

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, February 16, 2016, was made by Commissioner Garofalo, seconded by Commissioner Gerkens.

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

ORDINANCE #2016-02 FIRST READING

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS AUTHORIZING THE MUNICIPALITY IN PREPARING ITS 2016 BUDGET TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

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

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

Vote: Ayes – Oldham, Gerkens, Garofalo

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

ORDINANCE #2016-03 FIRST READING

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, IN THE COUNTY OF OCEAN, NEW JERSEY, PROVIDING FOR THE ACQUISITION OF A UTILITY TRUCK AND OTHER RELATED EXPENSES IN AND FOR THE BOROUGH OF HARVEY CEDARS AND APPROPRIATING \$56,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$56,000 IN BONDS OR NOTES OF THE BOROUGH OF HARVEY CEDARS TO FINANCE THE SAME

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

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

Vote: Ayes – Oldham, Garofalo, Gerkens

The Mayor read the following 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 #2016-021:

ESTABLISHING A TEMPORARY CAPITAL BUDGET FOR THE BOROUGH OF HARVEY CEDARS

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

Vote: Ayes – Oldham, Gerkens, Garofalo

The Mayor read the following in full.

RESOLUTION #2016-022:

INTRODUCTION OF MUNICIPAL BUDGET FOR 2016 TO BE READ BY TITLE ONLY

Municipal Budget of the Borough of Harvey Cedars, County of Ocean for the Fiscal Year 2016.

BE IT RESOLVED that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2016.

BE IT FURTHER RESOLVED that said budget be published in the Beach Haven Times in the issue of **March 17, 2016**.

A hearing on the Budget and Tax Resolution will be held at the Municipal Building, 7606 Long Beach Blvd., Harvey Cedars on **Tuesday, April 19, 2016** at **4:30pm** at which time and place objections to said Budget and Tax Resolution for the year 2014 may be presented by taxpayers or other interested persons.

A summary copy of the budget is attached hereto and made a part hereof.

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

Vote: Ayes – Oldham, Gerkens, Garofalo

RESOLUTION #2016-023:

AUTHORIZING THE UTILITY COLLECTOR TO ADJUST CERTAIN WATER/SEWER CHARGES

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

RESOLUTION #2016-024:

APPOINTMENT OF POLICE CHIEF FOR THE BOROUGH OF HARVEY CEDARS

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

RESOLUTION #2016-025:

DESIGNATING THE ZONING OFFICER FOR THE BOROUGH OF HARVEY CEDARS

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

RESOLUTION #2016-026:

ACCEPTING APPLICATION FOR THE SISTERS OF CHARITY OF ST. ELIZABETH TO HOLD A RAFFLE IN THE BOROUGH OF HARVEY CEDARS ON SEPTEMBER 4, 2016 AND WAIVING FEE PAYABLE TO BOROUGH FOR SAME

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

RESOLUTION #2016-027:

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

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

RESOLUTION #2016-028: Bills

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

Public Property Usage requests:

1. Sunset Park & Boulevard – bicycle trial time

A motion was made by Commissioner Garofalo, seconded by Commissioner Gerkens, to approve the request by Chris Fritz and BMF Velo for a trial time bicycle race on Saturday, April 23, 2016 from 7:00am to 11:00am.

PRIVILEGE OF THE FLOOR –

No comments.

OATH OF ALLEGIANCE –

In front of a full room of Police Officers, Emergency Service Members, residents, family, friends and co-workers, the Municipal Clerk administered the Oath of Allegiance to Chief Robert Burnaford. The Chief's mother, Debbie Burnaford, held the family bible during the oath; after the oath, his wife Sabrina pinned on his new badge. Following the ceremony Chief Burnaford made a brief speech to thank everyone and invited everyone to the Fire House for a celebration.

Motion to adjourn: Commissioner Garofalo
Second: Commissioner Gerkens

Meeting adjourned at 4:38pm.

ORDINANCE NO. 2016-02

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS AUTHORIZING THE MUNICIPALITY IN PREPARING ITS 2015 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 0% 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 2016 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 2016 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 \$111,608 and that the CY 2016 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.

ADOPTED ON: APRIL 21, 2016

ORDINANCE NO. 2016-03

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, IN THE COUNTY OF OCEAN, NEW JERSEY, PROVIDING FOR THE ACQUISITION OF A UTILITY TRUCK AND OTHER RELATED EXPENSES IN AND FOR THE BOROUGH OF HARVEY CEDARS AND APPROPRIATING \$56,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$56,000 IN BONDS OR NOTES OF THE BOROUGH OF HARVEY CEDARS TO FINANCE THE SAME

BE IT ORDAINED BY 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), 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 \$56,000. No down payment is required in connection with the improvement or purpose as said purpose is deemed to be self-liquidating and the obligations authorized herein are deductible from the gross debt of the Borough, as more fully explained in Section 6(e) of this bond ordinance.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$56,000 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 or notes are to be issued is for the acquisition of a utility truck and related equipment, and including all other work and materials necessary therefor and incidental thereto.

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

(c) The estimated cost of the several improvements or purposes 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 hereby authorized to sell part or all of the notes from time to time, at not less than 99% of par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. 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. This is an improvement or purpose the Borough may lawfully undertake as self-liquidating improvements of a municipal public utility and no part of the costs thereof have been or shall be specially assessed on property specially benefited thereby.

(b) The average 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 5 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 \$56,000 but that the net debt of the Borough determined as provided in the Local Bond Law is not increased by this bond ordinance and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$5,000 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 several improvements or purposes.

(e) This bond ordinance authorizes obligations of the Borough solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and is deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

(f) The Borough reasonably expects to commence the acquisition and/or construction of the improvement or purpose described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Borough further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 2 hereof.

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. The Borough hereby covenants to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 10. 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 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

EFFECTIVE DATE: APRIL 21, 2016

RESOLUTION #2016-021

**ESTABLISHING A TEMPORARY CAPITAL BUDGET FOR
THE BOROUGH OF HARVEY CEDARS**

WHEREAS the Borough of Harvey Cedars is introducing a Bond Ordinance to provide for the purchase of property; 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 2016 and consequently it is necessary to adopt a Temporary Capital Budget prior to the adoption of any Bond Ordinance.

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 2016 budget:

CAPTIAL BUDGET (2016)

Project: Purchase Utility Truck
Estimated Total Cost: \$56,000.00
Debt Authorized: \$56,000.00

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 Gerkens
SECOND: Commissioner Garofalo
ROLL CALL:
AYES: Oldham, Gerkens, Garofalo
NAYS: none
ABSENT: none
PASSED ON: March 8, 2016

RESOLUTION #2016-023

**AUTHORIZING THE UTILITY COLLECTOR TO ADJUST CERTAIN
WATER/SEWER CHARGES**

WHEREAS the Utility Collector of the Borough of Harvey Cedars processes utility bills based on dwelling units to establish the flat rate fee per property in addition to the total water usage for the quarter; and

WHEREAS it is the desire of the Board of Commissioners to establish a maximum dwelling unit count for residential properties and to offer a one-time adjustment to property owners who have experienced extraordinary water usage.

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

1. The maximum dwelling units per property is hereby established at three (3) and that the Utility Collector is authorized to adjust the utility accounts over said maximum.
2. The Utility Collector is authorized to adjust and issue a one-time credit to the following utility account(s) based on average water usage from prior quarterly readings:

ACCOUNT#	OWNER	WATER CREDIT	SEWER CREDIT
289-0	Floyd	\$1,892.18	\$475.36

PASSED ON: March 8, 2016

RESOLUTION #2016-024

**APPOINTMENT OF POLICE CHIEF FOR THE BOROUGH OF HARVEY
CEDARS**

WHEREAS the Borough of Harvey Cedars has established the position of Police Chief who, under the direction of the Director of Public Safety of the Borough Commission, does the administrative and technical work with reference to the activities and employees of the Borough Police Department; and

WHEREAS the position of Police Chief of the Borough of Harvey Cedars has become vacant by the retirement of Thomas Preiser on March 1, 2016; and

WHEREAS all criteria for the selection of a new police chief have been met pursuant to the ordinances, policies and procedures of the Borough of Harvey Cedars; and

WHEREAS the Board of Commissioners believes that this position can be best filled by Detective Robert Burnaford.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Harvey Cedars hereby appoints Robert Burnaford as Police Chief for the Borough of Harvey Cedars effective March 1, 2016.

PASSED ON: March 8, 2016

RESOLUTION #2016-025

**DESIGNATING THE ZONING OFFICER
FOR THE BOROUGH OF HARVEY CEDARS**

WHEREAS the Borough of Harvey Cedars has established the position of Zoning Officer / Code Enforcement Officer who, under the supervision of the Public Works Commissioner, examines the working plans of proposed buildings for their compliance with state, county and local zoning laws, ordinances, rules and regulations and conducts field work to ensure compliance of zoning regulations, and who performs varied types of field and office work involved in seeing that residences, business places and citizens comply with various borough ordinances and related work as required; and

WHEREAS the office of the Zoning/Code Enforcement of the Borough of Harvey Cedars became vacant on March 1, 2016 by the retirement of Helen Kornacki; and

WHEREAS Anna Grimste has held the position of Assistant Zoning/Code Enforcement Officer since employed on October 14, 2015 and satisfies the job requirements for position of Zoning/Code Enforcement Officer.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Harvey Cedars, County of Ocean, State of New Jersey, that

Anna Grimste

be and is hereby designated as the Zoning Officer and the Code Enforcement Officer of the Borough of Harvey Cedars effective March 1, 2016.

PASSED ON: March 8, 2016

RESOLUTION #2016-026

**ACCEPTING APPLICATION FOR
THE SISTERS OF CHARITY OF ST. ELIZABETH TO HOLD A RAFFLE IN
THE BOROUGH OF HARVEY CEDARS
ON SEPTEMBER 4, 2016
AND WAIVING FEE PAYABLE TO BOROUGH FOR SAME**

WHEREAS Sisters of Charity of St. Elizabeth in Harvey Cedars has made application to conduct a raffle in accordance with the Act and Rules and Regulations of the Legalized Games of Chance Control Commission; and

WHEREAS there is satisfactory proof that the prizes are of the nature and amount allowed by law; and

WHEREAS in accordance with NJAC 13:47-4.3, fees are payable by law, upon findings and determination of the governing body of the Borough of Harvey Cedars; and

WHEREAS the governing body has heretofore waived the payment of any fee payable to the Borough for a license to conduct raffles on behalf of the Sisters of Charity of St. Elizabeth.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Harvey Cedars that upon acceptance of said application to the Legalized Games of Chance Control Commission, the application fee for license payable to the Borough of Harvey Cedars be and is hereby waived.

PASSED ON: March 8, 2016

RESOLUTION #2016-027

**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. GMC Suburban
- b. Beach badges
- c. Office Equipment

(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: March 8, 2016