

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, July 7, 2017, was made by Commissioner Garofalo, seconded by Commissioner Gerkens.

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

ORDINANCE #2017-22 FIRST READING

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, IN THE COUNTY OF OCEAN, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO 85th AND 86th STREETS LOCATED IN THE BOROUGH AND APPROPRIATING \$250,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$250,000 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 Garofalo

Second: Commissioner Gerkens

Vote: Ayes – Oldham, Gerkens, Garofalo

ORDINANCE #2017-23 FIRST READING

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS AMENDING AND SUPPLEMENTING CHAPTER 9 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS ENTITLED "STORMWATER REGULATIONS AND STORMWATER CONTROL" AS IT PERTAINS TO CERTAIN FEES AND RETAINING WALL SPECIFICATIONS

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

ORDINANCE #2017-24 FIRST READING

AN ORDINANCE AMENDING CHAPTER 4 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, ENTITLED "GENERAL LICENSING" AS IT PERTAINS TO LICENSED VEHICLES

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 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 #2017-080:

AUTHORIZING AMENDMENT TO THE SHARED SERVICE AGREEMENT FOR CONSTRUCTION CODE ENFORCEMENT SERVICES

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

RESOLUTION #2017-081: Bills

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

PRIVILEGE OF THE FLOOR –

James Fritz, West 82nd Street, asked the Board to look into the parking problem at the 4B West 82nd Street easement. He stated residents at that property do not use their property for parking, they take up all the street parking. The Mayor stated he will look at it and discuss it with Code Enforcement.

Lisa Lazar, West Lee Avenue, raised concerns regarding the placement of private security cameras. She requested the town require property owners to register their cameras, require them to point only on their property, have a height limit and be hard wired. She submitted articles regarding webcams, cybersecurity and hacking into camera systems. She is concerned about her privacy. The Mayor asked if she could do some research to find out if other towns have camera ordinances.

Motion to adjourn: Commissioner Garofalo
Second: Commissioner Gerkens

Meeting adjourned at 4:53pm.

ORDINANCE NO. 2017-22

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, IN THE COUNTY OF OCEAN, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO 85th AND 86th STREETS LOCATED IN THE BOROUGH AND APPROPRIATING \$250,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$250,000 IN BONDS OR NOTES OF THE BOROUGH OF HARVEY CEDARS TO FINANCE THE SAME

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), **DOES ORDAIN, 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 \$250,000 including a \$200,000 Transportation Trust Fund Grant expected to be received through the State of New Jersey Department of Transportation's Fiscal Year 2017 Municipal Aid Program. No down payment is required in connection with the authorization of bonds and notes pursuant to N.J.S.A. 40A:2-11(c) as this bond ordinance involves a project to be funded by a State grant.

Section 2. In order to finance the cost of the improvement or purpose not otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$250,000 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 are to be issued is the reconstruction and drainage improvements of 85th Street and 86th Street located in the Borough, and including all work and materials necessary therefor and incidental thereto.

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

(c) The estimated cost of the improvement or purpose 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 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. No part of the costs thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The 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 10 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 \$250,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding \$50,000 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 improvement or purpose.

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

ADOPTED ON: August 4, 2017

ORDINANCE NO. 2017-23

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS AMENDING AND SUPPLEMENTING CHAPTER 9 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS ENTITLED “STORMWATER REGULATIONS AND STORMWATER CONTROL” AS IT PERTAINS TO CERTAIN FEES AND RETAINING WALL SPECIFICATIONS

THE BOROUGH OF HARVEY CEDARS, NEW JERSEY DOES ORDAIN AS FOLLOWS:

Section 1: Section 9-10.15 entitled “Fees” is hereby amended and supplemented in its entirety as follows:

The following fees shall apply to this chapter:

1. Subsurface Infiltration System Review and Inspection Fee \$400.00

Reference is made to the following chapters and sections where additional fees may apply: Chapter 14 Land Use Procedures, Chapter 15 Site Plan Review, and Chapter 16 Land Subdivision.

Section 2: Section 9-10.16 entitled “Section 15: Waivers” is hereby amended by supplementing paragraph B as follows:

4. All retaining walls shall be installed with an impermeable barrier to avoid seepage of water through the walls.

5. A plot plan showing all grading and drainage shall be submitted for review.

6. Retaining walls and fill must be installed prior to construction.

Section 3. All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.

Section 4. 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.

ADOPTED ON: August 4, 2017

ORDINANCE NO. 2017-24

AN ORDINANCE AMENDING CHAPTER 4 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, ENTITLED "GENERAL LICENSING" AS IT PERTAINS TO LICENSED VEHICLES

WHEREAS it is the desire of the Board of Commissioners to amend ordinances inconsistent with established Borough policies; and

WHEREAS the established registration policy of the Harvey Cedars Police Department permits licensed vehicles on the beach during October 1 through May 15.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE BOROUGH OF HARVEY CEDARS, OCEAN COUNTY, NEW JERSEY, DOES ORDAIN:

Section 1. Section 4-2.5 of the Revised General Ordinances of the Borough of Harvey Cedars, 1975, entitled "Time Prohibited" is hereby amended as follows:

Time Prohibited. No vehicle shall be operated on the strand or beach front between May 16 and September 30.

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 after final adoption and publication in accordance with law.

ADOPTED ON: August 4, 2017

RESOLUTION #2017-080

**AUTHORIZING AMENDMENT TO THE SHARED SERVICE AGREEMENT
FOR CONSTRUCTION CODE ENFORCEMENT SERVICES**

WHEREAS the Borough of Harvey Cedars entered into a Shared Services agreement with the Boroughs of Beach Haven, Surf City and Barnegat Light for the provision of Construction Code Enforcement Services effective April 12, 2016 for a period of four (4) years expiring April 11, 2020; and

WHEREAS certain amendments to Schedule C need to be made to said agreement.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Harvey Cedars that the attached Schedule C is hereby approved effective January 1, 2017 and copies of this Resolution shall be sent to the Boroughs of Beach Haven, Surf City and Barnegat Light.

PASSED ON: July 18, 2017