

The regular meeting of the Board of Commissioners of the Borough of Harvey Cedars, NJ was called to order by Deputy Mayor Gerken at 4:35pm. Commissioner Garofalo was present, Mayor Oldham arrived at 4:50pm.

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 18, 2014.

Motion to approve the minutes of the previous meeting, October 2, 2015, was made by Commissioner Garofalo, seconded by Commissioner Gerken.

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 #2015-11 SECOND READING

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, IN THE COUNTY OF OCEAN, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO THE 80th STREET WATER PLANT APPROPRIATING \$300,000 THEREFORE, AND PROVIDING FOR THE ISSUANCE OF \$300,000 IN BONDS OR NOTES OF THE BOROUGH OF HARVEY CEDARS TO FINANCE THE SAME

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 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 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 #2015-089:

AUTHORIZING THE EXECUTION OF A QUIT CLAIM DEED FOR THE PROPERTY AT 8 WEST ESSEX AVENUE

Motion to adopt: Commissioner Garofalo
Second: Commissioner Gerken

RESOLUTION #2015-090:

APPOINTMENT OF A TEMPORARY REGULAR PATROLMAN FOR THE BOROUGH OF HARVEY CEDARS

Motion to adopt: Commissioner Gerken
Second: Commissioner Garofalo

RESOLUTION #2015-092: Bills

Motion to adopt: Commissioner Garofalo
Second: Commissioner Gerken

Public Property Usage requests:

A request was submitted by Terry Deakyne / Island Surf & Sail to hold a standup paddleboard event from Beach Haven to Harvey Cedars with festivities in Sunset Park on Saturday, September 17, 2016 from 9:00am to 8:00pm. The Board discussed the event with Terry Deakyne and John Navarro. A decision will be made after discussing it with the Mayor.

PRIVILEGE OF THE FLOOR –

Deputy Mayor Gerkens thanked the many people in attendance that were here to recognize Elizabeth Klein. She stated the Mayor was on his way.

Mayor Oldham arrived at 4:50pm and read in full the following resolution, a copy of which is attached hereto and made a part hereof:

RESOLUTION #2015-091:

RECOGNITION OF SERVICE TO THE BOROUGH OF HARVEY CEDARS

(Honoring Elizabeth Klein)

The Mayor and Commissioners presented Liz with flowers and a commemorative engraved crystal vase, thanked her for her years of service on the Zoning and Land Use Boards, and invited all to stay for refreshments.

Motion to adjourn: Commissioner Garofalo

Second: Commissioner Gerkens

Meeting adjourned at 4:58pm.

ORDINANCE NO. 2015-11

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, IN THE COUNTY OF OCEAN, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO THE 80th STREET WATER PLANT APPROPRIATING \$300,000 THEREFORE, AND PROVIDING FOR THE ISSUANCE OF \$300,000 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 \$300,000. 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 \$300,000 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 80th Street Water Plant, 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 20 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 \$300,000 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 \$30,000 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.

ADOPTED ON: October 20, 2015

RESOLUTION #2015-089

**AUTHORIZING THE EXECUTION OF A QUIT CLAIM DEED
FOR THE PROPERTY AT 8 WEST ESSEX AVENUE**

WHEREAS the Borough of Harvey Cedars acquired properties under Final Decree in Foreclosure from Daniel B. Frazier Co. recorded on May 5, 1934, and subsequently sold Block B-77, Lot 10, at a public auction held on December 6, 1947; and

WHEREAS the above mentioned property, now known as Block 35 Lot 10, 8 West Essex Avenue, is a filled lot with larger dimensions than reflected in the original deed referencing Map F-176 dated August 1, 1935; and

WHEREAS the current Tax Map of the Borough of Harvey Cedars, dated March 11, 1969, Revised December 31, 2013, reflects the larger dimensions and said property has been taxed on the current tax map dimensions; and

WHEREAS a title company requested confirmation of said land as currently designated on the 2013 Tax Map by issuance of a quit claim deed; and

WHEREAS the Borough Solicitor has reviewed the property deeds, tax maps and the quit claim deed with no objections.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Harvey Cedars, in order to resolve the private sale of Block 35 Lot 10, 8 West Essex Avenue, the Mayor and Municipal Clerk are hereby authorized to execute a quit claim deed, a copy of which is attached hereto.

PASSED ON: October 20, 2015

RESOLUTION #2015-090

**APPOINTMENT OF A TEMPORARY REGULAR PATROLMAN FOR THE
BOROUGH OF HARVEY CEDARS**

WHEREAS the Director of Public Safety and the Chief of Police for the Borough of Harvey Cedars have recommended the Board of Commissioners appoint a temporary regular Police Officer for the Harvey Cedars Police Department; and

WHEREAS it is the mutual understanding between the appointee Amanda White and the Harvey Cedars Board of Commissioners as follows:

1. Amanda White shall be compensated at the rate of \$10.00 per hour for time worked while on assigned duty within the Borough of Harvey Cedars.
2. This appointment shall be for a probationary period. Probationary appointments may be revoked at any time by the Borough Commissioners.
3. The Borough of Harvey Cedars authorizes Amanda White to complete the waiver program for Class "A" certification through the Police Training Commission.
4. The appointment shall not be interpreted as the "probationary appointment as full-time patrolman", subject to a salary guide and benefits set forth in a collective bargaining agreement.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Harvey Cedars that Amanda White is hereby appointed as a temporary regular Police Officer for the Borough of Harvey Cedars effective December 1, 2015 for 120 working days as hereinabove set forth.

PASSED ON: October 20, 2015

RECOGNITION OF SERVICE TO THE BOROUGH OF HARVEY CEDARS

WHEREAS volunteers are invaluable to every community and their loyalty, dedication and longevity necessitates recognition and congratulations; and

WHEREAS in June of 1996 Elizabeth Klein heard and heeded the call of public service and was appointed by the Board of Commissioners as an Alternate to the Zoning Board of Adjustment; and

WHEREAS within four years Liz became the Harvey Cedars Zoning Board Chairperson and served continuously for 15 long years; and

WHEREAS in 2010, when the Zoning and Planning Boards merged as the Harvey Cedars Land Use Board, Elizabeth Klein continued to serve admirably and with great dedication as the Chairperson for an additional five years; and

WHEREAS in 2015, due to her relocation of residency, Ms. Klein regrettably tendered her resignation from the Harvey Cedars Land Use Board; and

WHEREAS it is appropriate to recognize the accomplishments and the years of service that Elizabeth Klein has given the Borough of Harvey Cedars as a Zoning and Land Use Board member.

NOW, THEREFORE, be it resolved that the Mayor and Board of Commissioners of the Borough of Harvey Cedars do hereby recognize and acknowledge with sincere appreciation and gratitude the 20 years of dedication Elizabeth Klein has provided to the public through her service on the Zoning and Land Use Boards.

We will miss you, Liz!

Dated: October 20, 2015