

The regular meeting of the Board of Commissioners of the Borough of Harvey Cedars, NJ was called to order by Deputy Mayor Gerken at 4:30pm. Commissioner Garofalo was present; Mayor Oldham was out of state visiting his first grandchild.

The Deputy 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, May 17, 2016, was made by Commissioner Garofalo, seconded by Commissioner Gerken.

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

**ORDINANCE #2016-08 FIRST READING**

**AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, IN THE COUNTY OF OCEAN, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO THE 77<sup>th</sup> STREET WATER WELL APPROPRIATING \$12,000 THEREFORE, AND PROVIDING FOR THE ISSUANCE OF \$12,000 IN BONDS OR NOTES OF THE BOROUGH OF HARVEY CEDARS TO FINANCE THE SAME**

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

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerken

Vote: Ayes – Gerken, Garofalo

The Deputy 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 #2016-06 SECOND 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**

Motion to open public discussion: Commissioner Garofalo

Second: Commissioner Gerken

Ted Einhorn, James Street, asked what the ordinance pertains to. Commissioner Gerken stated this ordinance increases the fill and the structure height by 12 inches for new construction on properties west of the Boulevard; it also increases the minimum height for new bulkheads by 5 feet.

Motion to close public discussion: Commissioner Garofalo

Second: Commissioner Gerken

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerken

Vote: Ayes – Gerken, Garofalo

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

The Deputy 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 #2016-07 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 BULKHEAD PERMIT FEES**

Motion to open public discussion: Commissioner Garofalo

Second: Commissioner Gerken

There were no public questions or comments.

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

Motion to adopt: Commissioner Garofalo  
Second: Commissioner Gerkens  
Vote: Ayes – Garofalo, Gerkens  
A copy of the full ordinance as adopted is filed in the ordinance book.

The Deputy 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 #2016-056:**

**AUTHORIZING THE PURCHASE OF A SURPLUS MUNICIPAL VEHICLE**

Motion to adopt: Commissioner Garofalo  
Second: Commissioner Gerkens

**RESOLUTION #2016-057:**

**AUTHORIZE FIREWORKS DISPLAY IN THE BOROUGH OF HARVEY CEDARS**

Motion to adopt: Commissioner Garofalo  
Second: Commissioner Gerkens

**RESOLUTION #2016-058:**

**GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT**

Motion to adopt: Commissioner Garofalo  
Second: Commissioner Gerkens

**RESOLUTION #2016-059:**

**RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE TO OUTRIGGER RESTAURANT, LLC FOR THE YEAR 2016-2017**

The Deputy 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 Garofalo  
Second: Commissioner Gerkens  
Vote: Ayes – Gerkens, Garofalo

**RESOLUTION #2016-060:**

**RENEWAL OF PLENARY RETAIL DISTRIBUTION LICENSE TO HILLCO CORP., INC. FOR THE YEAR 2016-2017**

The Deputy 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 Garofalo  
Second: Commissioner Gerkens  
Vote: Ayes – Garofalo, Gerkens

**RESOLUTION #2016-061: Bills**

Motion to adopt: Commissioner Garofalo  
Second: Commissioner Gerkens

**Public Property Usage requests:**

**1. Wedding Ceremony – 79<sup>th</sup> Street Beach**

A motion was made by Commissioner Garofalo, seconded by Commissioner Gerkens, to approve the request by Martha Shoemaker for a wedding ceremony on Saturday, October 1, 2016.

**2. Surf Contest – Hudson Ave. Beach**

A motion was made by Commissioner Garofalo, seconded by Commissioner Gerkens, to approve the request to use Hudson Ave. beach to the NSSA for a surf contest on Sunday, June 12 (no wave date June 19) from 8:00am to 1:00pm.

**3. Zumba Classes – Sunset Park concerts**

A motion was made by Commissioner Garofalo, seconded by Commissioner Gerkens, to approve the request from Zumba Instructor Margarita Dawson to hold free Zumba classes prior to the concerts on Wednesday, July 27<sup>th</sup> and August 10<sup>th</sup>.

PRIVILEGE OF THE FLOOR –

Mr. Einhorn asked when the lifeguards start. Commissioner Garofalo said they are guarding 80<sup>th</sup> Street and Middlesex Ave. on the weekends, they start fulltime on June 18<sup>th</sup>.

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

Meeting adjourned at 4:40pm.

**ORDINANCE NO. 2016-08**

**AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, IN THE COUNTY OF OCEAN, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO THE 77<sup>th</sup> STREET WATER WELL APPROPRIATING \$12,000 THEREFORE, AND PROVIDING FOR THE ISSUANCE OF \$12,000 IN BONDS OR NOTES OF THE BOROUGH OF HARVEY CEDARS TO FINANCE THE SAME**

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE BOROUGH OF HARVEY CEDARS, IN THE COUNTY OF OCEAN, NEW JERSEY** (not less than two-thirds of all members thereof affirmatively concurring), **AS FOLLOWS:**

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Borough of Harvey Cedars, in the County of Ocean, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of \$12,000. No down payment is required in connection with the improvement or purpose as said purpose is deemed to be self-liquidating and the obligations authorized herein are deductible from the gross debt of the Borough, as more fully explained in Section 6(e) of this bond ordinance.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$12,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds or notes are to be issued is for the improvements to the 77<sup>th</sup> Street water well, its related equipment, and including all other work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the several improvements or purposes is as stated in Section 2 hereof.

(c) The estimated cost of the several improvements or purposes is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All

notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than 99% of par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget (or temporary capital budget as applicable) of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget (or amended temporary capital budget as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. This is an improvement or purpose the Borough may lawfully undertake as self-liquidating improvements of a municipal public utility and no part of the costs thereof have been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$12,000 but that the net debt of the Borough determined as provided in the Local Bond Law is not increased by this bond ordinance and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$1,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the several improvements or purposes.

(e) This bond ordinance authorizes obligations of the Borough solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and is deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

(f) The Borough reasonably expects to commence the acquisition and/or construction of the improvement or purpose described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Borough further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Borough is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. The Borough hereby covenants to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 10. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

EFFECTIVE DATE: JULY 13, 2016

**RESOLUTION #2016-056**

**AUTHORIZING THE PURCHASE OF A SURPLUS MUNICIPAL VEHICLE**

**WHEREAS** pursuant to N.J.S.A. 40A:12-13(b)(1), the sale or transfer of public property may be made to another municipality or political subdivision of New Jersey as long as it is authorized by resolution; and

**WHEREAS** the Township of Galloway presently owns the following surplus vehicle no longer suitable for the Township's use:

2003 Ford F250 Pickup  
VIN – 1FTNW 21L33 ED496 85; and

**WHEREAS** the Borough of Harvey Cedars has inspected said vehicle and desires to purchase said surplus vehicle.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Borough of Harvey Cedars hereby authorizes the purchase of the 2003 Ford F250 Pickup bearing V.I.N. 1FTNW 21L33 ED496 85 for the consideration of Four Thousand Dollars and No Cents (\$4,000.00) payable to the Township of Galloway.

**BE IT FURTHER RESOLVED** that the Commissioner of Public Works and the Borough Clerk are hereby authorized to execute any documents and agreements to purchase and transfer said surplus vehicle from the Township of Galloway to the Borough of Harvey Cedars.

PASSED ON: June 3, 2016



**RESOLUTION #2016-057**

**AUTHORIZE FIREWORKS DISPLAY  
IN THE BOROUGH OF HARVEY CEDARS**

**WHEREAS** the Board of Commissioners of the Borough of Harvey Cedars, Ocean County, New Jersey, wishes to engage in a custom fireworks display for the Borough to be held on September 3, 2016; and

**WHEREAS** the Harvey Cedars Activity Committee, along with the approval of the Harvey Cedars Board of Commissioners, has recommended the award of a contract to International Fireworks Company, Inc. of Pennsylvania to render the necessary services in said project.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Commissioners of the Borough of Harvey Cedars, County of Ocean, hereby authorize a fireworks display on September 3, 2016 and award a contract in an amount not to exceed Eighteen Thousand Dollars (\$18,000.00) to International Fireworks Mfg. Co., PO Box 6, Douglassville, PA 19518.

PASSED ON: June 3, 2016

**RESOLUTION #2016-058**

**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 2015 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 3, 2016

**RESOLUTION #2016-059**

**RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE TO  
OUTRIGGER RESTAURANT, LLC FOR THE YEAR 2016-2017**

**WHEREAS** Outrigger Restaurant, LLC, trading as Plantation Restaurant, has applied for the renewal of a Plenary Retail Consumption License for the year 2016/2017 for the premises known and designated as 7908 Long Beach Blvd.; 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 \$2,500.00 has been received.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Harvey Cedars, in the County of Ocean, NJ that a Retail Consumption License be issued to Outrigger Restaurant, LLC.

**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 Plantation Restaurant.

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

MOTION: Commissioner Garofalo

SECOND: Deputy Mayor Gerkens

ROLL CALL VOTE: Ayes – Gerkens, Garofalo

ABSENT: Oldham

PASSED ON: June 3, 2016

**RESOLUTION #2016-060**

**RENEWAL OF PLENARY RETAIL DISTRIBUTION LICENSE TO  
HILLCO CORP., INC. FOR THE YEAR 2016-2017**

**WHEREAS** Hillco Corporation, Inc., trading as Neptune Liquors, has applied for the renewal of a Plenary Retail Distribution License for the year 2016/2017 for the premises known and designated as N.W. corner Long Beach Blvd. and 80<sup>th</sup> 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 Garofalo

SECOND: Commissioner Gerkens

ROLL CALL VOTE: Ayes – Garofalo, Gerkens

PASSED ON: June 3, 2016