

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 on December 14, 2017 in the Beach Haven Times and the Asbury Park Press.

Motion to approve the minutes of the previous meeting, July 24, 2018, 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 #2018-12 FIRST READING

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, OCEAN COUNTY, NEW JERSEY AMENDING CHAPTER 13 ENTITLED "ZONING" AS IT PERTAINS TO GARAGE SALE AND REAL ESTATE SIGNS

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, 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 #2018-11 SECOND READING

ORDINANCE OF THE BOROUGH OF BOROUGH OF HARVEY CEDARS, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 3 OF THE BOROUGH CODE OF THE BOROUGH OF HARVEY CEDARS ENTITLED "POLICE REGULATIONS" AS IT PERTAINS TO THE DEFINITIONS OF SMOKING

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 #2018-088:

CHAPTER 159 ITEM OF REVENUE INSERTION IN THE SUM OF \$11,845.00 – PEDESTRIAN SAFETY, EDUCATION & ENFORCEMENT FUND

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

RESOLUTION #2018-089:

CHAPTER 159 ITEM OF REVENUE INSERTION IN THE SUM OF \$34,000.00 – COMMUNITY DEVELOPMENT BLOCK GRANT FOR HANDICAP BEACH ACCESS AND ACCESSIBILITY EQUIPMENT

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

RESOLUTION #2018-090:

AUTHORIZING AMENDMENT TO THE SHARED SERVICE AGREEMENT FOR THE PROVISION OF MUNICIPAL COURT SERVICES

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

RESOLUTION #2018-091:

RESOLUTION OF THE BOROUGH OF HARVEY CEDARS AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT BY AND BETWEEN THE BOROUGH OF HARVEY CEDARS AND THE BOROUGH OF BEACH HAVEN FOR THE PROVISION OF MUNICIPAL COURT SERVICES

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

RESOLUTION #2018-092: Bills

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

Public Property Usage requests:

1. Lifeguard Race – Hudson Beach

A motion was made by Commissioner Gerkens, seconded by Commissioner Garofalo, to approve the request to use Hudson Ave. beach to Randy Townsend & the Harvey Cedars Beach Patrol for the annual Cutters Cup Lifeguard Races on Tuesday, August 7, 2018 from 5:00pm – 8pm.

PRIVILEGE OF THE FLOOR –

Mindy Berman, resident and realtor, expressed her concern that only 2 directional signs were added to the sign ordinance. She stated if there is a house for sale on Cedars or Cox Avenue, direction from the Boulevard would be insufficient. The Commissioners are concerned about over-signage in the town, and stated the ordinance as is should first be tried and can be revisited if found it is not working.

Barbara Lehman, resident, stated an EZ-up tent next to her house looks unsightly and asked for permitting or regulations to prevent or set time limits on tents. Chief Burnaford stated he visited the site and informed the homeowner or renter they could not sleep in tents. The Commissioners stated creating another ordinance to regulate EZ-ups may not be necessary.

TOPICS OF INTEREST –

The Mayor stated once the pumping is done in Surf City, the Surf City hopper dredge will be used for Harvey Cedars in place of the frequently malfunctioning cutterhead dredge.

Chief Burnaford stated the Pedestrian Safety grant received from the State is a difficult grant to receive and he commended his officers in achieving the grant.

Motion to adjourn: Commissioner Gerkens

Second: Commissioner Garofalo

Meeting adjourned at 4:58pm.

ORDINANCE NO. 2018-12

**AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, OCEAN COUNTY,
NEW JERSEY AMENDING CHAPTER 13 ENTITLED “ZONING”
AS IT PERTAINS TO GARAGE SALE AND REAL ESTATE SIGNS**

**THE BOARD OF COMMISSIONERS OF THE BOROUGH OF HARVEY
CEDARS DOES ORDAIN AS FOLLOWS:**

Section 1. Section 13-14.1 of the Code of the Borough of Harvey Cedars entitled “Signs in R-A, R-AA and Residential Districts” is hereby amended by deleting in its entirety paragraphs d. and e. and re-lettering paragraphs f. and g. as d. and e. respectively.

Section 2. Section 13-14.1 of the Code of the Borough of Harvey Cedars entitled “Signs in R-A, R-AA and Residential Districts” is hereby amended by supplementing new paragraph f. as follows:

f. Signs advertising a garage sale are permitted provided the following:

1. A garage sale permit has been obtained.
2. The placement of one (1) sign on the property where the sale is to be held and a maximum of two (2) signs to serve as directional aids located remotely.
3. Signs must be placed in public right-of-way only and shall not block any sight triangles and shall not be placed on pavement or attached to utility poles, trees, stumps, sign posts or any other type of permanent structure.
4. Signs are not permitted on private property without the property owner’s permission.
5. Signs shall not be over four (4) square feet in size and no more than twenty (20) inches from the ground.
6. No lighted signs and no attachments to the signs such as, but not limited to, balloons, ribbons, streamers or banners.
7. Signs may be displayed on the property of the sale up to five (5) days prior to the sale and must be removed immediately after the event. Signs posted remotely may only be posted on the day of the sale and must be removed the same day the sale is concluded.

Section 3. Section 13-14.3 of the Code of the Borough of Harvey Cedars entitled “Prohibited Features” paragraph b. is hereby amended to read as follows:

- b. Lighted signs, where permitted, exclude neon, LED or flashing signs.

Section 4. Section 13-14.5 of the Code of the Borough of Harvey Cedars entitled “Real Estate Signs” is hereby created and supplemented to read as follows:

13-14.5 Real Estate Signs.

- a. One (1) unlighted on-site sign not over four (4) square feet in size, advertising a dwelling or building located on the property for sale or rent, provided the same is in compliance with all side yard requirements of this chapter, is erected and set back a minimum of ten (10) feet from the street line and the bottom of said sign is no more than twenty (20) inches from the ground.
- b. No more than one (1) sign advertising vacant land for sale or rent, not exceeding four (4) square feet in area, may be placed on the property to be rented or sold. In the case of housing development projects, as a part of the Planning Board application, the developer may receive permission to maintain on his tract not more than two (2) signs, limited to advertising his development, with the total area of each sign not exceeding thirty-two (32) square feet. Such permit shall be issued by the Zoning Officer at the current rate for sign permits.
- c. A maximum of two (2) directional “Open House” signs, are permitted provided the following:
 1. The placement of two (2) signs shall serve as directional aids located remotely from each other.
 2. Signs must be placed in public right-of-way only and shall not block any sight triangles and shall not be placed on pavement or attached to utility poles, trees, stumps, sign posts or any other type of permanent structure.

3. Signs are not permitted on private property without the property owner's written permission.
4. Signs shall not be over four (4) square feet in size and no more than twenty (20) inches from the ground.
5. No lighted signs and no attachments to the signs such as, but not limited to, balloons, ribbons, streamers or banners.
6. Signs may only be displayed between the hours of 10:00am and 5:00pm on the day of the event and must be removed immediately after the event.
7. The Code Enforcement Officer or a duly-designated representative may cause any sign which is an immediate peril to persons or property to be removed. Signs will be held for reclamation at the Borough for a maximum of fourteen (14) days. At the discretion of the Code Enforcement Officer, repeated offenses by the same agent, agency or salesperson shall be subject to a removal fee of not more than fifty (\$50) dollars.

Section 5. Section 13-16.2 of the Code of the Borough of Harvey Cedars entitled "Certificates and Permits" paragraph a. "Zoning Permits" is hereby amended by supplementing the following:
(n) Sign removal maximum fee – \$50.00

Section 6. This Ordinance repeals any inconsistent ordinance or ordinances or part or parts thereof.

Section 7. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Borough Mayor and Commissioners hereby declare that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 8. This Ordinance shall take effect upon final adoption after publication in accordance with law.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was duly introduced and passed on the first reading at a regular meeting of the Board of Commissioners of the Borough of Harvey Cedars held on **August 3, 2018**. Further notice is given that said Ordinance shall be considered for final passage and adoption at a regular meeting of said Board of Commissioners to be held on **August 21, 2018** at 4:30pm at the Borough Hall, 7606 Long Beach Blvd., Harvey Cedars, NJ, at which time and place any person desiring to be heard will be given an opportunity to be so heard.

Daina Dale, Municipal Clerk

RESOLUTION #2018-088

**CHAPTER 159 ITEM OF REVENUE INSERTION IN THE SUM OF \$11,845.00 –
PEDESTRIAN SAFETY, EDUCATION & ENFORCEMENT FUND**

WHEREAS NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS the Director may also approve the insertion of an item of appropriation for an equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Commission of the Borough of Harvey Cedars, in the County of Ocean, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2018 in the sum of \$11,845.00, which is now available from the State of New Jersey, Division of Highway Traffic Safety for “Pedestrian Safety, Education and Enforcement Fund”.

BE IT FURTHER RESOLVED that the sum of \$11,845.00 is hereby appropriated under the caption: 8. General Appropriations (A) Operations excluded from “CAPS” Public and Private Programs offset by Revenues: Pedestrian Safety.

BE IT FURTHER RESOLVED that the above is a result of State funds obtained through the Division of Highway Traffic Safety.

PASSED ON: August 3, 2018

RESOLUTION #2018-089

**CHAPTER 159 ITEM OF REVENUE INSERTION IN THE SUM OF \$34,000.00 –
COMMUNITY DEVELOPMENT BLOCK GRANT FOR
HANDICAP BEACH ACCESS AND ACCESSIBILITY EQUIPMENT**

WHEREAS NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS the Director may also approve the insertion of an item of appropriation for an equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Commission of the Borough of Harvey Cedars, in the County of Ocean, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2018 in the sum of \$34,000.00, which is now available from the U.S. Housing & Urban Development (through Ocean County Planning Board) CDBG CT#1510-18 in the amount of \$34,000.00.

BE IT FURTHER RESOLVED that the like sum of \$34,000.00 is hereby appropriated under the caption: 8. General Appropriations (A) Operations excluded from “CAPS” Public and Private Programs offset by Revenues: Community Development Block Grant CT#1510-18 – Beach Access.

BE IT FURTHER RESOLVED that the above is a result of funds from U.S. Housing & Urban Development (through Ocean County Planning Board) CDBG CT#1510-18, in the amount of \$34,000.00.

PASSED ON: August 3, 2018

RESOLUTION #2018-090

**AUTHORIZING AMENDMENT TO THE SHARED SERVICE AGREEMENT
FOR THE PROVISION OF MUNICIPAL COURT SERVICES**

WHEREAS the Borough of Harvey Cedars entered into a Shared Services agreement with the Borough of Beach Haven for the provision of certain administrative services related to the management of the municipal court and designating the Borough of Beach Haven as lead agency effective September 1, 2014 for a period of four (4) years; and

WHEREAS amendments to Schedule C regarding hourly rates need to be made to said agreement.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Harvey Cedars that the attached Schedule C is hereby approved effective January 1, 2018 and copies of this Resolution shall be sent to the Borough of Beach Haven.

PASSED ON: August 3, 2018

RESOLUTION #2018-091

RESOLUTION OF THE BOROUGH OF HARVEY CEDARS AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT BY AND BETWEEN THE BOROUGH OF HARVEY CEDARS AND THE BOROUGH OF BEACH HAVEN FOR THE PROVISION OF MUNICIPAL COURT SERVICES

WHEREAS the Uniform Shared Services and Consolidation Act, NJSA 40A:65-1 et seq., authorizes several municipalities to provide services jointly by contract when approved by resolution; and

WHEREAS the Borough of Harvey Cedars entered into a four (4) year term agreement with the Borough of Beach Haven as lead agency for the provision of Municipal Court services due to expire on August 31, 2018; and

WHEREAS the Borough of Harvey Cedars wishes to continue said services with the Borough of Beach Haven.

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 Borough of Beach Haven for the provision of Municipal Court services.
2. A copy of this agreement shall be kept on file and be available for public inspection at the office of the Borough Clerk.
3. This agreement shall commence on September 1, 2018 and shall take effect upon full execution by the parties and approval from the Administrative Office of the New Jersey Courts.
4. A certified copy of this resolution shall be forwarded to the Borough of Beach Haven, the Administrative Office of the New Jersey Courts, and the Municipal Court Administrator.

PASSED ON: August 3, 2018