

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 was present; Commissioner Garofalo was on vacation.

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 December 14, 2017 in the Beach Haven Times and the Asbury Park Press.

**Motion** to approve the minutes of the previous meeting, February 13, 2018, 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 #2018-04 FIRST READING**

**AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, OCEAN COUNTY, NEW JERSEY AMENDING CHAPTER XIII ENTITLED "ZONING" AS IT PERTAINS TO LOCATION AND SETBACK OF POOLS**

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 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 #2018-027:**

**AWARD CONTRACT FOR THE 80<sup>TH</sup> STREET WATER PLANT EMERGENCY GENERATOR & ELEVATION OF ELECTRICAL EQUIPMENT PROJECT**

Motion to adopt: Commissioner Gerkens

Second: Mayor Oldham

**RESOLUTION #2018-028:**

**REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES FOR A DEDICATED TRUST BY RIDER TO COLLECT DONATIONS FOR THE MARINE MAMMAL STRANDING CENTER**

Motion to adopt: Commissioner Gerkens

Second: Mayor Oldham

**RESOLUTION #2018-029:**

**RESOLUTION OF THE BOROUGH OF HARVEY CEDARS, COUNTY OF OCEAN, STATE OF NEW JERSEY SUPPORTING OPPOSITION OF OFFSHORE OIL AND GAS EXPLORATION AND DRILLING ACTIVITIES THAT WOULD AFFECT THE COAST OF NEW JERSEY**

Motion to adopt: Commissioner Gerkens

Second: Mayor Oldham

**RESOLUTION #2018-030:**

**AMENDING THE ESTABLISHED CHANGE FUND FOR THE FINANCE OFFICE**

Motion to adopt: Commissioner Gerkens

Second: Mayor Oldham

**RESOLUTION #2018-031:**

**RESOLUTION OF THE BOROUGH OF HARVEY CEDARS, OCEAN COUNTY, NEW JERSEY AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH THE COUNTY OF OCEAN IN CONNECTION WITH THE BEACH REPLENISHMENT AND RESTORATION PROJECT FOR THE BOROUGH**

Motion to adopt: Commissioner Gerkens

Second: Mayor Oldham

**RESOLUTION #2018-032:**

**APPOINT REPRESENTATIVE AND ALTERNATE TO THE COMMUNITY DEVELOPMENT BLOCK GRANT COMMITTEE FOR THE YEAR 2018**

Motion to adopt: Commissioner Gerkens

Second: Mayor Oldham

**RESOLUTION #2018-033: Bills**

Motion to adopt: Commissioner Gerkens

Second: Mayor Oldham

**PRIVILEGE OF THE FLOOR –**

Robert Romano of Harvey Cedars introduced himself and explained a proposed Eagle Scout Project to benefit the Borough. He asked the Board to approve his plan of constructing 3 bicycle racks: one at the Borough Hall, one at the Park and one on Hudson Avenue. He will be getting donations from local businesses for the lumber supplies, has approval from his unit, and has met with Superintendent Bill Montag regarding the plan design. Chief Burnaford stated he has known Robert for a long time, he was in the LIT Program, and he is in support of Robert's project. Mayor Oldham recognized the significance of an Eagle Scout and made a motion to approve the project, seconded by Commissioner Gerkens. The Mayor signed the project's approval form as the beneficiary.

**Motion** to adjourn: Commissioner Gerkens

Second: Mayor Oldham

Meeting adjourned at 4:40pm.

**ORDINANCE NO. 2018-04**

**AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, OCEAN COUNTY,  
NEW JERSEY AMENDING CHAPTER XIII ENTITLED “ZONING”  
AS IT PERTAINS TO LOCATION AND SETBACK OF POOLS**

**THE BOARD OF COMMISSIONERS OF THE BOROUGH OF HARVEY  
CEDARS DOES ORDAIN AS FOLLOWS:**

Section 1. Section 13-7.3 entitled “Coverages” paragraph D. is hereby amended as follows:

- d. The ratio of the sum of the building footprint area and the areas of a swimming pool taken with adjacent at-grade walkways (timber or other material) and patios within three (3) feet of the pool to the upland lot area shall not exceed forty-three (43%) percent.

Section 2. Section 13-17.5 entitled “Swimming Pools.” paragraphs a. and c. are hereby amended as follows:

- a. *Plan Requirements.* Plans shall accurately show dimensions in construction of pools and appurtenances and properly establish distances to property lines, buildings, walks, required pool coping and fences; details of water supply system, drainage and water disposal systems, and all appurtenances pertaining to the swimming pool. Detailed plans of structures, vertical elevations, and sections through the pool showing depth shall be included. Plans for a pool ten (10) feet wide or smaller are required to show a three (3) foot wide coping along three sides of the pool. Plans for pools with a width of greater than ten (10) feet are required to show a three (3) foot wide coping along all sides of the pool. The required coping will be used in the maximum calculation for pool coverage.
- b. *Locations.* Swimming pools no higher than twelve (12) inches from grade shall not be any closer than ten (10) feet from any side yard, and shall not be any closer than five (5) feet from the rear property line and shall not be any closer than ten (10) feet from the bulkhead line from Barnegat Bay, lagoons, coves, and other bodies of water. There shall be a minimum distance of eight (8) feet between a pool and a primary structure. Minimum distance of five (5) feet is required between a pool and an accessory structure.

Any accessory structure requires a minimum distance of three (3) feet to the pool. Refer to Section 13-7.7 Accessory Buildings for other requirements.

Swimming pools shall be prohibited between a primary structure and any street or easement provided that the section is used as the main access point to the property.

Section 3. Section 13-17.8 entitled “Zoning Requirements and Lot Coverage.” is hereby amended as follows:

See Section 13-7.3d, permitted coverage with a swimming pool.

The total square footage of all structures above twelve (12) inches above grade on a given building lot may not exceed thirty-three (33%) percent of the total square footage of that building lot. The primary structure, all accessory buildings, the swimming pool, and required copings (walkways) around the pool shall not cover more than forty-three (43%) percent of the total square footage of the lot.

Section 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 5. 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 6. 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 2, 2018**. 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 **March 20, 2018** at 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.

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Daina Dale, Municipal Clerk

**RESOLUTION #2018-027**

**AWARD CONTRACT FOR THE 80<sup>TH</sup> STREET WATER PLANT  
EMERGENCY GENERATOR & ELEVATION OF  
ELECTRICAL EQUIPMENT PROJECT**

**WHEREAS** the Borough of Harvey Cedars solicited bids for the furnishing and installation of an emergency generator and the elevation of the electrical equipment at the 80<sup>th</sup> Street Avenue Water Plant which were opened publicly on December 21, 2017 at 11:00am; and

**WHEREAS** it is in the opinion of the Borough that the lowest qualified bid be accepted for same; and

**WHEREAS** Alpine East Electric, LLC has the lowest qualified bid; and

**WHEREAS** the Finance Officer has certified the availability of funds for this contract.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Harvey Cedars this 2<sup>nd</sup> day of March 2018, for the reasons aforesaid, that a contract be and is hereby awarded to

Alpine East Electric, LLC  
18 Sugarhill Road  
Manahawkin, NJ 08050

for the furnishing and installation of an emergency generator and the elevation of the electrical equipment at the 80<sup>th</sup> Street Avenue Water Plant in the amount of Three Hundred Thirty Two Thousand Dollars and No Cents (\$332,000.00) as per bid received on December 21, 2017.

PASSED ON: March 2, 2018

**RESOLUTION #2018-028**

**REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF  
LOCAL GOVERNMENT SERVICES FOR A DEDICATED TRUST BY RIDER  
TO COLLECT DONATIONS FOR THE MARINE MAMMAL STRANDING  
CENTER**

**WHEREAS** permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

**WHEREAS** N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Harvey Cedars, County of Ocean, State of New Jersey as follows:

1. That the Board of Commissioners hereby requests permission of the Director of the Division of Local Government Services to pay expenditures under the provisions of N.J.S.A. 40A:5-29, Acceptance of Bequests, Legacies, Gifts (Donations), for the exclusive purpose of depositing funds donated by individuals for the Marine Mammal Stranding Center and said funds to be distributed to the Marine Mammal Stranding Center for services provided to the community.
2. The Municipal Clerk of the Borough of Harvey Cedars is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

PASSED ON: March 2, 2018

**RESOLUTION #2018-029**

**RESOLUTION OF THE BOROUGH OF HARVEY CEDARS, COUNTY OF OCEAN,  
STATE OF NEW JERSEY SUPPORTING OPPOSITION OF OFFSHORE OIL AND  
GAS EXPLORATION AND DRILLING ACTIVITIES THAT WOULD AFFECT THE  
COAST OF NEW JERSEY**

**WHEREAS** the 9<sup>th</sup> District legislators, Senator Christopher J. Connors, Assemblyman Brian E. Rumpf, and Assemblywoman DiAnne C. Gove, have requested to join on legislation which would prohibit offshore drilling for oil or natural gas in State waters to safeguard our State's environment and economic viability; and

**WHEREAS** the Ocean County Board of Chosen Freeholders have consistently and strongly opposed any plans to use the Atlantic Ocean for the disposal of problem materials and the disruptive use of the coast and ocean floor for activities including the drilling for oil and natural gas and the mining of sand because of the disruptive impact of such activities on the marine environment and coastal tourism; and

**WHEREAS** on January 8, 2018 the federal Bureau of Ocean Energy Management (BOEM) released the "2019-2024 National Outer Continental Shelf Oil and Gas Leasing Draft Proposed Program"; and

**WHEREAS** the proposed program identifies region planning areas including the waters off New Jersey **within 3 miles of beaches**, as well as including other ocean areas totaling some 90% of US ocean waters; and

**WHEREAS** as recently as June 21, 2017, the Ocean County Board of Chosen Freeholders adopted a Resolution strongly supporting the introduced House and Senate Bill "Atlantic Seismic Airgun Protection Act" which would place a moratorium on oil-gas, and methane hydrate-related seismic activities on the Atlantic Seaboard; and

**WHEREAS** Ocean County has 44 miles of coastline and protecting this vital resource is of utmost importance to both the environment and the economy; and

**WHEREAS** the County of Ocean relies heavily on tourism which generates \$4.68 billion into the local and State economies; and

**WHEREAS** the conducting of offshore drilling poses a significant threat to the economy and the sensitive marine environment of Ocean County and the region; and

**WHEREAS** within 5 days of the release of the DPP, Governor Scott from Florida was able to convince Department of Interior Secretary Zinke to remove Florida from further consideration for drilling due to the importance of coastal tourism to that state. New Jersey shares this same economic dependence on tourism and a clean ocean environment.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Harvey Cedars, County of Ocean, State of New Jersey as follows:

1. The Harvey Cedars Board of Commissioners hereby strongly opposes offshore oil and gas exploration and drilling activities off the North Atlantic Coast.
2. Copies of this Resolution shall be made available to the US Department of the Interior, National Oceanic and Atmospheric Administration, Governor Phil D. Murphy, the Commissioner of the New Jersey Department of Environmental Protection, State Senator Christopher Connors, Assemblyman Brian Rumpf, Assemblywoman DiAnne Gove, the Ocean County Freeholders, and all Ocean County Municipalities.

PASSED ON: March 2, 2018

**RESOLUTION #2018-030**

**AMENDING THE ESTABLISHED CHANGE FUND FOR THE  
FINANCE OFFICE**

**WHEREAS** there exists a need for the finance office to be able to make change for cash payments rendered to the Borough by the public; and

**WHEREAS** a change fund was authorized and established on May 2, 2003 per Resolution #2003-041 in the amount of \$100.00; and

**WHEREAS** there exists a need to increase said change fund.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Harvey Cedars, State of New Jersey, the Finance Officer is hereby authorized to increase the established change fund to the amount of \$200.00.

PASSED ON: March 2, 2018



**RESOLUTION #2018-031**

**RESOLUTION OF THE BOROUGH OF HARVEY CEDARS, OCEAN COUNTY,  
NEW JERSEY AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT  
WITH THE COUNTY OF OCEAN IN CONNECTION WITH THE BEACH  
REPLENISHMENT AND RESTORATION PROJECT FOR THE BOROUGH**

**WHEREAS** the restoration and preservation of the Borough of Harvey Cedars ocean beaches is essential to the preservation of the Borough and the enjoyment of this unique resource by its residents; and

**WHEREAS** the Federal Government and the State of New Jersey have agreed to provide the Borough of Harvey Cedars with funding to undertake a beach replenishment and restoration project subject to the Borough securing 25% of the cost of the project, hereinafter referred to as Municipal Share; and

**WHEREAS** the project is necessary in order to protect and preserve the Borough's beach ecosystem and to assure the continued use and enjoyment of the beachfront by the residents of the Borough of Harvey Cedars and the County and State in general; and

**WHEREAS** the County of Ocean has agreed to enter into an Intergovernmental Agreement with the Borough of Harvey Cedars to provide funding for the project in an amount of one-half (1/2) of the Borough's Municipal Share, in an amount not less than \$598,752.99 for the base costs of the Project or an amount not to exceed \$752,315.49 for the base costs and all option costs as outlined in the State of New Jersey Project #6006-R1 and Federal Flood Control Coastal Emergency Project; and

**WHEREAS** the Borough of Harvey Cedars desires to enter into said Intergovernmental Agreement with the County of Ocean to express their gratitude for the County's cooperation.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Harvey Cedars, County of Ocean and State of New Jersey as follows:

1. That the Borough Mayor and Clerk are hereby authorized to enter into and execute an Intergovernmental Agreement with the County of Ocean in order to secure funding from the County in an amount equal to one-half (1/2) of the Borough's share, in the amount not less than \$598,752.99 or not to exceed the amount of \$752,315.49 as hereinabove set forth.
  
2. Upon the adoption of the within resolution, the Clerk is authorized and directed to forward a certified copy of it to the Ocean County Chosen Board of Freeholders.

PASSED ON: March 2, 2018

**RESOLUTION #2018-032**

**APPOINT REPRESENTATIVE AND ALTERNATE TO THE COMMUNITY  
DEVELOPMENT BLOCK GRANT COMMITTEE FOR THE YEAR 2016**

**WHEREAS** the Ocean County Department of Economic Development has requested pursuant to the 1993-1996 Cooperative Agreement between the County of Ocean and the Borough of Harvey Cedars, that a representative and/or alternate be appointed to serve on the Community Development Committee.

**NOW, THEREFORE, BE IT RESOLVED** that the following are appointed to the Community Development Committee for the year 2018:

**REPRESENTATIVE:**

Judith E. Gerkens  
Borough of Harvey Cedars  
PO Box 3185  
Harvey Cedars, NJ 08008

**ALTERNATE:**

Michael Garofalo  
Borough of Harvey Cedars  
PO Box 3185  
Harvey Cedars, NJ 08008

**PASSED ON:** March 2, 2018