

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 18, 2014.

Motion to approve the minutes of the previous meeting, June 16, 2015, was made by Commissioner Garofalo, seconded by Commissioner Gerkens.

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

ORDINANCE #2015-08 FIRST READING

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING A REFERENDUM BALLOT QUESTION REGARDING THE ESTABLISHMENT OF AN OPEN SPACE CONSERVATION TRUST FUND PURSUANT TO NJSA 40:12-15.7

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 #2015-06 SECOND READING

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS APPROPRIATING THE SUM OF \$7,540.00 FROM THE UTILITY CAPITAL IMPROVEMENT FUND FOR CERTAIN CAPITAL IMPROVEMENTS IN THE BOROUGH OF HARVEY CEDARS

Motion to open public discussion: Commissioner Gerkens

Second: Commissioner Garofalo

There were no public questions or comments.

Motion to close public discussion: Commissioner Garofalo

Second: Commissioner Gerkens

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

Vote: Ayes – Oldham, Garofalo, Gerkens

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

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 #2015-07 SECOND READING

AN ORDINANCE AMENDING CHAPTER 4 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, ENTITLED "GENERAL LICENSING" AS IT PERTAINS TO ACTIVITY COMMITTEE FEES (Special Activity fees)

Motion to open public discussion: Commissioner Garofalo

Second: Commissioner Gerkens

There were no public questions or comments.

Motion to close public discussion: Commissioner Garofalo

Second: Commissioner Gerkens

Motion to adopt: Commissioner Gerkens
Second: Commissioner Garofalo
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 by title only and asked the public if there were any objections to the granting of this license.

RESOLUTION #2015-054:

RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE TO OUTRIGGER RESTAURANT, LLC FOR THE YEAR 2015-2016

There were no objections made by the public.

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

Vote: Ayes – Oldham, Gerkens, Garofalo

The Mayor read the following resolution by title only and asked the public if there were any objections to the granting of this license.

RESOLUTION #2015-055:

RENEWAL OF PLENARY RETAIL DISTRIBUTION LICENSE TO HILLCO CORP., INC. FOR THE YEAR 2015-2016

There were no objections made by the public.

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

Vote: Ayes – Oldham, Garofalo, 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 #2015-056:

AUTHORIZING THE UTILITY COLLECTOR TO ADJUST CERTAIN WATER/SEWER CHARGES

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

RESOLUTION #2015-057:

AUTHORIZING A “BUMP-OUT” AREA ON A PRIVATE EASEMENT DUNE WALKOVER

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

RESOLUTION #2015-058:

AUTHORIZING THE INCREASE OF THE BID THRESHOLD

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

RESOLUTION #2015-059:

CHANGE ORDER #1 FOR THE 2013 ROAD RECONSTRUCTION (ANCHOR & 81ST STREET)

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

RESOLUTION #2015-060: Bills

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

Public Property Usage requests:

1. Free Zumba Lesson – Sunset Park

A motion was made by Commissioner Garofalo, seconded by Commissioner Gerkens, to approve the request from Zumba Instructor Margarita Dawson to hold a free Zumba class prior to the concert on Wednesday, August 5th from 6pm to 6:45pm.

2. Flyboarding Drop Off – Sunset Park

A discussion was held regarding the request submitted by Justin Chiusolo (SuperflyNJ) to use Sunset Park for pick up and drop off of flyboarding customers. The Commissioners asked the Chief to get a copy of the permit issued by the Marine Police

allowing the flyboarding in the bay.

PRIVILEGE OF THE FLOOR –

Greg Gutchigian mentioned that the Bay Beach trash cans fill up quickly and the birds are picking at the trash. He suggested another set of cans may help. The Mayor said he will notify Public Works.

The Mayor stated that the State will be reimbursing the Borough again for part of the easement acquisition. There is still one property left to settle, New Imper (Realty).

Motion to adjourn: Commissioner Garofalo

Second: Commissioner Gerkens

Meeting adjourned at 4:46pm.

ORDINANCE NO. 2015-08

**AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, COUNTY OF OCEAN,
STATE OF NEW JERSEY, AUTHORIZING A REFERENDUM BALLOT QUESTION
REGARDING THE ESTABLISHMENT OF AN OPEN SPACE CONSERVATION
TRUST FUND PURSUANT TO NJSA 40:12-15.7**

WHEREAS the Borough of Harvey Cedars possesses several areas of open space and natural preservation areas within the Borough for the benefit of the public at large; and

WHEREAS the Borough seeks to obtain the approval of the voters for expanding its natural open space program and the funding mechanisms for the same; and

WHEREAS NJSA 40:12-15.7(a)(1)(a) provides that the governing body of any municipality may submit to the voters of the municipality in a general election a proposition authorizing imposition of an annual levy for an amount or at a rate deemed appropriate for any or all of the purpose of the acquisition of lands for conservation purposes; and

WHEREAS NJSA 19:37-1 provides that the governing body of any municipality may ascertain the sentiment of the legal voters of the municipality upon any question or policy pertaining to the government or internal affairs thereof by the submission of such question to a vote of the electors in the municipality at any election to be held therein, by adopting at any regular meeting an ordinance or resolution requesting the Clerk of the County to print upon the official ballots to be used at the next ensuing general election a certain proposition to be formulated and expressed in the ordinance or resolution in concise form; provided that such request shall be filed with the County Clerk not later than 81 days previous to the election.

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

SECTION 1. The Board of Commissioners of the Borough of Harvey Cedars does hereby request that the following referendum question be placed on the November 2015 general election ballot:

OPEN SPACE CONSERVATION TRUST FUND REFERENDUM

Shall the Board of Commissioners of the Borough of Harvey Cedars adopt an ordinance establishing an “Open Space Conservation Trust Fund,” which shall have the following provisions:

- A. The Open Space Conservation Trust Fund shall be funded through the collection of local property taxes in the amount of an additional one (1) cent per hundred dollars of assessed value on the annual local property tax levy.
- B. The aforementioned fund shall be designated solely for the purchase of property rights within the Borough of Harvey Cedars, including but not by way of limitation, fee simple acquisitions, easements, development rights, or any other lesser interest in real estate which will further the goal of property acquisitions of lands and property rights for conservation purposes, including all costs and expenses associated therewith.
- C. Any property rights acquired through the Open Space Conservation Trust Fund shall not be sold or conveyed by the Borough unless or until authorized by subsequent Public Referendum of the voters of the Borough of Harvey Cedars.

EXPLANATORY STATEMENT

The proposed Open Space Conservation Trust Fund will be used to acquire property rights to preserve open space on developed or undeveloped areas in the Borough of Harvey Cedars. The purchase of property rights, including but not by way of limitation, fee simple acquisitions, easements, development rights, or any other lesser interest in real estate which will further the goal of property acquisitions of lands for conservation purposes, including all of the Borough’s costs and expenses associated therewith, will be funded by a separate additional one (1) cent assessment per hundred dollars of assessed value on the annual local property tax levy, beginning in 2016. The funds raised will be used for no other purposes. The property acquired will be preserved for open space.

_____ YES _____ NO

SECTION 2. The Mayor and Commissioners do hereby further request that the Ocean County Clerk print the aforementioned question and explanatory statement on the official ballot for the Borough of Harvey Cedars for the General Election to be held on November 3, 2015.

SECTION 3. A certified copy of this ordinance shall be forwarded to the Ocean County Clerk.

SECTION 4. This ordinance shall take effect immediately upon its enactment after second reading and publication as required by law.

RESCINDED ON: August 12, 2015

ORDINANCE NO. 2015-06

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS APPROPRIATING THE SUM OF \$7,540.00 FROM THE UTILITY CAPITAL IMPROVEMENT FUND FOR CERTAIN CAPITAL IMPROVEMENTS IN THE BOROUGH OF HARVEY CEDARS

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

Section 1. Pursuant to the applicable statutes of the State of New Jersey, there is hereby authorized the capital improvements within the Borough of Harvey Cedars as follows:

- A. For the local match of a federal grant for the purchase and installation of a new electrical panel in the 80th Street water plant, there is hereby appropriated the sum of \$5,000.00.
- B. For the local match of a federal grant for the purchase and installation of a new generator at the 80th Street water plant, there is hereby appropriated the sum of \$2,540.00.

Section 2. This Utility Capital Improvement Ordinance is to be financed from the utility capital funds that the Borough presently has on hand.

Section 3. The Utility Capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended utility capital budget and utility capital program as approved by the Director, Division of Local Government Services as on file with the municipal clerk and is available for public inspection.

ADOPTED ON: July 7, 2015

ORDINANCE NO. 2015-07

**AN ORDINANCE AMENDING CHAPTER 4 OF THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS,
1975, ENTITLED “GENERAL LICENSING” AS IT PERTAINS TO ACTIVITY
COMMITTEE FEES**

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

Section 1. Section 4-7 entitled “Activity Committee Fees” is hereby amended by supplementing the following:

Books \$5.00 - \$25.00

Memorial Benches \$0.00 to \$900.00

Section 2. Ordinances or parts of ordinances inconsistent herewith are repealed.

Section 3. This ordinance shall take effect after a second reading and publication, in accordance with law.

ADOPTED ON: July 7, 2015

RESOLUTION #2015-054

**RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE TO
OUTRIGGER RESTAURANT, LLC FOR THE YEAR 2015-2016**

WHEREAS Outrigger Restaurant, LLC, trading as Plantation Restaurant, has applied for the renewal of a Plenary Retail Consumption License for the year 2015/2016 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 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 – Oldham, Gerkens, Garofalo

PASSED ON: July 7, 2015

RESOLUTION #2015-055

**RENEWAL OF PLENARY RETAIL DISTRIBUTION LICENSE TO
HILLCO CORP., INC. FOR THE YEAR 2015-2016**

WHEREAS Hillco Corporation, Inc., trading as Neptune Liquors, has applied for the renewal of a Plenary Retail Distribution License for the year 2015/2016 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 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 – Oldham, Garofalo, Gerkens

PASSED ON: July 7, 2015

RESOLUTION #2015-056

**AUTHORIZING THE UTILITY COLLECTOR TO ADJUST CERTAIN
WATER/SEWER CHARGES**

WHEREAS the Utility Collector of the Borough of Harvey Cedars processes quarterly utility bills based on the prior three months of water usage, and the Borough Superintendent reads and maintains monthly meter readings; and

WHEREAS the following resident had high water usage for the 2nd quarter of 2015 due to unforeseen circumstances and the Borough Superintendent along with the Utility Collector investigated this usage and have recommended credits be issued for this one occasion:

- Account # 681 – Anthony and Alice Coscia

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Harvey Cedars that the Utility Collector is authorized to adjust and issue a one time credit to the following utility account(s) based on average water usage from prior readings:

ACCOUNT#	WATER CREDIT	SEWER CREDIT
681-0	\$1,720.31	\$435.07

PASSED ON: July 7, 2015

RESOLUTION #2015-057

AUTHORIZING A “BUMP-OUT” AREA ON A PRIVATE EASEMENT DUNE WALKOVER

WHEREAS public access to the beach is provided at every public street end in the Borough of Harvey Cedars via a walkway through the dunes, designated by post and rail fencing; and

WHEREAS all public walkovers include a fenced sitting and observation area at the top of the dune, more commonly referred to as a “bump-out”; and

WHEREAS private easement dune walkovers are also designated with post and rail fencing; and

WHEREAS the property owners residing along the 5413 and 5415 Long Beach Blvd. easement requested authorization from the Borough to alter their walkover, at their expense, to include a 10 foot by 5 foot (10’x5’) bump-out at the top of the dune on the north side of their walkover; and

WHEREAS the two (2) oceanfront property owners on said easements have given their permission via emails and telephone conversations with the Borough Clerk, and agree to the design, size and location of the new bump-out.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Harvey Cedars that the property owners at 5413 and 5415 Long Beach Blvd. are hereby authorized to construct a 10’x5’ bump-out on their walkover, similar to the Borough’s bump-outs and according to the drawings submitted to the Clerk.

PASSED ON: July 7, 2015

RESOLUTION #2015-058

AUTHORIZING THE INCREASE OF THE BID THRESHOLD

WHEREAS pursuant to NJSA 40A:11-3, the State Treasurer shall adjust the bid threshold amount every five years; and

WHEREAS effective July 1, 2015 the bid threshold for contracting units governed by the Local Public Contracts Law (N.J.S.A. 40A:11-2) who have appointed a Qualified Purchasing Agent and take advantage of a higher bid threshold pursuant to N.J.S.A. 40A:11-3(a) and 18A:18A-3(a), have their maximum bid threshold increased from \$36,000 to \$40,000; and

WHEREAS in accordance with NJAC 5:34-5 et seq. the Borough of Harvey Cedars appointed Daina Dale as the Borough's Qualified Purchasing Agent on April 3, 2009; and

WHEREAS the Borough of Harvey Cedars desires to take advantage of the increased bid threshold.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Borough of Harvey Cedars, in the County of Ocean, in the State of New Jersey, hereby increases its bid threshold to \$40,000.

BE IT FURTHER RESOLVED that the governing body hereby reaffirms the appointment of Daina Dale as the Qualified Purchasing Agent to exercise the duties of a purchasing agent pursuant to NJSA 40A:11-2(30).

PASSED ON: July 7, 2015

RESOLUTION #2015-059

**CHANGE ORDER #1
2013 ROAD RECONSTRUCTION/IMPROVEMENT PROJECT
(ANCHOR & 81ST STREET)
ALL SURFACE ASPHALT PAVING**

WHEREAS a contract was previously awarded to All Surface Asphalt Paving, Inc. (ASAP) for the 2013 Road Reconstruction Project; and

WHEREAS the original contract for said work was in an amount of \$129,940.00; and

WHEREAS the governing body wishes to authorize Change Order No. 1, which will result in a **decrease** of \$14,134.00 in the contract price, consisting of those items set forth in the schedule attached hereto and made a part hereof; and

WHEREAS this change order has been recommended by the Municipal Engineer and agreed to by the Contractor; and

WHEREAS this change order amounts to a total of less than twenty (20%) percent of the original contract awarded to the Contractor; and

WHEREAS it is the desire of the governing body to authorize this change order.

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

1. That the governing body does hereby authorize the execution of an addendum to the contract with ASAP for the 2013 Road Reconstruction Project to provide for a decrease in the contract price from \$129,940.00 to \$115,806.00, a decrease of \$14,134.00, consisting of those items set forth in the schedule attached hereto and made a part hereof.
2. That the Mayor and Municipal Clerk are hereby authorized to execute an addendum to the contract with ASAP in accordance with the provisions of this resolution.
3. That a certified copy of this resolution, together with a copy of the contract addendum between the parties, be forwarded to the Chief Financial Officer and that three (3) certified copies be forwarded to the Municipal Engineer.

PASSED ON: July 7, 2015