

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 Imperiale and Rice were present along with Borough Attorney, Michael McKenna.

The Mayor asked all to rise for the Pledge of Allegiance.

The Mayor stated to the best of his knowledge all the requirements of the Sunshine Law have been met. 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 22, 2022 in the Asbury Park Press and on December 29, 2022 in the Beach Haven Times.

Motion to approve the minutes of the previous meeting held on March 3, 2023 was made by Commissioner Imperiale, seconded by Commissioner Rice.

The Mayor read the following ordinance by title and number and asked for a motion to introduce. Copies of the full ordinance as introduced are attached hereto and made a part hereof:

ORDINANCE #2023-06 FIRST READING

**AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS
AUTHORIZING THE MUNICIPALITY IN PREPARING ITS 2023 BUDGET
TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND
TO ESTABLISH A CAP BANK**

Commissioner Rice explained the ordinance as a requirement to set funds aside into sort of a saving account for the Borough.

Motion to adopt: Commissioner Rice
Second: Commissioner Imperiale
Vote: Ayes – Oldham, Imperiale, Rice

The Mayor read the following ordinances by title and number and stated that proof of publication is on hand and the ordinances have been posted. Copies of the full ordinances as adopted are attached hereto and made a part hereof.

ORDINANCE #2023-03 SECOND READING

**AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, IN THE
COUNTY OF OCEAN, NEW JERSEY, PROVIDING FOR IMPROVEMENTS
TO VARIOUS ROADS LOCATED IN THE BOROUGH AND
APPROPRIATING \$600,000 THEREFORE, AND PROVIDING FOR THE
ISSUANCE OF \$300,000 IN BONDS OR NOTES OF THE BOROUGH OF
HARVEY CEDARS TO FINANCE THE SAME**

Motion to open public discussion: Commissioner Imperiale
Second: Commissioner Rice

Linda Kragie, 75th Street asked if these funds will be used to pave the parking lot at the Bay Beach on 75th Street. Mayor Oldham explained the ordinance does not address the Bay Beach parking lot however, the Borough will do as much as possible to improve streets and areas needing attention. Work on the watermains will start in the fall.

Motion to close public discussion: Commissioner Imperiale
Second: Commissioner Rice

Motion to adopt: Commissioner Rice
Second: Commissioner Imperiale
Vote: Ayes – Oldham, Imperiale, Rice

ORDINANCE #2023-04 SECOND READING

**AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS
APPROPRIATING THE SUM OF \$25,000 FROM THE CAPITAL
IMPROVEMENT FUND FOR CERTAIN CAPITAL IMPROVEMENTS IN THE
BOROUGH OF HARVEY CEDARS**

Motion to open public discussion: Commissioner Rice
Second: Commissioner Imperiale

Kathy Ries, Cedars Ave. asked if the money would be used to push sand on beaches where work was needed to gain access for beachgoers. Mayor Oldham acknowledged that work including pushing sand would be done by the Depart of Public Works with the use of Borough equipment.

Motion to close public discussion: Commissioner Rice
Second: Commissioner Imperiale

Motion to adopt: Commissioner Imperiale
Second: Commissioner Rice
Vote: Ayes - Oldham, Imperiale, Rice

ORDINANCE #2023-05 SECOND READING

**AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS AMENDING
CHAPTER 3 ENTITLED “POLICE REGULATIONS” AND CHAPTER 12
ENTITLED “BUILDING AND HOUSING” OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, AS IT
PERTAINS TO CONSTRUCTION NOISE**

Motion to open public discussion: Commissioner Imperiale
Second: Commissioner Rice

Joe Gieger, East 77th Street asked for an explanation as to why the Commissioners aren't amending the ordinance to a start time of 8am for year-round, citing a disadvantage to year-round residents.

Commissioner Imperiale explained that while he would have liked to see a no construction before 8am start time year-round, he is glad that this ordinance will provide a compromise at this time. Some residents will be able to benefit this year if the ordinance is adopted as proposed. Commissioner Imperiale stated that he will continue to push for an 8am year-round start time for construction noise as more residents live in Harvey Cedars year-round.

Commissioner Rice stated there is also an obligation to contractors who are Harvey Cedars residents. Construction is their business, and we have to be supportive of all businesses within Harvey Cedars. We have at least five contractors who owns construction businesses and are residents of the Borough. We need to think about how these changes will affect their businesses, construction completion times, and ultimately the costs associated with only being permitted to work shorter days.

Mayor Oldham cited the real issue not only being noise but the way the jobs are being managed by contractors, not all job sites are the same. Many of the issues brought up by residents are regarding the condition and cleanliness of construction sites. Not all complaints from neighbors are about noise. Some contractors are more respectful than others of neighbors during construction. Loud music and messy job sites are a nuisance to neighbors at any hour of the day.

Kathy Ries questioned as to how the Borough will disseminate information to contractors so they will be aware of the new regulation and changes for permitted hours of construction. Mayor Oldham explained that the Harvey Cedars Building Department provides important information such as local ordinance notices to contractors at the time they submit for any construction work. The new regulations will be available to contractors at the time they submit for new permits.

Jim Fritz, 82nd Street asked how the ordinance and new times of construction compare with other towns on the island, citing that he's heard Harvey Cedars is hard to do business in. Mayor Oldham replied that a comparison has been done. Most island

towns permit construction to start at 7am where we will be requiring no earlier than 8am for a majority of the year. Construction will not be permitted on Sundays unless it's for emergency work or minor work not requiring a permit. This change will help close the loop-hole we have seen in recent years where contractors who own the property and took advantage of building on Sundays.

Motion to close public discussion: Commissioner Rice
Second: Commissioner Imperiale

Motion to adopt: Commissioner Rice
Second: Commissioner Imperiale
Vote: Ayes - Oldham, Imperiale, Rice

The Mayor read the following resolutions by title and number and asked for a motion to adopt. A summary of each resolution was given by the commissioner responsible for the department it pertains to. Copies of the full resolutions are attached hereto and made a part hereof:

RESOLUTION: #2023-031

CERTIFYING THE BOROUGH OF HARVEY CEDARS' COMPLIANCE WITH N.J.S.A. 40A:4-5 BUDGET PROCEDURES AS IT PERTAINS TO EQUAL EMPLOYMENT OPPORTUNITIES

Motion to adopt: Commissioner Imperiale
Second: Commissioner Rice

RESOLUTION: #2023-032

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

Commissioner Rice explained the Borough has the ability to do a self-examination due to good fiscal standing and good fiscal history. The Borough is permitted to self-exam this year, next year we will have to go for state review.

Motion to adopt: Commissioner Rice
Second: Commissioner Imperiale

RESOLUTION: #2023-033

INTRODUCTION OF MUNICIPAL BUDGET FOR 2023 TO BE READ BY TITLE ONLY

Municipal Budget of the Borough of Harvey Cedars, County of Ocean for the Fiscal Year 2023.

BE IT RESOLVED that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2023.

BE IT FURTHER RESOLVED that said budget be published in the Beach Haven Times in the issue of **March 30, 2023**.

A hearing on the Budget and Tax Resolution will be held at the Municipal Building, 7606 Long Beach Blvd., Harvey Cedars on **Monday, April 17, 2023 at 4:30pm** at which time and place objections to said Budget and Tax Resolution for the year 2023 may be presented by taxpayers or other interested persons.

Motion to adopt: Commissioner Rice
Second: Commissioner Imperiale
Vote: Ayes – Oldham, Imperiale, Rice

RESOLUTION: #2023-034

AUTHORIZING AMENDMENT TO THE SHARED SERVICE AGREEMENT FOR THE PROVISION OF MUNICIPAL COURT ADMINISTRATION SERVICES "SCHEDULE A & C"

Commissioner Imperiale stated the reason for the amendment to the shared agreement is a change in personnel.

Motion to adopt: Commissioner Imperiale
Second: Commissioner Rice

RESOLUTION: #2023-035

ESTABLISHING A TEMPORARY CAPITAL BUDGET FOR THE BOROUGH OF HARVEY CEDARS FOR IMPROVEMENTS TO SUNSET PARK RECREATION AREA

Motion to adopt: Commissioner Rice
Second: Commissioner Imperiale
Vote: Ayes – Oldham, Imperiale, Rice

Mayor Oldham offered details on improvements planned which include; re-stoning, drainage improvements, and improvements to playground equipment for the park.

RESOLUTION: #2023-036 BILLS

Motion to approve the bills for payment: Commissioner Rice
Second: Commissioner Imperiale

Public Property Usage requests:

1. A motion was made by Mayor Oldham, seconded by Commissioner Imperiale to approve the use of the gazebo in Sunset Park, to Christopher Donahower of Olsen Ave., for a family kid's birthday party on Sunday, August 6, 2023 from 9:30am-noon. The use of gazebo is permitted with approximately 25 people expected in attendance.
2. A motion was made by Commissioner Imperiale, seconded by Commissioner Rice to approve the use of the pavilion & grassy area to Jessica Johnson of Barefoot Adventures Experience for a children's yoga camp from July 11th through August 10, 2023, Tuesdays & Wednesdays 8:30am to 12pm, Thursdays 9am to 12:30pm. 12 to 15 children, 2 adults.

PRIVILEGE OF THE FLOOR –

Jim Fritz representing the Taxpayers Association, reported that after review of the proposed budget, no unreasonable items were found listed. A recent survey by the Taxpayers Association showed that tax payers do not want to compromise on services being offered by the borough. They agree with the proposed necessary rate increase, but would like to see cuts where possible in the future.

Mayor Oldham asked if the Taxpayers Association had suggestions regarding areas where changes and cuts could be made to cut expenses that would not result in services being provided being cut. A discussion between Jim Fritz, other residents present, and commissioners continued with mention of trash services and other areas where cost cutting measures could be taken. Mayor Oldham stated he will reach out to adjoining island towns to see if there are any other ideas or possibilities to save on costs through shared services or mutual agreements.

Margaret "Pooch" Buchholz, asked if the County would be fixing the bulkhead at the end of 80th street. The bulkhead at the end of 80th street is on a county road and is in disrepair. Mayor Oldham stated that the County said projects are planned in the near future including the bulkhead.

Commissioner Imperiale mentioned Casino Night, hosted by the Harvey Cedars Police Foundation at the High Point Fire Company on Saturday, April 22nd. Proceeds will benefit the foundation, Fire Company, and will allow for the ability to issue scholarships through the foundation to deserving students. Commissioner Imperiale encouraged everyone to come out and join in the fun for a good cause.

Commissioner Rice acknowledged all of the departments within the borough for their work on the budget process, stating it was difficult to keep costs down with inflation and other factors. Over \$500,000.00 (Five-hundred thousand dollars) in cuts was made by the departments in an effort not to raise taxes before the budget was adopted. Commissioner Rice also encouraged everyone to purchase Harvey Cedars activity wear as a way to support the Activity Committee.

Mayor Oldham gave an update on progress in obtaining signed easement agreements for the Streetscape Project. The project is set to start in the Fall. We're looking to go out to bid sometime in the Spring.

Motion to adjourn: Commissioner Imperiale
Second: Commissioner Rice

Meeting adjourned at 5:02pm.

Anna Grimste, Deputy Municipal Clerk

Jonathan S. Oldham, Mayor

John M. Imperiale, Commissioner

Paul G. Rice, Commissioner

ORDINANCE NO. 2023-06

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS AUTHORIZING THE MUNICIPALITY IN PREPARING ITS 2023 BUDGET TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

WHEREAS the Local Government Cap Law, NJSA 40A:4-45.1 et. seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS NJSA 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS the Board of Commissioners of the Borough of Harvey Cedars in the County of Ocean finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS the Board of Commissioners hereby determines that any amount authorized herein that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Borough of Harvey Cedars in the County of Ocean, a majority of the full authorized membership of this governing body affirmatively concurring that, in the CY 2023 budget year, the final appropriations of the Borough of Harvey Cedars shall, in accordance with this ordinance and NJSA 40A:4-45.14, be increased by 3.5%, amounting to \$137,371.64 and that the CY 2023 municipal budget for the Borough of Harvey Cedars be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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 **March 20, 2023**. 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 **April 17, 2023** 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.

CERTIFICATION

I, Anna Grimste, Deputy Municipal Clerk of the Borough of Harvey Cedars, County of Ocean, hereby certify that the above is a true copy of Ordinance 2023-06 adopted by the Board of Commissioners at a meeting held on March 20, 2023.

Anna Grimste, Deputy Municipal Clerk

ORDINANCE NO. 2023-03

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, IN THE COUNTY OF OCEAN, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO VARIOUS ROADS LOCATED IN THE BOROUGH AND APPROPRIATING \$600,000 THEREFORE, AND PROVIDING FOR THE ISSUANCE OF \$300,000 IN BONDS OR NOTES OF THE BOROUGH OF HARVEY CEDARS TO FINANCE THE SAME

THE BOARD OF COMMISSIONERS OF THE BOROUGH OF HARVEY CEDARS, IN THE COUNTY OF OCEAN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), **DOES ORDAIN, AS FOLLOWS:**

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Borough of Harvey Cedars, in the County of Ocean, New Jersey (the "Borough"), as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of \$600,000 including \$418,540 in Transportation Trust Fund Grants expected to be received through the State of New Jersey Department of Transportation's Fiscal Year 2023 Municipal Aid. No down payment is required in connection with the authorization of bonds and notes pursuant to N.J.S.A. 40A:2-11(c) as this bond ordinance involves a project to be funded by a State grant.

Section 2. In order to finance the cost of the improvement or purpose not otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$300,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds are to be issued is for the improvement of West Bergen Ave and West 75th Street located in the Borough, and including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes

issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. No part of the costs thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$300,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding \$120,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvement or purpose.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the

obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Borough is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

MOTION TO ADOPT: Commissioner Rice
SECOND: Commissioner Imperiale
ROLL CALL:
AYES: Oldham, Imperiale, Rice
NAYS: none
ADOPTED ON: March 20, 2023
PUBLICATION DATE: April 13, 2023
EFFECTIVE DATE: May 3, 2023

ORDINANCE NO. 2023-04

**AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS APPROPRIATING THE
SUM OF \$25,000 FROM THE 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 repair and maintenance of beaches, there is hereby appropriated the sum of \$25,000.

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.

MOTION TO ADOPT: Commissioner Imperiale

SECOND: Commissioner Rice

ROLL CALL:

AYES: Oldham, Imperiale, Rice

NAYS: none

ABSENT: none

ADOPTED ON: March 20, 2023

EFFECTIVE DATE: April 9, 2023

ORDINANCE NO. 2023-05

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS AMENDING CHAPTER 3 ENTITLED “POLICE REGULATIONS” AND CHAPTER 12 ENTITLED “BUILDING AND HOUSING” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, AS IT PERTAINS TO CONSTRUCTION NOISE

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE BOROUGH OF HARVEY CEDARS as follows:

Section 1. Section 3-2.7 of the Revised General Ordinances of the Borough of Harvey Cedars entitled “Noise Prohibited”, paragraphs a, b and c are hereby repealed and readopted as follows:

- a. Monday through Friday before the hours of 7:00 A.M. and after 6:00 P.M. between November and February, and before 8:00 A.M. and after 6:00 P.M. between March and October.
- b. Saturday before 9:00 A.M. and after 6:00 P.M, year-round
- c. Sundays

Section 2. Section 12-9.1 of the Revised General Ordinances of the Borough of Harvey Cedars entitled “Days and Hours”, paragraphs a, b and c are hereby repealed and readopted as follows:

- a. Monday through Friday:
 - 1. (November through February) beginning no earlier than 7:00 A.M. and ending no later than 6:00 P.M.
 - 2. (March through October) beginning no earlier than 8:00 A.M. and ending no later than 6:00 P.M.
- b. Saturdays, beginning no earlier than 9:00 A.M. and ending no later than 6:00 P.M, year-round.
- c. Sunday - No construction work shall be permitted.

Section 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 4. 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 5. This Ordinance shall take effect upon final adoption after publication in accordance with law.

ADOPTED ON: March 20, 2023

EFFECTIVE DATE: April 9, 2023

RESOLUTION #2023-031

**CERTIFYING THE BOROUGH OF HARVEY CEDARS'
COMPLIANCE WITH N.J.S.A. 40A:4-5 BUDGET PROCEDURES AS IT
PERTAINS TO EQUAL EMPLOYMENT OPPORTUNITIES**

WHEREAS *N.J.S.A. 40A:4-5* as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000 *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS the members of the Board of Commissioners have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Harvey Cedars, in the County of Ocean, New Jersey, hereby states that it has complied with *N.J.S.A. 40A:4-5*, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance; and

BE IT FURTHER RESOLVED that a certified copy of this resolution and group affidavit form of the Board of Commissioners evidencing said compliance shall be on file in the Office of the Municipal Clerk and available for inspection; and

BE IT FURTHER RESOLVED that the Board of Commissioners certification shall be transmitted to the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs within three days after approval, together with the approved budget.

PASSED ON: March 20, 2023

CERTIFICATION

I, Anna Grimste, Deputy Municipal Clerk of the Borough of Harvey Cedars, County of Ocean, hereby certify that the above is a resolution adopted by the Board of Commissioners at a meeting held on March 20, 2023.

Anna Grimste, Deputy Municipal Clerk

RESOLUTION #2023-032

**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 2023 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: March 20, 2023

CERTIFICATION

I, Anna Grimste, Deputy Municipal Clerk of the Borough of Harvey Cedars, County of Ocean, hereby certify that the above is a resolution adopted by the Board of Commissioners at a meeting held on March 20, 2023.

Anna Grimste, Deputy Municipal Clerk

RESOLUTION 2023-033

**INTRODUCTION OF MUNICIPAL BUDGET FOR 2023 TO BE READ BY TITLE
ONLY**

Municipal Budget of the Borough of Harvey Cedars, County of Ocean for the Fiscal Year 2023.

BE IT RESOLVED that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2023.

BE IT FURTHER RESOLVED that said budget be published in the Beach Haven Times in the issue of **March 30, 2023**.

A hearing on the Budget and Tax Resolution will be held at the Municipal Building, 7606 Long Beach Blvd., Harvey Cedars on **Monday, April 17, 2023** at **4:30pm** at which time and place objections to said Budget and Tax Resolution for the year 2023 may be presented by taxpayers or other interested persons.

CERTIFICATION

I, Anna Grimste, Deputy Municipal Clerk of the Borough of Harvey Cedars, County of Ocean, hereby certify that the above is a resolution adopted by the Board of Commissioners at a meeting held on March 20, 2023.

Anna Grimste, Deputy Municipal Clerk

RESOLUTION #2023-034

**AUTHORIZING AMENDMENT TO THE SHARED SERVICE AGREEMENT FOR
THE PROVISION OF MUNICIPAL COURT ADMINISTRATION SERVICES
“SCHEDULE A & C”**

WHEREAS the Borough of Harvey Cedars entered into a Shared Services agreement with the Borough of Beach Haven for the provision of certain administrative services related to the management of the municipal court and designating the Borough of Beach Haven as lead agency effective September 1, 2022 for a period of four (4) years; and

WHEREAS the Court Administrator as listed in Schedule A of said agreement has resigned and a new Court Administrator has been appointed by the Borough of Beach Haven.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Harvey Cedars that the attached Schedule A and Schedule C of the Shared Service Agreement is hereby amended and approved effective March 01, 2023. Copies of this resolution shall be forwarded to the Borough of Beach Haven.

PASSED ON: March 20, 2023

CERTIFICATION

I, Anna Grimste, Deputy Municipal Clerk of the Borough of Harvey Cedars, County of Ocean, hereby certify that the above is a resolution adopted by the Board of Commissioners at a meeting held on March 20, 2023.

Anna Grimste, Deputy Municipal Clerk

RESOLUTION #2023-035

**ESTABLISHING A TEMPORARY CAPITAL BUDGET FOR
THE BOROUGH OF HARVEY CEDARS FOR IMPROVEMENTS TO SUNSET
PARK RECREATION AREA**

WHEREAS the Borough of Harvey Cedars desires to make improvement to Sunset Park Recreation Area; and

WHEREAS State law requires that any capital improvement must be included in the annual capital budget of the municipality and if it is not, then the capital improvement program must be amended to reflect this capital expenditure; and

WHEREAS the Borough has not yet adopted a Capital Budget for 2023 and consequently it is necessary to adopt a Temporary Capital Budget prior to the purchase of any capital item.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Harvey Cedars, County of Ocean, that the following temporary capital budget be adopted and be supplemented to the 2023 budget:

CAPTIAL BUDGET (2023)

Project: Sunset Park Rehabilitation
Estimated Total Cost: \$150,000.00

BE IT FURTHER RESOLVED that a certified copy of this resolution be filed forthwith in the Office of the Director of Local Government Service.

MOTION TO ADOPT: Commissioner Rice

SECOND: Commissioner Imperiale

VOTE:	Aye	Nay	Absent	Abstain
Mayor Oldham	x			
Commissioner Imperiale	x			
Commissioner Rice	x			

PASSED ON: March 20, 2023

CERTIFICATION

I, Anna Grimste, Deputy Municipal Clerk of the Borough of Harvey Cedars, County of Ocean, hereby certify that the above is a resolution adopted by the Board of Commissioners at a meeting held on March 20, 2023.

Anna Grimste, Deputy Municipal Clerk

RESOLUTION #2023-036

March 20, 2023
10:44 AM

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
Vendors: All	Include Non-Budgeted: Y		
Rcvd Batch Id Range: First to Last			

PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type
22-00209	02/23/22	HOME0010 HOME DEPOT/GEFC	water supplies	Open	221.27	0.00	B
22-00473	05/03/22	SOME0010 SOME'S UNIFORMS INC	Citations Bars	Open	46.40	0.00	
22-00543	05/20/22	LBIB0020 LBI BOARD OF EDUCATION	Local School Taxes	Open	146,234.00	0.00	B
22-00544	05/20/22	SREG0020 S REGIONAL BOARD OF EDUCATION	2022-2023 Reg. School Taxes	Open	266,615.58	0.00	B
22-00926	09/07/22	NESTL005 NESTLE WATERS NORTH AMERICAN	monthly water	Open	95.03	0.00	
22-00935	09/09/22	ONEC0010 ONE CALL CONCEPTS INC	monthly markouts	Open	8.58	0.00	
22-01122	11/02/22	TUCKE010 TUCKERTON LUMBER COMPANY	buildings and grounds	Open	23.37	0.00	
22-01243	12/09/22	HOME0010 HOME DEPOT/GEFC	borough hall rehab	Open	67.75	0.00	
23-00038	01/10/23	BEACH050 BEACH HAVEN AUTOMOTIVE, INC	shop supplies	Open	70.45	0.00	
23-00084	01/26/23	TONYS005 TONY'S GENERAL MECHANDISE INCO	D Lisiewski apparel allowance	Open	290.00	0.00	
23-00086	01/26/23	TONYS005 TONY'S GENERAL MECHANDISE INCO	D Maurus Apparel allowance	Open	135.00	0.00	
23-00088	01/26/23	TONYS005 TONY'S GENERAL MECHANDISE INCO	R Ott apparel allowance	Open	400.00	0.00	
23-00090	01/26/23	TONYS005 TONY'S GENERAL MECHANDISE INCO	M Cenci apparel allowance	Open	400.00	0.00	
23-00144	02/10/23	HOME0010 HOME DEPOT/GEFC	borough hall rehab	Open	247.73	0.00	
23-00146	02/10/23	HOME0010 HOME DEPOT/GEFC	shop supplies	Open	104.41	0.00	
23-00147	02/10/23	AGRAE005 AGRA ENVIRONMENTAL, INC	monthly samples	Open	60.00	0.00	
23-00157	02/13/23	HOLMA010 HOLMAN FRENIA ALLISON PC	2023 Audit Services	Open	12,500.00	0.00	
23-00192	02/23/23	AMAZO005 AMAZON CAPITAL SERVICES, INC	Truck Supplies	Open	424.75	0.00	
23-00194	02/23/23	VOGUE005 VOGUE CONSTRUCTION CO., INC	trap rock for park	Open	444.31	0.00	
23-00197	02/23/23	LOCKS005 LOCKSMITH SERVICES OF SOUTH J E	Keys	Open	16.50	0.00	
23-00207	02/27/23	MACCO005 MACCORKLE, MATTHEW	Equipment	Open	355.87	0.00	
23-00209	02/27/23	LIFE0010 LIFE SAVERS INC	Data Card	Open	59.00	0.00	
23-00214	02/28/23	MAACO025 MAACO COLLISION REPAIR	water Truck	Open	2,651.84	0.00	
23-00216	02/28/23	HOME0010 HOME DEPOT/GEFC	boro hall rehab supplies	Open	1,197.18	0.00	
23-00226	02/28/23	HOME0010 HOME DEPOT/GEFC	boro hall rehabilitation	Open	510.16	0.00	
23-00236	03/01/23	BEACH050 BEACH HAVEN AUTOMOTIVE, INC	vehicle maintenance	Open	99.99	0.00	
23-00240	03/02/23	AMAZO005 AMAZON CAPITAL SERVICES, INC	Clothing Allowance	Open	129.95	0.00	
23-00245	03/03/23	SHORE020 SHORE BUSINESS SOLUTIONS	Copier Maintenance Fees	Open	386.46	0.00	
23-00250	03/03/23	CREAT020 CREATIVE MANAGEMENT INC	Fuel Invoices	Open	756.82	0.00	
23-00254	03/03/23	DANDR005 D'ANDREA, NICHOLAS	Equipment	Open	429.55	0.00	
23-00257	03/06/23	MAGEL010 LINE SYSTEMS	February Telesystem Bill	Open	1,524.66	0.00	
23-00258	03/06/23	COMCA010 COMCAST CABLE	Monthly Invoice - w&S Charges	Open	629.36	0.00	
23-00259	03/06/23	NESTL005 NESTLE WATERS NORTH AMERICAN	water Delivery	Open	163.99	0.00	
23-00260	03/06/23	LANGU010 LANGUAGE LINE SERVICES, INC	Phone Interpretation	Open	40.80	0.00	
23-00262	03/06/23	MANAH010 MANAHAWKIN MAGIC WASH	vehicle wash	Open	24.50	0.00	
23-00263	03/06/23	OTT00010 OTT, RONALD	Eyeglass reimbursement 2023	Open	400.00	0.00	
23-00264	03/08/23	DEPIN005 DEPINO, PATRICIA	CDBTB, BC, & AF - Space Refund	Open	210.00	0.00	
23-00265	03/08/23	ULINE010 ULINE, INC	Beach Badge Reclosable Bags	Open	123.34	0.00	
23-00267	03/09/23	AMAZO005 AMAZON CAPITAL SERVICES, INC	Office Supplies	Open	26.56	0.00	
23-00269	03/13/23	PCSL005 PCS, LLC	Onsite Support	Open	854.75	0.00	
23-00270	03/13/23	GANNE010 GANNETT NEW JERSEY NEWSPAPERS	Monthy Advertising - February	Open	41.76	0.00	
23-00271	03/13/23	MEADO020 MEADOWBROOK INDUSTRIES LLC	February Trash & Recycling	Open	27,163.05	0.00	
23-00273	03/14/23	VERIZ040 VERIZON WIRELESS MDTs	Police MDT's	Open	152.04	0.00	
23-00274	03/14/23	VERIZ030 VERIZON WIRELESS - CELL	Police Cell Phones	Open	326.68	0.00	
23-00276	03/14/23	EXTRE005 EXTRERMA PRO LLC	Office pest control BH and PD	Open	320.00	0.00	
23-00288	03/14/23	LISIE005 LISIEWSKI, CHRISTINE	MOTCTA Spring Meeting Mileage	Open	41.47	0.00	
23-00292	03/16/23	APRUZ005 APRUZZESE, MCDERMOT, MASTRO &	February Legal Services	Open	18.50	0.00	
23-00293	03/16/23	HIERT010 HIERING, GANNON & MC KENNA	February Legal Fees	Open	896.10	0.00	

PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type	
23-00294	03/16/23	QUINL005 QUINLAN, ESQ., KEVIN	LUB Attorney Fees	Open	350.00	0.00		
23-00298	03/17/23	TWPO0010 TWP OF STAFFORD	February Animal Control	Open	269.00	0.00		
23-00299	03/20/23	OWEN0010 OWEN, LITTLE & ASSOCIATES	Monthly Invoice	Open	400.00	0.00		
23-00300	03/20/23	NJNA0020 NJ NATURAL GAS	Monthly Invoice -	Open	684.54	0.00		
23-00301	03/20/23	NJNA0020 NJ NATURAL GAS	Monthly Invoice -	Open	2,371.37	0.00		
23-00302	03/20/23	OWEN0010 OWEN, LITTLE & ASSOCIATES	Monthly Invoice	Open	4,681.25	0.00		
23-00303	03/20/23	ATLAN030 ATLANTIC CITY ELECTRIC	Electric - Current Charges	Open	4,425.70	0.00		
23-00304	03/20/23	ATLAN030 ATLANTIC CITY ELECTRIC	Electric - W&S Charges	Open	3,039.75	0.00		
23-00305	03/20/23	OWEN0010 OWEN, LITTLE & ASSOCIATES	Monthly Invoice	Open	400.00	0.00		
23-00306	03/20/23	OWEN0010 OWEN, LITTLE & ASSOCIATES	Monthly Invoice	Open	150.00	0.00		
Total Purchase Orders:		58	Total P.O. Line Items:	0	Total List Amount:	484,711.12	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	2-01	414,942.17	0.00	414,942.17	0.00	0.00	414,942.17
Utility Operating	2-09	<u>3,401.47</u>	<u>0.00</u>	<u>3,401.47</u>	<u>0.00</u>	<u>0.00</u>	<u>3,401.47</u>
Year Total:		418,343.64	0.00	418,343.64	0.00	0.00	418,343.64
Current Fund	3-01	42,505.48	0.00	42,505.48	0.00	0.00	42,505.48
Utility Operating	3-09	<u>18,052.00</u>	<u>0.00</u>	<u>18,052.00</u>	<u>0.00</u>	<u>0.00</u>	<u>18,052.00</u>
Year Total:		60,557.48	0.00	60,557.48	0.00	0.00	60,557.48
General Capital F	C-04	4,500.00	0.00	4,500.00	0.00	0.00	4,500.00
Trust Fund	T-17	1,310.00	0.00	1,310.00	0.00	0.00	1,310.00
Total of All Funds:		<u>484,711.12</u>	<u>0.00</u>	<u>484,711.12</u>	<u>0.00</u>	<u>0.00</u>	<u>484,711.12</u>

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 March 20, 2023 be paid upon verification by the Chief Financial Officer that sufficient funds are available for the payment of the same.

PASSED ON: March 20, 2023