

**HARVEY CEDARS BOARD OF COMMISSIONERS
MEETING AGENDA**

May 18, 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 May 5, 2020.

4. **Motion** to approve the minutes of the regular meeting held on May1, 2020:
Second:

5. **ORDINANCE #2020-09 SECOND 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
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:

6. **RESOLUTION:**
APPOINTMENTS TO THE HARVEY CEDARS ACTIVITY COMMITTEE
Motion to adopt:
Second:

7. **RESOLUTION: BILLS**
Motion to approve the bills for payment:
Second:

8. **TOPICS OF INTEREST**

9. **PRIVILEGE OF THE FLOOR**

10. **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 via Zoom in the Borough Hall meeting room. Mayor Oldham, Commissioner Imperiale, Commissioner Rice and Board Attorney William Hiering were in attendance from remote locations. Also in remote attendance were 10 members of the public and 4 Borough employees.

The meeting was called to order by Mayor Oldham at 4:30pm. The Mayor and Clerk asked the public to raise their hand for 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 21, 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 20, 2020 was made by Commissioner Imperiale, seconded by Commissioner Rice.

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

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

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

Motion to adopt: Commissioner Imperiale

Second: Commissioner Rice

Vote: Ayes – Oldham, Rice, Imperiale

The Mayor read the following resolution by title only and asked for a motion to adopt. Copy of the full resolution is attached hereto and made a part hereof:

RESOLUTION #2020-053:

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

Motion to adopt: Commissioner Imperiale

Second: Commissioner Rice

The Mayor read the following resolution:

RESOLUTION #2020-054:

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: Commissioner Rice
Second: Commissioner Imperiale
Vote: Ayes – Oldham, Imperiale, Rice

Prior to the public budget hearing, Commissioner Rice gave a brief synopsis of the budget; the annual total budget is a little over \$4.6 million, of that, \$3.4 million will be raised with taxes. The school's budget has not been received yet to calculate the final tax rate; the (total) tax rate as of now is estimated to be .923, basically going up less than 1% from last year's rate; on a house assessed at a little over a million dollars, those taxes will go up about \$72 a year. This rate may change once the school budget is received.

Motion to open public discussion of budget: Commissioner Imperiale
Second: Commissioner Rice

Kathy Ries asked about the short-term rental policy. Mayor Oldham stated although this is open for public discussion specifically for budget, the rental stay ran out on May 1st and will not be extended.

There were no public comments regarding the budget.

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

The Mayor read the following resolution:

RESOLUTION #2020-055:

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: Commissioner Imperiale
Second: Commissioner Rice
Vote: Ayes – Oldham, Rice, Imperiale

RESOLUTION #2020-056: Bills

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

PRIVILEGE OF THE FLOOR –

The following issues were addressed by the Commissioners from questions submitted via email prior to the meeting:

1. The short-term rental Order has expired.
2. The Mayor gave an update on the watermain project: it is supposed to start this Monday; work will be from 76th to 80th Street a block at a time on the west side of the Boulevard; there will be only one traffic lane open in each direction on the east side of the Boulevard; trench openings will be 50 feet at a time and closed each night; will not be working in rain; should not interrupt many (water) services; work should be at the corner of 80th Street by Memorial Day weekend, but will not be working the Friday through Monday of Memorial Day weekend; a map of the project is posted on the website but is subject to change; businesses have been contacted; there will be 2 police officers on site, paid by contractor, to help if there are problems getting in and out; police can be notified about anyone with significant health issues for assistance.
3. The Mayor addressed the plan to reopen Harvey Cedars: staying in concert with State and the Governor; very in tune with the directives going out and the Governor's 6 step plan; the park will be open starting Monday. He stated the Borough is acting jointly with other Island towns to pass a declaration allowing restaurants the ability to have outdoor seating, but not increasing amount of seats; this will help to meet social distancing guidelines coming from the Governor and Health Department; the parking requirements will be relaxed; the 3 Commissioners are working together to help businesses for the summer.
4. Commissioner Rice stated the Governor allowed municipalities the authority to extend the tax grace period; at this time there is no reason to (for Harvey Cedars); relief was not granted to municipalities to pay county and school tax. He also stated he doesn't anticipate any changes in the (Borough's) anticipated revenue at this time.

5. Commissioner Imperiale stated he received questions about the dead trees in town with all the ongoing wind storms; he believes the introduction of the ordinance today addresses that. He added (about the outdoor seating) the Commissioners will work with businesses to address their concerns and be as flexible as possible within reason. He also thanked the Police Department for their continued work.

Jim Fritz asked if tax bills are due May 1st. Commissioner Rice said it was not mandated to extend the grace period to June 1st; Harvey Cedars' due dates are remaining the same, he believes only Surf City has extended it to June 30. Mayor Oldham added Long Beach has not extended it.

Kathy Ries asked if and when badges will be sold in person. Commissioner Imperiale stated the Borough is looking at ways to open the Borough Hall safely; the pre-season sale goes through June 15, and seniors who have purchased a senior badge in the past, do not have to purchase in person, they can mail in payment. Kathy Ries stated she will eblast about senior badges and also taxes due May 1st with a 10-day grace period. It was noted the 10th is a Sunday, so the 11th is the last day to pay without interest.

Mike Songer sent a message via Chat thanking the Commissioners for scheduling the meetings in Zoom.

The Mayor stated there are a number of cases coming up with the Land Use Board; the Board may be scheduling an additional meeting to get them heard.

Motion to adjourn: Commissioner Imperiale
Second: Commissioner Rice

Meeting adjourned at 4:52pm.

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 #2020-060

APPOINTMENTS TO THE HARVEY CEDARS ACTIVITY COMMITTEE

BE IT RESOLVED by the Board of Commissioners of the Borough of Harvey Cedars that the following appointments are made to the Harvey Cedars Activity Committee for the year 2020:

Judith Gerkens, Chair	7 West Burlington Ave., Harvey Cedars
Barbara Aukstikalnis	PO Box 3192, Harvey Cedars
Mindy Berman	15 West 80 th Street, Harvey Cedars
Mary Pat Brearley	7606 Long Beach Blvd., Harvey Cedars
Margaret Buchholz	8102 Bay Terrace, Harvey Cedars
Robert Burnaford	7606 Long Beach Blvd., Harvey Cedars
Daina Dale	7606 Long Beach Blvd., Harvey Cedars
Stephanie Farrell	2 West Salem Ave., Harvey Cedars
Hilary Fiorella	23 West 80 th Street, Harvey Cedars
Roberta Giannone	6105 Long Beach Blvd., Harvey Cedars
Wayne Giannone	6105 Long Beach Blvd., Harvey Cedars
Anna Grimste	7606 Long Beach Blvd., Harvey Cedars
Rick Hathaway	15 West 80 th Street, Harvey Cedars
Barbara Imperiale	8 East 82 nd Street, Harvey Cedars
Susan Kramer	34 West 80 th Street, Harvey Cedars
Marilyn Langan	5 West 79 th Street, Harvey Cedars
Rosemaur Leonardo	67 Cedars Ave., Harvey Cedars
Sandra Marti	17 West Lee Ave., Harvey Cedars
Jason Marti	9 West 80 th Street, Harvey Cedars
Theresa Petersen	10 Barnegat Ave., Harvey Cedars
Barry Putt	4 East 75 th Street, Harvey Cedars
Judith Putt	4 East 75 th Street, Harvey Cedars
Kathy Sheplin	5518 Holly Ave., Harvey Cedars
Robert Rue	383 S. Green Street, Tuckerton, NJ 08087
Theresa Vosseller	16 Vosseller Way, Harvey Cedars
Sue Warren	5515 Holly Ave., Harvey Cedars
Rebecca Wessler	7606 Long Beach Blvd, Harvey Cedars
Mary Wilding	7 East Gloucester Ave., Harvey Cedars

PASSED ON: May 18, 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 18, 2020.

Daina Dale, Municipal Clerk