

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 18, 2014.

Motion to approve the minutes of the previous meeting, May 15, 2015, 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 #2015-06 FIRST READING

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS APPROPRIATING THE SUM OF \$7,540.00 FROM THE UTILITY CAPITAL IMPROVEMENT FUND FOR CERTAIN CAPITAL IMPROVEMENTS IN THE BOROUGH OF HARVEY CEDARS

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 stated that proof of publication is on hand and the ordinance has been posted.

ORDINANCE #2015-04 SECOND READING

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS AMENDING AND SUPPLEMENTING CHAPTER 8 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, ENTITLED "TRAFFIC" AS IT PERTAINS TO THE PARKING OF TRAILERS

Motion to open public discussion: Commissioner Gerkens

Second: Commissioner Garofalo

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, Garofalo, Gerkens

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

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

ORDINANCE #2015-05 SECOND READING

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, OCEAN COUNTY, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 13 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, ENTITLED "ZONING" AS IT PERTAINS TO GENERAL BUSINESS OFF STREET PARKING

Motion to open public discussion: Commissioner Gerkens

Second: Commissioner Garofalo

Mayor Oldham explained that this ordinance increases the fines for violating seating and occupancy in business establishments. A fairly large group was in attendance and their general comments pertained to their disapproval of the seating ordinance, not the fine ordinance. The following is a summary of questions and comments made by the public and the Board:

- The fine was being increased from \$250 for each offence to \$500 for the 1st offence, then \$1250 for subsequent offences.
- Currently, there are no known establishments that are violating the seating ordinance.
- The Mayor explained that most restaurants were over their allowed seating, therefore a committee was formed to review the current seating ordinance to determine what changes, if any, could be made for businesses to gain more seats. The committee determined that if employees parked off-site, it would free up spaces in the parking lots and on the street for patrons to park, and would give the establishment 3 more seats for every employee parking off-site. The new fines are for non-compliance of the allowed seating.
- Committee members included Land Use Board members, Taxpayer Association members, residents, realtors and restaurant owners.
- Since the seating ordinance change, four restaurants have applied to the Land Use Board and were granted more seating.
- The current ordinance that has been in place since the 50s, permits three seats per parking space, which represents an average of patrons per car.
- Members of the public questioned the three seats per parking space and asked to have it changed to either five to a car, or just eliminate it and use the occupancy established for fire codes. They asked how this can be achieved and if a petition would be needed.
- Concerns were raised regarding the equality of monitoring the businesses for compliance. The Code Enforcement Officer, with assistance by the Police Department, checked businesses intermittently for violations. The Police Chief stated that all restaurants were checked last year and counts were recorded.
- The Mayor summarized that this ordinance is about increasing penalties and people are expected to comply with the town ordinances. He stated that after this summer the Board will evaluate the effects of the ordinances and, if changes are needed, a committee will be formed to make recommendations.
- Emily Merchant asked how to be included in the committee. She was instructed to give her contact information to the Clerk.

Motion to close public discussion: Commissioner Gerkens

Second: Commissioner Garofalo

Motion to adopt: Commissioner Gerkens

Second: Mayor Oldham

Vote: Ayes – Oldham, Gerkens

Abstain: Garofalo

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

The majority of the public left the room.

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 #2015-043:

CHAPTER 159 ITEM OF REVENUE INSERTION IN THE SUM OF \$1,000.00 - TOURISM

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

RESOLUTION #2015-044:

CHAPTER 159 ITEM OF REVENUE INSERTION IN THE SUM OF \$1,600.00 – COPS IN SHOPS

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

RESOLUTION #2015-045:

CHAPTER 159 ITEM OF REVENUE INSERTION IN THE SUM OF \$5,768.38 – CLEAN COMMUNITIES GRANT PROGRAM

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

RESOLUTION #2015-046:

CHAPTER 159 ITEM OF REVENUE INSERTION IN THE SUM OF \$100,400 – FEMA INFRASTRUCTURE PROGRAM GENERATOR PROJECT (80TH STREET WATER PLANT)

Motion to adopt: Commissioner Gerkens
Second: Commissioner Garofalo

RESOLUTION #2015-047:

**AMENDMENT TO THE LIFEGUARD AND BADGE CHECKER POLICY AND
PROCEDURE HANDBOOK**

Motion to adopt: Commissioner Garofalo
Second: Commissioner Gerkens

RESOLUTION #2015-048: Bills

Motion to adopt: Commissioner Gerkens
Second: Commissioner Garofalo

Public Property Usage requests:

1. **Brunch – Sunset Park**

After a brief discussion of scheduling concerns, a motion was made by Commissioner Gerkens, seconded by Commissioner Garofalo, to table the request by Stephanie Sanders to host a brunch in the park on Sunday, September 13, 2015 until further information was received.

2. **NSSA Surf Contest – Hudson Ave. Beach & Sunset Park**

A motion was made by Commissioner Gerkens, seconded by Commissioner Garofalo, to approve the request to use Hudson Ave. beach to the NSSA for a surf contest on Sunday, August 30, 2015 (no wave date Sept. 6) from 8:00am to 4:00pm.

3. **Wedding Ceremony – Essex Ave. Beach**

A motion was made by Commissioner Garofalo, seconded by Commissioner Gerkens, to approve the request to use Essex Ave. beach to Alyssa Ciccotti for a wedding ceremony on Saturday, August 29, 2015 at 6:00pm.

4. **Wedding Reception – East Essex Ave.**

A motion was made by Commissioner Gerkens, seconded by Commissioner Garofalo, to approve the request to use part of East Essex Avenue to Alyssa Ciccotti to erect a tent and host a wedding reception on Saturday, September 12, 2015 from 6pm to 11pm.

5. **Kickball Game – Ballfield**

A motion was made by Commissioner Garofalo, seconded by Commissioner Gerkens, to approve the request to use the ballfield in Sunset Park to Nick Ponisi for a kickball game on Saturday, June 13, 2015 from 1pm to 4pm.

6. **Kickball Game – Ballfield**

A motion was made by Commissioner Garofalo, seconded by Commissioner Gerkens, to approve the request from Margaret Buchholz to hold the annual Bay Terrace 4th of July block party and parade on July 4th starting at 6pm.

Motion to adjourn: Commissioner Garofalo
Second: Commissioner Gerkens

Meeting adjourned at 5:20pm.

ORDINANCE NO. 2015-06

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS APPROPRIATING THE SUM OF \$7,540.00 FROM THE UTILITY 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 local match of a federal grant for the purchase and installation of a new electrical panel in the 80th Street water plant, there is hereby appropriated the sum of \$5,000.00.
 - B. For the local match of a federal grant for the purchase and installation of a new generator at the 80th Street water plant, there is hereby appropriated the sum of \$2,540.00.
- Section 2.** This Utility Capital Improvement Ordinance is to be financed from the utility capital funds that the Borough presently has on hand.
- Section 3.** The Utility 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 utility capital budget and utility 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.

ADOPTED ON: July 7, 2015

ORDINANCE NO. 2015-04

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS AMENDING AND SUPPLEMENTING CHAPTER 8 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, ENTITLED "TRAFFIC" AS IT PERTAINS TO THE PARKING OF TRAILERS

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

- Section 1. Section 8-3.7 of the Revised General Ordinances of the Borough of Harvey Cedars entitled "Trailers Prohibited" is hereby amended by re-lettering paragraph d. as paragraph e., and inserting new paragraph d. as follows:
- d. Trailers – Exceptions
Construction trailers are permitted as per Chapter 13 Zoning.
- Section 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.
- Section 3. 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 4. This Ordinance shall take effect upon final adoption after publication in accordance with law.

ADOPTED ON: June 5, 2015

ORDINANCE NO. 2015-05

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, OCEAN COUNTY, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 13 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, ENTITLED “ZONING” AS IT PERTAINS TO GENERAL BUSINESS OFF STREET PARKING

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

Section 1. Section 13-11.5 of the Code of the Borough of Harvey Cedars entitled “Off Street Parking Requirements” paragraph c. entitled “Violations and penalties” is hereby amended as follows:

Any person, corporation, occupant, or entity that violates or fails to comply with this section or any of the rules and regulations promulgated hereunder shall, upon conviction thereof, be punishable by a fine of five hundred (\$500.00) dollars for the first offence. Each day for which a violation of this section occurs after the first offence shall be considered a separate offence and shall be punishable by a fine of twelve hundred fifty (\$1,250.00) dollars.

Section 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 3. 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 4. This Ordinance shall take effect upon final adoption after publication in accordance with law.

ADOPTED ON: June 5, 2015

RESOLUTION #2015-043

**CHAPTER 159 ITEM OF REVENUE INSERTION IN THE SUM OF \$1,000.00 –
TOURISM**

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 \$1,000.00, which is now available from the County of Ocean, entitled “Ocean County Tourism Grant”.

BE IT FURTHER RESOLVED that the above is a result of State funds obtained through Ocean County Planning Board as a matching grant in the amount of \$1,000.00.

BE IT FURTHER RESOLVED that a matching sum of \$1,000.00 is to be provided for in the 2015 Municipal budget from the line item entitled “Special Activity – Other Expenses”.

BE IT FURTHER RESOLVED that the sum of \$1,000.00 is hereby appropriated under the caption: 8. General Appropriations (A) Operations excluded from “CAPS” Public and Private Programs offset by Revenues: Ocean County Tourism Grant.

PASSED ON: June 5, 2015

RESOLUTION #2015-044

**CHAPTER 159 ITEM OF REVENUE INSERTION IN THE SUM OF \$1,600.00 –
COPS IN SHOPS**

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 \$1,600.00, which is now available from the State of New Jersey, Department of Law and Public Safety for “Cops in Shops – Summer Shore Initiative 2015”.

BE IT FURTHER RESOLVED that the sum of \$1,600.00 is hereby appropriated under the caption: 8. General Appropriations (A) Operations excluded from “CAPS” Public and Private Programs offset by Revenues: Cops in Shops – Summer Shore Initiative.

BE IT FURTHER RESOLVED that the above is a result of Federal funds obtained through the Division of Highway Traffic Safety as a State grant.

PASSED ON: June 5, 2015

RESOLUTION #2015-045

**CHAPTER 159 ITEM OF REVENUE INSERTION IN THE SUM OF \$5,768.38 –
CLEAN COMMUNITIES GRANT PROGRAM**

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 Commissioners of the Borough of Harvey Cedars, in the County of Ocean, New Jersey, hereby request 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 \$5,768.38, which is now available from the State of New Jersey, Department of Environmental Protection entitled “Clean Communities Grant Program”.

BE IT FURTHER RESOLVED that the sum of \$5,768.38 is hereby appropriated under the caption: 8. General Appropriations (A) Operations excluded from “CAPS” Public and Private Programs offset by Revenues: Clean Communities Program.

BE IT FURTHER RESOLVED that the above is a result of State funds obtained through the Department of Community Affairs as a State grant.

PASSED ON: June 5, 2015

RESOLUTION #2015-046

**CHAPTER 159 ITEM OF REVENUE INSERTION IN THE SUM OF \$100,400 –
FEMA INFRASTRUCTURE PROGRAM GENERATOR PROJECT
(80TH 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 \$97,860.00, 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 \$97,860.00.

BE IT FURTHER RESOLVED that the like sum of \$97,860.00 is hereby appropriated under the caption: 8. General Appropriations (A) Operations excluded from “CAPS” Public and Private Programs offset by Revenues: 80th St. Generator.

BE IT FURTHER RESOLVED that a matching sum of \$2,540.00 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 \$97,860.00.

PASSED ON: June 5, 2015

RESOLUTION #2015-047

**AMENDMENT TO THE LIFEGUARD AND BADGE CHECKER POLICY AND
PROCEDURE HANDBOOK**

WHEREAS the Borough of Harvey Cedars adopted lifeguard and badge checker employment policies and procedures on May 3, 2013 which are available to the seasonal employees through an encompassing handbook known as the Lifeguard and Badge Checker Policy and Procedure Handbook; and

WHEREAS said manual shall be reviewed from time to time for policy updates.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Harvey Cedars hereby amends the Section 9 Drug and Alcohol Policy & Procedures, paragraph C. of the Lifeguard and Badge Checker Policy and Procedure Handbook for the Borough of Harvey Cedars as follows:

C. Pre-Employment Drug Testing

All newly employed lifeguards shall take part in pre-employment drug testing. Lifeguards employed with the Borough in the prior year and who have taken part in the pre-employment drug testing, are exempt. Any guards beginning the seasonal employment after August 1st will be exempt. Testing will be held in June and once in July.

BE IT FURTHER RESOLVED that:

1. Any Personnel Policies or Personnel Policy Manuals inconsistent herewith are hereby repealed.
2. This update to the Policy Manual shall take effect immediately.
3. This revision of the Policy Manual shall be known as Revision 05/2015.

PASSED ON: June 5, 2015