

The regular meeting of the Board of Commissioners of the Borough of Harvey Cedars, NJ was called to order by Mayor Imperiale at 4:30pm. Commissioners Gieger and Rice were present.

The Mayor asked all to rise for the Pledge of Allegiance.

The Mayor stated to the best of his knowledge all the requirements of the Sunshine Law have been met. 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 and the Asbury Park Press and on December 21, 2023.

**Motion** to approve the minutes of the previous meeting held on January 19, 2024 was made by Commissioner Rice, seconded by Commissioner Gieger.

The Mayor read the following ordinances by title and number and stated that proof of publication is on hand and ordinances have been posted. Copies of the full ordinances as adopted are attached hereto and made a part hereof.

**ORDINANCE #2024-01 SECOND READING**

**AN ORDINANCE AUTHORIZING THE SALE OF LOT 15 IN BLOCK 41 (ALSO KNOWN AS 29 WEST ESSEX AVENUE, HARVEY CEDARS, NJ, 08008) AS SHOWN ON THE TAX MAP OF THE BOROUGH OF HARVEY CEDARS, AND GRANTING THE ACCEPTANCE OF SEALED BIDS TO SELL SUCH LAND IN THE BOROUGH OF HARVEY CEDARS, COUNTY OF OCEAN, AND STATE OF NEW JERSEY.**

Mayor Imperiale explained that the sale of the Essex lot (Block 41, Lot 15) will provide the borough with adequate funding to make much needed improvements in Sunset Park and provide approximately \$250,000.00 to help resolve flooding issues throughout the borough. Imperiale stated that the "cash on hand" from the sale will allow the borough to apply for matching grants, the property will also generate additional funding if sold, through taxation on personal property.

Motion to open public discussion: Mayor Imperiale  
Second: Commissioner Gieger

Jim Fritz, 82<sup>nd</sup> street asked if the property will be listed for sale through a realtor. Mayor Imperiale explained that the property will be sold through a closed bidding process, as advertised by the borough. Imperiale explained that there is a minimum bid amount set for the property and that the sale will go to the highest bidder.

Mr. Thomas Griffith, Bay Terrace asked if there were any reasons not to sell the lot. Commissioner Rice stated that he believed the lot is the only appreciating asset the borough possesses, and that he believes it should be saved as an asset for a later date incase money is needed for an emergency. Rice added that he feels that there are other ways to come up with money to make improvements in the park and for other town projects.

Mr. Harvey Freeman, 84<sup>th</sup> street asked which bay streets would be helped with the funding set aside from the sale of the Essex lot. Mayor Imperiale answered that flooding remediation would start on streets that are in the highest need.

Commissioner Gieger stated that a new engineering firm will be looking into correcting flooding issues in the borough. The Borough Engineer is working on a proposal to address the issues and to figure out priority streets. Proposed projects include new valves to address flooding and pitches of streets may also need to be adjusted. Gieger added that money from the sale of the vacant Essex lot will provide funding not only to fix flooding, but will also help fund fixing up moldy roofs, updating the Sunset Park restrooms, remediate rot on the borough hall building, along with a list of other improvements that the town is overdue for.

Susan Ryan, Bay Terrace asked if there were alternative options to fund these projects if the Essex lot was not sold. Mayor Imperiale stated that we could bond for projects. The sale of the will provide money on hand right away to start on the projects.

Mr. Brown from Troast easement stated his concerns about flooding on his easement. Mr. Brown stated that prior to Sandy Superstorm, flooding had not been an issue like it is these days and that the easements now flood with any heavy rainfall.

Walt Naisby, 82<sup>nd</sup> Street asked about timelines for spending money generated from the sale of the Essex Lot. Mayor Imperiale stated that there are not timelines, however, money would be spent soon, as many improvements are needed in town.

Motion to close public discussion: Mayor Imperiale  
Second: Commissioner Gieger

Motion to adopt: Mayor Imperiale  
Second: Commissioner Gieger

| Vote:               | Aye | Nay | Absent | Abstain |
|---------------------|-----|-----|--------|---------|
| Mayor Imperiale     | X   |     |        |         |
| Commissioner Gieger | X   |     |        |         |
| Commissioner Rice   |     | X   |        |         |

**ORDINANCE #2024-02 SECOND READING**

**AN ORDINANCE AMENDING CHAPTER 2 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975 ENTITLED “ADMINISTRATION” AS IT PERTAINS TO THE EMERGENCY SERVICES VOLUNTEER LENGTH OF SERVICE AWARDS PROGRAM (LOSAP) SCHEDULE A (High Point Volunteer Fire Company)**

Motion to open public discussion: Commissioner Rice  
Second: Commissioner Gieger

There was no public comment.

Motion to close public discussion: Commissioner Rice  
Second: Commissioner Gieger

Motion to adopt: Mayor Imperiale  
Second: Commissioner Gieger

| Vote:               | Aye | Nay | Absent | Abstain |
|---------------------|-----|-----|--------|---------|
| Mayor Imperiale     | X   |     |        |         |
| Commissioner Gieger | X   |     |        |         |
| Commissioner Rice   | X   |     |        |         |

**RESOLUTION #2024-020:**

**DESIGNATING PROFESSIONAL SERVICES FOR MUNICIPAL PROSECUTOR**

Motion to adopt: Commissioner Rice  
Second: Commissioner Gieger

| Vote:               | Aye | Nay | Absent | Abstain |
|---------------------|-----|-----|--------|---------|
| Mayor Imperiale     | X   |     |        |         |
| Commissioner Gieger | X   |     |        |         |
| Commissioner Rice   | X   |     |        |         |

**RESOLUTION #2024-021:**

**AUTHORIZING THE EXECUTION OF AGREEMENTS BETWEEN THE UNITED STATES ARMY CORPS OF ENGINEERS AND THE BOROUGH OF HARVEY CEDARS FOR A RIGHT-OF-ENTRY FOR TEMPORARY WORK AREA EASEMENT AS REQUIRED TO CONSTRUCT AND MAINTAIN THE BARNEGAT INLET TO LITTLE EGG INLET STORM DAMAGE REDUCTION PROJECT**

Motion to adopt: Commissioner Rice  
Second: Commissioner Gieger

| Vote:               | Aye | Nay | Absent | Abstain |
|---------------------|-----|-----|--------|---------|
| Mayor Imperiale     | X   |     |        |         |
| Commissioner Gieger | X   |     |        |         |
| Commissioner Rice   | X   |     |        |         |

**RESOLUTION #2024-022:**

**AUTHORIZING THE BOROUGH OF HARVEY CEDARS TO ENTER INTO AN AGREEMENT WITH THE OCEAN COUNTY BOARD OF HEALTH FOR ANIMAL FACILITY SERVICES FOR THE YEAR 2024**

Motion to adopt: Commissioner Rice

Second: Commissioner Gieger

| Vote:               | Aye | Nay | Absent | Abstain |
|---------------------|-----|-----|--------|---------|
| Mayor Imperiale     | X   |     |        |         |
| Commissioner Gieger | X   |     |        |         |
| Commissioner Rice   | X   |     |        |         |

**RESOLUTION #2024-023:**

**ESTABLISHING A TEMPORARY CAPITAL BUDGET FOR THE BOROUGH OF HARVEY CEDARS**

(install watermain and sewer service in the parking lot of 75<sup>th</sup> Street/ Bay Beach)

Commissioner Rice explained that funding was being dedicated to run water and sewer to the 75<sup>th</sup> Street Bay Beach for a possible future restroom. Installation of water and sewer facilities underground is slated to be done prior to repaving. A bathroom is not schedule at this time as extra funding will be needed.

Motion to adopt: Commissioner Imperiale

Second: Commissioner Rice

| Vote:               | Aye | Nay | Absent | Abstain |
|---------------------|-----|-----|--------|---------|
| Mayor Imperiale     | X   |     |        |         |
| Commissioner Gieger | X   |     |        |         |
| Commissioner Rice   | X   |     |        |         |

**RESOLUTION #2024-024:**

**RESOLUTION OF THE BOROUGH OF HARVEY CEDARS TO CANCEL TAXES RECEIVABLE DUE TO ERRONEOUS TAX ASSESSMENT**

(Block 24 Lot 14)

Motion to adopt: Commissioner Rice

Second: Commissioner Gieger

| Vote:               | Aye | Nay | Absent | Abstain |
|---------------------|-----|-----|--------|---------|
| Mayor Imperiale     | X   |     |        |         |
| Commissioner Gieger | X   |     |        |         |
| Commissioner Rice   | X   |     |        |         |

**RESOLUTION #2024-025:**

**RESOLUTION OF THE BOROUGH OF HARVEY CEDARS TO CANCEL TAXES RECEIVABLE DUE TO ERRONEOUS TAX ASSESSMENT**

(Block 30 Lot 25)

Motion to adopt: Commissioner Rice

Second: Commissioner Gieger

| Vote:               | Aye | Nay | Absent | Abstain |
|---------------------|-----|-----|--------|---------|
| Mayor Imperiale     | X   |     |        |         |
| Commissioner Gieger | X   |     |        |         |
| Commissioner Rice   | X   |     |        |         |

**RESOLUTION #2024-026: BILLS**

**Motion** to approve the bills for payment: Commissioner Rice

Second: Mayor Imperiale

| Vote:               | Aye | Nay | Absent | Abstain |
|---------------------|-----|-----|--------|---------|
| Mayor Imperiale     | X   |     |        |         |
| Commissioner Gieger | X   |     |        |         |
| Commissioner Rice   | X   |     |        |         |

The Mayor asked for a **motion** to open public discussion regarding the 2024 Ocean County Community Development Block Grant (CDBG) funding and stated that citizens and non-profit agencies are invited to comment on the housing and community development needs of the Borough.

Motion to open public discussion: Commissioner Rice

Second: Commissioner Gieger

Mayor Imperiale stated that the Borough will again seek grant funding for handicapped accessible walk over beach mats and two adult sized beach chairs.

There was not public discussion.

Motion to close public discussion: Commissioner Rice  
Second: Commissioner Gieger

**RESOLUTION #2024-027:**

**AUTHORIZING APPLICATION FOR COMMUNITY DEVELOPMENT  
BLOCK GRANT FOR THE BOROUGH OF HARVEY CEDARS**

Motion to adopt: Commissioner Rice  
Second: Commissioner Gieger

| Vote:               | Aye | Nay | Absent | Abstain |
|---------------------|-----|-----|--------|---------|
| Mayor Imperiale     | X   |     |        |         |
| Commissioner Gieger | X   |     |        |         |
| Commissioner Rice   | X   |     |        |         |

**Public Property Usage request:**

A motion was made by Commissioner Gieger, seconded by Commissioner Rice, followed by a yes vote from Imperiale, Gieger and Rice to approve Southern Regional High School to have their annual Senior Service Day to clean up at a location in Harvey Cedars on Thursday, May 30, 2024, location to be determined by Public Works.

**TOPICS OF INTEREST / COMMISSIONER REPORTS –**

Mayor Imperiale thanked Christine Lisiewski for volunteering to put together a new Harvey Cedars Newsletter. The Community Currents is a collective effort for all of the borough departments.

Commissioner Rice stated that budget planning was moving right along, all borough departments will continue to work on the 2024 budget in the coming weeks.

Commissioner Gieger stated that he is working with the new engineering group, Van Cleef Engineering Associates, LLC who were appointed as an alternate engineering group for the borough, to look at new lighting plans for the park, park bathroom renovations, improvements to the pickleball area and perhaps even include a plan for a turtle nesting area for diamond terrapin turtles. The new lighting plan would make help with nesting turtles as turtles do not nest in well-lit areas.

Mayor Imperiale thanked residents for putting up with the Long Beach Boulevard construction for the Streetscape Phase 1 Project. The project is moving along nicely, thankfully the weather has been cooperating and the crews have been able to work on a regular schedule without many interruptions. Mayor Imperiale stated that the end result would be well worth it in the end.

**PRIVILEGE OF THE FLOOR –**

There was no public comment.

\_\_\_\_\_  
**John M. Imperiale, Mayor**

**Motion** to adjourn: Commissioner Gieger  
Second: Commissioner Rice

\_\_\_\_\_  
**Joseph F. Gieger, Commissioner**

Meeting adjourned at 5:00pm.

\_\_\_\_\_  
**Paul G. Rice, Commissioner**

\_\_\_\_\_  
**Anna Grimste, Municipal Clerk**

**ORDINANCE NO. 2024-01**

**AN ORDINANCE AUTHORIZING THE SALE OF LOT 15 IN BLOCK 41 (ALSO KNOWN AS 29 WEST ESSEX AVENUE, HARVEY CEDARS, NJ, 08008) AS SHOWN ON THE TAX MAP OF THE BOROUGH OF HARVEY CEDARS AND GRANTING THE ACCEPTANCE OF SEALED BIDS TO SELL SUCH LAND IN THE BOROUGH OF HARVEY CEDARS, COUNTY OF OCEAN, AND STATE OF NEW JERSEY.**

**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), **DOES ORDAIN, AS FOLLOWS:**

Section 1. The Borough has determined that the real property designated as Bock 41, Lot 15, on the Borough Tax Map and also known as 29 West Essex Avenue (collectively “Property”) is not needed for public use and that it is in the best interest of the Borough to sell the Property at public auction, in accordance with provisions of N.J.S.A. 40A:12-13, et seq.

Section 2. Following final adoption of this Ordinance, the sale of the Property shall be conducted as a public auction to the highest bidder, after advertisement, with such auction to be held at the Borough of Harvey Cedars, Borough Hall, 7606 Long Beach Blvd., Harvey Cedars, NJ, 08008, on, February 15<sup>th</sup>, 2024, at 11:00 am or such adjourned date as may be determined by the Harvey Cedars Commissioners.

Section 3. The following conditions of sale shall apply:

(a) The successful bidder shall submit a certified check made payable to the “Borough of Harvey Cedars” in the amount of ten (10%) percent of the purchase price, which check shall be submitted in the sealed envelope at the time of submission of the bid. The balance of the purchase price plus FOUR HUNDRED AND TWENTY-FIVE (\$425.00) DOLLARS to offset administrative costs shall be paid in cash or certified check within twenty (20) days after acceptance of the bid by the Borough Commissioners and authorizing the sale to the high bidder. In addition, the successful bidder shall be required to pay all of the Borough’s closing costs and legal and recording fees relating to the sale at closing. The Borough attorney’s work relating to the resolution, notice of sale, the closing documents, and all legal work relating to the transaction and closing shall be paid at the rate the Borough pays the Borough attorney.

(b) The Deed prepared by the Borough shall not be tendered until the full purchase price is paid at closing. Closing shall be required to take place within sixty (60) days from the date of the auction.

(c) Title to the Property shall be conveyed by and through a Quitclaim Deed and shall convey only the right, title, and interest of the Borough to the Property. No warranties and

covenants are or shall be made by the Borough and in no event shall there be any liability on the part of the Borough by reason thereof. Title to the Property shall be good, marketable, and insurable, at regular rates, by any title insurance company licensed to do business in New Jersey, subject only to the claims and rights described in this Paragraph. The right, title, and interest of the successful bidder, as purchaser, to the Property shall be subject to all recorded restrictions and the following conditions, covenants, restrictions, easements, and exceptions which shall run with the land and shall also become part of the Deed granted to the purchaser for the recording:

(1) Easement of utility companies and of governmental agencies or bodies;

(2) Any encroachments, prescriptions, easements, or other state of facts pertaining to said land which may be ascertained upon a visual examination and inspection of the land and the lands surrounding said land and any restrictions and covenants of record; and

(3) All existing federal, state, county and municipal laws, statutes, ordinances, rules, and regulations including, by of description and not by limitation, existing zoning, health, and planning board rules and regulations.

(d) Potential bidders are advised:

(1) To conduct all necessary title searches prior to the date of the auction and that there shall be no inspection, financing, or any other transaction contingencies;

(2) No representations of any kind are made by the Borough as to the conditions of the Property, including habitability or usability;

(3) The successful bidder shall have the right, at its sole cost and expense, to obtain a new survey of the Property. Provided such survey depicts the Property and is certified to be correct by the Borough, the Borough shall utilize the legal description drawn in accordance with such survey in the Deed of conveyance, provided the successful bidder provides such legal description and a copy of the certified survey to the Borough not less than five (5) days prior to the date set for closing of title. In the event a survey is not prepared, the Borough shall convey title to the Property based upon the prior recorded legal description of the Property and/or by Block and Lot.

(e) In the event that the Borough cannot convey good and marketable title to the Property, subject to the above, the purchaser will be entitled to the return of the deposit, without interest, and the Borough will not be responsible or liable in any other manner and for any other amount.

(f) In the event that the purchaser defaults in making payment to the Borough and/or closing within the time period required, as set forth above, or if the purchaser cannot make settlement in accordance with the terms thereof, the deposit made by the successful bidder on account of the purchase will be retained by and disbursed to the Borough as and for its liquidated damages and the land may be resold. This remedy shall be in addition to the Borough's right to compel specific performance of the purchaser's obligation hereunder. Time is of the essence.

(g) The property is being sold "as is". No representations of any kind are made by the Borough as to the conditions of the property, and the descriptions of the property are intended as general guide only and may not be accurate. The property is being sold in the present "as is" and "where is" condition with all faults.

(h) The Board of Commissioners reserves the right in its sole and absolute discretion to withdraw this offer to sell, or upon completion of the bidding to accept or reject any or all bids for said properties or to waive any informality in relation thereto for any or no reason.

(i) All bidders currently owning property within the Borough shall have their taxes, as well as all municipal utility charges, if applicable, paid to date in order to be a qualified bidder. In the event the bidder's taxes or municipal utility charges are delinquent, the bidder shall be deemed unqualified and

(j) Upon the award of the Property to the successful bidder at auction, the terms of this Ordinance shall comprise the complete and entire agreement and understanding between the Borough and the successful bidder and supersedes all previous understandings and agreements between the Parties, whether oral or written. The successful bidder agrees that it has not relied on any representation, assertion, guarantee, warranty, collateral contract, or other assurance, except those set forth in this Ordinance. The successful bidder waives all rights and remedies, at law or in equity, arising or which may arise as the result of the successful bidder's reliance on such representation, assertion, or any other assurance shall be rejected.

Section 4. The minimum bid established for the Property (in addition to the additional costs and fees required by this Ordinance) is as follows:

Block 41/LOT 15 - 50'x110' - 29 West Essex Avenue - NINE HUNDRED FIFTY THOUSAND (\$950,000.00) DOLLARS minimum bid.

Section 5. SPECIAL CONDITIONS: none

Section 6. All Ordinances and parts of Ordinances of Harvey Cedars heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 7. If any section, paragraph, subsection, clause, or provision of this Ordinance shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

Section 8. A copy of this Ordinance shall be posted on the bulletin board or other conspicuous place in the Borough of Harvey Cedars Municipal Building. Notice of adoption of this Ordinance shall be made in the official Borough newspaper within five (5) days following the enactment of the Ordinance. Notice of public sale shall be published in the official newspaper of the Borough of Harvey Cedars by two (2) insertions at least once a week during two (2) consecutive weeks, the publication shall be within seven (7) days prior to the sale.

Section 9. This Ordinance shall take effect immediately upon its publication after final passage as required by law.

MOTION TO ADOPT: Mayor Imperiale  
SECOND: Commissioner Gieger  
ROLL CALL:  
AYES: Gieger, Imperiale  
NAYS: Rice  
ABSENT: None  
ADOPTED ON: February 2, 2024

---

John M. Imperiale, Mayor

---

Joseph F. Gieger, Commissioner

---

Paul G. Rice, Commissioner

**ORDINANCE NO. 2024-02**

**AN ORDINANCE AMENDING CHAPTER 2 OF THE REVISED GENERAL  
ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975 ENTITLED  
“ADMINISTRATION” AS IT PERTAINS TO THE EMERGENCY SERVICES  
VOLUNTEER LENGTH OF SERVICE AWARDS PROGRAM (LOSAP)  
SCHEDULE A  
(High Point Volunteer Fire Company)**

WHEREAS, the Borough of Harvey Cedars deems it appropriate and necessary to act to amend the LOSAP Fire Call Response Point System provided in (Schedule A) of the existing ordinance to ensure retention of members and to provide incentives for recruiting volunteer firefighters.

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

Section 1. Subsection **2-12.10(c)** entitled “Length of Service Awards Program (LOSAP) for Firefighters”, is hereby amended by amending and supplementing paragraph 2 of *Attachment 1:1, (SCHEDULE A) High Point Volunteer Fire Company Length of Service Award Program* (Section 2-12.10), Fire Call Responses to read as follows:

Fire Call Responses

60% or greater = 20 points  
50% to 59% = 16 points  
40% to 49% = 13 points  
30% to 39% = 10 points  
20% to 29% = 7 points  
16% to 19% = 5 points  
11% to 15% = 4 points  
6% to 10% = 3 points  
1% to 5% = 2 points

Section 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

Section 4. This Ordinance shall take effect upon final adoption after publication in accordance with law.

MOTION TO ADOPT: Commissioner Rice

SECOND: Commissioner Gieger

ROLL CALL:

AYES: Ayes – Imperiale, Gieger, Rice

NAYS: None

ABSENT: None

ADOPTED ON: February 2, 2024

EFFECTIVE DATE: February 22, 2024

---

John M. Imperiale, Mayor

---

Joseph F. Gieger, Commissioner

---

Paul G. Rice, Commissioner

**RESOLUTION #2024-020**

**DESIGNATING PROFESSIONAL SERVICES FOR MUNICIPAL PROSECUTOR**

**WHEREAS**, it is the desire of the Board of Commissioners of the Borough of Harvey Cedars to hire a Municipal Prosecutor from the firm of Dasti, McGuckin, McNichols, Connors, and Buckley; and

**WHEREAS**, the Administrative Office of the Courts requires individual names of any person serving as Prosecutor from any one firm; and

**WHEREAS**, said contracts for professional services need not be bid under the Local Public Contract Law of the State of New Jersey.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Harvey Cedars that:

Patrick Varga, Esq.  
Martin Buckley, Esq.  
Kelsey McGuckin-Anthony, Esq.  
Gregory P. McGuckin, Esq. and  
Timothy J. McNichols, Esq., all of the firm

Dasti, McGuckin, McNichols, Connors, Anthony and Buckley  
620 West Lacey Road  
Forked River, NJ 08731

are hereby appointed as Municipal Prosecutor of Harvey Cedars for a period commencing January 1, 2024 and ending December 31, 2024 at a rate not to exceed \$700.00 per court session, total amount not to exceed the sum of \$17,5000.

**BE IT FURTHER RESOLVED** that the Mayor and Municipal Clerk are hereby authorized to execute a contract with said firm.

PASSED ON: February 2, 2024

**CERTIFICATION**

I, Anna Grimste, Municipal Clerk of the Borough of Harvey Cedars, County of Ocean, hereby certify that the above is a resolution adopted by the Board of Commissioners at a meeting held on February 2, 2024

---

Anna Grimste, Municipal Clerk

**RESOLUTION #2024-021**

**AUTHORIZING THE EXECUTION OF AGREEMENTS BETWEEN THE UNITED STATES ARMY CORPS OF ENGINEERS AND THE BOROUGH OF HARVEY CEDARS FOR A RIGHT-OF-ENTRY FOR TEMPORARY WORK AREA EASEMENT AS REQUIRED TO CONSTRUCT AND MAINTAIN THE BARNEGAT INLET TO LITTLE EGG INLET STORM DAMAGE REDUCTION PROJECT**

**WHEREAS**, the United States Army Corps of Engineers propose to construct and maintain the Barnegat Inlet to little Egg Inlet through a Project named Storm Damage Reduction Project and otherwise known to the Borough of Harvey Cedars as the 2024 Beach Replenishment Project; and

**WHEREAS**, The Army Corp requires a Temporary Work Area Easement on borough property known as Block 11 Lot 1, as illustrated in the attached “Exhibit A” in order to participate in the Project; and

**WHEREAS**, it is the Governing Body’s desire to be eligible to participate in the partially Federally Funded Beach Replenishment Project of 2024.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Board of Commissioners of the Borough of Harvey Cedars, that the Mayor is hereby authorized to execute a Right-of-Entry For Temporary Work Area Easement Agreements between the Borough and the Army Corps of Engineer, for the purpose of completing the 2024 Beach Replenishment Project in Harvey Cedars. The Municipal Clerk will file the agreement with Ocean County for the Borough. A copy of the agreement and all attachments will be available for viewing by request from the Municipal Clerk.

PASSED ON: February 2, 2024

**RESOLUTION #2024-022**

**AUTHORIZING THE BOROUGH OF HARVEY CEDARS TO ENTER INTO AN AGREEMENT WITH THE OCEAN COUNTY BOARD OF HEALTH FOR ANIMAL FACILITY SERVICES FOR THE YEAR 2024**

**WHEREAS**, the Uniform Shared Services and Consolidation Act, NJSA 40A:65-1 et. seq., authorizes municipalities to agree to provide shared services when approved by resolution under NJSA 40A:65-5; and

**WHEREAS**, it is the desire of the Board of Commissioners of the Borough of Harvey Cedars to authorize the execution of an agreement with the Ocean County Board of Health for animal facility services in accordance with the terms set forth in said Agreement.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Harvey Cedars, County of Ocean, State of New Jersey that the Mayor and Municipal Clerk are hereby authorized to execute a shared services agreement with the Ocean County Board of Health for animal facility services, a copy of which is on file in the office of the Borough Clerk.

PASSED ON: February 2, 2024

**RESOLUTION #2024-023**

**ESTABLISHING A TEMPORARY CAPITAL BUDGET FOR  
THE BOROUGH OF HARVEY CEDARS**

**WHEREAS**, the Borough of Harvey Cedars desires to install a watermain and sewer service in the parking lot of the 75<sup>th</sup> St Bay Beach; and

**WHEREAS**, State law requires that any capital improvement must be included in the annual capital budget of the municipality and if it is not, then the capital improvement program must be amended to reflect this capital expenditure; and

**WHEREAS**, the Borough has not yet adopted a Capital Budget for 2024 and consequently it is necessary to adopt a Temporary Capital Budget prior to the adoption of any Bond Ordinance.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Harvey Cedars, County of Ocean, that the following temporary capital budget be adopted and be supplemented to the 2024 budget:

**CAPTIAL BUDGET (2024)**

Project: Installation of Watermains

Estimated Total Cost: \$5,000.00

Debt Authorized: \$0.00

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be filed forthwith in the Office of the Director of Local Government Service.

MOTION TO ADOPT: Commissioner Imperiale

SECOND: Commissioner Rice

ROLL CALL:

AYES: Imperiale, Gieger, Rice

NAYS: None

ABSENT: None

PASSED ON: February 2, 2024

**RESOLUTION #2024-024**

**RESOLUTION OF THE BOROUGH OF HARVEY CEDARS TO CANCEL  
TAXES RECEIVABLE DUE TO ERRONEOUS TAX ASSESSMENT**

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

**WHEREAS**, the Ocean County Tax Board has issued a Memorandum of Judgment to the Tax Office; and

**WHEREAS**, the property listed below has been assessed added taxes due to an assessment error; and

**WHEREAS**, the property owner has paid assessed taxes and is therefore due a refund that will be applied to future taxes.

**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 authorized to process the cancellation of property taxes as follows:

| <b>Block</b> | <b>Lot</b> | <b>2023 taxes</b> |
|--------------|------------|-------------------|
| 24           | 14         | \$940.24          |

PASSED ON: February 2, 2024

**RESOLUTION #2024-025**

**RESOLUTION OF THE BOROUGH OF HARVEY CEDARS TO CANCEL  
TAXES RECEIVABLE DUE TO ERRONEOUS TAX ASSESSMENT**

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

**WHEREAS**, the Tax County of New Jersey has issued a Memorandum of Judgment to the Tax Office; and

**WHEREAS**, the property listed below has been assessed added taxes due to an assessment error; and

**WHEREAS**, the property owner has paid assessed taxes and is therefore due a refund that will be applied to future taxes.

**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 authorized to process the cancellation of property taxes as follows:

| <b>Block</b> | <b>Lot</b> | <b>2023 taxes</b> | <b>2024 taxes</b> |
|--------------|------------|-------------------|-------------------|
| 30           | 42         | \$5,852.78        | \$2,926.39        |

PASSED ON: February 2, 2024

RESOLUTION #2024-026

February 2, 2024  
12:14 PM

BOROUGH OF HARVEY CEDARS  
Purchase Order Listing By P.O. Number

Page No: 1

---

P.O. Type: All Open: N    Paid: Y    Void: N  
 Range: First        to Last Rcvd: N    Held: N    Aprv: N  
 Format: Condensed Paid Date Range: 02/02/24 to 02/02/24 Bid: Y    State: Y    Other: Y    Exempt: Y  
 Vendors: All Include Non-Budgeted: Y  
 Rcvd Batch Id Range: First        to Last

---

| PO #     | PO Date  | Vendor   | PO Description                 | Status                         | Amount | Void Amount  | PO Type |
|----------|----------|----------|--------------------------------|--------------------------------|--------|--------------|---------|
| 23-00436 | 04/24/23 | BEACH050 | BEACH HAVEN AUTOMOTIVE, INC    | vehicle maintenance            | Open   | 122.77       | 0.00    |
| 23-00755 | 07/10/23 | BEACH050 | BEACH HAVEN AUTOMOTIVE, INC    | beach maintenance              | Open   | 134.24       | 0.00    |
| 23-01004 | 09/13/23 | VERIZ030 | VERIZON WIRELESS - CELL        | monthly cell                   | Open   | 131.51       | 0.00    |
| 23-01123 | 10/19/23 | COUNT020 | COUNTY OF OCEAN                | County Tax Payment             | Open   | 82,175.18    | 0.00    |
| 23-01130 | 10/23/23 | AGRAE005 | AGRA ENVIRONMENTAL, INC        | monthly testing                | Open   | 320.00       | 0.00    |
| 23-01131 | 10/23/23 | BEACH050 | BEACH HAVEN AUTOMOTIVE, INC    | police car maintenance         | Open   | 72.78        | 0.00    |
| 23-01194 | 11/09/23 | HOME0010 | HOME DEPOT/GECF                | shop supplies                  | Open   | 685.62       | 0.00    |
| 23-01249 | 11/29/23 | HOME0010 | HOME DEPOT/GECF                | Boom lift rental               | Open   | 412.85       | 0.00    |
| 23-01298 | 12/11/23 | HOME0010 | HOME DEPOT/GECF                | boro hall rehab                | Open   | 503.55       | 0.00    |
| 23-01315 | 12/14/23 | SHORE060 | SHORE PROMOTIONS               | Chief - Business Cards         | Open   | 125.50       | 0.00    |
| 23-01316 | 12/14/23 | MATHI010 | MATHIS CONSTRUCTION            | SFY 2022 Streetscape Project   | Open   | 128,425.67   | 0.00    |
| 23-01371 | 12/29/23 | GARDE030 | NATIONAL HIGHWAY PRODUCTS      | replace street signs           | Open   | 444.66       | 0.00    |
| 24-00011 | 01/05/24 | HIGGI005 | HIGGINS APPRAISAL              | Appraisal 29 w Essex           | Open   | 500.00       | 0.00    |
| 24-00015 | 01/08/24 | AMAZO005 | AMAZON CAPITAL SERVICES, INC   | Borough Hall                   | Open   | 406.65       | 0.00    |
| 24-00021 | 01/08/24 | AMAZO005 | AMAZON CAPITAL SERVICES, INC   | Car Mats                       | Open   | 281.32       | 0.00    |
| 24-00023 | 01/08/24 | COUNT020 | COUNTY OF OCEAN                | County Tax Payment             | Open   | 1,464,142.83 | 0.00    |
| 24-00046 | 01/11/24 | AMAZO005 | AMAZON CAPITAL SERVICES, INC   | Police Supplies                | Open   | 36.88        | 0.00    |
| 24-00051 | 01/11/24 | TONYS005 | TONY'S GENERAL MECHANDISE INCO | B Montag Apparel Allowance     | Open   | 176.98       | 0.00    |
| 24-00053 | 01/11/24 | TONYS005 | TONY'S GENERAL MECHANDISE INCO | R Ott apparel allowance        | Open   | 500.00       | 0.00    |
| 24-00056 | 01/11/24 | TONYS005 | TONY'S GENERAL MECHANDISE INCO | E Arias - Bringas apparel      | Open   | 287.19       | 0.00    |
| 24-00059 | 01/11/24 | AMAZO005 | AMAZON CAPITAL SERVICES, INC   | Clothing Allowance             | Open   | 35.95        | 0.00    |
| 24-00070 | 01/17/24 | AMAZO005 | AMAZON CAPITAL SERVICES, INC   | Borough Hall Rehab             | Open   | 32.97        | 0.00    |
| 24-00086 | 01/19/24 | MANAH010 | MANAHAWKIN MAGIC WASH          | Vehicle wash                   | Open   | 14.00        | 0.00    |
| 24-00089 | 01/19/24 | HOME0010 | HOME DEPOT/GECF                | shop supplies                  | Open   | 388.97       | 0.00    |
| 24-00093 | 01/19/24 | PUBLI040 | PUBLIC WORKS ASSN OF NJ        | NJPWA annual dues              | Open   | 90.00        | 0.00    |
| 24-00094 | 01/22/24 | IMPER005 | IMPERIALE, JOHN                | OC Mayors Meeting Mileage      | Open   | 41.54        | 0.00    |
| 24-00095 | 01/22/24 | VERIZ030 | VERIZON WIRELESS - CELL        | Cell Phones                    | Open   | 279.82       | 0.00    |
| 24-00097 | 01/22/24 | BEACH050 | BEACH HAVEN AUTOMOTIVE, INC    | shop supplies                  | Open   | 777.34       | 0.00    |
| 24-00100 | 01/22/24 | MIRAC010 | MIRACLE CHEMICAL COMPANY       | chlorine for water plants      | Open   | 1,029.00     | 0.00    |
| 24-00101 | 01/23/24 | AMAZO005 | AMAZON CAPITAL SERVICES, INC   | 1099 Forms                     | Open   | 44.15        | 0.00    |
| 24-00102 | 01/23/24 | NIXLE005 | EVERBRIDGE, INC                | Nixle 2024                     | Open   | 1,500.00     | 0.00    |
| 24-00105 | 01/24/24 | AMAZO005 | AMAZON CAPITAL SERVICES, INC   | Supplies                       | Open   | 42.34        | 0.00    |
| 24-00106 | 01/24/24 | AMAZO005 | AMAZON CAPITAL SERVICES, INC   | Weapons Maintenance            | Open   | 105.08       | 0.00    |
| 24-00108 | 01/24/24 | DELAW030 | DELAWARE VALLEY PAYROLL, INC.  | Payroll Processing Services    | Open   | 642.80       | 0.00    |
| 24-00109 | 01/25/24 | COMCA010 | COMCAST CABLE                  | Monthly Invoice - B&G's        | Open   | 505.62       | 0.00    |
| 24-00110 | 01/25/24 | AMAZO005 | AMAZON CAPITAL SERVICES, INC   | Office Supplies                | Open   | 101.98       | 0.00    |
| 24-00112 | 01/26/24 | HIERI010 | HIERING, GANNON & MC KENNA     | December Legal Fees            | Open   | 218.40       | 0.00    |
| 24-00113 | 01/26/24 | METRO020 | METLIFE - GROUP BENEFITS       | Monthly Premium- February 2024 | Open   | 218.40       | 0.00    |
| 24-00115 | 01/26/24 | OCHE0010 | OC HEALTH DEPARTMENT           | Animal facility annual fee     | Open   | 375.00       | 0.00    |
| 24-00116 | 01/26/24 | HOMBE005 | HOMBERG, MICHELLE              | Mileage Reimbursement          | Open   | 162.34       | 0.00    |
| 24-00118 | 01/29/24 | INDUS010 | INDUSTRIAL APPRAISAL COMPANY   | Fixed Asset Maintenance        | Open   | 405.00       | 0.00    |
| 24-00119 | 01/29/24 | INDUS010 | INDUSTRIAL APPRAISAL COMPANY   | Fixed Asset Maintenance        | Open   | 280.00       | 0.00    |
| 24-00120 | 01/30/24 | NESTL005 | NESTLE WATERS NORTH AMERICAN   | Lifeguards Water               | Open   | 107.51       | 0.00    |
| 24-00121 | 01/31/24 | BERRY005 | BERRY, SAHRADNIK, KOTZAS &     | Alt. Prosecutor Jan 20, 2024   | Open   | 550.00       | 0.00    |
| 24-00122 | 01/31/24 | DYNAM010 | DYNAMIC TESTING SERVICE        | Random Drug Testing - DPW      | Open   | 630.00       | 0.00    |
| 24-00125 | 02/01/24 | NJDE0020 | NJ DEPT OF HEALTH & SENIOR     | 2024 January dog license fees  | Open   | 12.00        | 0.00    |
| 24-00126 | 02/01/24 | APRUZ005 | APRUZZESE, MCDERMOT, MASTRO &  | December Legal Services        | Open   | 1,424.50     | 0.00    |
| 24-00127 | 02/01/24 | ATLAN030 | ATLANTIC CITY ELECTRIC         | Electric - Current Charges     | Open   | 15.19        | 0.00    |

| PO #                   | PO Date  | Vendor                             | PO Description                 | Status | Amount             | Void Amount  | PO Type            |      |
|------------------------|----------|------------------------------------|--------------------------------|--------|--------------------|--------------|--------------------|------|
| 24-00128               | 02/01/24 | OWEN0010 OWEN, LITTLE & ASSOCIATES | Monthly Invoice                | Open   | 22,537.66          | 0.00         |                    |      |
| 24-00131               | 02/02/24 | PCSL005 PCS, LLC                   | Monthly Invoice- February 2024 | Open   | 1,612.05           | 0.00         |                    |      |
| 24-00132               | 02/02/24 | COMCA010 COMCAST CABLE             | Monthly Invoice - W&S Charges  | Open   | 526.98             | 0.00         |                    |      |
| 24-00133               | 02/02/24 | COMCA010 COMCAST CABLE             | Monthly Invoice - Pol Spc Vid  | Open   | 9.96               | 0.00         |                    |      |
| 24-00134               | 02/02/24 | BLACK005 BLACK EYED SUSANS         | Bin block                      | Open   | 525.00             | 0.00         |                    |      |
| 24-00135               | 02/02/24 | PAVIA005 PAVIA ENTERPRISES LLC     | January Courier Service        | Open   | 291.96             | 0.00         |                    |      |
| Total Purchase Orders: |          | 54                                 | Total P.O. Line Items:         | 0      | Total List Amount: | 1,715,419.69 | Total Void Amount: | 0.00 |

| Totals by Year-Fund    |             | Fund | Budget Total        | Revenue Total | G/L Total   | Total               |
|------------------------|-------------|------|---------------------|---------------|-------------|---------------------|
| Fund Description       |             |      |                     |               |             |                     |
| Current Fund           |             | 3-01 | 88,259.67           | 0.00          | 0.00        | 88,259.67           |
| Utility Operating Fund |             | 3-09 | <u>451.51</u>       | <u>0.00</u>   | <u>0.00</u> | <u>451.51</u>       |
|                        | Year Total: |      | 88,711.18           | 0.00          | 0.00        | 88,711.18           |
| Current Fund           |             | 4-01 | 1,483,233.69        | 0.00          | 0.00        | 1,483,233.69        |
| Utility Operating Fund |             | 4-09 | <u>3,080.49</u>     | <u>0.00</u>   | <u>0.00</u> | <u>3,080.49</u>     |
|                        | Year Total: |      | 1,486,314.18        | 0.00          | 0.00        | 1,486,314.18        |
| General Capital Fund   |             | C-04 | 140,289.83          | 0.00          | 0.00        | 140,289.83          |
| Utility Capital Fund   |             | C-08 | <u>92.50</u>        | <u>0.00</u>   | <u>0.00</u> | <u>92.50</u>        |
|                        | Year Total: |      | 140,382.33          | 0.00          | 0.00        | 140,382.33          |
| Dog trust Fund         |             | T-15 | 12.00               | 0.00          | 0.00        | 12.00               |
| Total of All Funds:    |             |      | <u>1,715,419.69</u> | <u>0.00</u>   | <u>0.00</u> | <u>1,715,419.69</u> |

BE IT RESOLVED by the Commissioners of the Borough of Harvey Cedars, County of Ocean, State of New Jersey, that the foregoing bill list dated February 2, 2024 be paid upon verification by the Chief Financial Officer that sufficient funds are available for the payment of the same.

PASSED ON: February 2, 2024

**RESOLUTION #2024-027**

**AUTHORIZING APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK  
GRANT FOR THE BOROUGH OF HARVEY CEDARS**

**WHEREAS**, the Borough of Harvey Cedars has entered into a Cooperation Agreement with the County of Ocean for the participation in the Ocean County Community Development Block Grant Program for FY 2017-2019, with automatic renewals for participation in successive three-year periods; and

**WHEREAS**, certain federal funds are potentially available to the Borough under Title 1 of the Housing and Community Development Block Grant Program; and

**WHEREAS**, the Borough of Harvey Cedars desires to obtain funding for two (2) Adult Beach Wheel Chairs and for 700' of ADA beach access mats.

**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. This Governing Body does hereby authorize the 2024 project application for Ocean County Community Development Block Grant in the total amount of \$33,000.00 for two Adult Beach Wheel Chairs and ADA beach access mats for the Borough of Harvey Cedars.
2. The Mayor is hereby authorized to sign and execute the application for the above purpose.

PASSED ON: February 2, 2024