

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 was present, Commissioner Garofalo had a business commitment.

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

Motion to approve the minutes of the previous meeting, May 16, 2017, was made by Commissioner Gerkens, seconded by Mayor Oldham.

The Mayor read the following ordinances by title and number and asked for a motions to introduce.

ORDINANCE #2017-14 FIRST READING

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS AMENDING AND SUPPLEMENTING CHAPTER 3 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, ENTITLED "POLICE REGULATIONS" AS IT PERTAINS TO BALLOONS

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

ORDINANCE #2017-15 FIRST READING

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS AMENDING AND SUPPLEMENTING CHAPTER 8 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, ENTITLED "TRAFFIC" AS IT PERTAINS TO NO PARKING STREETS

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 ordinances by title and number and stated that proofs of publication are on hand and the ordinances have been posted.

ORDINANCE #2017-11 SECOND READING

AN ORDINANCE SUPPLEMENTING TO CHAPTER 2 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, ENTITLED "ADMINISTRATION" NEW SECTION 2-15 ENTITLED "OPEN SPACE"

Commissioner Gerkens stated this ordinance establishes the fund and the Advisory Committee that will help determine what the funds should be used for. A formation meeting for that Committee will be held following this meeting.

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.

ORDINANCE #2017-12 SECOND READING

AN ORDINANCE SUPPLEMENTING AND AMENDING CHAPTER 10 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, ENTITLED “WATERFRONT REGULATIONS” AS IT PERTAINS TO MOTORIZED VEHICLES ON THE BEACH

Motion to open public discussion: Commissioner Gerkens
Second: Mayor Oldham

Patrick Greber asked if vehicles for the handicapped would be exempted from this ordinance. The Mayor stated there are safety issues allowing multiple motorized vehicles on the beach during the summer season. (Just prior to the meeting, a letter was sent to the Municipal Attorney from the Greber’s attorney regarding this ordinance.) After a lengthy discussion with Patrick and Bettie Greber regarding the use of motorized vehicles on the beach by handicapped persons, the Borough’s safety concerns, and the ADA law, the Mayor stated that the ordinance will be tabled until a response is given by the Municipal Attorney regarding the letter received from the Greber’s attorney.

Motion to close public discussion: Commissioner Gerkens
Second: Mayor Oldham

A motion to **TABLE** the ordinance until a response is received by the Municipal Attorney was made by Commissioner Gerkens, seconded by Mayor Oldham.
Vote: Ayes – Oldham, Gerkens

ORDINANCE #2017-13 SECOND 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”

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 #2017-060:

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

Motion to adopt: Commissioner Gerkens
Second: Mayor Oldham

RESOLUTION #2017-061:

RENEWAL OF PLENARY RETAIL DISTRIBUTION LICENSE TO HILLCO CORP., INC. FOR THE YEAR 2017-2018

The Mayor asked the public if there were any objections to the granting of this license. There were no objections made by the public.
Motion to adopt: Commissioner Gerkens
Second: Mayor Oldham
Vote: Ayes – Oldham, Gerkens

RESOLUTION #2017-062: Bills

Motion to adopt: Commissioner Gerkens
Second: Mayor Oldham

Public Property Usage requests:

1. Documentary Filming – Sunset Park

A motion was made by Commissioner Gerkens, seconded by Mayor Oldham, to approve the use of Sunset Park to Remedy Health Media to film a documentary style story about a Harvey Cedars woman living with cancer on Saturday, June 3, 2017 from 1:30pm to 8:30pm.

2. Birthday Party – Sunset Park

A motion was made by Commissioner Gerkens, seconded by Mayor Oldham, to approve the request to use Sunset Park to Achli Young for a birthday party on Sunday, June 25, 2017 from 12pm – 3pm.

3. Block Party – James Street

A motion was made by Commissioner Gerkens, seconded by Mayor Oldham, to approve the request to use James Street to Susan Carril for their 18th Annual neighborhood block party on Saturday, July 8, 2017 from 6:30pm to dusk.

TOPICS OF INTEREST –

Mayor Oldham recognized and congratulated Sophia Buonpane, 6th grader from the LBI School District, for her design of the 2017 seasonal beach badge and presented her a badge.

PRIVILEGE OF THE FLOOR –

The Mayor noted that most of the attendance is here for the open space meeting to follow.

The Mayor announced there is a regional school tax meeting (not LBI schools) on June 8th at 7:00pm at the Bible Conference. Barbara Lehman added that there is a JCTA (Joint Council of Taxpayers Association) meeting on Monday at 7:00pm at Surf City Library.

The Mayor stated there is a section of Holly Avenue that will be paved using DOT funding; funding for the 85th Street paving and drainage was approved by the DOT.

There were no public comments or questions.

Motion to adjourn: Commissioner Gerkens

Second: Mayor Oldham

Meeting adjourned at 5:05pm.

ORDINANCE NO. 2017-14

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS AMENDING AND SUPPLEMENTING CHAPTER 3 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, ENTITLED “POLICE REGULATIONS” AS IT PERTAINS TO BALLOONS

WHEREAS the Board of Commissioners of the Borough of Harvey Cedars has determined that the release of balloons poses a danger to wildlife and marine animals.

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

Section 1. Section 3-1 of the Revised General Ordinances of the Borough of Harvey Cedars entitled “Litter” is hereby amended and supplemented with the following new subsection:

3-1.21 Balloons. It shall be unlawful to intentionally release balloons of any type, inflated by helium or any lighter-than-air gas or gases, as these materials may pose a danger and nuisance to the environment, particularly to wildlife and marine animals.

No balloon shall be used or fastened for decorative or any other purpose to public property within the Borough.

Section 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 3. 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 4. This Ordinance shall take effect upon final adoption after publication in accordance with law.

ADOPTED ON: June 20, 2017

ORDINANCE NO. 2017-15

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS AMENDING AND SUPPLEMENTING CHAPTER 8 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, ENTITLED “TRAFFIC” AS IT PERTAINS TO NO PARKING STREETS

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

Section 1. Schedule I of Chapter 8 of the Borough Code of the Borough of Harvey Cedars entitled “No Parking” is hereby amended by supplementing the following:

West 82nd Street, Both Sides, From street end beginning at Mallard Lane for a length of 100’ feet

Anchor & West 81st Streets, East Side, From the beginning of the rumble strip on West 81st Street to the end of the rumble strip on Anchor Street

West Atlantic Avenue, Both Sides, For the length of Block 15 Lot 1

Section 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 3. 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 4. This Ordinance shall take effect upon final adoption after publication in accordance with law.

ADOPTED ON: June 20, 2017

RESOLUTION #2017-060

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

WHEREAS NJSA 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS the Annual Report of Audit for the year 2016 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to NJSA 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS RS 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS the Local Finance Board has promulgated NJAC 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations"; and

WHEREAS the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to NJAC 5:30-6.5; and

WHEREAS all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of RS 52:27BB-52, to wit:

RS 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Harvey Cedars hereby states that it has complied with NJAC 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

PASSED ON: June 2, 2017

RESOLUTION #2017-061

**RENEWAL OF PLENARY RETAIL DISTRIBUTION LICENSE TO
HILLCO CORP., INC. FOR THE YEAR 2017-2018**

WHEREAS Hillco Corporation, Inc., trading as Neptune Liquors, has applied for the renewal of a Plenary Retail Distribution License for the year 2017/2018 for the premises known and designated as N.W. corner Long Beach Blvd. and 80th Street; and

WHEREAS said application, through the POSSE online system, shows evidence of application for a Federal Tax Stamp and payment to the Borough in the amount of \$2,150.00 for the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Harvey Cedars, in the County of Ocean, NJ that a Retail Plenary Distribution License be issued to Hillco Corp. Inc.

BE IT FURTHER RESOLVED that Daina Dale, Municipal Clerk of the Borough of Harvey Cedars, NJ is hereby authorized and directed to execute and deliver said license on behalf of the Governing Body to said Neptune Liquors.

Before the Resolution was voted upon, the Mayor asked if there were any objections on the part of the public to the granting of this license.

MOTION: Commissioner Gerkens

SECOND: Mayor Oldham

ROLL CALL VOTE: Ayes – Oldham, Gerkens

Absent - Garofalo

PASSED ON: June 2, 2017