

**HARVEY CEDARS BOARD OF COMMISSIONERS  
MEETING AGENDA**

**April 3, 2020**

Meeting location: via Zoom

1. Call the meeting to order.
2. Pledge of Allegiance.
3. To the best of my knowledge all requirements of the State 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 on January 9, 2020 in the Beach Haven Times and the Asbury Park Press. N.J.S.A 10:4-8(b) authorizes local units to conduct public meetings through use of streaming services and other online meeting platforms. Notice of the meeting being held remotely via Zoom was posted on the website on March 28, 2020 and published in the Beach Haven Times on April 2, 2020.

4. **Motion** to approve the minutes of the regular meeting held on March 16, 2020:  
Second:

5. **ORDINANCE #2020-08 FIRST READING**

**AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS AUTHORIZING  
THE MUNICIPALITY IN PREPARING ITS 2020 BUDGET TO EXCEED THE  
MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A  
CAP BANK**

Motion to adopt:

Second:

Vote:

6. **ORDINANCE #2020-06 SECOND 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 LOT FILL FOR LANDS  
EAST & WEST OF LONG BEACH BLVD.**

**Proof of publication is on hand and the ordinance has been posted.**

Motion to open public discussion:

Second:

Motion to close public discussion:

Second:

Motion to adopt:

Second:

Vote:

7. **ORDINANCE #2020-07 SECOND 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  
DRAINAGE DETAILS AND DIAGRAMS**

**Proof of publication is on hand and the ordinance has been posted.**

Motion to open public discussion:

Second:

Motion to close public discussion:

Second:

Motion to adopt:

Second:

Vote:

8. **RESOLUTION:**

**BOROUGH OF HARVEY CEDARS PROCLAIMING APRIL 19 – 25, 2020  
AS NATIONAL LIBRARY WEEK**

Motion to adopt:

Seconded:

9. **RESOLUTION:**

**AUTHORIZING AMENDMENT TO THE TEMPORARY BUDGET**

Motion to adopt:

Second:

10. **RESOLUTION:**

**INTRODUCTION OF MUNICIPAL BUDGET FOR 2020 TO BE READ BY  
TITLE ONLY**

**Municipal Budget of the Borough of Harvey Cedars, County of Ocean for the Fiscal  
Year 2020.**

**BE IT RESOLVED** that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2020.

**BE IT FURTHER RESOLVED** that said budget be published in the Beach Haven Times in the issue of **April 9, 2020.**

A hearing on the Budget and Tax Resolution will be held at the Municipal Building, 7606 Long Beach Blvd., Harvey Cedars on **Friday, May 1, 2020 at 4:30pm** at which time and place objections to said Budget and Tax Resolution for the year 2020 may be presented by taxpayers or other interested persons. The full budget document will be posted on the website no later than April 9, 2020.

Motion to adopt:

Second:

Vote:

11. **RESOLUTION: BILLS**

**Motion** to approve the bills for payment:

Second:

12. **TOPICS OF INTEREST**

13. **PRIVILEGE OF THE FLOOR**

14. **MOTION TO ADJOURN**

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 Imperiale was present and Commissioner Rice was practicing self-quarantine.

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 on January 9, 2020 in the Beach Haven Times and the Asbury Park Press.

**Motion** to approve the minutes of the previous meeting held on March 6, 2020 was made by Commissioner Imperiale, seconded by Mayor Oldham.

The Mayor stated these are difficult and new times for everyone (referring to the Covid19 pandemic), so we will try to keep life as normal as it possibly can be.

The Mayor read the following ordinance by title and number and asked for a motion to introduce.

**ORDINANCE #2020-06 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 LOT FILL FOR LANDS EAST & WEST OF LONG BEACH BLVD.**

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

The Mayor stated this is to fix a few things in the ordinance for runoff, drainage and retaining walls.

Motion to adopt: Commissioner Imperiale  
Second: Mayor Oldham  
Vote: Ayes – Oldham, Imperiale

The Mayor read the following ordinance by title and number and asked for a motion to introduce.

**ORDINANCE #2020-07 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 DRAINAGE DETAILS AND DIAGRAMS**

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

Motion to adopt: Commissioner Imperiale  
Second: Mayor Oldham  
Vote: Ayes – Oldham, Imperiale

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 #2020-03 SECOND READING**

**ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, COUNTY OF OCEAN, STATE OF NEW JERSEY, GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST OF LONG BEACH ISLAND, LLC TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN THE BOROUGH OF HARVEY CEDARS**

Motion to open public discussion: Commissioner Imperiale  
Second: Mayor Oldham

There were no public questions or comments.

Motion to close public discussion: Commissioner Imperiale  
Second: Mayor Oldham

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

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

**ORDINANCE #2020-04 SECOND READING**

**AN ORDINANCE AMENDING CHAPTER 7 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, ENTITLED “SEWER AND WATER” AS IT PERTAINS TO WATER CALLOUT SERVICE CHARGES**

Motion to open public discussion: Commissioner Imperiale  
Second: Mayor Oldham

There were no public questions or comments.

Motion to close public discussion: Commissioner Imperiale  
Second: Mayor Oldham

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

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

**ORDINANCE #2020-05 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 DUMPSTERS**

The Mayor stated this has to do with dumpsters being required on a construction job from beginning to end.

Motion to open public discussion: Commissioner Imperiale  
Second: Mayor Oldham

Jim Fritz asked about the bags that trash companies come and pick up. The Mayor stated that most construction sites do not use the bags, mostly used for small jobs. A brief discussion was held with the Police Chief regarding summonses for uncovered dumpsters.

Motion to close public discussion: Commissioner Imperiale  
Second: Mayor Oldham

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

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 #2020-040:**

**AWARD CONTRACT FOR THE 2020 WATERMAIN REPLACEMENT PROJECT**

The Mayor said this is for the watermain from 76<sup>th</sup> Street to 80<sup>th</sup> and for when the new well is drilled; it is supposed to be completed by May.

Motion to adopt: Commissioner Imperiale  
Second: Mayor Oldham

**RESOLUTION #2020-041:**

**AUTHORIZING AMENDMENT TO THE TEMPORARY BUDGET**

Motion to adopt: Commissioner Imperiale

Second: Mayor Oldham

**RESOLUTION #2020-042:**

**AMENDING SHARED SERVICES AGREEMENT FOR CONSTRUCTION CODE ENFORCEMENT SERVICES “SCHEDULE C”**

Motion to adopt: Commissioner Imperiale

Second: Mayor Oldham

**RESOLUTION #2020-043: Bills**

Motion to approve the bills for payment: Commissioner Imperiale

Second: Mayor Oldham

**Public Property Usage requests:**

1. A discussion was held regarding the request by the Association of Surf Angling Clubs (ASAC) for surf fishing tournaments to be held on May 2 and October 17, 2020 on the beaches of Harvey Cedars (and Ship Bottom, Surf City & LBT) from 6:30am to 1:30pm. Expected attendance: forty (40) 6-person teams, average (3) 4x4 trucks on beach per team. Asking for beach buggy fees to be waived for the one-day tournament. Concerns were voiced over the amount of people and vehicles on the beach in October; it is believed the groups are assigned throughout the Island. This will be confirmed prior to approving.
2. A motion was made by Commissioner Imperiale, seconded by Mayor Oldham, to approve the request by Save Barnegat Bay for a clean-up event on Sunday June 7, 2020 at Sunset Park from 11:00am to 1:00pm.

**PRIVILEGE OF THE FLOOR –**

Al Donahower, West 76<sup>th</sup> Street, asked if cutting neighbor’s branches hanging over onto your property can be cut. The Mayor advised to talk to the neighbor first, but there is not an ordinance for or against it.

**Motion** to adjourn: Commissioner Imperiale

Second: Mayor Oldham

The Mayor concluded “Everyone stay safe and keep social distance”.

Meeting adjourned at 4:46pm.

---

**Daina Dale, Municipal Clerk**

---

**Jonathan S. Oldham, Mayor**

---

**John M. Imperiale, Commissioner**

**ORDINANCE NO. 2020-08**

**AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS AUTHORIZING THE MUNICIPALITY IN PREPARING ITS 2020 BUDGET TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK**

**WHEREAS** the Local Government Cap Law, NJSA 40A:4-45.1 et. seq., provides that, in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

**WHEREAS** NJSA 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

**WHEREAS** the Board of Commissioners of the Borough of Harvey Cedars in the County of Ocean finds it advisable and necessary to increase its CY 2020 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

**WHEREAS** the Board of Commissioners hereby determines that any amount authorized herein that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of the Borough of Harvey Cedars in the County of Ocean, a majority of the full authorized membership of this governing body affirmatively concurring that, in the CY 2020 budget year, the final appropriations of the Borough of Harvey Cedars shall, in accordance with this ordinance and NJSA 40A:4-45.14, be increased by 3.5%, amounting to \$126,709 and that the CY 2020 municipal budget for the Borough of Harvey Cedars be approved and adopted in accordance with this ordinance; and

**BE IT FURTHER ORDAINED** that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

**BE IT FURTHER ORDAINED** that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

**BE IT FURTHER ORDAINED** that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

**NOTICE**

NOTICE is hereby given that the foregoing Ordinance was duly introduced and passed on the first reading at a regular meeting of the Board of Commissioners of the Borough of Harvey Cedars held via Zoom on **April 3, 2020**. Further notice is given that said Ordinance shall be considered for final passage and adoption at a regular meeting of said Board of Commissioners to be held on **April 20, 2020** at 4:30pm hosted from the Borough Hall, 7606 Long Beach Blvd., Harvey Cedars, NJ, via Zoom at which time and place any person desiring to be heard will be given an opportunity to be so heard by registering online for the Zoom meeting at [www.harveycedars.org](http://www.harveycedars.org).

---

Daina Dale, Municipal Clerk

**ORDINANCE NO. 2020-06**

**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 LOT FILL FOR LANDS EAST & WEST OF LONG BEACH BLVD.**

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

Section 1. Section 12-8.11 entitled “Lot Elevation” paragraph A. entitled “Land East of Long Beach Boulevard” second sentence is hereby amended and supplemented by replacing it in its entirety with the following:

All applications for a building permit shall include a plot plan showing the existing proposed grades in conformance with this section. The use of retaining walls with an impermeable barrier and drainage swales will be permitted in order to contain the fill on the lot. In addition, plot plans shall provide thereon and comply with the requirements of Section 9-10.16 for leader and gutters, perforated piping and drainage system piping to provide a positive discharge to the Municipal Street. Retaining walls shall be installed at the property line. Should a retaining wall exist along the common property line as a result of a prior lot fill, a new wall will not be required. The fill and grading on the plot plan shall incorporate the existing adjoining retaining wall and the lot fill shall be brought to the proper elevation in accordance with this section.

Section 2. Section 12-8.11 entitled “Lot Elevation” paragraph B. entitled “Land West of Long Beach Boulevard” third paragraph is hereby amended and supplemented as follows:

All applications for a building permit shall include a plot plan showing the existing proposed grades in conformance with this section. The use of retaining walls with an impermeable barrier and drainage swales will be permitted in order to contain the fill on the lot. In addition, plot plans shall provide thereon and comply with the requirements of Section 9-10.16 for leader and gutters, perforated piping and drainage system piping to provide a positive discharge to the Municipal Street. Retaining walls shall be installed at the property line. Should a retaining wall exist along the common property line as a result of a prior lot fill, a new wall will not be required. The fill and grading on the plot plan shall incorporate the existing adjoining retaining wall and the lot fill shall be brought to the proper elevation in accordance with this section. Bay or lagoon-front lot may discharge to bay directly through bulkhead.

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.

**NOTICE**

NOTICE is hereby given that the foregoing Ordinance was duly introduced and passed on the first reading at a regular meeting of the Board of Commissioners of the Borough of Harvey Cedars held on **March 16, 2020**. Further notice is given that said Ordinance shall be considered for final passage and adoption at a regular meeting of said Board of Commissioners to be held on **April 3, 2020 4:30pm** at the Borough Hall, 7606 Long Beach Blvd., Harvey Cedars, NJ, at which time and place any person desiring to be heard will be given an opportunity to be so heard.

---

Daina Dale, Municipal Clerk

**ORDINANCE NO. 2020-07**

**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 DRAINAGE DETAILS AND DIAGRAMS**

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

**Section 1:** Section 9-10.16 entitled “Section 15: Waivers” is hereby amended by supplementing and replacing the last sentence of paragraph B.3 as follows:

Detail B for lots West of Long Beach Boulevard and Detail C for lots East of Long Beach Boulevard are provided at the end of this chapter.

**Section 2:** The following details and diagrams are hereby inserted at the end of Chapter 9 and are attached as part of the Ordinance and on file in the Borough Clerk’s office.

1. Detail A entitled “Subsurface Infiltration System”.
2. Detail B entitled “Typical Lot Layout, Grading and Drainage with 20 inches of fill West of Long Beach Boulevard”.
3. Detail C entitled “Typical Lot Layout, Grading and Drainage for Lots filled East of Long Beach Boulevard”.

**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.

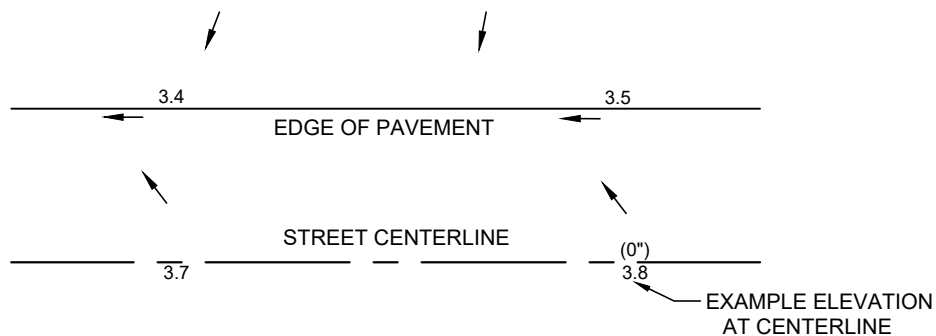
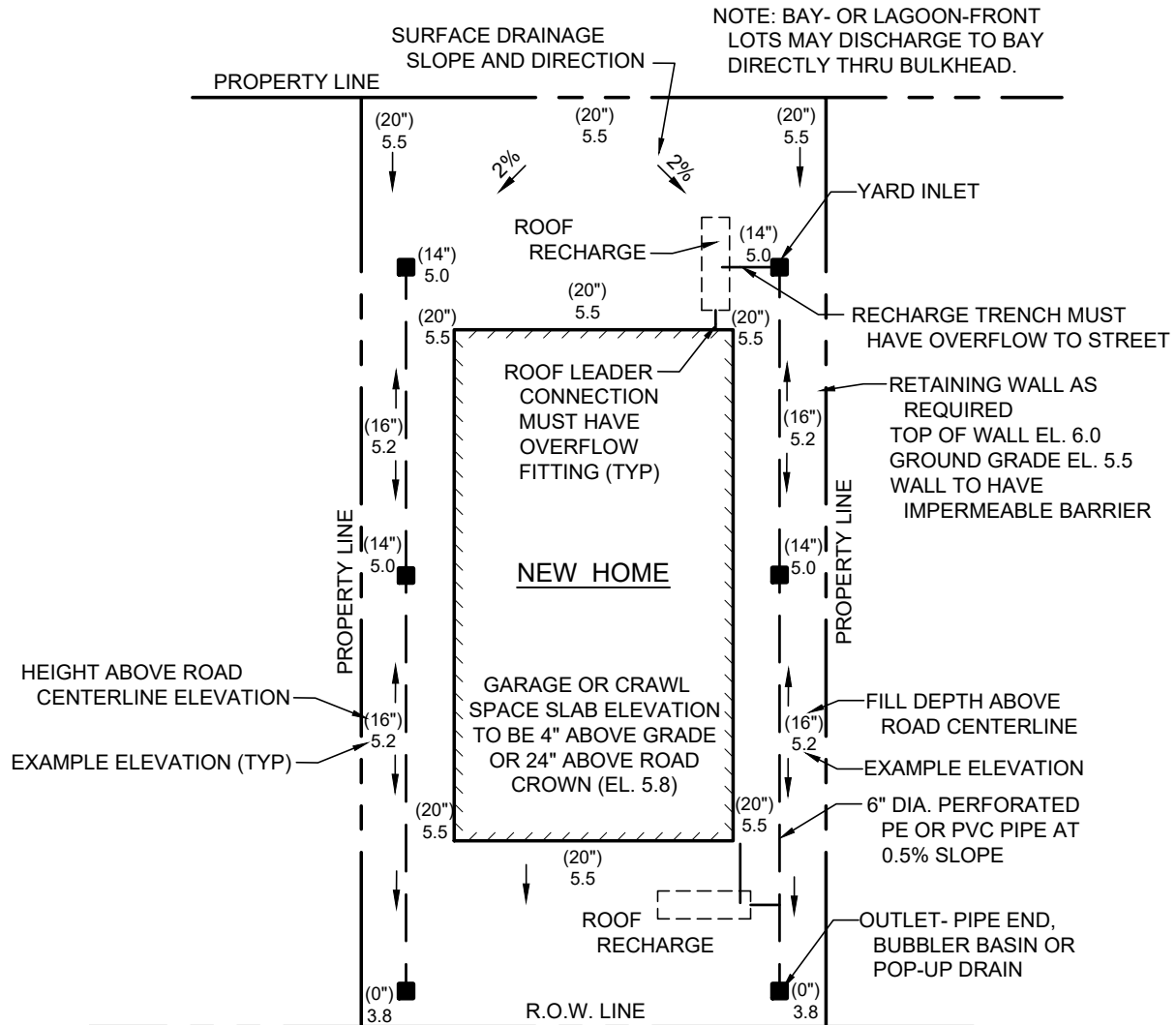
**NOTICE**

NOTICE is hereby given that the foregoing Ordinance was duly introduced and passed on the first reading at a regular meeting of the Board of Commissioners of the Borough of Harvey Cedars held on **March 16, 2020**. Further notice is given that said Ordinance shall be considered for final passage and adoption at a regular meeting of said Board of Commissioners to be held on **April 3, 2020 4:30pm** at the Borough Hall, 7606 Long Beach Blvd., Harvey Cedars, NJ, at which time and place any person desiring to be heard will be given an opportunity to be so heard.

---

Daina Dale, Municipal Clerk

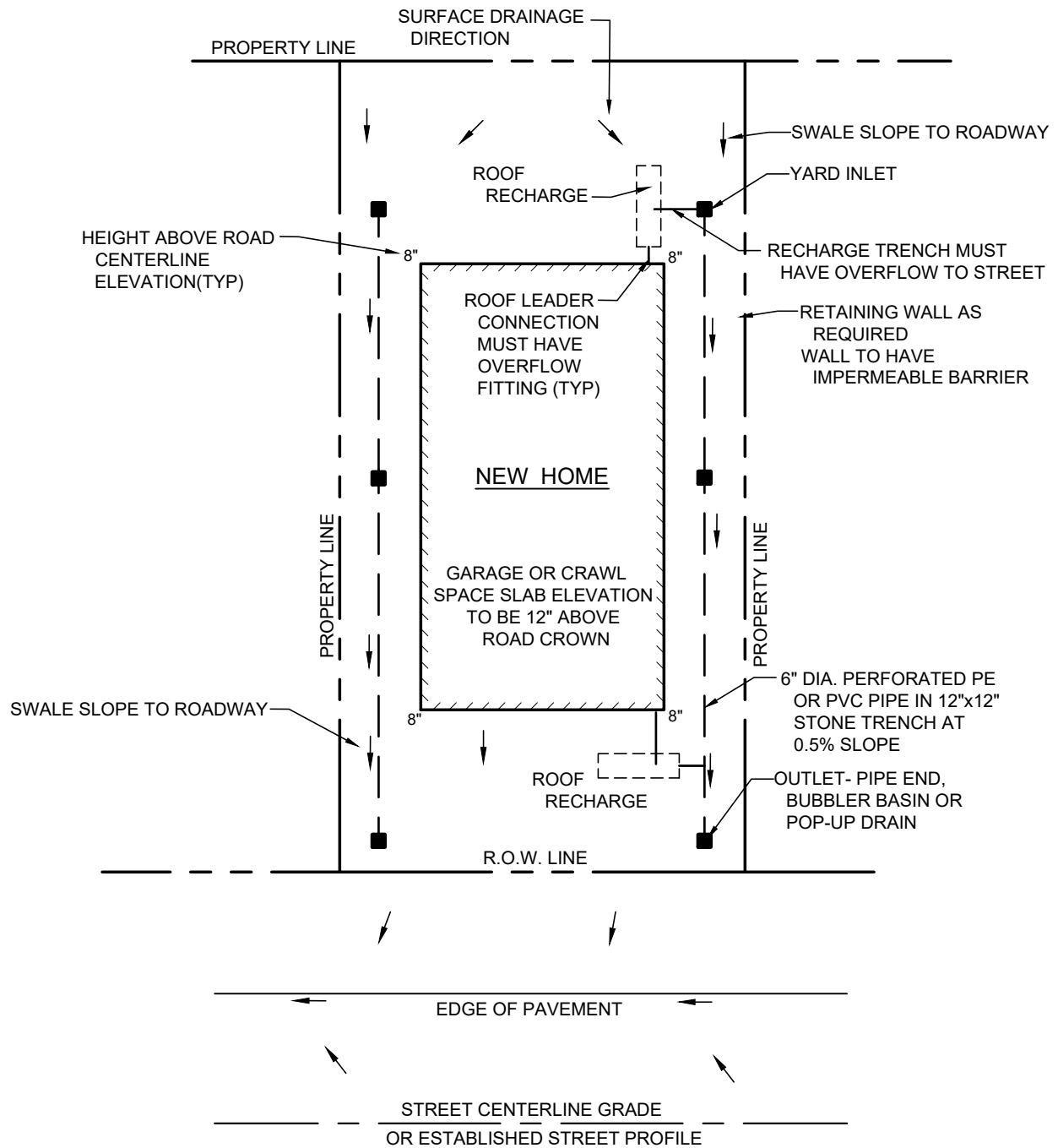




## DETAIL B

### TYPICAL LOT GRADING WITH 20" OF FILL PROPERTIES WEST OF LONG BEACH BOULEVARD BOROUGH OF HARVEY CEDARS

SCALE: 1" = 20'



## DETAIL C

TYPICAL LOT GRADING WITH 8" OF FILL  
 PROPERTIES EAST OF LONG BEACH BOULEVARD

BOROUGH OF HARVEY CEDARS

SCALE: 1" = 20'

**RESOLUTION #2020-046**  
**BOROUGH OF HARVEY CEDARS**  
**PROCLAIMING APRIL 19 – 25, 2020**  
**AS NATIONAL LIBRARY WEEK**

**WHEREAS** today's libraries are less about what they have on the shelves and more about what they can do with and for their communities; and

**WHEREAS** libraries have long served as trusted and treasured institutions where people of all ages, interests and backgrounds can come together and learn alongside one another; and

**WHEREAS** libraries of all types are at the heart of cities, towns, schools and campuses; and

**WHEREAS** libraries offer members of the community a welcoming space and opportunities to explore new passions through technology, programs and services; and

**WHEREAS** libraries and librarians help patrons find tools to help improve the quality of their life; and

**WHEREAS** libraries, which promote the free exchange of information and ideas for all, are cornerstones of democracy; and

**WHEREAS** libraries strive to develop and maintain programs and collections that are as diverse as the populations they serve; and

**WHEREAS** libraries and librarians work to create an equitable society by providing free access to accurate information to all people; and

**WHEREAS** libraries are a resource for all members of the community regardless of race, ethnicity, creed, ability, sexual orientation, gender identity or socio-economic status, by offering services and educational programming that transform lives and strengthen communities; and

**WHEREAS** libraries, librarians, library workers and supporters across America are celebrating National Library Week.

**NOW, THEREFORE, BE IT RESOLVED** that I, Jonathan Oldham, Mayor of the Borough of Harvey Cedars, proclaim National Library Week, April 19-25, 2020. During this time, I encourage all residents to visit the library, a place where we can all belong and discover who we are. Because of you, Libraries Transform.

PASSED ON: April 3, 2020

**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 April 3, 2020.

---

Daina Dale, Municipal Clerk

**RESOLUTION #2020-047**

**AUTHORIZING AMENDMENT TO THE TEMPORARY BUDGET**

**WHEREAS** N.J.S. 40A:4-19.1 provides that in any fiscal year for which the budget dates have been extended, the Director of the Division of Local Government Services may permit appropriations to provide for the period between the date upon which the budget was scheduled temporary budget for adoption pursuant to N.J.S.A. 40A:4-5 and the actual date upon which the budget is adopted; and

**WHEREAS** the date of this resolution is after the scheduled adoption date of March 20, 2020; and

**NOW, THEREFORE, BE IT RESOLVED** that the following temporary appropriations be amended and made as follows:

	<u>Amendment</u>	<u>2020</u> <u>Amended Temporary</u>
<u>Current Fund</u>		
Municipal Clerk OE	2,000.00	7,500.00
Tax Collection OE	1,000.00	3,147.19
Police OE	15,000.00	48,000.00
Building & Grounds	10,000.00	35,000.00
Electric	3,000.00	8,200.00
Street Lighting	5,000.00	16,500.00
Telephone	5,000.00	12,500.00
Natural Gas	2,000.00	6,500.00
Gasoline	5,000.00	11,000.00
Public Health Services	9,322.47	9,322.47
DCRP	451.00	451.00
	<u>57,773.47</u>	<u>158,120.66</u>
<u>Water/Sewer Fund</u>		
Water/Sewer S&W	30,000.00	137,500.00
	<u>30,000.00</u>	<u>137,500.00</u>

PASSED ON: April 3, 2020