

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 and Board Attorney William Hiering, Jr. 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, June 2, 2017, 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 #2017-16 FIRST 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 FEES

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

The Mayor noted there is a shared service for construction code services and the fees should be consistent with all the towns. This ordinance will increase the fees.

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

ORDINANCE #2017-17 FIRST 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 DEFINITIONS OF EASEMENTS

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

The Mayor mentioned that this ordinance defines the different type of easements.

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

ORDINANCE #2017-18 FIRST READING

AN ORDINANCE AMENDING CHAPTER 2 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, ENTITLED "ADMINISTRATION" AS IT PERTAINS TO THE OPEN SPACE COMMITTEE MEMBERS

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

Commissioner Gerkens stated this ordinance establishes how many members and each type of member for the committee.

Motion to adopt: Commissioner Gerkens
Second: Commissioner Garofalo
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 #2017-12 SECOND 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

Motion to open public discussion: Commissioner Garofalo

Second: Commissioner Gerkens

Bettie Greber, 5 East 80th Street, read a statement regarding her sentiments of using mobility devices for beach access. She proposed operational guidelines to be introduced for not only handicapped operators but for borough employees as well. She does not desire the town to incur legal fees, but if this ordinance is passed as written, she would be forced to file an injunction. She stated her objections to the ordinance are:

1. There is no definition for motorized vehicle
2. How is the word “significant” quantified in the claim of significant risk?
3. The narrow window for services does not provide equal access for handicapped individuals and able-bodied individuals.
4. It violates ADA 35.137 Mobility Devices (b), specifically, failure to demonstrate the class of OPMD cannot be operated in accordance with legitimate safety requirements.

A discussion took place with the Board Attorney, Commissioners and Mr. and Ms. Greber regarding types of vehicles that could be used on the beach, safety of beach goers, other towns that allow vehicles, ADA issues, use of vehicles by trained individuals, and the beach access policy.

Sue Ellen Rifkin, 5 W. 77th St., stated she is uncomfortable with motorized vehicles on the beach; she spoke about her mother using the town-provided beach wheelchairs to access the beach. She suggested to address the power of the vehicle; she would be comfortable with electric powered wheelchairs, but not a gasoline powered vehicle operated by anyone except safety and rescue.

Commissioner Garofalo stated the Borough has 13 beach wheelchairs and has purchased a new utility vehicle specifically for the beach access program; he did not think there would be any issues with using an electric beach wheelchair.

Speed, type, seating, and criteria of vehicles on the beach were discussed. Commissioner Garofalo stated this ordinance, when it is passed, will be geared for the whole public. The Board agreed definitions of authorized vehicles should be included in the ordinance and this ordinance should be re-written. However, the existing ordinance still applies: only vehicles with permits are allowed on the beach.

Motion to close public discussion: Commissioner Gerkens

Second: Commissioner Garofalo

Commissioner Gerkens **moved to withdraw** the ordinance until criteria is written for motorized vehicles on the beach.

Ms. Greber asked if she called the police department for a ride and they are unavailable, would she be able to use her own vehicle. Commissioner Garofalo said that her vehicle is unauthorized and, in his opinion, she would be ticketed under the same criteria which she was ticketed before. He asked that she did not use her vehicle and to use the services provided. Ms. Greber stated she is losing most of the summer and will call the DOJ tomorrow.

Bob Danna, 5 E. 68th St., stated that he supported what Commissioner Garofalo said, it's incumbent on the Commissioners to pass an ordinance that supports the entire population, able and disabled. He also supports that reasonable accommodations should be made for any disabled person, but an ordinance should not be passed for any specific person.

Second: Commissioner Garofalo

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 #2017-14 SECOND READING

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS AMENDING AND SUPPLEMENTING CHAPTER 3 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, ENTITLED "POLICE REGULATIONS" AS IT PERTAINS TO BALLOONS

Motion to open public discussion: Commissioner Gerkens

Second: Commissioner Garofalo

There were no public comments or questions.

Motion to close public discussion: Commissioner Gerkens

Second: Commissioner Garofalo

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 #2017-15 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 NO PARKING STREETS

Motion to open public discussion: Commissioner Gerkens

Second: Commissioner Garofalo

There were no public comments or questions.

Motion to close public discussion: Commissioner Garofalo

Second: Commissioner Gerkens

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 #2017-064:

CHAPTER 159 ITEM OF REVENUE INSERTION IN THE SUM OF \$257.36 – MUNICIPAL COURT ALCOHOL EDUCATION, REHABILITATION AND ENFORCEMENT FUND

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

RESOLUTION #2017-065:

CHAPTER 159 ITEM OF REVENUE INSERTION IN THE SUM OF \$5,602.48 – CLEAN COMMUNITIES GRANT PROGRAM

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

RESOLUTION #2017-066:

RESOLUTION OF THE BOROUGH OF HARVEY CEDARS, COUNTY OF OCEAN, STATE OF NEW JERSEY, SUPPORTING LEGISLATIVE ACTION REQUIRING THE STATE PUBLIC DEFENDER'S OFFICE TO REPRESENT DEFENDANTS IN SUPERIOR COURT BAIL HEARINGS FOR THOSE ELIGIBLE DEFENDANTS CHARGED WITH DISORDERLY PERSONS OFFENSES OR PETTY DISORDERLY PERSONS OFFENSES IN LIEU OF THE BOROUGH PUBLIC DEFENDER

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

RESOLUTION #2017-067:

APPOINTMENT OF OPEN SPACE COMMITTEE MEMBERS FOR THE BOROUGH OF HARVEY CEDARS

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

RESOLUTION #2017-068:

REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES FOR A DEDICATED TRUST BY RIDER FOR AN OPEN SPACE TAX FUND

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

RESOLUTION #2017-069:

APPOINTMENT OF EMERGENCY MANAGEMENT COORDINATORS

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

RESOLUTION #2017-070:

APPOINTMENT OF A FULL TIME CLASS II SPECIAL POLICE OFFICER FOR THE BOROUGH OF HARVEY CEDARS

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

RESOLUTION #2017-071:

CONTRACT AWARD TO C.J. HESSE INC. FOR THE 2015 ROAD RECONSTRUCTION PROJECT IN THE AMOUNT OF \$143,312.12

(Holly Avenue from Cumberland to Union)

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

RESOLUTION #2017-072:

RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE TO OUTRIGGER RESTAURANT, LLC FOR THE YEAR 2017-2018

The Mayor asked the public if there were any objections to the granting of this license. After clarification that this for The Plantation, there were no objections made by the public.

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

Vote: Ayes – Oldham, Gerkens, Garofalo

RESOLUTION #2017-073:

AUTHORIZING THE ABATEMENT OF PROPERTY MAINTENANCE VIOLATIONS FOR 1 WEST ESSEX AVENUE

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

RESOLUTION #2017-074: Bills

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

Public Property Usage requests:

1. Lacrosse Training – Sunset Park

A motion was made by Commissioner Garofalo, seconded by Commissioner Gerkens, to approve the request to use an area left of the tennis courts in Sunset Park for private lacrosse training and speed training to CJ Alyanakian on Saturdays from 8:30am to 11:00am.

TOPICS OF INTEREST –

Chief Burnaford stated the department is healthy and at full force; they will be at the concerts this summer and there are a few upcoming community policing events such as Coffee with a Cop.

PRIVILEGE OF THE FLOOR –

Patrick Greber asked if there was an ordinance for designating driveways. The Mayor said that 18 feet is allowed for a driveway and should be designated. If it is not designated, Police cannot write a parking ticket; upon new construction and/or when pavers go in, it is a requirement to designate the driveways. The Borough will mark them out if asked. Mr. Greber described an issue with his neighbor posting “no parking” signs on the edge of the property. The Mayor and Commissioner Garofalo asked the Chief to have Code Enforcement look at it.

Sue Ellen Rifkin stated there is a lot of dune between 84th Street and Maris Stella with a short section of dune fence showing. She asked if another line of fencing can be placed to protect the sand that is there and to keep children off. She also asked the trash cans that are near that dune fencing be moved so Public Works trucks won’t drive up on that sand. The Mayor stated he will take a look at it, it is important to protect the dunes. He said the Army Corps is expected to come back late September, October to re-nourish.

Mayor Oldham stated that beach mats are being installed; they will be installed on 80th, 86th, 85th, 84th, 68th, Essex, Atlantic and Cumberland. Those streets were determined by input from the Taxpayers, calls at the Borough Hall and at Public Works.

Eleanor Reddington, W. 77th St., asked about the easement ordinance; she said there have been issues with developers and the easements not being enforced. The Mayor stated they have been enforced, but this ordinance defines each type of easement; this will help with any developer issues.

Ms. Greber asked about the dead trees, they are a hazard in storms and high winds, they can bring wires down. She asked if the town could encourage homeowners to get them cut and have any trees on public lands cut down. Mr. Greber stated his neighbor’s dead tree hangs over his property and is possibly on the right-of-way. The Mayor will take a look at the location.

Motion to adjourn: Commissioner Gerkens
Second: Commissioner Garofalo

Meeting adjourned at 5:52pm.

ORDINANCE NO. 2017-16

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 FEES

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

Section 1. Section 12-2 Fee Schedules, Schedule “A”, item 1. Building Subcode Fees is hereby amended by amending the following fees:
Minimum Building Subcode Fee shall be \$50.00;
New Construction per cubic foot of volume shall be \$0.034;
Renovations, alterations and repairs and site construction associated with premanufactured construction fees shall be:
i. \$1.00 - \$50,000.00: 25.00 per \$1,000.00
ii. \$50,001.00 – 100,000.00: \$18.00 per \$1,000.00
iii. Over \$100,000.00: add \$16.00 per \$1,000.00;
The fee for roofing or siding in R-3 and R-4 uses shall be \$50.00;
In ground pools shall be \$200.00.

Section 2. Section 12-2 Fee Schedules, Schedule “A”, item 5. Fees Applicable To Subsections 1 Through 4. Above is hereby amended by amending the following fees:
Demolition or Removal Permit – structures less than 5,000 square feet shall be \$80.00;
Certificate of Occupancy shall be \$50.00.

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: July 7, 2017

ORDINANCE NO. 2017-17

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 DEFINITIONS OF EASEMENTS

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

Section 1. Section 13-3 entitled “Definitions” is hereby amended by supplementing the following definitions in alphabetical order:

Easement, Pedestrian Access shall mean access easements used for pedestrian traffic to gain access through a private property. No building or structure, whether principal or accessory shall be closer than eight (8) feet to the pedestrian access easement line.

Easement, Private Access shall mean an easement created for the purpose of providing vehicular or pedestrian access across one property to another.

Easement, Utility shall mean the right-of-way acquired by a utility or governmental agency or local utilities, included but not limited to water, sewer, stormwater and gas mains, telephone and electric poles, cables, pylons, and towers. Utility easements are not required to meet minimum setback requirements for zoning purposes.

Easement, Vehicular also known as Right-of-Way Easement shall mean an easement created for the purpose of vehicular ingress and egress. No portion of a vehicular easement can be included in required setbacks. Setbacks shall be measured from the easement line.

Section 2. This Ordinance repeals any inconsistent ordinance or ordinances or part of parts thereof.

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: July 7, 2017

ORDINANCE NO. 2017-18

**AN ORDINANCE AMENDING CHAPTER 2 OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, ENTITLED
“ADMINISTRATION” AS IT PERTAINS TO THE OPEN SPACE COMMITTEE
MEMBERS**

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

Section 1. Section 2-15.2 entitled “Establishment of Open Space Advisory Committee” paragraph A. Membership is hereby amended as follows:

The Open Space Advisory Committee shall consist of ten (10) regular members as follows:

1. One (1) member of the Harvey Cedars Board of Commissioners.
2. One (1) member of the Harvey Cedars Land Use Board.
3. Three (3) residents of the Borough of Harvey Cedars.
4. Four (4) property owners or residents of the Borough of Harvey Cedars.
5. One (1) representative of the Harvey Cedars Taxpayers Association designated by their Executive Board.
6. All members shall serve without compensation.

Section 2. This Ordinance repeals any inconsistent ordinance or ordinances or part of parts thereof.

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: July 7, 2017

RESOLUTION #2017-064

**CHAPTER 159 ITEM OF REVENUE INSERTION IN THE SUM OF \$257.36 –
MUNICIPAL COURT ALCOHOL EDUCATION, REHABILITATION AND
ENFORCEMENT FUND**

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 2017 in the sum of \$257.36, which is now available from the State of New Jersey entitled “Municipal Court Alcohol Education, Rehabilitation and Enforcement Fund”.

BE IT FURTHER RESOLVED that the sum of \$257.36 is hereby appropriated under the caption: 8. General Appropriations (A) Operations excluded from “CAPS” Public and Private Programs offset by Revenues: Municipal Court Alcohol Education.

BE IT FURTHER RESOLVED that the above is a result of State funds obtained through the Office of the Attorney General as a State grant.

PASSED ON: June 20, 2017

RESOLUTION #2017-065

**CHAPTER 159 ITEM OF REVENUE INSERTION IN THE SUM OF \$5,602.48 –
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 2017 in the sum of \$5,602.48, 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 \$5,602.48 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 20, 2017

RESOLUTION #2017-066

**RESOLUTION OF THE BOROUGH OF HARVEY CEDARS, COUNTY OF OCEAN,
STATE OF NEW JERSEY, SUPPORTING LEGISLATIVE ACTION REQUIRING
THE STATE PUBLIC DEFENDER'S OFFICE TO REPRESENT DEFENDANTS IN
SUPERIOR COURT BAIL HEARINGS FOR THOSE ELIGIBLE DEFENDANTS
CHARGED WITH DISORDERLY PERSONS OFFENSES OR PETTY DISORDERLY
PERSONS OFFENSES IN LIEU OF THE BOROUGH PUBLIC DEFENDER**

WHEREAS the Bail Reform Act became effective January 1, 2017; and

WHEREAS the Bail Reform Act requires bail hearings to be conducted in Superior Court; and

WHEREAS bail hearings for Disorderly Persons Offenses and Petty Disorderly Offenses are held in the Superior Court notwithstanding jurisdiction for these offenses being in the Municipal Courts; and

WHEREAS the New Jersey Office of the Public Defender who has attorneys that routinely appear in Superior Court does not represent defendants charged with Disorderly Persons Offenses or Petty Disorderly Offenses in Superior Court; and

WHEREAS as a result of the Bail Reform Act, local municipalities are now mandated to have their respective Municipal Public Defenders required to appear in Superior Court to represent defendants charged with Disorderly Persons Offenses or Petty Disorderly Offenses; and

WHEREAS as a result of the conditions imposed upon local municipalities by the Bail Reform Act, results in added expenses to local municipalities; and

WHEREAS this results in an unfunded State Mandate.

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

1. The Borough hereby supports legislative action requiring the New Jersey Office of the Public Defender to represent defendants in Superior Court bail hearings for those eligible defendants charged with Disorderly Persons Offenses or Petty Disorderly Offenses in lieu of the Municipal Public Defender.
2. Upon adoption of Resolution the Borough Clerk shall forward a certified copy of the Resolution to the Governor of the State of New Jersey, the 9th and 10th, 12 and 30th Legislative Districts representatives, the Ocean County Board of Chosen Freeholders, all Ocean County Mayors and New Jersey State League of Municipalities.
3. The Borough authorizes and directs the Mayor, the Borough Commissioner's and the Borough Clerk to execute any and all necessary documents in order to implement the intent of this Resolution.

PASSED ON: June 20, 2017

RESOLUTION #2017-067

**APPOINTMENT OF OPEN SPACE COMMITTEE MEMBERS FOR THE
BOROUGH OF HARVEY CEDARS**

WHEREAS the Board of Commissioners of the Borough of Harvey Cedars adopted Ordinance No. 2017-11 on June 2, 2017 with amendments made on June 20, 2017 establishing the Open Space Advisory Committee of the Borough of Harvey Cedars; and

WHEREAS said Ordinance states the Open Space Advisory Committee shall consist of ten (10) members as follows:

1. One (1) member of the Harvey Cedars Board of Commissioners.
2. One (1) member of the Harvey Cedars Land Use Board.
3. Three (3) residents of the Borough of Harvey Cedars.
4. Four (4) property owners or residents of the Borough of Harvey Cedars.
5. One (1) representative of the Harvey Cedars Taxpayers Association designated by their Executive Board.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Harvey Cedars that the following are hereby appointed to the Harvey Cedars Open Space Advisory Committee for the year 2017 ending December 31, 2017:

1. Anthony Aukstikalnis to serve as a member from the Land Use Board.
2. Susan Carril to serve as a property owner member.
3. MaryLu Danna to serve as a resident member.
4. Judith Gerkens to serve as a member from the Board of Commissioners.
5. John Imperiale to serve as a resident member.
6. Susan Lewis to serve as a property owner member.
7. Edward O'Connor to serve as a resident member.
8. Linda Pugliese to serve as a resident member.
9. Michael Songer and/or his designee to serve as a representative from the Harvey Cedars Taxpayers Association.
10. Richard Warren to serve as a resident member.

PASSED ON: June 20, 2017

RESOLUTION #2017-068

**REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF
LOCAL GOVERNMENT SERVICES FOR A DEDICATED TRUST BY RIDER
FOR AN OPEN SPACE TAX FUND**

WHEREAS permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

WHEREAS NJSA 40:12-15.7 provides for receipt of an Open Space Levy by the municipality to provide for the operating costs to administer this act; and

WHEREAS NJSA 40A:4-39 provides the dedicated revenues anticipated from the Open Space Levy are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

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

1. The Board of Commissioners does hereby request permission of the Director of the Division of Local Government Services to pay expenditures under the provisions of NJSA 40:12-15.7, Open Space Recreation and Farmland and Historic Preservation Trust Fund, for the exclusive purpose of depositing and expending funds collected by the Open Space Levy.
2. The Municipal Clerk of the Borough of Harvey Cedars is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

PASSED ON: June 20, 2017

RESOLUTION #2017-069

APPOINTMENT OF EMERGENCY MANAGEMENT COORDINATORS

BE IT RESOLVED by the Board of Commissioners of the Borough of Harvey Cedars that the following appointments are hereby made to the Office of Emergency Management for a three (3) year term commencing July 1, 2017 and ending June 30, 2020:

1. Jonathan Oldham as Emergency Management Coordinator.
2. Judith Gerken as Deputy Emergency Management Coordinator.
3. Robert Burnaford as Deputy Emergency Management Coordinator.
4. William Montag as Deputy Emergency Management Coordinator.

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Ocean County Office of Emergency Management.

MOTION: Commissioner Garofalo

SECOND: Commissioner Gerken

PASSED ON: June 20, 2017

RESOLUTION #2017-070

**APPOINTMENT OF A FULL TIME CLASS II SPECIAL POLICE OFFICER
FOR THE BOROUGH OF HARVEY CEDARS**

WHEREAS Benjamin Mrozinski has served the Police Department as temporary regular Police Officer for the Borough of Harvey Cedars since December 23, 2016; and

WHEREAS it is the desire of the Borough of Harvey Cedars to continue his employment as Police Officer.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Harvey Cedars hereby appoints Benjamin Mrozinski as a full-time Special Law Enforcement Officer Class II for the Borough of Harvey Cedars Police Department effective June 20, 2017.

BE IF FURTHER RESOLVED that as a full-time Class II officer Benjamin Mrozinski shall be entitled to full-time benefits as per the Personnel Policy Manual of the Borough of Harvey Cedars.

PASSED ON: June 20, 2017

RESOLUTION #2017-071

**CONTRACT AWARD TO C.J. HESSE INC. FOR THE
2015 ROAD RECONSTRUCTION PROJECT IN THE AMOUNT OF \$143,312.12
(Holly Avenue from Cumberland to Union)**

WHEREAS the Borough of Harvey Cedars has applied to New Jersey Department of Transportation for Assistance from the Transportation Trust Fund for the 2015 Road Reconstruction/Improvement Project; and

WHEREAS the New Jersey Department of Transportation approved the application for assistance; and

WHEREAS the Borough of Harvey Cedars solicited bids for the 2015 Road Reconstruction/Improvement Project; and

WHEREAS said bids were opened as advertised on June 15, 2017 and the Borough Engineer and Borough Solicitor have recommended the award of a contract to C.J. Hesse, Inc. as the lowest responsible bidder in accordance with the bid specifications, said bid being \$143,312.12; and

WHEREAS the Finance Officer has certified the availability of funds for this contract.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Commissioners of the Borough of Harvey Cedars, County of Ocean, hereby award a contract in the amount of One Hundred Forty Three Thousand Three Hundred Twelve Dollars and 12 Cents (\$143,312.12) to:

C.J. Hesse, Inc.
25 First Ave., Suite 200
Atlantic Highlands, NJ 07716

for the 2015 Road Reconstruction/Improvement Project, contingent upon final review and approval by NJDOT.

MOTION: Commissioner Garofalo

SECOND: Commissioner Gerkens

ROLL CALL VOTE: Ayes – Oldham, Garofalo, Gerkens

DATED: June 20, 2017

RESOLUTION #2017-072

**RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE TO
OUTRIGGER RESTAURANT, LLC FOR THE YEAR 2017-2018**

WHEREAS Outrigger Restaurant, LLC, trading as Plantation Restaurant, has applied for the renewal of a Plenary Retail Consumption License for the year 2017/2018 for the premises known and designated as 7908 Long Beach Blvd.; and

WHEREAS said application, through the POSSE online system, shows evidence of application for a Federal Tax Stamp and payment to the Borough in the amount of \$2,500.00 has been received.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Harvey Cedars, in the County of Ocean, NJ that a Retail Consumption License be issued to Outrigger Restaurant, LLC.

BE IT FURTHER RESOLVED that Daina Dale, Municipal Clerk of the Borough of Harvey Cedars, NJ is hereby authorized and directed to execute and deliver said license on behalf of the Governing Body to said Plantation Restaurant.

Before the Resolution was voted upon, the Mayor asked if there were any objections on the part of the public to the granting of this license.

MOTION: Commissioner Garofalo

SECOND: Commissioner Gerkens

ROLL CALL VOTE: Ayes – Oldham, Gerkens, Garofalo

ABSENT: none

PASSED ON: June 20, 2017

RESOLUTION #2017-073

**AUTHORIZING THE ABATEMENT OF PROPERTY MAINTENANCE
VIOLATIONS FOR 1 WEST ESSEX AVENUE**

WHEREAS in accordance with NJSA 40:48-2 et. seq. and pursuant to Section 21-5.3 of the General Code of the Borough of Harvey Cedars, if notices of violation for property maintenance are not complied with, the code official shall institute the appropriate proceedings; and

WHEREAS violations have been served in writing to the property owner(s) for the property located at 1 West Essex Avenue, Block 41 Lot 1, by the Code Enforcement Officer of the Borough of Harvey Cedars on April 7th, 2017 and May 9th, 2017 requiring court appearances; and

WHEREAS since property owner(s) failed to appear for court on 2 occasions and no action was taken by the property owner to abate the violations, the Borough shall commence correction of said violations.

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

1. The Department of Public Works is hereby authorized to rectify the property violations at 1 West Essex Avenue.
2. All charges shall be invoiced to 1 West Essex Avenue, Block 41 Lot 1, and shall be recorded as a municipal lien.
3. Certified copies of this Resolution shall be forwarded to the property owner(s), the Harvey Cedars Tax Collector, and the Harvey Cedars Code Enforcement Officer.

PASSED ON: June 20, 2017