

The regular meeting of the Board of Commissioners of the Borough of Harvey Cedars, NJ was called to order by Mayor Oldham at 4:32pm. Commissioners Gerkens and Garofalo were present.

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, May 5, 2017, 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 #2017-13 FIRST READING

AN ORDINANCE AMENDING CHAPTER 6 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, ENTITLED "LICENSING OF DOGS" TO BE RETITLED AS "ANIMALS" AND SUPPLEMENTING TO CHAPTER 6 A NEW SECTION ENTITLED "FERAL CATS"

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

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

Vote: Ayes – Oldham, Garofalo, 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 #2017-10 SECOND READING

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS AUTHORIZING THE MUNICIPALITY IN PREPARING ITS 2017 BUDGET TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

Motion to open public discussion: Commissioner Garofalo

Second: Commissioner Gerkens

No public in attendance.

Motion to close public discussion: Commissioner Gerkens

Second: Commissioner Garofalo

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

Vote: Ayes – Oldham, Gerkens, Garofalo

A copy of the full ordinance as adopted is filed in the ordinance book.

The Mayor read the following resolution:

RESOLUTION #2017-054:

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 2017 budget will be read by title only.

Motion to adopt: Commissioner Garofalo
Second: Commissioner Gerken
Vote: Ayes – Oldham, Gerken, Garofalo

Motion to open public discussion of budget: Commissioner Garofalo
Second: Commissioner Gerken

No public in attendance.

Motion to close public discussion: Commissioner Garofalo
Second: Commissioner Gerken

The Mayor read the following resolution:

**RESOLUTION #2017-055:
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 \$3,185,104.65 for municipal purposes.

Motion to adopt: Commissioner Gerken
Second: Commissioner Garofalo
Vote: Ayes – Oldham, Gerken, Garofalo

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 #2017-056:
RE-APPOINTMENT OF CLASS I SPECIAL OFFICER FOR THE BOROUGH OF HARVEY CEDARS**

Motion to adopt: Commissioner Garofalo
Second: Commissioner Gerken

**RESOLUTION #2017-057:
AUTHORIZING THE EXECUTION OF A SHARED SERVICE AGREEMENT WITH THE TOWNSHIP OF LONG BEACH, THE BOROUGH OF BEACH HAVEN AND SHIP BOTTOM, AND THE OFFICE OF THE OCEAN COUNTY PROSECUTOR FOR THE PURCHASE AND INSTALLATION OF VARIOUS CAMERAS**

Motion to adopt: Commissioner Garofalo
Second: Commissioner Gerken

**RESOLUTION #2017-058:
DESIGNATING PROFESSIONAL SERVICES FOR LABOR COUNSEL**

Motion to adopt: Commissioner Garofalo
Second: Commissioner Gerken

RESOLUTION #2017-059: Bills

Motion to adopt: Commissioner Gerken
Second: Commissioner Garofalo

Public Property Usage requests:

1. **Concert Night Sales – Sunset Park**
A motion was made by Commissioner Garofalo, seconded by Commissioner Gerken, to approve the request by Kevin Snow and the PBA to sell hot dogs, hamburgers and water at Wednesday night concerts in the park.
2. **Wedding Reception – Sunset Park**
A motion was made by Commissioner Gerken, seconded by Mayor Oldham, to approve the request by Michael Garofalo for a wedding reception on September 23, 2017 from 4pm to 10pm.

3. Musical Performance – Sunset Park

A motion was made by Commissioner Garofalo, seconded by Commissioner Gerkens, to approve the request by Alyssa English of Viacom to use Sunset Park for a musical performance event sponsored by Mountain Dew on June 5th through June 7th.

Motion to adjourn: Commissioner Gerkens

Second: Commissioner Garofalo

Meeting adjourned at 4:38pm.

ORDINANCE #2017-13

AN ORDINANCE AMENDING CHAPTER 6 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, ENTITLED “LICENSING OF DOGS” TO BE RETITLED AS “ANIMALS” AND SUPPLEMENTING TO CHAPTER 6 A NEW SECTION ENTITLED “FERAL CATS”

WHEREAS the Board of Commissioners of the Borough of Harvey Cedars is obligated from time to time to review and update existing ordinances that are inconsistent and/or outdated; and

WHEREAS the Board of Commissioners has an obligation to effectively and humanely control feral cat populations within its borders; and

WHEREAS it is the intent of this ordinance to update and re-adopt Chapter 6 of the Revised General Ordinances entitled “Licensing of Dogs” to be in compliance with current local practices and State statutes, and to establish a feral cat program “Trap Neuter and Return”.

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

Section 1. Chapter 6 of the Revised General Ordinances of the Borough of Harvey Cedars, 1975, entitled “Licensing of Dogs” is hereby retitled and shall be known as Chapter 6 entitled “Animals”.

Section 2. Section 6-1 of the Revised General Ordinances of the Borough of Harvey Cedars, 1975, entitled “Running at Large” is hereby repealed in its entirety and is hereby replaced as Section 6-1 entitled “Definitions” as follows:

6-1 DEFINITIONS. As used in this chapter, the following terms shall have the meanings indicated.

Animal Control Agency means any agency or person, including an Animal Control Officer, authorized by law to implement animal control laws and provide animal care and control on behalf of the Borough.

Animal Welfare Organization means any charitable organization whose purpose includes the promotion of animal welfare and that has been granted 501(c)(3) nonprofit status by the Internal Revenue Service.

Caretaker means any person who regularly provides food and water to a feral cat colony.

Eartip or Ear-marked means a method of identifying a feral or stray cat by a notched or tipped left ear as performed by a licensed veterinarian.

Feral cat means a cat that is not socialized to humans and is not an owned cat.

Feral cat colony means a group of feral or stray cats that congregate, more or less, together as a unit and share a common food source.

Foster home means a household in which a cat or kitten is temporarily placed for the purpose of providing indoor shelter, care and, if necessary, socialization before permanent placement in an adoptive home.

Nuisance means conduct by feral or stray cats that disturbs the peace, including habitually or continually howling or making loud noises, and habitually and significantly destroying property.

Owned cat means a cat that is a companion to a person, is regularly fed and sheltered in the same person’s habitation and carries visible indicia of ownership, such as a collar or tag.

Shelter means a structure that provides feral and stray cats with protection from cold, rain and other weather-related elements.

Sponsor means any Animal Welfare Organization that agrees to comply with the requirements of sponsorship set forth in this chapter.

Stray cat means a cat that is socialized to humans and is not an owned cat.

TNR means the method of managing feral and stray cats known as “trap-neuter-return”.

TNR Program means a program pursuant to which feral and stray cats are trapped, sterilized, vaccinated against rabies, eartipped, returned to the location where they were captured and provided with long-term care by a Caretaker in accordance with this chapter.

Section 3. Section 6-2 of the Revised General Ordinances of the Borough of Harvey Cedars, 1975, entitled “Licensing” is hereby repealed in its entirety and is hereby replaced as Section 6-2 entitled “Dogs” as follows:

6-2 DOGS.

6-2.1 Running at Large - Prohibited. No person owning, keeping or harboring any dog shall suffer or permit it to run at large upon the public streets, or in any other public park, or in any public building or in any other public place within the borough.

6-2.2 Running Dogs on Beach. No person owning, keeping or harboring any dog shall permit it on leash, or otherwise, to run upon the beach bordering the Atlantic Ocean between May 30 and September 15 of each year.

6-2.3 Animal Control Officer Appointed. The Board of Commissioners shall have power to appoint an agency or one or more persons to be the Animal Control Officer who may seize and impound dogs running at large in violation of the provisions of this chapter.

No person shall hinder, molest or interfere with anyone authorized to perform any duty under this chapter, and anyone so authorized may go on any premises in pursuit of any dog running at large, except upon the premises of the owner of a dog if the owner is present and forbids same.

6-2.4 Dog Licensing Fees. All dogs kept or maintained by their owners in the borough shall be licensed and registered if over seven months of age.

Dog licenses shall be issued by the borough clerk in accordance with State statutes and upon payment of the following fees for each dog:

Municipal License Fee	\$6.80
NJ Registration Fee	\$1.00
NJ Pilot Clinic Fund	\$.20
NJ Pet Population Control	\$3.00 (non-spayed/non-neutered only)

6-2.5 Seeing Eye Dogs; Exception. The provisions of this section shall not apply to “seeing-eye” dogs properly trained to assist blind persons when such dogs are actually being used by blind persons for the purpose of aiding them in going from place to place.

6-2.6 Expiration of License. The license and registration tag provided for in subsection 6-2.4 hereof expires on December 31 in each year. The fee for the renewals thereof shall be the same as for the original license and tag.

6-2.7 Newly Acquired Dogs. Any person who shall bring or cause to be brought into this borough any unlicensed dog and shall keep the same or permit the same to be kept within this borough for a period of more than ten days shall immediately apply for a license and registration tag for each such dog in accordance with subsection 6-2.4 hereof.

Section 4. Section 6-3.2 paragraph a. of the Revised General Ordinances of the Borough of Harvey Cedars, 1975, entitled “Violation; Penalty” is hereby amended as follows:

a. For violation of any provision of this section, the penalty upon conviction, shall be a fine of fifty (\$50.00) dollars for each and every subsequent violation.

Section 5. Section 6-4 of the Revised General Ordinances of the Borough of Harvey Cedars, 1975, entitled “Feral Cats” is hereby supplemented as follows:

6-4 FERAL CATS.

6-4.1 TNR Program Established. The Borough has an obligation to effectively and humanely control feral cat populations within its borders. Therefore, a Trap-Neuter-Return (“TNR”) program is hereby created for the purpose of reducing the population of feral cats, which shall benefit and protect the public health, welfare, and safety, and for the further purpose of the humane treatment of feral cats.

6-4.2 Feral Cat Colonies. A TNR Program shall be permitted and Caretakers shall be entitled to maintain feral cat colonies in accordance with the terms and conditions of this section.

6-4.3 Sponsorship of TNR Program. Friends of Southern Ocean County Animal Shelter Inc. agrees to comply with the requirements of this chapter and shall act as a Sponsor of the TNR Program, and shall provide the Borough with a written letter of intention containing its address, telephone number and electronic mailing address. The Borough may authorize additional Animal Welfare Organizations as sponsorship entities as it deems appropriate by resolution of the Board of Commissioners.

6-4.4 Sponsor Requirements. It shall be the duty of a Sponsor to:

- a. Make reasonable efforts to maintain records provided by Caretakers on the size and location of colonies, as well as records of cats in the colonies.
- b. Help to resolve any complaints over cats belonging to registered colonies.

6-4.5 Caretaker Requirements. It shall be the responsibility of a Caretaker to:

- a. Make reasonable efforts to work with the Sponsor to trap all cats in a colony and have all trapped cats sterilized, vaccinated against rabies, microchipped and eartipped by a licensed veterinarian.
- b. Provide or arrange for the provision of adequate food and water on a regular basis and make reasonable efforts to ensure adequate shelter for colony cats.
- c. In the event kittens are born to a colony cat, the caregiver shall take reasonable steps likely to result in the removal of kittens from the colony after they have been weaned, and the placement of the kittens in homes or foster homes for the purpose of subsequent permanent placement.
- d. Make reasonable efforts to work with the Sponsor to resolve any complaints over colony cats managed by the Caretaker.
- e. Obtain proper medical attention to any colony cat that appears to require it.

6-4.6 Disposition of Colony Cats. An Animal Control Service that has trapped or received an eartipped cat from within the Borough can immediately return that cat to the Sponsor or Caregiver Colony versus impounding the cat at the shelter.

Section 6. 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 7. This Ordinance shall take effect upon final adoption after publication in accordance with law.

ADOPTED ON: June 2, 2017

RESOLUTION #2017-056

**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 2017 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 2017 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 16, 2017

RESOLUTION #2017-057

AUTHORIZING THE EXECUTION OF A SHARED SERVICE AGREEMENT WITH THE TOWNSHIPS OF LONG BEACH AND STAFFORD, THE BOROUGHS OF BEACH HAVEN AND SHIP BOTTOM, AND THE OFFICE OF THE OCEAN COUNTY PROSECUTOR FOR THE PURCHASE AND INSTALLATION OF VARIOUS CAMERAS

WHEREAS the “Uniform Shared Services and Consolidation Act.” N.J.S.A. 40A:65-1 et. seq. authorizes the Borough of Harvey Cedars to enter into an agreement for the purchase and installation of four (4) P492 3M Fixed Wide Lane ALPR Cameras, associated hardware, software, licensing and maintenance (total cost of \$54,589.98) with the Townships of Long Beach and Stafford, the Boroughs of Beach Haven and Ship Bottom, and the Ocean County Prosecutor’s Office; and

WHEREAS N.J.S.A. 40A:65-5 requires such an agreement to be authorized by resolution; and

WHEREAS the Township of Long Beach shall act as lead agency; and

WHEREAS GTBM, Inc., pursuant to NJ State Contract M0483 / 89980 can furnish and install four (4) P492 3M Fixed Wide Lane ALPR Cameras, associated hardware, software, licensing and maintenance; and

WHEREAS it is the desire of the Board of Commissioners to authorize the execution of a Shared Service Agreement for the procurement of said cameras as noted below in the following amounts:

Long Beach Township:	\$15,000
Borough of Beach Haven:	\$ 8,000
Borough of Harvey Cedars:	\$ 5,000
Borough of Ship Bottom:	\$10,000
Township of Stafford:	\$ 3,000
Office of the Ocean County Prosecutor:	\$15,589.98

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 Mayor and Municipal Clerk are hereby authorized to execute the Shared Service Agreement as described above in accordance with the provisions of law. A copy of said agreement is attached hereto and made a part hereof.
2. That a copy of the agreement referenced herein shall be kept on file and made available for public inspection at the Municipal Clerk’s office during normal business hours.
3. That a certified copy of this resolution shall be forwarded to:
 - a. The Townships of Long Beach and Stafford, the Boroughs of Beach Haven and Ship Bottom, and the Office of the Ocean County Prosecutor.
 - b. Chief Financial Officer of Harvey Cedars.
 - c. The Division of Local Government Services: Shared Services, by the lead agency.

PASSED ON: May 16, 2017

RESOLUTION #2017-058

DESIGNATING PROFESSIONAL SERVICES FOR LABOR COUNSEL

WHEREAS it is the desire of the Board of Commissioners of the Borough of Harvey Cedars to hire an interim counsel for labor and related matters; and

WHEREAS said contracts for professional services need not be bid under the Local Public Contract Law of the State of New Jersey.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Harvey Cedars that Armando Riccio, Esquire, of the firm

Armando V. Riccio, LLC
7 North Main Street, Suite A
Medford, NJ 08055

is hereby appointed Labor Counsel for the Borough of Harvey Cedars for a period commencing May 5, 2017 and ending December 31, 2017 at a rate not to exceed \$165.00 per hour.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to execute a contract with said firm.

PASSED ON: May 16, 2017