

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. Commissioner Gerkens and Garofalo and Borough Attorney William Hiering, Jr. were present.

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

The Mayor stated that 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, posted on the Municipal website and was published in the Beach Haven Times on December 15, 2010.

**Motion** to approve the minutes of the previous meeting, September 2, 2011, was made by Commissioner Gerkens, seconded by Commissioner 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 #2011-14 SECOND READING**

**AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, OCEAN COUNTY, NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 13 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, ENTITLED "ZONING", AS IT AFFECTS EASEMENT MAINTENANCE AND EXCEPTIONS TO HOUSES BEING RAISED**

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

Averell Eisner voiced his concerns regarding the clearance of his easement and asked for clarification. The Mayor said the intent of the ordinance is to have the private easements cleared enough that an emergency vehicle can access the property. The Mayor added that notices were sent to specific easements owners and if he did not receive a notice, then most likely his easement does not have an issue at this time.

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

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

The Mayor read the following resolution by title only and asked for a motion to adopt.

**RESOLUTION #2011-097:**

**AUTHORIZE APPLICATION TO NJDOT LOCAL AID PROGRAM FOR 2012 ROAD RECONSTRUCTION IMPROVEMENT PROJECT FOR A TOTAL OF \$179,377.00**

(Norfolk, Suffolk, West 81<sup>st</sup>, Anchor)

A copy of the resolution is attached hereto and made a part hereof.

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

Vote: Ayes – Oldham, Garofalo, Gerkens

The Mayor read the following resolution by title only and asked for a motion to adopt.

**RESOLUTION #2011-098:**

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

A copy of the resolution is attached hereto and made a part hereof.

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

The Mayor read the following resolution by title only and asked for a motion to adopt.

**RESOLUTION #2011-099:**

**AUTHORIZING THE UTILITY COLLECTOR TO ADJUST CERTAIN WATER/SEWER CHARGES**

A copy of the resolution is attached hereto and made a part hereof.

Motion to adopt: Commissioner Gerkens

Second: Mayor Oldham

Abstain: Commissioner Garofalo

The Mayor read the following resolution by title only and asked for a motion to approve the bills for payment.

**RESOLUTION #2011-100: Bills**

A copy of the resolution is attached hereto and made a part hereof.

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

**Motion** to adjourn: Commissioner Gerkens

Second: Commissioner Garofalo

Meeting adjourned at 4:42pm.

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**Daina Dale, Municipal Clerk**

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**Jonathan Oldham, Mayor**

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**Judith Gerkens, Commissioner**

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**Michael Garofalo, Commissioner**

**RESOLUTION #2011-097**

**AUTHORIZE APPLICATION TO NJDOT LOCAL AID PROGRAM FOR  
2012 ROAD RECONSTRUCTION IMPROVEMENT PROJECT  
FOR A TOTAL OF \$179,377.00**

**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 2012 Road Reconstruction/Improvement Project.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Commissioners of the Borough of Harvey Cedars, County of Ocean, hereby authorize application to NJDOT Local Aid Program for the 2012 Road Reconstruction/Improvement Project for a total of \$179,377.00 to include:

1. Norfolk Avenue
2. Suffolk
3. West 81<sup>st</sup> Street
4. Anchor Street

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2012 Harvey Cedars Borough 00370 to the New Jersey Department of Transportation on behalf of the Borough of Harvey Cedars.

**BE IT FURTHER RESOLVED** that the Mayor and 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 Gerkens

SECOND: Commissioner Garofalo

ROLL CALL VOTE: Ayes – Oldham, Garofalo, Gerkens

PASSED ON: September 20, 2011

**CERTIFICATION**

I, Daina Dale, 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 September 20, 2011.

\_\_\_\_\_  
Daina Dale, Municipal Clerk

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL

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Daina Dale, Clerk

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Judith Gerkens, Dep. Mayor

**RESOLUTION #2011-098**

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

**WHEREAS** Harvey Cedars Police Chief Thomas Preiser has recommended the Board of Commissioners appoint a seasonal Class II Special Officer for the Harvey Cedars Police Department; and

**WHEREAS** interviews have been held and the best qualified candidate has been selected.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Harvey Cedars that Daniel Petrone is hereby appointed as a seasonal Special Law Enforcement Officer Class II for the Borough of Harvey Cedars effective October 1, 2011 for a 6 month period ending March 31, 2012.

PASSED ON: September 20, 2011

**CERTIFICATION**

I, Daina Dale, 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 September 20, 2011.

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Daina Dale, Municipal Clerk

**RESOLUTION #2011-099**

**AUTHORIZING THE UTILITY COLLECTOR TO ADJUST CERTAIN  
WATER/SEWER CHARGES**

**WHEREAS** the Utility Collector of the Borough of Harvey Cedars processes quarterly utility bills based on the prior three months of water usage, and the Borough Superintendent reads and maintains monthly meter readings; and

**WHEREAS** the following residents have questioned their water usage for the 2011 3<sup>rd</sup> quarter:

1. Michael & Margaret Garofalo, 1 East 79<sup>th</sup> Street; and

**WHEREAS** the Borough Superintendent and the Commissioner of Public Works investigated the usage of the abovementioned properties and have recommended a credit be issued for this one occasion for each of the abovementioned property owners.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Harvey Cedars that the Utility Collector is authorized to adjust and issue credits to the following utility accounts based on the previous year's 3<sup>rd</sup> quarter water usage:

1. Account # 997 - Michael & Margaret Garofalo, 1 East 79<sup>th</sup> Street – water credit of \$564.44 and sewer credit of \$182.58.

PASSED ON: September 20, 2011