

The regular meeting of the Board of Commissioners of the Borough of Harvey Cedars, NJ was called to order by Mayor Oldham at 4:35pm. Commissioner Gerkens was present; Commissioner Garofalo was on vacation.

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 on December 15, 2016 and the Asbury Park Press on December 10, 2016.

**Motion** to approve the minutes of the previous meeting, February 3, 2017, was made by Commissioner Gerkens, seconded by Mayor Oldham.

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

**ORDINANCE #2017-06 FIRST READING**

**AN ORDINANCE AMENDING CHAPTER 2 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, ENTITLED "ADMINISTRATION" AS IT PERTAINS TO OFF-DUTY POLICE FEES**

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

Motion to adopt: Commissioner Gerkens

Second: Mayor Oldham

Vote: Ayes – Oldham, Gerkens

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 #2017-02 SECOND READING**

**AN ORDINANCE AMENDING CHAPTER 19 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, ENTITLED STREETS AND SIDEWALKS AS IT PERTAINS TO MOUNTABLE CONCRETE CURBS**

Motion to open public discussion: Commissioner Gerkens

Second: Mayor Oldham

There were no public questions or comments.

Motion to close public discussion: Commissioner Gerkens

Second: Mayor Oldham

Motion to adopt: Commissioner Gerkens

Second: Mayor Oldham

Vote: Ayes – Oldham, Gerkens

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 #2017-03 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 MINOR DEVELOPMENT DRAINAGE**

Motion to open public discussion: Commissioner Gerkens

Second: Mayor Oldham

There were no public questions or comments.

Motion to close public discussion: Commissioner Gerkens

Second: Mayor Oldham

Motion to adopt: Commissioner Gerkens

Second: Mayor Oldham

Vote: Ayes – Oldham, Gerkens

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 #2017-04 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 PERTAINS TO ZONING PERMIT FEES**

Motion to open public discussion: Commissioner Gerkens

Second: Mayor Oldham

There were no public questions or comments.

Motion to close public discussion: Commissioner Gerkens

Second: Mayor Oldham

Motion to adopt: Commissioner Gerkens

Second: Mayor Oldham

Vote: Ayes – Oldham, Gerkens

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 #2017-05 SECOND READING**

**AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, IN THE COUNTY OF OCEAN, NEW JERSEY PROVIDING FOR THE INSTALLATION OF A WELL AND RELATED IMPROVEMENTS, AND APPROPRIATING \$1,125,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,125,000 BONDS OR NOTES OF THE BOROUGH OF HARVEY CEDARS TO FINANCE THE COST THEREOF**

Motion to open public discussion: Commissioner Gerkens

Second: Mayor Oldham

There were no public questions or comments.

Motion to close public discussion: Commissioner Gerkens

Second: Mayor Oldham

Motion to adopt: Commissioner Gerkens

Second: Mayor Oldham

Vote: Ayes – Oldham, Gerkens

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 #2017-025:**

**AUTHORIZING LEASE AGREEMENT WITH CAUSEWAY FORD**

Motion to adopt: Commissioner Gerkens

Second: Mayor Oldham

**RESOLUTION #2017-026:**

**AUTHORIZING AMENDMENT TO THE WATER TOWER LEASE AGREEMENT WITH VERIZON WIRELESS**

Motion to adopt: Commissioner Gerkens

Second: Mayor Oldham

**RESOLUTION #2017-027:**

**ACCEPTING APPLICATION FOR THE SISTERS OF CHARITY OF ST. ELIZABETH TO HOLD A RAFFLE IN THE BOROUGH OF HARVEY CEDARS ON SEPTEMBER 3, 2017 AND WAIVING FEE PAYABLE TO BOROUGH FOR SAME**

Motion to adopt: Commissioner Gerkens

Second: Mayor Oldham

**RESOLUTION #2017-028: Bills**

Motion to adopt: Commissioner Gerkens

Second: Mayor Oldham

**Public Property Usage requests:**

A discussion was held regarding the request by the Association of Surf Angling Clubs (ASAC) for surf fishing tournaments to be held on May 6 and October 21, 2017 on the beaches of Harvey Cedars (and Ship Bottom, Surf City & LBT) from 5:30am to 2:30pm. Expected attendance: forty (40) 6-person teams, average (3) 4x4 trucks on beach per team. The Board is supportive of the event, however, the beaches are vulnerable now and the high impact of the trucks are of concern. In addition, the Army Corps' beach replenishment project will take place in October. The Clerk was instructed to notify the Club.

**PRIVILEGE OF THE FLOOR –**

No members of the public were in attendance.

**Motion** to adjourn: Commissioner Gerkens

Second: Mayor Oldham

Meeting adjourned at 4:45pm.

**ORDINANCE NO. 2017-06**

**AN ORDINANCE AMENDING CHAPTER 2 OF THE REVISED GENERAL  
ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975,  
ENTITLED “ADMINISTRATION” AS IT PERTAINS TO OFF-DUTY POLICE FEES**

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

- Section 1. Subsection **2-5.2(J)** entitled “Employment of Off-Duty Police Officers”, paragraph 3, is hereby amended to read as follows:
3. All persons or entities shall pay to the chief financial officer of the Borough of Harvey Cedars such hourly sum of eighty (\$80.00) dollars an hour for such service. The borough shall remit to the member of the police department performing such duties sixty-five (\$65.00) dollars an hour and the remaining fifteen (\$15.00) dollars shall be retained by the borough for administrative expenses and vehicle expenses.
- Section 2. If any provision, section, subsection, or paragraph of this ordinance shall be declared to be unconstitutional, invalid or inoperative, in whole or in part, by a Court of competent jurisdiction, such provision, section, subsection, or paragraph shall, to the extent that it is not unconstitutional, invalid or inoperative, remain in full force and effect, and no such determination shall be deemed to invalidate the remaining provisions, subsections, or paragraphs of this ordinance.
- Section 3. This Ordinance shall take effect upon final adoption after publication in accordance with law.

ADOPTED ON: March 3, 2017

**RESOLUTION #2017-025**

**AUTHORIZING LEASE AGREEMENT WITH CAUSEWAY FORD**

**WHEREAS** pursuant to the Local Public Contract Law, NJSA 40A:11-15.7, contracts may be awarded for a period not to exceed five (5) years for leasing automobiles; and

**WHEREAS** the Borough desires to lease a 2017 Ford Escape to be utilized by the Zoning and Code Enforcement Officer for official business.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Harvey Cedars, that the Borough Chief Finance Officer is hereby authorized to sign a lease agreement with Causeway Ford, Route 72, Manahawkin NJ 08050 for a three (3) year period (36 months) in the amount of \$248.00 per month, a copy of the agreement on file in the Borough office.

PASSED ON: February 21, 2017

**RESOLUTION #2017-026**

**AUTHORIZING AMENDMENT TO THE WATER TOWER LEASE  
AGREEMENT WITH VERIZON WIRELESS**

**WHEREAS** on March 27, 2001 the Borough of Harvey Cedars entered into an agreement with Cellco Partnership, a Delaware General Partnership, d/b/a Verizon Wireless for the leasing of space on and at the Borough's water tower located at Salem Avenue; and

**WHEREAS** the Parties previously amended the Agreement, known as the First Amendment to Water Tower Lease Agreement dated April 28, 2008, a copy of which is on file in the Borough Clerk's office; and

**WHEREAS** Verizon Wireless has relocated its antennas on the water tower, ground equipment remaining in same location, and desires to amend the Agreement to reflect the changes; and

**WHEREAS** the Borough Engineer, Public Works Superintendent and Commissioner have reviewed the plans and have agreed to the relocation as submitted which are on file with the Borough Clerk.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Harvey Cedars that the Mayor is hereby authorized to execute the Second Amendment to the March 27, 2001 agreement with Cellco Partnership, a Delaware General Partnership, d/b/a Verizon Wireless for the purposes of antenna relocation.

PASSED ON: February 21, 2017

**RESOLUTION #2017-027**

**ACCEPTING APPLICATION FOR  
THE SISTERS OF CHARITY OF ST. ELIZABETH TO HOLD A RAFFLE IN  
THE BOROUGH OF HARVEY CEDARS  
ON SEPTEMBER 3, 2017  
AND WAIVING FEE PAYABLE TO BOROUGH FOR SAME**

**WHEREAS** Sisters of Charity of St. Elizabeth in Harvey Cedars has made application to conduct a raffle in accordance with the Act and Rules and Regulations of the Legalized Games of Chance Control Commission; and

**WHEREAS** there is satisfactory proof that the prizes are of the nature and amount allowed by law; and

**WHEREAS** in accordance with NJAC 13:47-4.3, fees are payable by law, upon findings and determination of the governing body of the Borough of Harvey Cedars; and

**WHEREAS** the governing body has heretofore waived the payment of any fee payable to the Borough for a license to conduct raffles on behalf of the Sisters of Charity of St. Elizabeth.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Harvey Cedars that upon acceptance of said application to the Legalized Games of Chance Control Commission, the application fee for license payable to the Borough of Harvey Cedars be and is hereby waived.

PASSED ON: February 21, 2017