

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. Commissioners Gerkens and Garofalo were present.

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 in the Beach Haven Times on December 10, 2015 and the Asbury Park Press on December 15, 2015.

**Motion** to approve the minutes of the previous meeting, April 19, 2016, was made by Commissioner Gerkens, seconded by Commissioner Garofalo.

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

**ORDINANCE #2016-06 FIRST READING**

**AN ORDINANCE AMENDING CHAPTER 12 ENTITLED "BUILDING AND HOUSING" AND CHAPTER 13 ENTITLED "ZONING" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, AS IT PERTAINS TO LAND ELEVATION, BUILDING HEIGHTS AND THE MINIMUM HEIGHT OF BULKHEADS**

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

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

Vote: Ayes – Oldham, Gerkens, Garofalo

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 #2016-05 SECOND READING**

**AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE NAMING OF WEST 84TH STREET AS "VOSSELLER WAY"**

Motion to open public discussion: Commissioner Garofalo

Second: Commissioner Gerkens

There were no public questions or comments.

Motion to close public discussion: Commissioner Gerkens

Second: Commissioner Garofalo

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

Vote: Ayes – Oldham, Garofalo, 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 #2016-042:**

**APPOINTMENT OF CLASS I SPECIAL OFFICER FOR THE BOROUGH OF HARVEY CEDARS**

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

**RESOLUTION #2016-043:**

**AUTHORIZING THE POLICE CHIEF TO MAINTAIN A PETTY CASH FUND IN THE AMOUNT OF \$100.00**

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

**RESOLUTION #2016-044:**

**AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH BEACH HAVEN, SURF CITY AND BARNEGAT LIGHT FOR CONSTRUCTION CODE ENFORCEMENT SERVICES**

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

**RESOLUTION #2016-045:**

**AUTHORIZING CERTAIN LAND USE BOARD FEES TO BE WAIVED**

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

**RESOLUTION #2016-046:**

**AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE OCEAN COUNTY MUNICIPAL JOINT INSURANCE FUND FOR POLICE ACCREDITATION SERVICES AND EXECUTION OF A GRANT AGREEMENT**

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

**RESOLUTION #2016-047:**

**RE-APPOINTMENT OF CLASS I SPECIAL OFFICER FOR THE BOROUGH OF HARVEY CEDARS**

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

**RESOLUTION #2016-048: Bills**

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

**Public Property Usage requests:**

**1. Surfing Lessons – Ocean Beach**

A motion was made by Commissioner Garofalo, seconded by Commissioner Gerkens, to approve the request to use Hudson Ave. beach to Jeffrey Santoloci, dba LBI Surfing, for surfing lessons on various dates in July and in August as noted on the request form.

**2. Baseball Camp – Sunset Park ballfield**

A motion was made by Commissioner Garofalo, seconded by Commissioner Gerkens, to approve the request to use Sunset Park to Bobby Woods for a baseball camp July 4 – July 8, 2016 from 9am to noon.

**3. Surf Contests – Hudson Ave. Beach and Sunset Park**

A motion was made by Commissioner Garofalo, seconded by Commissioner Gerkens, to approve the requests to use Sunset Park and Hudson Ave. beach to Jeremy DeFilippis of Jetty for the following events and dates:

- Coquina Jam female surf contest – Sunday, July 31, 2016 (no wave date 8/7/16) from 8am to 6pm (non-profit event)
- Jetty Clam Jam surf contest – Saturday, October 8 or 9 (no wave date any following Saturday or Sunday) from 6am – 7pm

**4. Bicycle Tour – Long Beach Blvd.**

A motion was made by Commissioner Garofalo, seconded by Commissioner Gerkens, to approve the request to use Long Beach Blvd. to “Cycle 4 Awareness” for a bicycling fundraiser on Sunday, September 25, 2016 from 9:00am to 2:00pm. Ride begins in Barnegat Light with 2 loops, one to Holgate and another shorter loop.

**5. Kickball games & Picnic – Ballfield and Sunset Park**

A motion was made by Commissioner Garofalo, seconded by Commissioners Gerkens, to approve the request to use the ballfield and Sunset Park to Roy Lamanna for a picnic and kickball games on Saturday, June 4 from 12noon to 4pm.

**6. Wedding Ceremony – Sunset Park point**

A motion was made by Commissioner Garofalo, seconded by Commissioner Gerkens, to approve the request to use Sunset Park at the “point” to Kristin Ryerson for a wedding ceremony on Saturday, June 17, 2017 at 3pm.

**7. Sunset Park Ballfield – Laser Tag Games**

A discussion was held with Tom Bamber and Kevin Squires regarding the request to operate laser tag games in the ballfield. Concerns were addressed and a motion was made by Commissioner Garofalo, seconded by Commissioner Gerken, to approve the request by Storm Mobile Laser Tag to hold laser tag games in the ballfield on Tuesdays in the month of July. Games are to be completed by 5:30pm. August hours will be addressed after July.

**PRIVILEGE OF THE FLOOR –**

Jim Loudon and Bob Danna discussed with the Board the school budget and the school sale. The Mayor stated he is meeting with the Island Mayors next Thursday regarding the sale.

Al Donahower asked if there was an update on the 3 lanes. The Mayor said no; he added that the road is in bad shape and has not heard when it will be re-paved.

The Mayor asked the Clerk to inquire about costs for obtaining the lobbyists again for beach funding.

Bob Danna asked about the suggested purchase of a motorized vehicle for beach access. Commissioner Gerken stated there was a possibility to obtain funding through the CDBG, but there were insurance and vehicle usage concerns; CDBG funds were applied for beach mats and beach wheel chairs; the Borough presently own 13 beach chairs.

Jim Loudon asked when the badge booth will be open, he would like to leave the pickleball nets at the booth. The booth opens June 25<sup>th</sup>.

The Mayor mentioned the chicken dinner at the Firehouse is the Saturday of Memorial Day weekend.

Chief Burnaford announced the speed limits will be going down next week, and the traffic lights will be turned on the following week.

**Motion** to adjourn: Commissioner Garofalo  
Second: Commissioner Gerken

Meeting adjourned at 5:37pm.

**ORDINANCE NO. 2016-06**

**AN ORDINANCE AMENDING CHAPTER 12 ENTITLED “BUILDING AND HOUSING” AND CHAPTER 13 ENTITLED “ZONING” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, AS IT PERTAINS TO LAND ELEVATION, BUILDING HEIGHTS AND THE MINIMUM HEIGHT OF BULKHEADS**

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

Section 1. The fifth paragraph of Section 12-8.11 entitled “Lot Elevation Below Borough Street Profile – Building Permits” located in Chapter 12 of the Revised General Ordinances, is hereby amended and supplemented as follows:

No building permit shall be issued for new construction on any land west of Long Beach Boulevard when the elevation of such land is below the elevation of the street or streets which border said land. Before any permit for construction shall be issued, all land below the improved municipal street or streets which border said land must be filled with clean fill to an elevation of twenty inches (20”) above the street or streets affected. If any land referred to herein does not front on an improved municipal street, then the reference point for lot elevation purposes shall be taken from the nearest municipal improved street to said land as determined by the municipal engineer. All applications for a building permit shall include a plot plan showing the existing and proposed grades in conformance with this paragraph. The use of retaining walls and drainage swales will be permitted in order to contain the fill and provide proper drainage.

Section 2. New Section 12-8.12 entitled “Bulkheads” is hereby supplemented to Chapter 12 of the Revised General Ordinances as follows:

**12-8.12 Bulkheads.**

- a. Permit required. Before any work of the type described in this section may begin, a bulkhead permit must be obtained. Plans and specifications showing compliance with the bulkhead design standards shall be provided. Work in progress shall be subject to inspection by the Code Enforcement Officer to assure compliance.
- b. All new bulkheads shall be constructed in accordance with all applicable Borough and State statutes and amendments. The top of all bayside and lagoon bulkheads shall have a minimum elevation of five feet (5’) Mean Sea Level NAVD 1988.

Section 3. Section 13-3 entitled “Definitions” located in Chapter 13 of the Revised General Ordinances is hereby amended and supplemented for the paragraph entitled “Building Height” as follows:

*Building Height* shall mean the difference in elevation from the crown of the established road, street, or easement grade at the center of the front yard to the highest point of the building or structure. Eastward of Long Beach Blvd., the established grade shall be the higher elevation of either the existing street or easement, or the established street profile. The height of properties fronting the eastward side of Long Beach Blvd. shall be based on the closest east/west easement or street on the eastward side of Long Beach Blvd. See Section 12-8.11. Westward of Long Beach Blvd., for lots that have been filled 20 inches (20”) above the centerline street grade, the building height shall be increased by one foot (1’). See Section 13-7.2 for Height Limits.

Section 4. If any provision, section, subsection, or paragraph of this Ordinance shall be declared 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 5. This Ordinance shall take effect after final adoption and publication in accordance with law.

EFFECTIVE DATE: June 23, 2016

**RESOLUTION #2016-042**

**APPOINTMENT OF CLASS I SPECIAL OFFICER FOR THE BOROUGH OF HARVEY CEDARS**

**WHEREAS** it is the desire of the Borough of Harvey Cedars to employ seasonal police officers; and

**WHEREAS** the Harvey Cedars Police Chief has recommended to the Board of Commissioners to appoint a Class I Special Officer for the 2016 season.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Harvey Cedars that Benjamin Mrozinski is hereby appointed as a Class I Special Officer for the Borough of Harvey Cedars, effective May 1, 2016.

**BE IT FURTHER RESOLVED** as follows:

1. The above-appointed Special Officer is hereby authorized to attend the Class I Police Academy in Beach Haven, NJ.
2. The duties of the above-appointed Special Officer shall be limited and confined to crowd control, traffic control, and enforcement of regulations and special duties assigned by the Chief of Police.
3. A certified copy of this resolution shall be forwarded to the New Jersey Police Training Commission (NJPTC).

PASSED ON: May 6, 2016

**RESOLUTION #2016-043**

**AUTHORIZING THE POLICE CHIEF TO  
MAINTAIN A PETTY CASH FUND IN THE  
AMOUNT OF \$100.00**

**WHEREAS** N.J.S.A. 40A: 5-21 authorizes the establishment of a Petty Cash Fund for the Harvey Cedars Police Department; and

**WHEREAS** said Petty Cash Fund was established by resolution dated March 24, 2015 by the Commissioners of the Borough of Harvey Cedars; and

**WHEREAS** said Petty Cash Fund received approval of the Director of Local Government Services on December 2, 2015; and

**WHEREAS** due to the retirement of Chief Thomas Preiser, it is the desire of the Commissioners that said fund be continued under the direction of the new Police Chief.

**NOW, THEREFORE, BE IT RESOLVED ON THIS** 6<sup>th</sup> day of May, 2016 by the Board of Commissioners of the Borough of Harvey Cedars, County of Ocean, State of New Jersey that:

1. Police Chief Robert Burnaford be and is hereby authorized and permitted to establish a Petty Cash Fund in the amount not to exceed \$100.00 pursuant to the provisions of N.J.S.A. 40A:5-21. Said Petty Cash Fund will be used by such office or department to pay claims for small miscellaneous expenses.

2. Robert Burnaford, Police Chief, having custody of the Fund be bonded in an amount not less than \$1,000.00 and will maintain said fund in accordance with the laws and regulations governing its operation.

PASSED ON: May 6, 2016

**RESOLUTION #2016-044**

**AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT  
WITH BEACH HAVEN, SURF CITY AND BARNEGAT LIGHT FOR  
CONSTRUCTION CODE ENFORCEMENT SERVICES**

**WHEREAS** the State Uniform Construction Code Act, NJSA 52:27D-119 et. seq., requires that each municipality must make provisions for the enforcement and administration of the Uniform Construction Code; and

**WHEREAS** NJSA 40A:65-1 et. seq., authorizes several municipalities to agree to provide code enforcement services jointly by contract when approved by resolution under NJSA 40A:65-5; and

**WHEREAS** it is the desire of the Borough of Harvey Cedars to contract with the municipalities of Beach Haven, Surf City and Barnegat Light to jointly employ a Construction Code Officer.

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

1. The Mayor and Clerk are hereby authorized and directed to enter into and execute a Shared Services Agreement with the municipalities of Beach Haven, Surf City and Barnegat Light for the provision of Uniform Construction Code enforcement and administration services.
2. A copy of this agreement shall be kept on file and be available for public inspection in the office of the Borough Clerk.
3. This agreement shall be effective as of April 12, 2016 and shall take effect upon full execution by the parties and shall remain in full force and effect for a period of four (4) years, expiring on April 11, 2020.
4. A certified copy of this resolution shall be forwarded to the Borough of Beach Haven, Borough of Surf City, Borough of Barnegat Light and the Construction Code Official.

PASSED ON: May 6, 2016

**RESOLUTION #2016-045**

**AUTHORIZING CERTAIN LAND USE BOARD FEES TO BE WAIVED**

**WHEREAS** pursuant to Section 14-4.8 of the General Ordinances of the Borough of Harvey Cedars, at the time of filing an application for a variance with the Land Use Board, the applicant shall pay an application fee to the Borough of Harvey Cedars; and

**WHEREAS** the governing body may waive application fees under specific and individual circumstances.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Harvey Cedars as follows:

1. The Land Use Board municipal application fee is hereby waived for the application submitted by Warren and Jill Petrucci seeking setback variances at 8206 Bay Terrace, Block 62 Lot 10, associated with the non-conforming deck being raised and replaced in-place while the house is being elevated to meet FEMA regulations.
2. Said application must be completed in full and received by the Land Use Board secretary.
3. All other fees and all regulations in accordance with the Municipal Land Use Law and Borough Ordinances for filing said application shall apply.

PASSED ON: May 6, 2016

**RESOLUTION #2016-046**

**AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE OCEAN COUNTY  
MUNICIPAL JOINT INSURANCE FUND FOR POLICE ACCREDITATION SERVICES  
AND EXECUTION OF A GRANT AGREEMENT**

**WHEREAS** the Commission on the Accreditation of Law Enforcement Agencies (“CALEA”) and the State of New Jersey Associations of Chiefs of Police offer a program to obtain accreditation in order to attain the highest standards of police department management; and

**WHEREAS** the Ocean County Joint Insurance Fund is seeking to encourage police departments to pursue such excellence by providing a grant in the amount not to exceed \$20,000 to support the Harvey Cedars Police Department’s efforts to attain accreditation from New Jersey Chiefs of Police or CALEA; and

**WHEREAS** the Chief of Police and the governing body believe that the attaining of such certification is consistent with the goals of the Harvey Cedars Police Department; and

**WHEREAS** the Chief of Police is committed to taking necessary action in order to support the accreditation process.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Commission of the Borough of Harvey Cedars (Herein After the “Municipality”) in the County of Ocean, and State of New Jersey, as follows:

1. The Mayor, Administrator and Chief of Police are hereby required to enter into an agreement with the Ocean County Municipal Joint Insurance Fund for the receipt of funding not to exceed \$20,000.
2. The Municipality agrees to abide by the terms of this program to attain re-certification within 18 months of the date of the agreement.
3. The Municipality agrees to provide funding for the remaining costs associated with becoming accredited. In addition, the Municipality shall attach a certification from their CFO that the balance of the funds are available to complete the police accreditation process and further acknowledge that municipal funds will be spent first, prior to the grant being issued.
4. The Member Municipality understands that the JIF shall not be responsible nor will it commit to provide any additional funding to maintain said accreditation, and this is a one time only grant per municipality.
5. If the Municipality does not achieve certification or re-certification within the 18 month period, the amount of the funding is due and re-payable to the Ocean County Municipal JIF immediately.

6. If the Municipality does not renew its membership in the JIF while the accreditation is taking place, said grant would be due to the JIF immediately upon membership expiration.
7. If your municipality is currently accredited, you will be eligible to apply for this grant program upon your reaccreditation process.
8. The 2016 program will allow for six (6) municipalities to receive the grant monies to become accredited. The Executive Committee will consider the grant applications on a first come, first served basis.
9. This Resolution shall take effect immediately.

PASSED ON: May 6, 2016

**RESOLUTION #2016-047**

**RE-APPOINTMENT OF CLASS I SPECIAL OFFICER FOR THE BOROUGH  
OF HARVEY CEDARS**

**WHEREAS** it is the desire of the Borough of Harvey Cedars to employ seasonal police officers; and

**WHEREAS** the Harvey Cedars Police Chief has recommended to the Board of Commissioners to re-appoint Joseph Pinto as a Class I Special Officer for the 2016 season.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Harvey Cedars that Joseph Pinto is hereby re-appointed as a Class I Special Officer for the Borough of Harvey Cedars for the 2016 season at the pay rate of \$11.00 per hour.

**BE IT FURTHER RESOLVED** as follows:

1. The duties of the above-appointed Special Officer shall be limited and confined to crowd control, traffic control, and enforcement of regulations and special duties assigned by the Chief of Police.
2. A certified copy of this resolution shall be forwarded to the New Jersey Police Training Commission (NJPTC).

PASSED ON: May 6, 2016