

The regular meeting of the Board of Commissioners of the Borough of Harvey Cedars, NJ was called to order by Deputy Mayor Gerken at 4:30pm. Commissioner Garofalo was present, Mayor Oldham was out of town.

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 18, 2014.

**Motion** to approve the minutes of the previous meeting, April 21, 2015, was made by Commissioner Garofalo, seconded by Commissioner Gerken.

The Deputy 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 #2015-03 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 "HOURS OF CONSTRUCTION"**

Motion to open public discussion: Commissioner Garofalo  
Second: Commissioner Gerken

Commissioner Gerken stated this ordinance puts new limits on the hours of construction; currently there are no limits in the winter, only in the summer.

There were no public questions or comments.

Motion to close public discussion: Commissioner Garofalo  
Second: Commissioner Gerken

Motion to adopt: Commissioner Garofalo  
Second: Commissioner Gerken  
Vote: Ayes – Garofalo, Gerken  
A copy of the full ordinance as adopted is filed in the ordinance book.

The Deputy 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 #2015-036:**

**APPOINTMENTS OF CLASS I SPECIAL OFFICERS FOR THE BOROUGH OF HARVEY CEDARS**

Motion to adopt: Commissioner Garofalo  
Second: Commissioner Gerken

**RESOLUTION #2015-037:**

**CHAPTER 159 ITEM OF REVENUE INSERTION IN THE SUM OF \$50,000.00 – FEMA INFRASTRUCTURE PROGRAM EQUIPMENT ELEVATION PROJECT (RAISE ELECTRICAL PANEL 80<sup>TH</sup> STREET WATER PLANT)**

Motion to adopt: Commissioner Garofalo  
Second: Commissioner Gerken

**RESOLUTION #2015-038:**

**CHAPTER 159 ITEM OF REVENUE INSERTION IN THE SUM OF \$144,000.00– NJDOT 2015 MUNICIPAL AID PROGRAM FOR HOLLY AVENUE**

Motion to adopt: Commissioner Garofalo  
Second: Commissioner Gerken

**RESOLUTION #2015-039: Bills**

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

**Public Property Usage requests:**

1. **Sunset Park – birthday party**

A motion was made by Commissioner Garofalo, seconded by Commissioner Gerkens, to approve the request to use Sunset Park to Danielle DiCaprio for a 6 year old birthday party on Saturday, May 9, 2015 from 12noon to 5:00pm, raindate May 16<sup>th</sup>.

2. **Sunset Park – baptism ceremony**

A motion was made by Commissioner Garofalo, seconded by Commissioner Gerkens, to approve the request to use Sunset Park to Amanda Boeta for a baptism ceremony on Saturday, May 30, 2015 from 10:45am – 12:15pm.

**PRIVILEGE OF THE FLOOR –**

Al Donahower asked about the painting of the water tower. Commissioner Garofalo stated the inside of the tower is being painted first, and that a drape is being placed on the outside to prevent paint splatter on properties.

Mr. Donahower asked what the population of Harvey Cedars is; it is usually based on the number of voters, 360, but the last census was also around 360.

Ty Perry asked if consideration was given to landscaping the area in the park by the point. The Board said there has not been any discussion about it, but there is a new Assistant Superintendent that likes to “dress up” public areas; however, thought must be given to the biennial fireworks that may possibly destroy plantings in that area.

**Motion** to adjourn: Commissioner Garofalo

Second: Commissioner Gerkens

Meeting adjourned at 4:53pm.

**ORDINANCE NO. 2015-03**

**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 “HOURS OF CONSTRUCTION”**

**BE IT ORDAINED BY THE BOARD OF THE COMMISSIONERS OF THE BOROUGH OF HARVEY CEDARS** as follows:

Section 1. Section 12-9.1 entitled “Hours of Construction” is hereby amended in its entirety as follows:

12-9.1 Days and hours. Construction and demolition activity, excluding emergency work, shall be performed as follows:

- a. Mondays through Fridays
  1. After Labor Day through June 30<sup>th</sup> beginning no earlier than 7:00 a.m.
  2. From July 1 through Labor Day beginning no earlier than 8:00 a.m.
- b. Saturdays beginning no earlier than 8:00 a.m.
- c. No construction activity shall be performed on Sundays, except by the homeowner beginning no earlier than 8:00 a.m.

Section 2. If any provision, section, subsection, or paragraph of this Ordinance shall be declared unconstitutional, invalid, or inoperative, in whole or in part, by a Court of competent jurisdiction, such provision, section, subsection, or paragraph shall, to the extent that it is not unconstitutional, invalid or inoperative, remain in full force and effect, and no such determination shall be deemed to invalidate the remaining provisions, subsections, or paragraphs of this Ordinance.

Section 3. This Ordinance shall take effect after final adoption and publication in accordance with law.

ADOPTED ON: May 1, 2015

**RESOLUTION #2015-036**

**APPOINTMENTS OF CLASS I SPECIAL OFFICERS FOR THE BOROUGH OF HARVEY CEDARS**

**WHEREAS** it is the desire of the Borough of Harvey Cedars to employ seasonal police officers; and

**WHEREAS** the Harvey Cedars Police Chief has recommended to the Board of Commissioners to appoint two (2) Class I Special Officers for the 2015 season.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Harvey Cedars that the following are hereby appointed Class I Special Officers for the Borough of Harvey Cedars, effective May 1, 2015:

1. Joseph Pinto
2. Amanda White

**BE IT FURTHER RESOLVED** as follows:

1. The above-appointed Special Officers are hereby authorized to attend the Class I Police Academy in Beach Haven, NJ.
2. The duties of the above-appointed Special Officers shall be limited and confined to crowd control, traffic control, and enforcement of regulations and special duties assigned by the Chief of Police.
3. A certified copy of this resolution shall be forwarded to the New Jersey Police Training Commission (NJPTC).

PASSED ON: May 1, 2015

**RESOLUTION #2015-037**

**CHAPTER 159 ITEM OF REVENUE INSERTION IN THE SUM OF \$50,000.00 –  
FEMA INFRASTRUCTURE PROGRAM EQUIPMENT ELEVATION PROJECT  
(RAISE ELECTRICAL PANEL 80<sup>TH</sup> STREET WATER PLANT)**

**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 2015 in the sum of \$45,000.00, which is now available from the Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP) (through the New Jersey Office of Emergency Management) in the amount of \$45,000.00.

**BE IT FURTHER RESOLVED** that the like sum of \$45,000.00 is hereby appropriated under the caption: 8. General Appropriations (A) Operations excluded from “CAPS” Public and Private Programs offset by Revenues: 80<sup>th</sup> St. Electrical Panel.

**BE IT FURTHER RESOLVED** that a matching sum of \$5,000.00 is to be provided for in the 2015 Municipal budget from the line item entitled “Utility Capital Improvement Fund”.

**BE IT FURTHER RESOLVED** that the above is a result of funds from the Federal Emergency Management Agency and the New Jersey Office of Emergency Management in the amount of \$45,000.00.

PASSED ON: May 1, 2015

**RESOLUTION #2015-038**

**CHAPTER 159 ITEM OF REVENUE INSERTION IN THE SUM OF \$144,000.00–  
NJDOT 2015 MUNICIPAL AID PROGRAM FOR HOLLY AVENUE**

**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 2015 in the sum of \$144,000.00, which is now available from the New Jersey Department of Transportation in the amount of \$144,000.00.

**BE IT FURTHER RESOLVED** that the like sum of \$144,000.00 is hereby appropriated under the caption: 8. General Appropriations (A) Operations excluded from “CAPS” Public and Private Programs offset by Revenues: Holly Ave Road Project.

**BE IT FURTHER RESOLVED** that the above is a result of funds from the State of New Jersey Department of Transportation in the amount of \$144,000.00.

PASSED ON: May 1, 2015