ENTER INTO A SHARED SERVICES AGREEMENT WITH THE COUNTY OF OCEAN FOR

THE CHILD RESTRAINT GRANT PROGRAM

WHEREAS the Uniform Shared Services and Consolidation Act, NJSA 40A:65-1

et. seq., authorizes two or more governmental entities to enter into a mutual service

agreement for the provision of certain governmental services when approved by resolution

under NJSA 40A:65-5; and

WHEREAS the FY20 Child Restraint Program Grant (CRG) is a program run by

the Ocean County Sheriff's Office for the purpose of inspecting and installing child

restraints in vehicles; and

WHEREAS the CRG receives funding from the State of New Jersey and the

County of Ocean; and

WHEREAS it is the desire of the Board of Commissioners of the Borough of

Harvey Cedars to enter into an agreement with the County of Ocean for the purpose of

setting forth the terms and conditions regarding the assignment and responsibilities of

police officers employed by the Borough of Harvey Cedars to the CRG.

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 Ocean

County for the FY20 Child Restraint Program Grant (CRG), a copy of which is on file in

the Municipal Clerk's office, effective October 1, 2019 through September 30, 2020.

## AUTHORIZING THE BOROUGH OF HARVEY CEDARS TO EXECUTE A CONTRACT AND SERVICE AGREEMENT FOR THE PROVISION OF CONSTRUCTION DEPARTMENT COMPUTER SOFTWARE

WHEREAS the Borough of Harvey Cedars Construction Department currently utilizes the State of New Jersey's software "Permits NJ"; and

WHEREAS the Construction Official has been informed the State is discontinuing their software service effective June 1, 2020; and

WHEREAS contracts for proprietary software need not be bid under the Local Public Contract Law of the State of New Jersey; and

WHEREAS the Construction Official solicited quotes and viewed demonstrations from three software companies and has recommended to award a contract to Mitchell Humphrey & Company for their software product and maintenance support.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Harvey Cedars that, *upon receipt of properly executed State mandated forms*, a service contract commencing January 1, 2020 as per the attached agreement is awarded to Mitchell Humphrey & Company, a Missouri Corporation, 1285 Fern Ridge Parkway, St. Louis, Missouri 63141-4402 for the provision and maintenance of construction permit software.

**BE IT FURTHER RESOLVED** that the Municipal Clerk is hereby authorized to execute said agreement with Mitchell Humphrey & Co., a copy of which is on file in the Municipal Clerk's office.

### AUTHORIZING THE BOROUGH OF HARVEY CEDARS TO EXECUTE AN AGREEMENT WITH THE COUNTY OF OCEAN FOR RECYCLING CENTER USE AND REVENUE SHARING

WHEREAS it is the aim of the County to reduce the amount of solid waste generated in Ocean County through recycling programs and municipal solid waste composting in order to decrease dependence on landfills while providing reliable, environmentally sound and economical method of waste management; and

WHEREAS the Board of Chosen Freeholders has adopted a Recycling Plan for the Ocean County Solid Waste District pursuant to the provisions of the Statewide Mandatory Source Separation and Recycling Act, NJSA 13:E-99.11 et seq., and said Plan has received the approval of the Commissioner of the New Jersey Department of Environmental Protection as required by law; and

WHEREAS the County currently owns and operates two (2) County Recycling Centers for the receipt, processing and marketing of source separated commingled recyclable materials located at 800 Towbin Avenue, Lakewood, New Jersey and 379 Haywood Road, Stafford Township, New Jersey, respectively known as the Northern and Southern Ocean County Recycling Centers; and

WHEREAS the County desires to provide assistance to all municipalities located within the County in meeting their recycling goals as established by the Mandatory Source Separation and Recycling Act and the Ocean County Recycling Plan; and

WHEREAS the County wishes to share fifty (50) percent of the net revenue it receives, or fifty (50) percent of losses incurred, from the operation of the Ocean County Materials Processing Facility with those municipalities which agree to deliver to the County all recyclable materials as set forth in the agreement; and

WHEREAS the governing body of the Borough of Harvey Cedars wishes to enter into an Agreement with the County for the use of the County's Recycling Centers and participation in the Revenue Sharing Agreements.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Harvey Cedars that the Mayor and Clerk are hereby authorized to enter into and execute the Recycling Center Use & Revenue Sharing Agreement with the County of Ocean, which will guarantee that the Borough of Harvey Cedars will be able to dispose of all mandatory recyclable materials for the next five years. A copy of the Agreement is on file and available for public inspection in the Office of the Clerk.

### REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO AMEND THE USE OF THE CANINE UNIT PROGRAM DEDICATED TRUST FUND

WHEREAS permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

WHEREAS on August 7, 2015 Resolution #2015-066 was passed by the Governing Body and approved by the Division of Local Government Services on October 15, 2015 to establish a dedicated trust fund for the exclusive purpose of depositing and expending funds donated by individuals to offset the costs of operating the municipal police canine program; and

WHEREAS donations were received and a balance of \$2,118.50 currently exists; and WHEREAS for various reasons the Harvey Cedars Municipal Police Canine Program was discontinued; and

**WHEREAS** it is the desire of the Chief Finance Officer of the Borough of Harvey Cedars to liquidate said funds.

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

- 1. The Harvey Cedars Municipal Canine Program is hereby dissolved and terminated.
- 2. The Board of Commissioners hereby requests permission of the Director of the Division of Local Government Services to amend the use of the remaining funds in the Municipal Canine Program Trust Fund to be used for the exclusive purpose of purchasing safety equipment for the Harvey Cedars Police.
- 3. Following the approval of the DLGS, the Chief Finance Officer is hereby directed to contact known donors for a written request of either a refund or an approval for repurposing their donation specifically for safety equipment.
- 4. Donors shall have sixty (60) days from the notification date to respond. If no response is received, all monies shall be dedicated to the purchase of safety equipment for the Police Department.
- 5. A copy of this resolution shall be included in the donor notification.
- 6. The Municipal Clerk is hereby directed to forward a certified copy of this resolution to the Division of Local Government Services.

November 19, 2019 BOROUGH OF HARVEY CEDARS Page No: 1 01:37 PM Bill List By P.O. Number

P.O. Type: All Open: N Paid: N Void: N Rcvd: Y Held: Y Aprv: N to Last

Range: First Format: Condensed Bid: Y State: Y Other: Y Exempt: Y

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PO # PO Date Vend	dor	PO Description	Status	Amount	Void Amount PO Type
18-00600 07/11/18 BEAG	CH050 BEACH HAVEN AUTOMOTIVE, INC	Recycle truck repairs	0pen	104.20	0.00 B
	RG005 GEORGIA GOLF CONSTRUCTION, INC		Open	1,841.60	0.00
	G0020 S REGIONAL BOARD OF EDUCATION	2019-2020 Reg. School Taxes	Open	227,201.92	0.00 B
	GE010 OXYGEN SUPPLY COMPANY	oxygen& acetylene tank rental	Open	49.00	0.00 B
	CH050 BEACH HAVEN AUTOMOTIVE, INC	Police vehicle maintenance	Open	24.53	0.00
	NEOO5 LAYNE CHRISTENSEN COMPANY	Alum Feeder Replacement	Open	35,250.00	0.00
	RIO70 AMERICAN WEAR, INC.	DPW uniforms	Open	313.40	0.00 B
19-00713 08/07/19 HOME		Bldgs & Grnds	Open	431.98	0.00 B
	CHOSO BEACH HAVEN AUTOMOTIVE, INC	Tools & Supplies	Open	124.91	0.00 B
	COO10 ONE CALL CONCEPTS INC	Mark outs	Open	77.52	0.00 B
	0010 NE JANITORIAL SUPPLY COMPANY	Park Toilet Paper	0pen	51.35	0.00 B
	FO010 MGL FORMS-SYSTEMS	Minute book paper & Dog Tags	Open	279.00	0.00
	MP010 EXEMPLIS CORP SIT ON IT	Borough Hall Office Chair	Open	391.76	0.00
	F0010 MGL FORMS-SYSTEMS	Water bills	Open	402.00	0.00
19-00945 10/29/19 BROW		Bolt Component Kit	Open	63.03	0.00
	NAO10 BURNAFORD, ROBERT	Community Policing Items	Open	31.97	0.00
	E0010 J.R. HENDERSON LABS, INC.	PFNA Sodium Chloride tests	Open	1,160.00	0.00
19-00962 11/04/19 OTT(		balance of 2019 Clothing allow		26.64	0.00
	ERO20 WATER WORKS SUPPLY COMPANY	Replacement 100W ERTS		3,792.00	0.00
		•	Open Open	42.95	0.00
	CHOOS WATCHUNG SPRING WATER CO, INC.		Open		0.00
	AN105 ATLANTIC PRINTING & DESIGN	Recycling/ Trash Schedules	Open	419.94	
	JNO10 EDMUNDS & ASSOCIATES, INC.	Epson Receipt/ Validator	Open	760.00	0.00
19-00969 11/05/19 MAGE		monthly invoice	Open	1,571.93	0.00
	JN010 EDMUNDS & ASSOCIATES, INC.	Tax Bills	Open	34.00	0.00
	20005 AMAZON CAPITAL SERVIECS, INC	Pressure Switch	0pen	37.22	0.00
	EY005 LACEY COURIER & TRANSPORTATION		0pen	291.96	0.00
19-00973 11/06/19 PCSI		Decommission Old Server	0pen	778.02	0.00
	A0010 NE JANITORIAL SUPPLY COMPANY	Paper supplies	0pen	114.94	0.00
19-00975 11/07/19 HOME	The state of the s	Bldgs & Grnds supplies	0pen	87.69	0.00 B
	CH050 BEACH HAVEN AUTOMOTIVE, INC	Compressor motor Salem Plant	0pen	461.00	0.00
19-00977 11/07/19 TWPC		October animal control	0pen	245.00	0.00
	RIO10 HIERING, GANNON & MC KENNA	October legal fees	0pen	2,066.92	0.00
	ANOO5 ARMANDO V. RICCIO, LLC	Legal Services	0pen	1,155.00	0.00
	ISO45 TOWNSHIP OF LACEY	IT services	0pen	875.00	0.00
19-00981 11/07/19 PCSI		Monthly Invoice	0pen	900.00	0.00
	RE020 SHORE BUSINESS SOLUTIONS	Copier Maintenance Fees	0pen	168.46	0.00
	HH010 BUCHHOLZ, MARGARET	Reimburse Wine Tasting	0pen	80.00	0.00
19-00984 11/12/19 ERSH		Borough Hall Cleaning	0pen	600.00	0.00
	MPO20 THOMSON REUTERS - WEST	NJ Rules of Court 2020	0pen	349.00	0.00
19-00986 11/12/19 OTT(	•	Eyeglass reimbursement 2019	0pen	400.00	0.00
	00020 MEADOWBROOK INDUSTRIES LLC	October Trash & Recycling	0pen	16,626.31	0.00
19-00989 11/12/19 GRIM	ISOO5 GRIMSTE, ANNA	Wine Tasting Supplies	0pen	62.14	0.00
19-00990 11/12/19 TYPE	SO10 TYPESTRIES SIGN & DIGITAL	Truck numbers	0pen	65.00	0.00
19-00991 11/12/19 GER	KEO10 GERKENS, JUDITH E.	winetasting reimbursement	0pen	101.72	0.00
19-00992 11/12/19 PETE	RO10 PETERSEN, THERESA E.	Reimbursement for Winetasting	0pen	51.13	0.00
19-00993 11/12/19 DALE		Reimbursements	0pen	41.52	0.00
	IZO40 VERIZON WIRELESS MDTS	Police MDT's	Open	152.04	0.00
19-00995 11/13/19 COMO		Monthly Invoices	Open	9.97	0.00
19-00996 11/13/19 COMO		Monthly Invoices	Open	187.97	0.00
	10010 OWEN, LITTLE & ASSOCIATES	Monthly Invoices	Open	13,597.50	0.00
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PO #	PO Date	Vendor		PO Description	Status	Amount	Void Amount F	о Туре
19-00999	11/14/19	GANNE010	GANNETT NEW JERSEY NEWSPAPERS	Monthly Advertising	Open	81.95	0.00	
19-01000	11/15/19	LBIH0010	LBI HEALTH DEPARTMENT	4th Qtr Health Services	Open	10,782.75	0.00	
19-01001	11/15/19	VERIZ030	VERIZON WIRELESS - CELL	Police Cell Phones	Open	174.05	0.00	
			ATLANTIC CITY ELECTRIC	Monthly Invoice	Open	4,309.36	0.00	
19-01004	11/15/19	AMAZOO05	AMAZON CAPITAL SERVIECS, INC	Boot Dryer	Open	89.99	0.00	
19-01005	11/18/19	USP00010	US POSTAL SERVICE	Forever Stamps	Open	550.00	0.00	
19-01006	11/18/19	COURT010	COURTS, BARBARA	Municipal Court	Open	75.00	0.00	
19-01007	11/18/19	BOROU010	BOROUGH OF BEACH HAVEN	HC Share of Flood Ad 2019	Open	44.00	0.00	
19-01008	11/18/19	RUTGE020	RUTGERS THE STATE UNIVERSITY	Elected Officials' Program	Open	200.00	0.00	
			ATLANTIC CITY ELECTRIC	Monthly Invoice	Open	4,209.69	0.00	
			COMCAST CABLE	Monthly Invoice	0pen	162.97	0.00	
Total Pu	rchase Or	ders:	61 Total P.O. Line Items:	O Total List Amount:	334,630.90	Total Void A	Amount:	0.00

Totals by Year-Fund Fund Description Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
Current Fund 8-01	104.20	0.00	104.20	0.00	0.00	104.20
Utility Operating 8-09 Year Total:	5,067.50 5,171.70	0.00	5,067.50 5,171.70		0.00 0.00	5,067.50 5,171.70
Current Fund 9-01	275,070.43	0.00	275,070.43	0.00	0.00	275,070.43
Utility Operating 9-09 Year Total:	46,820.82 321,891.25	0.00	46,820.82 321,891.25		0.00 0.00	46,820.82 321,891.25
Utility Capital F C-08	6,672.50	0.00	6,672.50	0.00	0.00	6,672.50
Grant Fund G-02	419.94	0.00	419.94	0.00	0.00	419.94
Dog trust Fund T-15	139.00	0.00	139.00	0.00	0.00	139.00
Trust Fund T-17 Year Total:	336.5 <u>1</u> 475.5 <u>1</u>	0.00	336.51 475.51		0.00	336.51 475.51
Total Of All Funds:	334,630.90	0.00	334,630.90	0.00	0.00	334,630.90

**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 November 19, 2019 be paid upon verification by the Chief Financial Officer that sufficient funds are available for the payment of the same.