

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

Motion to approve the minutes of the previous meeting, July 18, 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 #2017-25 FIRST READING

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, OCEAN COUNTY, NEW JERSEY AMENDING CHAPTER XIII ENTITLED "ZONING" TO CREATE A NEW BOAT SLIP ZONE AND TO ESTABLISH THE APPROPRIATE BOUNDARIES FOR SAME

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

ORDINANCE #2017-19 SECOND READING

AN ORDINANCE AMENDING ORDINANCE #2017-01 FIXING AND DETERMINING THE ANNUAL BASE SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF 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 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.

ORDINANCE #2017-20 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 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.

ORDINANCE #2017-21 SECOND 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 CONTRACTOR RECYCLING

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, Gerkens, Garofalo

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

ORDINANCE #2017-22 SECOND READING

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, IN THE COUNTY OF OCEAN, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO 85th AND 86th STREETS LOCATED IN THE BOROUGH AND APPROPRIATING \$250,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$250,000 IN BONDS OR NOTES OF THE BOROUGH OF HARVEY CEDARS TO FINANCE THE SAME

Motion to open public discussion: Commissioner Garofalo

Second: Commissioner Gerkens

The Mayor stated this is to fix the drainage and pave 85th and 86th Streets on the bay side; there is a DOT grant. Lisa Lazar asked if the drains will be raised because the tide comes up into many of the streets. The Mayor explained tide valves and pitch of storm drains; this drainage will be shallower, closer to the surface.

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.

ORDINANCE #2017-23 SECOND READING

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS AMENDING AND SUPPLEMENTING CHAPTER 9 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS ENTITLED "STORMWATER REGULATIONS AND STORMWATER CONTROL" AS IT PERTAINS TO CERTAIN FEES AND RETAINING WALL SPECIFICATIONS

Motion to open public discussion: Commissioner Garofalo

Second: Commissioner Gerkens

The Mayor stated this ordinance is to assure raised lots have proper drainage and retaining walls installed and are inspected by the Borough Engineer.

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, Gerkens, Garofalo

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

ORDINANCE #2017-24 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 LICENSED VEHICLES

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

Jim Loudon asked about the meaning of the ordinance. Commissioner Garofalo stated it extends the dates vehicles are not allowed on the beach to coincide with the summer season.

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 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 #2017-082:

AUTHORIZING THE TAX COLLECTOR TO CORRECT THE 2017 ASSESSMENT AND ADJUST THE 2017 TAX AMOUNTS

Motion to adopt: Commissioner Gerkens
Second: Commissioner Garofalo

RESOLUTION #2017-083:

AUTHORIZING TO CHANGE THE DUE DATE FOR THE THIRD QUARTER TAX INSTALLMENT

Motion to adopt: Commissioner Gerkens
Second: Commissioner Garofalo

RESOLUTION #2017-084:

RESOLUTION OF THE BOROUGH OF HARVEY CEDARS AUTHORIZING THE CANCELLATION OF TAXES RECEIVABLE

Motion to adopt: Commissioner Gerkens
Second: Commissioner Garofalo

RESOLUTION #2017-085:

SUPPORTING THE "DRIVE SOBER OR GET PULLED OVER" 2017 STATEWIDE CRACKDOWN

Motion to adopt: Commissioner Garofalo
Second: Commissioner Gerkens

RESOLUTION #2017-086:

CHAPTER 159 ITEM OF REVENUE INSERTION IN THE SUM OF \$5,500.00 – DRIVE SOBER OR GET PULLED OVER 2017 STATEWIDE CRACKDOWN

Motion to adopt: Commissioner Gerkens
Second: Commissioner Garofalo

RESOLUTION #2017-087: Bills

Motion to adopt: Commissioner Garofalo
Second: Commissioner Gerkens

Public Property Usage requests:

1. LIT Picnic – Sunset Park

A motion was made by Commissioner Gerkens, seconded by Commissioner Garofalo, to approve the request to use Sunset Park to Harvey Cedars LIT for their annual barbeque in park on Thursday, August 10th from 5:30pm to 8:30pm.

2. Lacrosse Camp – Sunset Park

A motion was made by Commissioner Garofalo, seconded by Commissioner Gerkens, to approve the request to use Sunset Park ballfield to Brothers Lacrosse Camp on August 6-9, 2018 and August 13-16, 2018.

3. Skimboard Camp – Hudson Beach

A motion was made by Commissioner Garofalo, seconded by Commissioner Gerkens, to approve the request by Stephanie Mags to continue the skimboard camp through August 30, 2017, Mondays – Wednesdays from 9am to 11am.

4. Surf Contest – Hudson Beach

A motion was made by Commissioner Garofalo, seconded by Commissioner Gerkens, to approve the request to use Sunset Park and Hudson Ave. beach to Jeremy DeFilippis and Jetty for the Jetty Clam Jam surf contest – Saturday, October 7th or 8th (or any following Saturday or Sunday) from 6am – dark.

TOPICS OF INTEREST –

Commissioner Gerkens stated there is an Open Space Meeting after this meeting.

The Mayor stated he had a recent phone conversation with the State regarding beach replenishment funding: he was advised there is funding available from the Jonas Storm, and the beach project should happen in October. However, the State is trying to get all the Island towns on the same cycle of beach replenishment; the State will get money from Congress to do that, but there will be a cost share involved. The Mayor said he does not have all the details yet, and is not sure what that means for the project in the fall, whether the town will get a repair from Jonas, or a full project with a cost share. He will have a conversation with town Mayors and the Taxpayers Association once he has more details.

PRIVILEGE OF THE FLOOR –

Jim Fritz stated he read that Verizon wants to put hot spots on telephone poles and asked if this could be used as leverage to put FIOS throughout the Island. A brief discussion was held with the public regarding Verizon and cable rates. Commissioner Garofalo asked the Clerk to find out about the FIOS.

Mike Songer stated that in 2 years, 2019, the Borough will have its quasiquicentennial (125 years) and asked if the Borough is planning anything for the event. Commissioner Gerkens stated no one has planned anything yet, but it is worth thinking about it now.

Jim Fritz asked about off-street parking regulations. The Mayor stated that he has looked at the property Mr. Fritz asked about at the last meeting and believes a note has been sent to the owners. Mr. Fritz was asking to possibly have an ordinance requiring residents to use their off-street parking first before utilizing street parking. The Board, Zoning Officer and public had a discussion regarding required parking spaces on each property vs. enforcing the use of the spaces. The letter sent to the property owner from the Zoning Officer stated the property was in violation of blocking the easement. Mayor Oldham stated he will look into the legality of enforcing parking on private property.

Lisa Lazar reported about security camera ordinances in other towns. She said Stafford did not have any, Long Beach Township has one but its voluntary; she feels there should be height limits for the cameras, and if permitted they should only be on the 1st floor, and notices should be posted advising of the cameras; all she wants is privacy. She handed Commissioner Garofalo information on the ordinances and reports on blocking IP addresses. She stated there is a State law against pointing cameras to other properties. Commissioner Garofalo stated enforcing an ordinance such as this would be difficult, but he will read the information given to him and discuss it with the Police Chief.

Jim Loudon said there is a house on 82nd Street that has a marked-out no-parking area (driveway entrance), and asked if this will be happening throughout the town. The Mayor stated it is encouraged that people mark-out their 18' of no-parking but it is not forced; there is a maximum of 18' at the street line for new pavers; if asked, the town will mark-out an area. If there is an issue of parking in front of a home, parking tickets will not be written if it is not marked-out. The ordinance is 18' of no-parking per 50' of lot frontage.

Lisa Lazar asked to clarify clearance distances. The Zoning Officer said trash corrals and vegetation must be a minimum of 5 feet back from the edge of pavement.

Jim Loudon pointed out that the tennis fence was damaged along the south side, it has separated from the bottom rail. He believes it was kids kicking soccer balls on the fence. The Chief said he will look into it as a safety issue and will contact Public Works. He will

inform the department to watch the area. The Mayor asked the Clerk to inform the tennis booth not to allow soccer balls on the tennis courts.

Motion to adjourn: Commissioner Garofalo
Second: Commissioner Gerken

Meeting adjourned at 5:10pm.

ORDINANCE NO. 2017-25

**AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, OCEAN COUNTY,
NEW JERSEY AMENDING CHAPTER XIII ENTITLED “ZONING”
TO CREATE A NEW BOAT SLIP ZONE AND TO ESTABLISH THE APPROPRIATE
BOUNDARIES FOR SAME**

WHEREAS the purpose of the within ordinance is to establish a “Boat Slip” zone to recognize a long standing use of small parcels of real property located on a lagoon and known as Block 30, Lots 64 through 118 on the Borough Tax Map.

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

SECTION 1. Chapter 13 of the Code of the Borough of Harvey Cedars, Section 13-6 entitled “RS, Residential Boat Slip District” is hereby amended to add:

<u>Symbol</u>	<u>Name</u>
“RS”	Residential Boat Slip District

SECTION 2. Chapter 13 of the Code of the Borough of Harvey Cedars is hereby amended by renumbering Section 18 entitled “Violations and Penalties” as Section 19.

SECTION 3. Chapter 13 of the Code of the Borough of Harvey Cedars is hereby amended to insert the following new section 13-18 entitled “RS, Residential Boat Slip District”:

Sec. 13-18.1 RS – Residential Boat Slip District. This district is made up of Block 30, Lots 64 through 118 on the Harvey Cedars Tax Map.

Sec. 13-18.2 Principal Uses. The District is limited to the use of residential boat slips. No one shall reside on or stay overnight on any docked boat.

SECTION 4. This Ordinance repeals any inconsistent ordinance or ordinances or part or parts thereof.

SECTION 5. 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 6. The within Ordinance shall take effect immediately after introduction and forwarding to the Land Use Board pursuant to Statute and adoption.

SECTION 7. The Borough Engineer shall incorporate the new zoning district with the new zoning map update.

ADOPTED ON: September 1, 2017

RESOLUTION #2017-082

AUTHORIZING THE TAX COLLECTOR TO CORRECT THE 2017 ASSESSMENT AND ADJUST THE 2017 TAX AMOUNTS

WHEREAS the Tax Assessor has brought to the attention to the Borough Tax Collector that there is an error in the tax assessment in the 2017 tax duplicate that must be corrected to reflect the 2016 County Tax Board Judgments; and

WHEREAS it is the desire of the Board of Commissioners of the Borough of Harvey Cedars, County of Ocean, State of New Jersey that the 2017 assessments be adjusted to reflect the County Tax Board Judgment of 2016 and that the 2017 taxes for the properties affected be corrected; and

WHEREAS it is the desire of the Board of Commissioners of the Borough of Harvey Cedars that the Tax Collector's records be adjusted in accordance therewith, which is the purpose of this resolution.

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. That the Board of Commissioners hereby authorizes the Tax Collector to correct the assessments and adjust the taxes as set forth below:

BLOCK/LOT	OWNER	CORRECTED ASSESSMENT	TAX AMOUNT
19 / 3	Casciaro, Lisa	\$ 925,000	\$8,529.50

2. That a certified copy of this resolution be forwarded to the Tax Collector of the Borough of Harvey Cedars.

PASSED ON: August 4, 2017

RESOLUTION #2017-083

**AUTHORIZING TO CHANGE THE DUE DATE FOR THE
THIRD QUARTER TAX INSTALLMENT**

WHEREAS N.J.S.A. 54:4-66.3(d) requires that the third installment of current year taxes shall not be subject to interest until the later of August 1, or the 25th calendar day after the tax bill has been mailed; and

WHEREAS a change in the school funding amounts by the State of New Jersey caused a delay in certifying the school tax amounts delaying the mailing of tax bills.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Harvey Cedars, County of Ocean, and State of New Jersey, that the Certified Tax Collector is hereby authorized to change the grace period of the third quarter installment for 2017 to August 15, 2017.

PASSED ON: August 4, 2017

RESOLUTION #2017-084

**RESOLUTION OF THE BOROUGH OF HARVEY CEDARS AUTHORIZING
THE CANCELLATION OF TAXES RECEIVABLE**

WHEREAS N.J.S.A. 54:4-99 authorizes a governing body to cancel taxes receivable and release the Tax Collector from the liability of such canceled taxes; and

WHEREAS the property owners listed below have filed an application of exemption, due to the Department of Veteran's Affairs determination of 100% military disability, of the taxes assessed by the Tax Assessor upon the listed property; and

WHEREAS the property owner has not paid assessed taxes and is therefore not due any refund.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Harvey Cedars, County of Ocean, and State of New Jersey, that the Certified Tax Collector is hereby released from the tax liability of the following property and is authorized to process the cancellation of property taxes as follows:

Property Owner	Block	Lot	2017 taxes	2018 taxes
Barry Putt	53	16	\$ 7,385.43	\$5,099.58
Marc Barbanelli	14	5	\$4,999.02	\$5,200.73

PASSED ON: August 4, 2017

RESOLUTION #2017-085

**SUPPORTING THE
“DRIVE SOBER OR GET PULLED OVER”
2017 STATEWIDE CRACKDOWN**

WHEREAS approximately one-third of all fatal traffic crashes in the United States involve drunk drivers; and

WHEREAS impaired driving crashes cost the United States almost \$45 Billion a year; and

WHEREAS 29% of motor vehicle fatalities in New Jersey in 2014 were alcohol-related; and

WHEREAS an enforcement crackdown is planned to combat impaired driving; and

WHEREAS the summer season and the Labor Day holiday in particular are traditionally times of social gatherings which include alcohol; and

WHEREAS the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *Drive Sober or Get Pulled Over 2017 Statewide Crackdown*; and

WHEREAS the project will involve increased impaired driving enforcement from August 18 through September 4, 2017; and

WHEREAS an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Harvey Cedars declares it's support for the *Drive Sober or Get Pulled Over 2017 Statewide Crackdown* from August 18 through September 4, 2017 and pledges to increase awareness of the dangers of drinking and driving.

PASSED ON: August 4, 2017

RESOLUTION #2017-086

**CHAPTER 159 ITEM OF REVENUE INSERTION IN THE SUM OF \$5,500.00 –
DRIVE SOBER OR GET PULLED OVER 2017 STATEWIDE CRACKDOWN**

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 2017 in the sum of \$5,500.00, which is now available from the State of New Jersey, Department of Law and Public Safety for “Drive Sober or Get Pulled Over – 2017 Statewide Crackdown”.

BE IT FURTHER RESOLVED that the sum of \$5,500.00 is hereby appropriated under the caption: 8. General Appropriations (A) Operations excluded from “CAPS” Public and Private Programs offset by Revenues: Drive Sober or Get Pulled Over.

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

PASSED ON: August 4, 2017