### HARVEY CEDARS, NJ

The regular meeting of the Board of Commissioners of the Borough of Harvey Cedars, NJ was called to order by Mayor Imperiale at 4:30pm. Commissioners Gieger and Rice were also present.

The Mayor asked all to rise for the Pledge of Allegiance.

The Mayor stated to the best of his knowledge all the requirements of the Sunshine Law have been met. 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 and the Asbury Park Press and on December 21, 2023.

**Motion** to approve the minutes of the previous meeting held on May 20, 2024 was made by Commissioner Rice, seconded by Commissioner Gieger. The motion was unanimously carried.

**Motion** to approve the executive minutes of the executive sessions held on June 7, 2024 was made by Commissioner Gieger, seconded by Mayor Imperiale.

The Mayor read the following ordinances by title and number and stated that proof of publication is on hand and ordinances have been posted. Copies of the full ordinances as adopted are attached hereto and made a part hereof.

#### ORDINANCE #2024-19 FIRST READING

ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 3, WHICH PERTAINS TO POLICE REGULATIONS – ADOPTING THE REVISED AND REQUIRED STATE REGULATIONS RELATING TO PRIVATELY-OWNED SALT STORAGE

Motion to adopt: Commissioner Rice

Second: Commissioner Gieger

Vote:	Aye	Nay	Absent	Abstain
Mayor Imperiale	X			
Commissioner Gieger	X			
Commissioner Rice	X			

#### **ORDINANCE #2024-20 FIRST READING**

ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 9, WHICH PERTAINS TO STORMWATER REGULATIONS AND STORMWATER CONTROL

Motion to adopt: Commissioner Rice Second: Commissioner Gieger

Vote:	Aye	Nay	Absent	Abstain
Mayor Imperiale	X			
Commissioner Gieger	X			
Commissioner Rice	X			

RESOLUTION: #2024-087 AUTHORIZE APPLICATION TO NJDOT LOCAL AID PROGRAM FOR NEW JERSEY DEPARTMENT OF TRANSPORTATION SFY 2025–STREETSCAPE PHASE 3 IN THE AMOUNT OF \$875,822.75

Motion to adopt: Commissioner Rice Second: Commissioner Gieger

Vote:	Aye	Nay	Absent	Abstain
Mayor Imperiale	X			
Commissioner Gieger	X			
Commissioner Rice	X			

# RESOLUTION: #2024-088 CHAPTER 159 ITEM OF REVENUE INSERTION IN THE SUM OF \$7,151.23 – CLEAN COMMUNITIES GRANT PROGRAM

Motion to adopt: Commissioner Rice

Second: Commissioner Gieger

Vote:	Aye	Nay	Absent	Abstain
Mayor Imperiale	X			
Commissioner Gieger	X			
Commissioner Rice	X			

# RESOLUTION: #2024-089 CHAPTER 159 ITEM OF REVENUE INSERTION IN THE SUM OF \$68,000.00 – LOCAL RECREATION IMPROVEMENT GRANT

Motion to adopt: Commissioner Rice Second: Commissioner Gieger

Vote:	Aye	Nay	Absent	Abstain
Mayor Imperiale	X			
Commissioner Gieger	X			
Commissioner Rice	X			

# RESOLUTION: #2024-090 RENEWAL OF PLENARY RETAIL DISTRIBUTION LICENSE TO HILLCO CORP., INC. FOR THE YEAR 2024-2025

Motion to adopt: Commissioner Rice Second: Commissioner Gieger

Vote:	Aye	Nay	Absent	Abstain
Mayor Imperiale	X			
Commissioner Gieger	X			
Commissioner Rice	X			

# RESOLUTION: #2024-091 RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE TO LBI SMALL POTATOES, LLC FOR THE YEAR 2024-2025

Motion to adopt: Commissioner Rice Second: Commissioner Gieger

Vote:	Aye	Nay	Absent	Abstain
Mayor Imperiale	X			
<b>Commissioner Gieger</b>	X			
<b>Commissioner Rice</b>	X			

# RESOLUTION: #2024-092 APPOINTMENTS MADE BY THE BOARD OF COMMISSIONERS TO FILL EXISTING VACANCIES IN THE BOROUGH OFFICES

Motion to adopt: Commissioner Rice Second: Commissioner Gieger

Vote:	Aye	Nay	Absent	Abstain
Mayor Imperiale	X			
Commissioner Gieger	X			
Commissioner Rice	X			

# RESOLUTION: #2024-093 DESIGNATING BANK SIGNATORIES FOR THE BOROUGH OF HARVEY CEDARS

Motion to adopt: Commissioner Rice Second: Commissioner Gieger

Vote:	Aye	Nay	Absent	Abstain
Mayor Imperiale	X			
Commissioner Gieger	X			
Commissioner Rice	X			

#### RESOLUTION: #2024-94 AMMENDING MEETING DATES

Motion to adopt: Commissioner Rice

Second: Commissioner Gieger

Vote:	Aye	Nay	Absent	Abstain
Mayor Imperiale	X			
Commissioner Gieger	X			
Commissioner Rice	X			

**RESOLUTION: #2024-096 BILLS**Motion to adopt: Commissioner Rice

Second: Commissioner Gieger

Vote:	Aye	Nay	Absent	Abstain
Mayor Imperiale	X			
Commissioner Gieger	X			
Commissioner Rice	X			

#### **Public Property Usage request:**

Motion to approve a fundraising kickball game on July 27<sup>th</sup> (with a rain date of August 3<sup>rd</sup>) for the Alliance for a Living Ocean Foundation. ALO is responsible for raising funds to take action in cleaning the LBI beaches and ocean front to preserve our environment and wildlife.

Motion to approve: Commissioner Rice

Second: Commissioner Gieger

Vote:	Aye	Nay	Absent	Abstain
Mayor Imperiale	X			
Commissioner Gieger	X			
Commissioner Rice	X			

#### **PUBLIC PROPTERY USAGE REQUEST:**

Motion to approve Cycle4Awareness to travel through Harvey Cedars on their charity bike ride on September 29<sup>th</sup>. The bike ride will start in Barnegat Light and end in Holgate, then return back to Barnegat Light. 100-150 bicycles are expected. Parade application is on file with Ocean County.

Motion to approve/deny:

Second:

Vote:	Aye	Nay	Absent	Abstain
Mayor Imperiale	X			
Commissioner Gieger	X			
Commissioner Rice	X			

#### COMMISSIONER REPORTS/ TOPICS OF INTEREST -

Commissioner Gieger shared that the Streetscape Project is steadily progressing and wrapping up Phase 2. Moving on to Sunset Park, Commissioner Gieger shared that the bathrooms are nearing completion and bocce ball sand will be delivered in the upcoming week.

Commissioner Rice expressed that bricks are still available for purchase for the Sunset Park point project.

Mayor Imperiale reminded the audience that a community forum would be taking place on June 20<sup>th</sup> focusing on bike and pedestrian safety.

The Mayor also shared that on June 29<sup>th</sup> the Board of Commissioners would be holding a forum at the High Point Firehouse for a six-month progress report.

Public portion was opened.

Jim Fritz – 1 W. 82<sup>nd</sup> Street – expressed gratitude from the Harvey Cedars Taxpayers

Association for the support behind the successful social that took place on June 15<sup>th</sup>.

Walt Naisby -5 E.  $82^{nd}$  Street- questioned the process behind the terrapin nesting project. Commissioner Gieger shared that eggs will be placed there and there is hopes that individuals will bring misplaced turtles to the nesting area.

Ellie Reddington – 11. W. 77<sup>th</sup> Street - shared concerns over W. 77<sup>th</sup> Street not being included on the storm drainage program list. Mayor Imperiale and Commissioner Gieger confirmed that 77<sup>th</sup> would be added to the list.

Susan Kramer - 34 W. 80<sup>th</sup> Street – applauded Chief Randy Townsend with the Harvey Cedars Beach Patrol for assisting her elderly mother get out to the Sunset Park point project.

<b>Motion</b> to adjourn: Commissioner Rice Second: Commissioner Gieger	
Meeting adjourned at 4:58pm.	
Christine Lisiewski, Acting Municipal Clerk	John M. Imperiale, Mayor
	Joseph F. Gieger, Commissioner
	Paul G. Rice, Commissioner

### **ORDINANCE 2024-19**

# ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 3, WHICH PERTAINS TO POLICE REGULATIONS

# STATEMENT OF PURPOSE

The purpose of this ordinance is to amend Chapter 3 to adopt the revised and required State regulations relating to privately-owned salt storge.

## **SECTION I**

§3-20 is added as follows.

§3-20 SALT STORAGE

§3-20.1 Purpose.

The purpose of this Chapter is to prevent stored salt and other solid de-icing materials from being exposed to stormwater. This Chapter establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the Borough (privately-owned), including residences, to protect the environment, public health, safety, and welfare, and to prescribe penalties for failure to comply.

§3-20.2 Definitions.

For the purpose of this Chapter, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

### **DE-ICING MATERIALS**

Any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.

#### IMPERVIOUS SURFACE

A surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

#### STORM DRAIN INLET

The point of entry into the storm sewer system.

# PERMANENT STRUCTURE

A permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall). A fabric frame structure is a permanent structure if it meets the following specifications:

1. Concrete blocks, jersey barriers, or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;

- 2. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
- 3. The structure shall be erected on an impermeable slab;
- 4. The structure cannot be open sided; and
- 5. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.

#### PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

#### RESIDENT

A person who resides on a residential property where de-icing material is stored.

§3-20.3 De-icing Material Storage Requirements.

- a. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:
  - 1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
  - 2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches, and/or other stormwater conveyance channels;
  - 3. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;
  - 4. Loose materials shall be covered as follows:
    - (a) The cover shall be waterproof, impermeable, and flexible;
    - (b) The cover shall extend to the base of the pile(s);
    - (c) The cover shall be free from holes or tears;
    - (d) The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
    - (e) Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.
      - (1) Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;
  - 5. Containers must be sealed when not in use; and
  - 6. The site shall be free of all de-icing materials between April 16th and October 14th.

- b. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 to April 15.
- c. All such temporary and/or permanent structures must also comply with all other local ordinances, including building and zoning regulations.
- d. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.
  - 1. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

# §3-20.4 Exemptions.

- a. Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the deicing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.
- b. If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in §154-3. Piles of de-icing materials are not exempt, even if stored in a permanent structure.
- c. This Chapter does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

# §3-20.5 Enforcement.

This Chapter shall be enforced by the Police Department and/or the Code Enforcement Officer during the course of ordinary enforcement duties.

§3-20.6 Violations and Penalties.

Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall be subject to the penalties set forth in §3-9, Penalty.

### **SECTION II**

All ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

## **SECTION III**

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.

Effective date.

This ordinance shall take effect after final adoption and publication as required by law.

### **NOTICE**

Public Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a regular meeting of the Board of Commissioners of the Borough of Harvey Cedars, County of Ocean, State of New Jersey, held on Monday, June 17 2024, at 4:30 p.m.

Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a regular meeting of the Board of Commissioners to be held on Monday, June 17, 2024, at 4:30 p.m. at the Borough Hall, 7606 Long Beach Blvd., Harvey Cedars, NJ 08008, at which time and place any person desiring to be heard will be given an opportunity to be so heard.

Christine Lisiewski

Acting Municipal Clerk

### CERTIFICATION

I, CHRISTINE LISIEWSKI, Acting Municipal Clerk for the Borough of Harvey Cedars do hereby certify that the foregoing Ordinance 2024-19 was duly adopted by the Board of Commissioners at their meeting held on Monday, June 17, 2024, at 4:30 p.m.

Christine Lisiewski

Christine Lisiewski

Acting Municipal Clerk

# ORDINANCE 2024-20

ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 9, WHICH PERTAINS TO STORMWATER REGULATIONS AND STORMWATER CONTROL

# STATEMENT OF PURPOSE

The purpose of this ordinance is to repeal and replace §9-10 and §9-11 to adopt the revised and required State regulations relating to stormwater control.

#### **SECTION I**

§9-10 is repealed and replaced with the following.

# §9-10 STORMWATER CONTROL

§9-10.1 Scope and Purpose.

- a. Policy Statement. Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs should be developed based upon physical site conditions and the origin, nature, and the anticipated quantity or amount of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for green infrastructure, water quality, quantity, and groundwater recharge.
- b. Purpose. The purpose of this Chapter is to establish minimum stormwater management requirements and controls for "major development," as defined below.

# §9-10.2 Applicability.

- 1. This Chapter shall be applicable to the following major developments:
  - (a) Non-residential major developments and redevelopment projects; and
  - (b) Aspects of residential major developments and redevelopment projects that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21, et seq.
- 2. This Chapter shall also be applicable to all major developments undertaken by the Borough of Harvey Cedars.
- 3. Applicability of this Chapter to major developments shall comply with last amended N.J.A.C. 7:8-1.6, incorporated herein by reference.

# §9-10.3 Compatibility with Other Permit and Code Requirements.

- 1. Development approvals issued pursuant to this Chapter are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
- 2. This Chapter is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this Chapter imposes restrictions different from those imposed by

any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

### §9-10.4 Definitions.

For the purpose of this Chapter, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this ordinance clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions used in this ordinance shall be the same as the last amended Stormwater Management Rules at N.J.A.C. 7:8-1.2, incorporated herein by reference.

§9-10.5 Design and Performance Standards for Stormwater Management Measures.

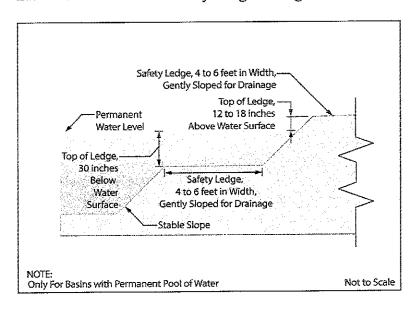
This section establishes design and performance standards for stormwater management measures for major development intended to minimize the adverse impact of stormwater runoff on water quality and water quantity and loss of groundwater recharge in receiving water bodies. Design and performance standards for stormwater management measures shall comply with last amended N.J.A.C. 7:8-5, incorporated herein by reference.

§9-10.6 Solids and Floatable Materials Control Standards.

- a. Site design features identified under §9-10.5, or alternative designs in accordance with same, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Subsection 2 below.
  - 1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
    - (a) The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
    - (b) A different grate, if each individual clear space in that grate has an area of no more than 7 square inches or is no greater than 0.5 inches across the smallest dimension. Note that the Residential Site Improvement Standards at N.J.A.C. 5:21 include requirements for bicycle safe grates. Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.
    - (c) For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than 7 square inches, or be no greater than 2 inches across the smallest dimension.
  - 2. The standard in Subsection 1 above does not apply:
    - (a) Where each individual clear space in the curb opening in existing curbopening inlet does not have an area of more than 9 square inches;

- (b) Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
- (c) Where flows from the water quality design storm as specified in the last amended Stormwater Management rules at N.J.A.C. 7:8, et seq., are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
  - (1) A rectangular space 4.625 inches long and one and 1.5 inches wide (this option does not apply for outfall netting facilities); or
  - (2) A bar screen having a bar spacing of 0.5 inches.
- (d) Where flows are conveyed through a trash rack that has parallel bars with 1-inch spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
- (e) Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.
- (f) Theses exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)(2) and 7.4(b)1).
- §9-10.7 Safety Standards for Stormwater Management Basins.
- a. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This section applies to any new stormwater management basin. Safety standards for stormwater management measures shall comply with last amended N.J.A.C. 7:8-6, incorporated herein by reference.
- b. Safety Ledge Illustration.

Elevation View -Basin Safety Ledge Configuration



- §9-10.8 Requirements for a Site Development Stormwater Plan.
- a. Submission of Site Development Stormwater Plan.
  - 1. Whenever an applicant seeks municipal approval of a development subject to this Chapter, the applicant shall submit all of the required components of the Checklist

for the Site Development Stormwater Plan at §9-10.8 as part of the submission of the application for approval.

- 2. The applicant shall demonstrate that the project meets the standards set forth in this Chapter.
- 3. The applicant shall submit 4 copies of the materials listed in the checklist for site development stormwater plans in accordance with §9-10.2c.
- b. Site Development Stormwater Plan Approval. The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this Chapter.
- c. Submission of Site Development Stormwater Plan. The following information shall be required.
  - 1. Topographic Base Map. The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"= 200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.
  - 2. Environmental Site Analysis. A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways, and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.
  - 3. Project Description and Site Plans. A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.
  - 4. Land Use Planning and Source Control Plan. This plan shall provide a demonstration of how the goals and standards of §9-10.5 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management, and source controls whenever possible.
  - 5. Stormwater Management Facilities Map. The following information, illustrated on a map of the same scale as the topographic base map, shall be included:
    - (a) Total area to be disturbed, paved, or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater; and

(b) Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

#### 6. Calculations.

- (a) Comprehensive hydrologic and hydraulic design calculations for the predevelopment and post-development conditions for the design storms specified in §9-10.5.
- (b) When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.
- 7. Maintenance and Repair Plan. The design and planning of the stormwater management facility shall meet the maintenance requirements of §9-10.9.
- 8. Waiver from Submission Requirements. The municipal official or board reviewing an application under this Chapter may, in consultation with the municipality's review engineer, waive submission of any of the requirements in §9-10.8c1 through c6 of this Chapter when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

### §9-10.9 Maintenance and Repair.

a. Applicability. Projects subject to review as in §9-10.2 of this Chapter shall comply with the requirements of §9-10.9b and c.

#### b. General Maintenance.

- 1. Maintenance for stormwater management measures shall comply with last amended N.J.A.C. 7:8-5.8, incorporated herein by reference.
- 2. The following requirements of N.J.A.C. 7:8-5.8 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department:
  - (a) If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency, or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation; and
  - (b) Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
- 3. In the event the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall

so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have 14 days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.

c. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

§9-10.10 Penalties.

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure, or land in violation of this Chapter shall be subject to the penalties set forth in §3-9, Penalty, and a fine not to exceed \$2,000.

### **SECTION II**

§9-11 is repealed in its entirety and designated as "(Reserved)".

# **SECTION III**

All ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

# **SECTION IV**

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.

Effective date.

This ordinance shall take effect after final adoption and publication as required by law.

#### NOTICE

Public Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a regular meeting of the Board of Commissioners of the Borough of Harvey Cedars, County of Ocean, State of New Jersey, held on Monday, June 17th 2024, at 4:30 p.m.

Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a regular meeting of the Board of Commissioners to be held on Monday, June 17th, 2024, at 4:30 p.m. at the Borough Hall, 7606 Long Beach Blvd., Harvey Cedars, NJ 08008, at which time and place any person desiring to be heard will be given an opportunity to be so heard.

Christine Lisiewski

Municipal Clerk

# **CERTIFICATION**

I, CHRISTINE LISIEWSKI, Acting Municipal Clerk for the Borough of Harvey Cedars do hereby certify that the foregoing Ordinance 2024-20 was duly adopted by the Board of Commissioners at their meeting held on Monday, June 17th 2024, at 4:30 p.m.

Christine Lisiewski

Acting Municipal Clerk

First Reading:
Publication:

Second Reading:

Final Publication:

Effective:



# AUTHORIZE APPLICATION TO NJDOT LOCAL AID PROGRAM FOR NEW JERSEY DEPARTMENT OF TRANSPORTATION SFY 2025-STREETSCAPE PHASE 3 IN THE AMOUNT OF \$875,822.75

WHEREAS the Borough of Harvey Cedars desires to apply to the New Jersey Department of Transportation for assistance from the Transportation Trust Fund for the SFY 2025 Pedestrian Safety Project: Streetscape - Phase 3.

NOW, THEREFORE, BE IT RESOLVED that the Borough Commissioners of the Borough of Harvey Cedars, County of Ocean, formally approve the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor, Municipal Clerk, and Borough Engineer are hereby authorized to submit an electronic grant application identified as MA-2025-Streetscape Phase 3-000283

to the New Jersey Department of Transportation on behalf of the Borough of Harvey Cedars.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Harvey Cedars and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

MOTION:

COMMISSIONER RICE

SECOND:

COMMISSIONER RICE

ROLL CALL VOTE: ALL IN FAVOR

PASSED ON: JUNE 17, 2024

# **CERTIFICATION**

I, Christine Lisiewski, Municipal Clerk of the Borough of Harvey Cedars, County of Ocean, hereby certify that the above is a resolution adopted by the Board of Commissioners at a meeting held on June 17, 2024.



CHAPTER 159 ITEM OF REVENUE INSERTION IN THE SUM OF \$7,151.23 -

**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 2024 in the sum of \$7,151.23, 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 \$7,151.23 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 17, 2024

**CERTIFICATION** 

I, Christine Lisiewski, Municipal Clerk of the Borough of Harvey Cedars, County of Ocean, hereby certify that the above is a resolution adopted by the Board of Commissioners

at a meeting held on June 17, 2024.

# CHAPTER 159 ITEM OF REVENUE INSERTION IN THE SUM OF \$68,000.00 – LOCAL RECREATION IMPROVEMENT GRANT

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 2024 in the sum of \$68,000.00, which is now available from the State of New Jersey, Department of Community Affairs, entitled "Fiscal Year 2024 Local Recreation Improvement Grant".

**BE IT FURTHER RESOLVED** that the sum of \$68,000.00 is hereby appropriated under the caption: 8. General Appropriations (A) Operations excluded from "CAPS" Public and Private Programs offset by Revenues: Local Recreation Improvement Grant.

**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 17, 2024

# **CERTIFICATION**

I, Christine Lisiewski, Municipal Clerk of the Borough of Harvey Cedars, County of Ocean, hereby certify that the above is a resolution adopted by the Board of Commissioners at a meeting held on June 17, 2024.

Christine Lisiewski, Muzicipal Clerk

RENEWAL OF PLENARY RETAIL DISTRIBUTION LICENSE TO HILLCO CORP., INC. FOR THE YEAR 2024-2025

WHEREAS Hillco Corporation, Inc., trading as Neptune Liquors, has applied for the

renewal of a Plenary Retail Distribution License for the year 2024/2025 for the premises

known and designated as N.W. corner Long Beach Blvd. and 80th Street; 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 \$2,150.00

for the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough

of Harvey Cedars, in the County of Ocean, NJ that a Retail Plenary Distribution License be

issued to Hillco Corp. Inc.

BE IT FURTHER RESOLVED that Christine Lisiewski, 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 Neptune Liquors.

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 Paul Rice

SECOND:

Commissioner Joseph Gieger

ROLL CALL VOTE: All in favor

PASSED ON: June 17, 2024

**CERTIFICATION** 

I, Christine Lisiewski, Municipal Clerk of the Borough of Harvey Cedars, County of Ocean, hereby certify that the above is a resolution adopted by the Board of Commissioners at a

meeting held on June 17, 2024.

Christine Lisiewski, Municipal Clerk

# RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE TO LBI SMALL POTATOES, LLC FOR THE YEAR 2024-2025

WHEREAS LBI Small Potatoes, LLC, trading as Black Eyed Susans, has applied for the renewal of a Plenary Retail Consumption License for the year 2024/2025 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 LBI Small Potatoes, LLC.

**BE IT FURTHER RESOLVED** that Christine Lisiewski, 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 Black Eyed Susans 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 Paul Rice

SECOND: Commissioner Joseph Gieger

ROLL CALL VOTE: All in favor

PASSED ON: June 17, 2024

# **CERTIFICATION**

I, Christine Lisiewski, Municipal Clerk of the Borough of Harvey Cedars, County of Ocean, hereby certify that the above is a resolution adopted by the Board of Commissioners at a meeting held on June 17, 2024.

Christine Lisiewski, Municipal Clerk



# APPOINTMENTS MADE BY THE BOARD OF COMMISSIONERS TO FILL EXISTING VACANCIES IN THE BOROUGH OFFICES

WHEREAS, the vacancy of the Municipal Clerk role effective May 10, 2024 has created vacancies in appointed positions for the remainder of year 2023; and

WHEREAS, resolution #2024-004 appointed members of the Borough to designated positions for a one (1) year term commending January 1, 2024 and ending December 31, 2024; and

WHEREAS, it is the desire of the Board of Commissioner of Harvey Cedars to fill these vacancies and adjust certain appointed positions among currently appointed members for the remainder of year 2024.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Harvey Cedars that the following appointments be and are hereby made commencing June 7, 2024 and ending December 31, 2024 and the duties of each employee are governed by State statutes and/or the Ocean County Joint Insurance Fund:

- 1. Christine Lisiewski as the Registrar.
- 2. Christine Lisiewski as the Public Agency Compliance Officer (P.A.C.O.)
- 3. Christine Lisiewski as the alternate backup Designated Employer Representative (DER).
- 4. Cecilia Morillo as the Utility Collector.

PASSED ON: June 17, 2024

# **CERTIFICATION**

I, Christine Lisiewski, Municipal Clerk of the Borough of Harvey Cedars, County of Ocean, hereby certify that the above is a resolution adopted by the Board of Commissioners at a meeting held on June 17, 2024.

Christine Lisiewski Municipal Clerk

# DESIGNATING BANK SIGNATORIES FOR THE BOROUGH OF HARVEY CEDARS

WHEREAS OceanFirst Bank was designated as an official depository for the Borough of Harvey Cedars for the year 2024; and

WHEREAS a vacancy occurred in the role of Municipal Clerk effective May 10, 2024 and a new Municipal Clerk has been appointed; and

WHEREAS the Borough desires to amend the authorized signors for said bank.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Harvey Cedars, County of Ocean, effective June 17, 2024 Anna Grimste is hereby removed and replaced by Christine Lisiewski, Acting Municipal Clerk, as an authorized signor of all bank accounts.

**BE IT FURTHER RESOLVED** the following are hereby reconfirmed as authorized signors of all bank accounts with OceanFirst Bank:

- 1. John Imperiale, Mayor
- 2. Paul Rice, Commissioner of Finance
- 3. Joseph Gieger, Commissioner of Public Works
- 4. Christine Lisiewski, Acting Municipal Clerk
- 5. Rebecca Wessler, Chief Finance Officer

PASSED ON: June 17, 2024

# **CERTIFICATION**

I, Christine Lisiewski, Municipal Clerk of the Borough of Harvey Cedars, County of Ocean, hereby certify that the above is a resolution adopted by the Board of Commissioners at a meeting held on June 17, 2024.

Christine Lisiewski, Municipal Clerk



### AMMENDING REGULAR MEETING DATES FOR THE BOARD OF COMMISSIONERS FOR THE YEAR 2024

WHEREAS, the Open Public Meetings Act of 1976 requires public bodies to provide notice of all meetings in an effort to enhance the proper functioning of the democratic processes; and

WHEREAS, it is the desire of this Board of Commissioners to adhere to the provision of said act.

**NOW, THEREFORE,** pursuant to the provisions of the Open Public Meetings Act, **BE IT RESOLVED** by the Board of Commissioners of the Borough of Harvey Cedars for the year 2024 as follows:

1. The Board of Commissioners hereby amends the following dates at 4:30pm for its regular meeting. Formal action will be taken.

Friday August 2<sup>nd</sup>, 2024 moved to Monday August 5<sup>th</sup>, 2024 Monday September 16<sup>th</sup>, 2024 moved to Monday, September 23<sup>rd</sup>, 2024

- 2. The Board of Commissioners hereby designates two (2) hours preceding and one (1) hour after each regular meeting for its policy meeting unless otherwise modified by resolution of the Board. No formal action will be taken.
- 3. The Board of Commissioners will hold daily work sessions, as well as Executive Sessions if necessary, on Mondays and Fridays. No formal action will be taken.
- 4. All aforementioned meetings shall be held at the Borough Hall, 7606 Long Beach Blvd., Harvey Cedars, NJ.

PASSED ON:

### **CERTIFICATION**

I, Christine Lisiewski, Acting Municipal Clerk of the Borough of Harvey Cedars, County of Ocean, hereby certify that the above is a resolution adopted by the Board of Commissioners at a meeting held on June 17, 2024.

Christine Lisiewski, Acting Manicipal Clerk



Void: N

Aprv: N

Bid: Y State: Y Other: Y Exempt: Y

Open: N

Rcvd: Y

Paid: N

Held: Y

P.O. Type: All Range: First Format: Condensed to Last

Include Non-Budgeted: Y

Vendors: All Rcvd Batch Id Range: First to Last

PO #	PO Date	Vendor		PO Description	Status	Amount V	oid Amount PO Type
23-00666	06/19/23	SREG0020	S REGIONAL BOARD OF EDUCATION	2023-2024 Reg. School Taxes	Open	212,453.60	0.00 в
23-01043	09/20/23	ONEC0010	ONE CALL CONCEPTS INC	monthly markouts	Open	54.34	0.00
24-00373	04/08/24	ACTI0005	ACTION UNIFORM CO, LLC	SLEO I Uniforms	0pen	310.00	0.00
24-00379	04/08/24	WOLFS005	WOLFSCHMIDT, MICHAEL	CPR/First Aid/Forcible Entry	0pen	1,190.00	0.00
24-00385	04/09/24	HOME0010	HOME DEPOT/GECF	shop supplies	0pen	325.76	0.00
24-00449	04/23/24	AWISC005	AWISCO NJ LLC	oxygen rental	0pen	68.11	0.00
24-00498	05/02/24	TAYLO035	TAYLOR MADE CABINETS, INC	park bathroom cabinets	0pen	9,800.00	0.00
24-00529	05/08/24	HOME0010	HOME DEPOT/GECF	park bathrooms	Open	356.82	0.00
24-00532	05/09/24	PASCA005	PASCACK DATA SERVICES, INC	Antivirus Annual	0pen	72.24	0.00
24-00545	05/13/24	SHORE060	SHORE PROMOTIONS	Sweatshirt Re-Stock	0pen	3,470.00	0.00
			AMERICAN WEAR, INC.	monthly uniform rental	0pen	420.00	0.00
24-00611	05/28/24	ULINE010	ULINE, INC	hand dryers for park bath	0pen	1,190.09	0.00
24-00612	05/28/24	SHORE060	SHORE PROMOTIONS	Anchor T-Shirt	0pen	966.00	0.00
			CERTIFIED SPEEDOMETER SERVICES	Veh. Calibr. 992,994,995,996	0pen	176.00	0.00
			MANAHAWKIN MAGIC WASH	Vehicle wash	0pen	36.00	0.00
			SHORE PROMOTIONS	Lifequard Board Shorts	Open	2,964.00	0.00
			LBI BOARD OF EDUCATION	Local School Taxes	0pen	162,855.50	0.00 B
			LEXIPOL, LLC	Accreditation 6/1/24-5/31/25	0pen	8,694.00	0.00
			TILTON, DANIELLE	Mileage	0pen	39.13	0.00
			HOME DEPOT/GECF	skid steer rental for park	0pen	779.20	0.00
			HOME DEPOT/GECF	park bathrooms	0pen	615.94	0.00
			ARIAS-BRINGAS, ELDRICH	Water License - App Fee	0pen	70.00	0.00
			AMAZON CAPITAL SERVICES, INC	Supplies	0pen	40.92	0.00
			AMAZON CAPITAL SERVICES, INC	Copy Paper	0pen	54.34	0.00
			AMAZON CAPITAL SERVICES, INC	Water Pump Trailer	0pen	17.60	0.00
			KAPNICK, MICHAEL & MARK	Performance Bond Return	0pen	14,490.00	0.00
			AMAZON CAPITAL SERVICES, INC	Signs	0pen	94.97	0.00
			LONG BEACH TOWNSHIP	Traffic Control	Open	850.00	0.00
			BOROUGH OF SHIP BOTTOM	Traffic Control	Open	3,550.00	0.00
			SCARABINO, ROBERT	tint bill's truck	Open	250.00	0.00
			VERIZON WIRELESS MDTS	Police MDT's	Open	152.04	0.00
				Monthly Advertising	0pen	114.42	0.00
			VERIZON WIRELESS - CELL	Police Cell Phones	0pen	406.99	0.00
			CREATIVE MANAGEMENT INC	Fuel Invoices	Open	1,495.80	0.00
			TWP OF STAFFORD	Monthly Invoice	Open	269.00	0.00
			ATLANTIC CITY ELECTRIC	Electric - W&S Charges	Open	7,793.78	0.00
			ATLANTIC CITY ELECTRIC	Electric - Current Charges	Open	5,622.52	0.00
			OWEN, LITTLE & ASSOCIATES	Monthly Invoice	Open	17,509.42	0.00
			OWEN, LITTLE & ASSOCIATES	Monthly Invoice	Open	400.00	0.00
Total Pur	rchase Oro	ders:	39 Total P.O. Line Items:	O Total List Amount: 46	0,018.53	Total Void Amou	nt: 0.00



Totals by Year-Fund Fund Description Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
Current Fund 3-01	212,453.60	0.00	212,453.60	0.00	0.00	212,453.60
Utility Operating 3-09 Year Total:	<u>54.34</u> 212,507.94	0.00 0.00	54.34 212,507.94		0.00	54.34 212,507.94
Current Fund 4-01	186,384.43	0.00	186,384.43		0.00	186,384.43
Utility Operating 4-09 Year Total:	8,584.26 194,968.69	0.00	8,584.26 194,968.69		0.00 0.00	8,584.26 194,968.69
General Capital F C-04	27,535.19	0.00	27,535.19	0.00	0.00	27,535.19
Utility Capital F C-08 Year Total:	1,253.78 28,788.97	0.00 0.00	1,253,78 28,788.97		0.00	1,253.78 28,788.97
Trust Fund T-17	23,752.93	0.00	23,752.93	0.00	0.00	23,752.93
Total Of All Funds:	460,018.53	0.00	460,018.53	0.00	0.00	460,018.53