

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 15, 2016 and the Asbury Park Press on December 10, 2016.

Motion to approve the minutes of the previous meeting, April 18, 2017, was made by Commissioner Gerkens, seconded by Commissioner Garofalo.

The Mayor read the following ordinances by title and number and asked for a motions to introduce.

ORDINANCE #2017-11 FIRST READING

AN ORDINANCE SUPPLEMENTING TO CHAPTER 2 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, ENTITLED "ADMINISTRATION" NEW SECTION 2-15 ENTITLED "OPEN SPACE"

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

Commissioner Gerkens stated this ordinance is setting up the parameters for the committee and the Board will be talking to people who have volunteered to serve on the committee.

Motion to adopt: Commissioner Gerkens
Second: Commissioner Garofalo
Vote: Ayes – Oldham, Garofalo, Gerkens

ORDINANCE #2017-12 FIRST READING

AN ORDINANCE SUPPLEMENTING AND AMENDING CHAPTER 10 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, ENTITLED "WATERFRONT REGULATIONS" AS IT PERTAINS TO MOTORIZED VEHICLES ON THE BEACH

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 ordinances by title and number and stated that proofs of publication are on hand and the ordinances have been posted.

ORDINANCE #2017-07 SECOND READING

AN ORDINANCE AMENDING CHAPTER 2 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, ENTITLED "ADMINISTRATION" AS IT PERTAINS TO FREQUENCY OF BACKGROUND CHECKS

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

There were no public questions or comments.

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

Motion to adopt: Commissioner Gerkens
Second: Commissioner Garofalo
Vote: Ayes – Oldham, Gerkens, Garofalo

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

ORDINANCE #2017-08 SECOND READING

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, IN THE COUNTY OF OCEAN, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO HOLLY AVENUE LOCATED IN THE BOROUGH AND APPROPRIATING \$200,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$200,000 IN BONDS OR NOTES OF THE BOROUGH OF HARVEY CEDARS TO FINANCE THE SAME

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

There were no public questions or comments.

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

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

ORDINANCE #2017-09 SECOND READING

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, IN THE COUNTY OF OCEAN, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO THE SALEM AVENUE WATER PLANT APPROPRIATING \$300,000 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 Garofalo
Second: Commissioner Gerkens

There were no public questions or comments.

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

Motion to adopt: 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 #2017-050:

AUTHORIZING AMENDMENT TO THE TEMPORARY BUDGET

Motion to adopt: Commissioner Gerkens
Second: Commissioner Garofalo

RESOLUTION #2017-051:

APPOINTMENT OF CLASS I SPECIAL OFFICER FOR THE BOROUGH OF HARVEY CEDARS

Motion to adopt: Commissioner Garofalo
Second: Commissioner Gerkens

RESOLUTION #2017-052:

AUTHORIZING THE ADOPTION OF THE HARVEY CEDARS BEACH ACCESS POLICY

Motion to adopt: Commissioner Garofalo
Second: Commissioner Gerkens

RESOLUTION #2017-053: Bills

Motion to adopt: Commissioner Gerkens
Second: Commissioner Garofalo

Public Property Usage requests:

1. Surf Lessons – Beach

A motion was made by Commissioner Garofalo, seconded by Commissioner Gerken, to approve the request to use Hudson Ave. beach to Jeffrey Santoloci, dba LBI Surfing, for surfing lessons on various dates in July and in August as noted on the request form. The request for tent placement was denied, but umbrellas were approved.

2. Wedding Ceremony – Sunset Park

A motion was made by Commissioner Garofalo, seconded by Commissioner Gerken, to approve the request to use Sunset Park to James Gulics for a wedding ceremony on Friday, June 9th from 5pm to sunset.

3. Company Picnic – Sunset Park

A motion was made by Commissioner Garofalo, seconded by Commissioner Gerken, to approve the request to use the ballfield & Sunset Park to Roy Lamanna for a picnic and kickball games on Saturday, June 3 from 12:30pm to 3:30pm.

PRIVILEGE OF THE FLOOR –

Craig Coddington, representing the High Point Fire Company, stated the annual Chicken Dinner held on Memorial Day weekend was cancelled and wanted to get the word out to the public. A sign will be posted at the firehouse. Mr. Coddington asked when the hydrant in front of the firehouse will be fixed. The Mayor responded Public Works will be fixing it Monday.

Bob Danna asked the Board what was the timeline of appointing the Open Space Committee. Commissioner Gerken stated this will be done within the next week.

EAGLE SCOUT PROPOSAL –

Brendan Skowronek addressed the Board and public regarding his proposal for an Eagle Scout Project. He described the importance of dune maintenance and asked the Board to approve his project of dune grass planting on Columbus Day weekend. He stated his Troop has approved the project. Chief Robert Burnaford stated he has known Brendan for quite some time through the LIT Program and gave his recommendation to approve Brendan's project. The Mayor made a motion to approve Brendan Skowronek's Eagle Scout Project, Commissioner Garofalo seconded the motion, and all were in favor.

RECOGNITIONS AND POLICE AWARDS –

The Mayor praised and thanked Diana Stott for her work in obtaining funding through FEMA from Super Storm Sandy. He stated there was a lot of paperwork and tracking of hours involved that Diana managed. The Mayor presented Diana a plaque which read: "*Emergency Management / Presented To DIANA STOTT / In Recognition and Appreciation For Your Dedication and Active Involvement In The Reimbursement Process For FEMA After Super Storm Sandy / May 5, 2017*".

Chief Robert Burnaford thanked the Mayor and Commissioners for their continued support of the Police Department. He welcomed all and thanked the 2 retired Chiefs for attending: Chief Jerry Falkowski and Chief Thomas Laneve. Chief Burnaford presented the following awards:

- The *Certificate of Drug Buster* was awarded to Officer Mathew Chester. Officer Chester demonstrated his skills of getting illegal drugs off our streets; he arrested well over 50% of the drug arrest for the department alone; he attended multiple training sessions and learns from other narcotics officers in the County.
- The *Certificate of Lifesaving* was awarded to Officer Kevin Snow. Officer Snow's actions saved the life of a fellow citizen during an emergency. Without his quick efforts, the end result would have been different.
- The *Officer of the Year* was awarded to Officer Timothy Butler. Officer Butler does an outstanding job in every aspect of his work. He takes on numerous jobs and responsibilities in the department; he secured traffic safety grants, he is the Accreditation Manager and the Social Media Coordinator. Officer Butler had 284 motor vehicle stops and 17 arrests. (This is the 3rd *Officer of the Year* award for Officer Butler.)

Mayor Oldham congratulated the recipients, thanked the Chief and stated the Board is very proud of the Police Department.

Motion to adjourn: Commissioner Gerkens
Second: Commissioner Garofalo

Meeting adjourned at 5:00pm.

ORDINANCE NO. 2017-11

AN ORDINANCE SUPPLEMENTING TO CHAPTER 2 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, ENTITLED "ADMINISTRATION" NEW SECTION 2-15 ENTITLED "OPEN SPACE"

BE IT ORDAINED by the Board of Commissioners of the Borough of Harvey Cedars, as follows:

SECTION 1. Chapter 2 of the Borough Code of the Borough of Harvey Cedars entitled "Administration" is hereby amended and supplemented so as to add a new Section 2-15, entitled "Open Space", which shall read as follows:

2-15 OPEN SPACE

2-15.1 Establishment of Open Space Trust Fund

There is hereby established a reserve in the General Trust Fund which shall be noted and designated as the Open Space Trust Fund ("Trust Fund" hereinafter). A separate bank account shall be established and maintained entitled "Harvey Cedars Open Space Trust Account".

A. Funding

Beginning in 2017, a special tax rate shall be added to the total Borough tax rate in the amount not to exceed one (\$0.01) cent per one hundred (\$100.00) dollars of the annual assessment valuations and tax rate, the revenue from which shall be deposited in the Trust Fund. The Borough may, in its discretion, deposit additional municipal monies into the Trust Fund, which deposits shall then be subject to all of the provisions governing the Trust Fund. The Trust Fund shall also be authorized to accept donations and testamentary bequests.

B. Purpose and Utilization of Funds

The funds from the Trust Fund shall be utilized for the purchase of property rights within the Borough of Harvey Cedars from willing sellers, including but not by way of limitation, fee simple acquisitions, easements, development rights, or any other lesser interest in real estate which will further the goal of property acquisitions of lands and property rights for recreation and/or conservation purposes, including all costs and expenses associated therewith.

In connection with such acquisitions, the funds may be utilized for appraisals, title fees, professional fees and other items of expense permitted by law in connection with the acquisition of real estate. Additionally, funds accumulated within the Trust Fund may be used as a down payment for the issuance of bonds or for debt service for the same purpose at the discretion of the Board of Commissioners.

The land acquired under the Trust Fund shall be utilized for all categories of open space, including parks, recreation areas, natural areas and such other uses consistent with the concept of open space.

C. Sale of Property

No real property or interest therein, acquired with funds from the Trust Fund shall be sold, conveyed, leased or otherwise disposed by the Borough unless it is needed for another public use or otherwise furthers the purposes of the Trust. If such a sale, lease or conveyance is made, the Borough shall be required to place the monies received into the Trust Fund as provided in NJSA 40:12-15.9.

2-15.2 Establishment of Open Space Advisory Committee

There is hereby established an Open Space Advisory Committee of the Borough of Harvey Cedars to review and recommend parcels of land and interests therein that could benefit from the Open Space Funds for the public good.

A. Membership.

The Open Space Advisory Committee shall consist of seven (7) regular members and one (1) alternate member as follows:

1. One (1) member of the Harvey Cedars Board of Commissioners.
2. One (1) member of the Harvey Cedars Taxpayers Association's Executive Board.
3. One (1) member of the Harvey Cedars Land Use Board.
4. Two (2) residents of the Borough of Harvey Cedars.
5. Two (2) property owners or residents of the Borough of Harvey Cedars.
6. One (1) alternate member who is a property owner in the Borough of Harvey Cedars.
7. All members shall serve without compensation.

B. Appointment; Term.

The term of office of all members shall be one (1) year which appointments shall be made annually by the Board of Commissioners.

C. Officers and Minutes.

The Open Space Advisory Committee shall annually select from among its regular members a chairperson to act as presiding officer and a vice chairperson to serve as presiding officer in the absence of the chair. The committee shall also designate from among its regular members a secretary whose function shall be to keep minutes of all meetings, showing the time, place, the members present, and the subjects considered. Copies of minutes shall be sent to the Municipal Clerk promptly after each meeting. The Municipal Clerk shall make the minutes available to the public upon request.

D. Public Meetings.

The Open Space Advisory Committee shall hold public meetings, which public meetings shall be held in accordance with the Open Public Meetings Act, and the Committee shall give appropriate notice of said meetings. The Committee shall meet regularly on dates as determined by the members, but at least twice annually.

E. Duties and functions.

The Open Space Advisory Committee shall:

1. Study and determine the existence of open space properties within the Borough.
2. Make recommendations to the Board of Commissioners as to those properties which it has determined meet the criteria for possible acquisition, whether in fee, by easement, by means of development rights, or by other means. The Board of Commissioners shall review the report of the committee and make a determination as to the properties, if any, to be acquired.
3. Prepare an open space plan which shall be submitted to the Board of Commissioners on an annual basis; the plan shall contain an updated inventory of open space properties, and shall include recommendations for the acquisition or preservation of certain lands within the Borough.
4. Obtain and review accounting reports from the Borough's Chief Finance Officer of the utilization and balance available in the Open Space Trust Fund.
5. Perform such other advisory duties as requested by the Board of Commissioners.

F. Budget.

The Board of Commissioners may, at its discretion, appropriate sufficient funding to assist the Open Space Advisory Committee in carrying out its duties and responsibilities.

2-15.3 Review of Open Space Trust Fund.

In the event that no property is acquired or financed under this chapter for a period of five (5) consecutive years, the Board of Commissioners shall conduct a review and issue a report with recommendations and conclusions concerning the continuation of the Open Space Trust Fund.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.

SECTION 3. If any word, phrase, clause, section or provision of this ordinance shall be found by any court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause, section or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.

SECTION 4. This ordinance shall take effect immediately upon publication in accordance with law.

ADOPTED ON: June 2, 2017

ORDINANCE NO. 2017-12

**AN ORDINANCE SUPPLEMENTING AND AMENDING CHAPTER 10 OF THE
REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS,
1975, ENTITLED “WATERFRONT REGULATIONS” AS IT PERTAINS TO
MOTORIZED VEHICLES ON THE BEACH**

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

Section 1. Section 10-7 entitled “Prohibited Activities” paragraph a. is hereby amended to read as follows:

- a. The operation of any motor vehicle in the beach-dune area except for authorized vehicles.

Section 2. All of the provisions of Chapter 10 of the Revised General Ordinances of the Borough of Harvey Cedars, 1975, not consistent herewith, are reaffirmed and readopted as if more fully set forth herein, and any provisions of said Ordinance which are inconsistent herewith are hereby repealed.

Section 3. If any provision, section, subsection, or paragraph of this ordinance shall be declared to be 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 4. This Ordinance shall take effect upon final adoption after publication in accordance with law.

INTRODUCED: May 5, 2017

RESOLUTION #2017-050

AUTHORIZING AMENDMENT TO THE TEMPORARY BUDGET

WHEREAS N.J.S. 40A:4-19.1 provides that in any fiscal year for which the budget dates have been extended, the Director of the Division of Local Government Services may permit appropriations to provide for the period between the date upon which the budget was scheduled temporary budget for adoption pursuant to N.J.S.A. 40A:4-5 and the actual date upon which the budget is adopted; and

WHEREAS the date of this resolution is after the scheduled adoption date of March 20, 2017; and

NOW, THEREFORE, BE IT RESOLVED that the following temporary appropriations be amended and made as follows:

	<u>Amendment</u>	<u>2017</u> <u>Amended Temporary</u>
<u>Current Fund</u>		
Road Repair & Maintenance S&W	10,000.00	120,000.00
Park Maintenance	2,000.00	8,780.00
Buildings & Grounds	2,000.00	22,400.00
Vehicle Maintenance	2,500.00	17,500.00
Social Security	12,000.00	53,000.00
Unemployment Insurance	1,000.00	4,750.00
Liability Insurance	17,842.79	31,968.94
Workers Comp Insurance	19,862.91	39,725.82
	<u>67,205.70</u>	<u>298,124.76</u>

PASSED ON: May 5, 2017

RESOLUTION #2017-051

APPOINTMENT OF CLASS I SPECIAL OFFICER 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 a Class I Special Officer for the 2017 season.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Harvey Cedars that Brian Devlin is hereby appointed as a Class I Special Officer for the Borough of Harvey Cedars, effective May 22, 2017.

BE IT FURTHER RESOLVED as follows:

1. The above-appointed Special Officer is hereby authorized to attend the Class I Police Academy in Beach Haven, NJ.
2. The duties of the above-appointed Special Officer 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 5, 2017

RESOLUTION #2017-052

**AUTHORIZING THE ADOPTION OF THE
HARVEY CEDARS BEACH ACCESS POLICY**

WHEREAS the Borough of Harvey Cedars' beach wheelchair program has been in place for over 20 years providing physically challenged individuals assistance in accessing the beach; and

WHEREAS the Borough desires to adopt an alternate program for those who are unable to use a beach wheel chair; and

WHEREAS it is the intent of the Borough to formally adopt a beach access policy for the use of beach wheelchairs and a motorized vehicle to set forth the rules and regulations of such programs.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Harvey Cedars hereby adopts the attached policy entitled "Harvey Cedars Beach Access Policy".

PASSED ON: May 5, 2017