

HARVEY CEDARS BOARD OF COMMISSIONERS

MEETING AGENDA

May 1, 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 meetings being held remotely via Zoom were published in the Beach Haven Times on April 2 and 9, 2020. Notice of this meeting was posted on the website on April 21, 2020.

4. **Motion** to approve the minutes of the regular meeting held on April 20, 2020:

Second:

5. **ORDINANCE #2020-09 FIRST READING**

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS AMENDING AND SUPPLEMENTING CHAPTER 21 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS ENTITLED "PROPERTY MAINTENANCE" AS IT PERTAINS TO DEAD TREES

Motion to adopt:

Second:

Vote:

6. **RESOLUTION:**

AUTHORIZING AND CERTIFYING THE SELF-EXAMINATION OF THE ANNUAL BUDGET FOR THE BOROUGH OF HARVEY CEDARS, OCEAN COUNTY, NJ

Motion to adopt:

Second:

7. **RESOLUTION: AUTHORIZING THE BUDGET BEING READ BY TITLE ONLY**

WHEREAS the Local Budget Law provides that the budget be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full governing body, providing that at least one week prior to the date of hearing a complete copy of the approved budget as advertised has been posted in the Borough Hall and copies have been made available by the Clerk to persons requiring them; and

WHEREAS these two conditions have been met.

NOW, THEREFORE, BE IT RESOLVED that the 2020 budget will be read by title only.

Motion to adopt:

Second:

Vote:

Motion to **open** public discussion of budget:

Second:

Motion to **close** public discussion:

Second:

8. **BUDGET ADOPTION**

BE IT RESOLVED by the Board of Commissioners of the Borough of Harvey Cedars, County of Ocean that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$3,435,292.58 for municipal purposes.

Motion to adopt:

Second:

Vote:

9. RESOLUTION: BILLS

Motion to approve the bills for payment:

Second:

10. TOPICS OF INTEREST

11. PRIVILEGE OF THE FLOOR

12. MOTION TO ADJOURN

Due to the COVID-19 pandemic and the New Jersey Governor’s Executive Order No. 107, the shelter in place order effective March 21, 2020, the regular meeting of the Board of Commissioners of the Borough of Harvey Cedars, NJ was hosted by the Municipal Clerk and Deputy Clerk via Zoom in the Borough Hall meeting room. Mayor Oldham, Commissioner Imperiale and Commissioner Rice were in attendance from remote locations. Also in attendance remotely were 11 members of the public and 3 Borough staff. Two members of the public registered after the meeting was adjourned.

The meeting was called to order by Mayor Oldham at 4:30pm. The Mayor and Clerk asked the public to submit questions during the public portions.

The Mayor asked all to rise for the Pledge of Allegiance; a flag was shown on the screen.

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 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 April 7, 2020 and published in the Beach Haven Times on April 2 and 9, 2020.

Motion to approve the minutes of the previous meeting held on April 3, 2020 was made by Commissioner Imperiale, seconded by Commissioner Rice.

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 #2020-08 SECOND 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 open public discussion: Commissioner Imperiale
Second: Commissioner Rice

There were no public questions or comments.

Motion to close public discussion: Commissioner Rice
Second: Commissioner Imperiale

Motion to adopt: Commissioner Imperiale
Second: Commissioner Rice

Vote: Ayes – Oldham, Rice, Imperiale

A copy of the full ordinance as adopted is filed in the ordinance book and posted on the website.

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 #2020-050:

RESOLUTION OF THE BOROUGH OF HARVEY CEDARS COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE TAX COLLECTOR TO PROCESS THIRD QUARTER “ESTIMATED” TAX BILLS, DUE AUGUST 1, 2020

Motion to adopt: Commissioner Imperiale
Second: Commissioner Rice

RESOLUTION #2020-051: Bills

Motion to approve the bills for payment: Commissioner Rice
Second: Commissioner Imperiale

PRIVILEGE OF THE FLOOR –

The following questions were submitted from Mike Songer via email prior to the meeting and were addressed:

1. Has the Borough rescinded or suspended the ban on plastic bags, such as in Stafford, San Francisco, New York? Mayor Oldham stated there is only one business effected by this, and the restriction has been unofficially relaxed at this time.
2. Has the Borough incurred significant expenses or foresees any as a resolute of the pandemic? Commissioner Rice noted that as of now there has not been extra expenses, except for some electronics; however, there could be potential overtime for police if manpower is down.

The following questions and concerns were addressed during the meeting:

- Will the mayors form an island alliance to have a phased in cohesive plan to take the entire island safely through the next few months? Mayor Oldham said the mayors will work together, but each town's requirements and vulnerabilities will be looked at and considered; there may be times when policies will differ. Commissioner Imperiale added the Governor's orders precede everything and each town will put in place what works for the town.
- Can JCTA help? Mayor Oldham said the Association can certainly express concerns to each town if (orders) not similar; still (the order) has to fit each town.
- Chief Burnaford commented there will be similar reimbursement as in (Superstorm) Sandy; a 75/25 match from the government; any overtime should be eligible up to 75%, and vehicle usage; all is being tracked. He stated these are trying times, the department continues community policing, although waving instead of stopping and talking.
- Commissioner Rice stated there is a Taxpayers' Association drive to raise money to buy food for hospital workers; they wanted to know if the town is willing to contribute. At this point individual donations can be done; however, the town could not donate; if donating to one cause, then why not to others. Kathy Ries stated the Harvey Cedars Taxpayers' Association is spearheading the effort, donations are being earmarked to this fund and will be distributed 50/50 to St. Francis Food Pantry and efforts to use local Island restaurants to feed the emergency room department and the Covid floor over at Southern (hospital).
- Mayor Oldham stated the construction project (watermain) on the Boulevard is moving forward beginning next month. The paving of Cedars Avenue has been delayed until the fall due to the virus.

Motion to adjourn: Commissioner Imperiale
Second: Commissioner Rice

Meeting adjourned at 4:47pm.

Daina Dale, Municipal Clerk

Jonathan S. Oldham, Mayor

John M. Imperiale, Commissioner

Paul G. Rice, Commissioner

ORDINANCE NO. 2020-09

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS AMENDING AND SUPPLEMENTING CHAPTER 21 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS ENTITLED “PROPERTY MAINTENANCE” AS IT PERTAINS TO DEAD TREES

WHEREAS it is the desire of the Mayor and Commissioners of the Borough of Harvey Cedars to promote and regulate matters that benefit the health, safety and welfare of the community; and

WHEREAS the intent of this Ordinance is to regulate and govern the maintenance of dead trees when such trees may cause a hazard to life and or property such as through wind damage.

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

Section 1. Section 21-7 entitled “Exterior Property Areas” is hereby amended by supplementing Section 21-7.8 entitled “Trees” as follows:

21-7.8 Trees. Properties shall be maintained free from dead trees when such trees constitute a hazard and may create a potential threat to persons or property within the Borough.

Upon failure of the owner or agent having charge of a property to remove such tree or trees after service of a notice of violation, they shall be subject to prosecution in accordance with Section 21-5.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the tree or trees growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

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.

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 **May 1, 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 **May 18, 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.

Daina Dale, Municipal Clerk

RESOLUTION #2020-052

**AUTHORIZING AND CERTIFYING THE SELF-EXAMINATION OF THE
ANNUAL BUDGET FOR THE BOROUGH OF HARVEY CEDARS,
OCEAN COUNTY, NJ**

WHEREAS NJSA 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services of conducting the annual budget examination; and

WHEREAS NJAC 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS pursuant to NJAC 5:30-7.2 thru 7.5 the Borough of Harvey Cedars has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary condition to participate in the program for the 2020 budget year.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Harvey Cedars that in accordance with NJAC 5:30-7.6a & b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provision relating to limitation on increases of appropriations pursuant to NJSA 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met (complies with the "CAP" law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and NJAC 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of NJSA 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

PASSED ON: May 1, 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 May 1, 2020.

Daina Dale, Municipal Clerk