

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 Imperiale 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 on December 16, 2021 in the Beach Haven Times and on December 9, 2021 in the Asbury Park Press, and republished with amendments on February 24, 2022 and March 8, 2022 respectively.

Motion to approve the minutes of the previous meeting held on March 4, 2022 was made by Commissioner Imperiale, seconded by Commissioner Rice.

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

ORDINANCE #2022-07 FIRST READING

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS AMENDING AND SUPPLEMENTING CHAPTER 8 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, ENTITLED "TRAFFIC" AS IT PERTAINS TO NO PARKING AND NO U-TURNS ON CERTAIN STREETS

A copy of the full ordinance as introduced is attached hereto and made a part hereof.

Motion to adopt: Commissioner Imperiale

Second: Commissioner Rice

Vote: Ayes – Oldham, Imperiale, Rice

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

ORDINANCE #2022-08 FIRST READING

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 4 OF THE BOROUGH CODE OF HARVEY CEDARS ENTITLED "GENERAL LICENSING" AS IT PERTAINS TO BINGO AND RAFFLE LICENSING

A copy of the full ordinance as introduced is attached hereto and made a part hereof.

Motion to adopt: Commissioner Rice

Second: Commissioner Imperiale

Vote: Ayes – Oldham, Rice, Imperiale

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

ORDINANCE #2022-09 FIRST READING

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS AUTHORIZING THE MUNICIPALITY IN PREPARING ITS 2022 BUDGET TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

A copy of the full ordinance as introduced is attached hereto and made a part hereof.

Motion to adopt: Commissioner Rice

Second: Commissioner Imperiale

Vote: Ayes – Oldham, Imperiale, Rice

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

ORDINANCE #2022-10 FIRST READING

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, OCEAN COUNTY, NEW JERSEY, AMENDING CHAPTER 15 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, ENTITLED “SITE PLAN” AS IT PERTAINS TO ESTABLISHING A THREE-PERSON SITE PLAN EXEMPTION COMMITTEE

A copy of the full ordinance as introduced is attached hereto and made a part hereof.

The Mayor and Commissioner Imperiale explained the purpose of the ordinance. The Board held a discussion with the public regarding off-season use changes for businesses.

Motion to adopt: Commissioner Imperiale

Second: Commissioner Rice

Vote: Ayes – Oldham, Rice, Imperiale

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

ORDINANCE #2022-11 FIRST READING

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, OCEAN COUNTY, NEW JERSEY AMENDING CHAPTER 13 ENTITLED “ZONING” AS IT PERTAINS TO DUAL USE FOR OFF-SEASON BUSINESS

A copy of the full ordinance as introduced is attached hereto and made a part hereof.

Motion to adopt: Commissioner Imperiale

Second: Commissioner Rice

Vote: Ayes – Oldham, Imperiale, Rice

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 #2022-05 SECOND READING

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, IN THE COUNTY OF OCEAN, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO THE DOWNTOWN BUSINESS DISTRICT’S STREETScape IN THE BOROUGH AND APPROPRIATING \$550,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$550,000 IN BONDS OR NOTES OF THE BOROUGH OF HARVEY CEDARS TO FINANCE THE SAME

Motion to open public discussion: Commissioner Rice

Second: Commissioner Imperiale

Joe Geiger, East 77th Street, asked when the grant expires. The Board said they believe 2 years, but will confirm with the Finance Officer.

Motion to close public discussion: Commissioner Rice

Second: Commissioner Imperiale

Motion to adopt: Commissioner Rice

Second: Commissioner Imperiale

Vote: Ayes – Oldham, Rice, Imperiale

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

The Mayor read the following ordinance by title and number and stated that proof of publication is on hand and the ordinance has been posted.

ORDINANCE #2022-06 SECOND READING

AN ORDINANCE AMENDING CHAPTER 7 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, ENTITLED “SEWER AND WATER” AS IT PERTAINS TO BASE AND USAGE RATES

Motion to open public discussion: Commissioner Rice

Second: Commissioner Imperiale

There were no public questions or comments.

Motion to close public discussion: Commissioner Rice

Second: Commissioner Imperiale

The Mayor stated the rates have not been raised for nine years.

Motion to adopt: Commissioner Rice
Second: Commissioner Imperiale
Vote: Ayes – Oldham, Imperiale, Rice
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 #2022-029:

AUTHORIZING AND CERTIFYING THE SELF-EXAMINATION OF THE ANNUAL BUDGET FOR THE BOROUGH OF HARVEY CEDARS, OCEAN COUNTY, NJ

Motion to adopt: Commissioner Rice
Second: Commissioner Imperiale

RESOLUTION #2022-030:

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

Motion to adopt: Commissioner Rice
Second: Commissioner Imperiale

The Mayor read the following budget introduction:

RESOLUTION #2022-031:

INTRODUCTION OF MUNICIPAL BUDGET FOR 2022 TO BE READ BY TITLE ONLY

Municipal Budget of the Borough of Harvey Cedars, County of Ocean for the Fiscal Year 2022.

BE IT RESOLVED that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2022.

BE IT FURTHER RESOLVED that said budget be published in the Beach Haven Times in the issue of **March 24, 2022**.

A hearing on the Budget and Tax Resolution will be held at the Municipal Building, 7606 Long Beach Blvd., Harvey Cedars on **Monday, April 18, 2022 at 4:30pm** at which time and place objections to said Budget and Tax Resolution for the year 2022 may be presented by taxpayers or other interested persons.

A summary copy of the budget is attached hereto and made a part hereof.

Motion to adopt: Commissioner Rice
Second: Commissioner Imperiale
Vote: Ayes – Oldham, Rice, Imperiale

RESOLUTION #2022-032:

AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE OCEAN COUNTY MUNICIPAL JOINT INSURANCE FUND FOR POLICE RE-ACCREDITATION SERVICES AND EXECUTION OF A GRANT AGREEMENT

Motion to adopt: Commissioner Imperiale
Second: Commissioner Rice

RESOLUTION #2022-033:

RESOLUTION AUTHORIZING THE HARVEY CEDARS POLICE DEPARTMENT TO PARTICIPATE IN THE DEFENSE LOGISTICS AGENCY, LAW ENFORCEMENT SUPPORT OFFICE, 1033 PROGRAM TO REQUEST AND ACQUIRE EXCESS DEPARTMENT OF DEFENSE EQUIPMENT

Motion to adopt: Commissioner Imperiale
Second: Commissioner Rice

RESOLUTION #2022-034:

RESOLUTION OF THE BOROUGH OF HARVEY CEDARS SUPPORTING THE “2022 UDRIVE. UTEXT. UPAY.” DISTRACTED DRIVING CRACKDOWN APRIL 1 - 30, 2022

Motion to adopt: Commissioner Imperiale
Second: Commissioner Rice

A discussion was held with the Board, the Police Chief, and the public regarding distracted driving, and traffic safety issues.

RESOLUTION #2022-035: Bills

Motion to approve bills for payment: Commissioner Rice
Second: Commissioner Imperiale

Public Property Usage requests:

1. Yoga Session – Sunset Park & Beach

Motion was made by Commissioner Rice, seconded by Commissioner Imperiale, to approve the request to use Sunset Park and 80th Street beach to Dana Mitchell of Liquid Bliss Yoga for paddle yoga and beach yoga in the mornings from Memorial Day through Labor Day in 2022.

2. Town Wide Yard Sale

Motion was made by Commissioner Imperiale, seconded by Commissioner Rice, to approve the request by the Harvey Cedars Taxpayers Association to hold a town wide yard sale on Saturday, May 28, 2022.

3. Children’s Yoga Camp – Sunset Park

Motion was made by Commissioner Imperiale, seconded by Commissioner Rice, to approve the request to use Sunset Park gazebo & grassy area to Jessica Johnson of Barefoot Adventures Experience for a children’s yoga camp from July 5th through August 4, 2022, Tuesdays, Wednesdays & Thursdays 8:30am to 12pm. 12 children, 2 adults.

PRIVILEGE OF THE FLOOR –

Joe Geiger, East 77th Street, asked regarding the streetscapes project, who will be defining the survey. Mayor Oldham stated the Borough Engineer’s office will be doing it; the survey will be done from 77th Street to 83rd Street; the survey shows what is existing, and will identify any issues; the County’s approval will be sought, then the businesses will be able to see the plan. Mr. Geiger suggested the businesses provide an easement along the Boulevard and receive a tax reduction. The Mayor said there may be conversations regarding easements once the survey is done. Mr. Geiger said he is concerned on the timeline of getting the project done.

Craig Coddington, West 80th Street, asked regarding the U-turn ordinance, if it meant one could not make a U-turn on 80th Street. The Chief responded U-turns will not be allowed on Meadowview Lane.

Mr. Coddington stated the Fire Company’s Dog Day Road Race will take place on August 21, 2022. He also said he got a quote for the beach reflective signs in the amount of \$886.80 for 30 signs; the Taxpayers Association will contribute towards the cost of the signs.

Motion to adjourn: Commissioner Rice
Second: Commissioner Imperiale

Meeting adjourned at 5:13pm.

ORDINANCE NO. 2022-07

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS AMENDING AND SUPPLEMENTING CHAPTER 8 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, ENTITLED “TRAFFIC” AS IT PERTAINS TO NO PARKING AND NO U-TURNS ON CERTAIN STREETS

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

- Section 1. Schedule I of Chapter 8 of the Borough Code of the Borough of Harvey Cedars entitled “No Parking” is hereby amended by supplementing the following:
1. Anchor Lane, East Side, beginning at the rumble strips for a length of 100’ feet
- Section 2. Schedule III of Chapter 8 of the Borough Code of the Borough of Harvey Cedars entitled “No Stopping or Standing” is hereby amended by supplementing the following:
- Long Beach Blvd., Both Sides, Entire Length
- Section 3. Schedule XIV of Chapter 8 of the Borough Code of the Borough of Harvey Cedars entitled “No U-Turn” is hereby amended by supplementing the following:
- Meadowview Lane
- Section 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.
- Section 5. 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 6. 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 **March 18, 2022**. 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 **April 1, 2022** 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

ORDINANCE NO. 2022-08

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 4 OF THE BOROUGH CODE OF HARVEY CEDARS ENTITLED “GENERAL LICENSING” AS IT PERTAINS TO BINGO AND RAFFLE LICENSING

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

Section 1. Chapter IV of the Borough Code of the Borough of Harvey Cedars entitled “General Licensing” is hereby amended by supplemented to establish Section 4-10 entitled “Bingo and Raffle Licensing” as follows:

4-10 BINGO AND RAFFLE LICENSING.

4-10.1 Licensing fee for bingo or raffle license. Any qualified organization as the term is defined in N.J.A.C. 13:47-1.1 applying for a bingo or raffle license in the Borough of Harvey Cedars shall be exempt from the payment of any municipal licensing fee as required by N.J.A.C. 13:47.10(a).

4-10.2 Authority to issue license. The Municipal Clerk is hereby authorized and delegated the authority to approve the granting of raffle and bingo licenses to be held in the Borough of Harvey Cedars.

4-10.3 Powers of governing body; Sunday games. The Borough of Harvey Cedars shall permit games of chance on all days of the week including Sundays.

Section 2. All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 3. If any word, phrase, clause, section or provision of this ordinance shall be found by any court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause, section or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.

Section 4. 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 **March 18, 2022**. 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 **April 1, 2022** 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

ORDINANCE NO. 2022-09

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS AUTHORIZING THE MUNICIPALITY IN PREPARING ITS 2022 BUDGET TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

WHEREAS the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et. seq., provides that, in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS the Board of Commissioners of the Borough of Harvey Cedars in the County of Ocean finds it advisable and necessary to increase its CY 2022 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS the Board of Commissioners hereby determines that any amount authorized herein that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Borough of Harvey Cedars in the County of Ocean, a majority of the full authorized membership of this governing body affirmatively concurring that, in the CY 2022 budget year, the final appropriations of the Borough of Harvey Cedars shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$131,827.79 and that the CY 2022 municipal budget for the Borough of Harvey Cedars be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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 **March 18, 2022**. 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 **April 1, 2022** 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.

CERTIFICATION

I, Daina Dale, Municipal Clerk of the Borough of Harvey Cedars, County of Ocean, hereby certify that the above is a true copy of Ordinance No. 2022-09 passed by the Board of Commissioners at a meeting held on March 18, 2022.



Daina Dale, Municipal Clerk

ORDINANCE NO. 2022-10

**AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, OCEAN COUNTY,
NEW JERSEY, AMENDING CHAPTER 15 OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, ENTITLED “SITE PLAN”
AS IT PERTAINS TO ESTABLISHING A THREE-PERSON SITE PLAN EXEMPTION
COMMITTEE**

WHEREAS to lessen the burden on the Land Use Board and on applicants seeking minor changes of use or adding a temporary use for properties located in the General Business, Limited Commercial District, and Marine Commercial zoning districts, between Labor Day and Memorial Day Weekend Friday, the Board of Commissioners desires to establish a three-person Committee empowered to determine if, in particular cases, a full Land Use Board Site Plan application is required.

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

SECTION 1. Section 15.3 of the Code of the Borough of Harvey Cedars is hereby supplemented by the establishment of a three-person Site Plan Exemption Committee (“Committee”) as follows:

Section 15-3.1. Committee Established. The three-person Site Plan Exemption Committee is hereby established and shall consist of the Chairperson of the Land Use Board or the Chairperson’s designee, a Land Use Board Class IV Member designated by the Chairperson, and the Zoning Officer. The procedures established herein shall apply only to applicants seeking a temporary minor change of use or a temporary additional use for properties located in the General Business, Limited Commercial District, and Marine Commercial zoning districts, and only for activities taking place between the day after Labor Day and Memorial Day Weekend Friday.

Section 15-3.1a. Application. Any applicant who believes the nature of a proposed use, occupancy, hours of operation, number of employees, on-site or off-site parking, square footage of the retail area, loading, landscaping and/or buffering, deliveries (types of vehicles and hours) and compliance with zoning regulations in that particular district are essentially the same as the existing approved use may apply to the Committee for an exemption from the requirement to obtain full and formal site plan approval and change or addition of use.

Section 15-3.1b. Application Forms. The Land Use Board Secretary is hereby authorized to create and establish the forms necessary to process applications made pursuant to this Ordinance. All applications shall be submitted to the Land Use Board Secretary on the prescribed application and shall include the following accompanying documents.

1. Completed application.
2. Resolution of approved existing use.
3. Drawing or plan of new signage, if applicable.

Section 15-3.1c. Signage. The Committee shall consider signage amendments upon proper plans submitted with the application including the size and type of advertising sign.

Section 15-3.1d. Application Exclusions.

1. There shall be no change in the exterior of the structure or any portion thereof other than purely cosmetic changes.
2. Food preparation as a temporary use is prohibited.

Section 15-3.1e. Application Fee. There shall be a seventy-five dollar (\$75.00) administrative fee, no advertising requirement, and no need for formal notification of the application.

Section 15-3.1f. Application Process. Once an application has been submitted to the Land Use Board Secretary, it will be submitted to the members of the Committee via email or other means. A reply expressing approval or disapproval of the application shall be given within fifteen (15) business days. The Committee members shall be permitted to meet and/or confer with each other and with the Borough Commissioners to discuss the merits of the application.

Section 15-3.1g. Approved Applications. If a majority of the Committee members find that the proposed use is one of equal or lesser intensity than that of the existing and approved use for the property, the application for exemption can be approved by the Committee. Approved applications by the Committee shall be announced and read into the record at the next regularly scheduled Land Use Board meeting.

Section 15-3.1h. Denied Applications. If a majority of the Committee members vote “no” or otherwise express disapproval of the application, the applicant must proceed to a full hearing of the Land Use Board at the next available meeting, as determined by the Land Use Secretary, provided that the required fees are paid, and that applicable notice requirements are met. The seventy-five dollar (\$75.00) administrative fee shall be applied to the full Land Use Board application fee, unless the Committee unanimously waives any further application fees; however, any professional fees including, but not limited to, Land Use Board Attorney and Engineer fees, shall be paid by the applicant in accordance with the established escrow procedures. The Committee shall determine if an Engineer’s review is required.

Section 15-3.1i. Violations and Penalties. Any person, corporation or business entity operating a business as provided in Section 15-3 that violates or fails to comply with this section or any of the rules and regulations promulgated hereunder shall have their permit revoked, and, upon conviction thereof, be punishable by a fine of five hundred dollars (\$500.00) for the first

offense. Each day for which a violation of this section occurs after the first offense shall be considered a separate offense and shall be punishable by a fine of \$500 per day.

SECTION 2. This Ordinance repeals any inconsistent ordinance or ordinances or part or parts thereof.

SECTION 3. 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 Board of 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 4. This Ordinance shall take effect immediately upon its final passage and publication as required by 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 **March 18, 2022**. 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 **April 18, 2022** 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

ORDINANCE NO. 2022-11

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, OCEAN COUNTY, NEW JERSEY AMENDING CHAPTER 13 ENTITLED “ZONING” AS IT PERTAINS TO DUAL USE FOR OFF-SEASON BUSINESS

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

- Section 1. Section 13-9-5 of the Code of the Borough of Harvey Cedars entitled “Prohibited Uses and Buildings.” is hereby amended by supplementing to the last sentence of the paragraph to read “Dual use is prohibited, with the exceptions as established in Section 15-3 entitled “Site Plan Exemption Committee”.
- 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.

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 **March 18, 2022**. 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 **April 18, 2022** 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 #2022-029

**AUTHORIZING AND CERTIFYING THE SELF-EXAMINATION OF THE
ANNUAL BUDGET FOR THE BOROUGH OF HARVEY CEDARS,
OCEAN COUNTY, NJ**

WHEREAS NJSA 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services of conducting the annual budget examination; and

WHEREAS NJAC 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS pursuant to NJAC 5:30-7.2 thru 7.5 the Borough of Harvey Cedars has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary condition to participate in the program for the 2022 budget year.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Harvey Cedars that in accordance with NJAC 5:30-7.6a & b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provision relating to limitation on increases of appropriations pursuant to NJSA 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met (complies with the "CAP" law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and NJAC 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of NJSA 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

PASSED ON: March 18, 2022

RESOLUTION #2022-030

**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 property listed below has been assessed added/ omitted taxes due to an assessment error.

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:

Block	Lot	2021 taxes	2022 taxes
41.03	14	\$6,091.85	\$1,598.94

PASSED ON: March 18, 2022

2022 Municipal Budget
of the Borough of Harvey Cedars, County of Ocean for the
fiscal year 2022.

Revenue and Appropriations Summaries

Summary of Revenues	Anticipated	
	2022	2021
1. Surplus	\$ 501,500.00	\$ 500,000.00
2. Total Miscellaneous Revenues	1,170,711.34	1,144,955.30
3. Receipts from Delinquent Taxes	52,000.00	30,000.00
4. a) Local Tax for Municipal Purposes	3,603,970.74	3,534,622.34
b) Addition to Local School District Tax	-	-
c) Minimum Library Tax	-	-
Tot Amt to be Rsd by Taxes for Sup of Muni Bnd	3,603,970.74	3,534,622.34
Total General Revenues	\$ 5,328,182.08	\$ 5,209,577.64

Summary of Appropriations	2022 Budget	Final 2021 Budget
1. Operating Expenses: Salaries & Wages	\$ 2,059,314.86	\$ 1,928,891.80
Other Expenses	1,579,629.02	1,533,932.12
2. Deferred Charges & Other Appropriations	1,013,195.58	1,013,336.88
3. Capital Improvements	292,000.00	344,500.00
4. Debt Service (Include for School Purposes)	134,042.62	138,916.84
5. Reserve for Uncollected Taxes	250,000.00	250,000.00
Total General Appropriations	\$ 5,328,182.08	\$ 5,209,577.64
Total Number of Employees	98	97

2022 Dedicated	Water/Sewer	Utility Budget
Summary of Revenues		Anticipated
		2022
		2021
1. Surplus	\$ 178,829.26	\$ 255,605.50
2. Miscellaneous Revenues	1,384,593.87	1,282,200.00
3. Deficit (General Budget)	-	-
Total Revenues	\$ 1,563,423.13	\$ 1,537,805.50
Summary of Appropriations		2022 Budget
		Final 2021 Budget
1. Operating Expenses: Salaries & Wages	\$ 491,902.71	\$ 400,100.91
Other Expenses	555,001.38	555,001.38
2. Capital Improvements	157,000.00	207,500.00
3. Debt Service	269,555.17	300,263.62
4. Deferred Charges & Other Appropriations	89,963.87	74,939.59
5. Surplus (General Budget)	-	-
Total Appropriations	\$ 1,563,423.13	\$ 1,537,805.50
Total Number of Employees		

Balance of Outstanding Debt			
	General	Water/Sewer	
Interest	\$ 314,161.68	\$ 414,744.11	\$ -
Principal	3,274,612.55	2,025,423.41	-
Outstanding Balance	\$ 3,588,774.23	\$ 2,440,167.52	\$ -

Notice is hereby given that the Budget and Tax Resolution was approved by the Commissioners of the Borough of Harvey Cedars, County of Ocean on March 18, 2022.

A hearing on the Budget and Tax Resolution will be held Borough Hall, on April 18, 2022 at 4:30PM, at which time and place objections to the Budget and Tax Resolution for the year 2022 may be presented by taxpayers or other interested parties.

Copies of the budget are available in the office of the Chief Financial Officer at the Municipal Building, 7606 Long Beach Blvd., Harvey Cedars, NJ, 609-361-6000 #6 and online at www.harveycedars.org.

RESOLUTION #2022-032

**AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE OCEAN COUNTY
MUNICIPAL JOINT INSURANCE FUND FOR POLICE RE-ACCREDITATION
SERVICES AND EXECUTION OF A GRANT AGREEMENT**

WHEREAS the Ocean County Joint Insurance Fund is seeking to encourage police departments to pursue such excellence by providing a grant in the amount not to exceed \$3,333 to support the Harvey Cedars Police Department’s efforts to attain reaccreditation from the State of New Jersey Associations of Chiefs of Police; and

WHEREAS the Chief of Police and the governing body believe that the attaining of such certification is consistent with the goals of the Harvey Cedars Police Department; and

WHEREAS the Chief of Police is committed to taking necessary action in order to support the reaccreditation process.

NOW, THEREFORE, BE IT RESOLVED by the Borough Commission of the Borough of Harvey Cedars (hereinafter the “Municipality”) in the County of Ocean, and State of New Jersey, as follows:

1. The Mayor, Administrator and Chief of Police are hereby required to enter into an agreement with the Ocean County Municipal Joint Insurance Fund for the receipt of funding not to exceed \$3,333.
2. The Municipality agrees to abide by the terms of this program to attain re-certification within 18 months of the date of the agreement.
3. The Municipality agrees to provide funding for the remaining costs associated with becoming reaccredited. In addition, the Municipality shall attach a certification from their CFO that the balance of the funds are available to complete the police accreditation process and further acknowledge that municipal funds will be spent first, prior to the grant being issued.
4. The Member Municipality understands that the JIF shall not be responsible nor will it commit to provide any additional funding to maintain said reaccreditation.
5. If the Municipality does not achieve re-certification within the 18 month period, the amount of the funding is due and re-payable to the Ocean County Municipal JIF immediately.
6. If the Municipality does not renew its membership in the JIF while the reaccreditation is taking place, said grant would be due to the JIF immediately upon membership expiration.

7. The Executive Committee will consider the grant applications on a first come, first served basis.
8. This Resolution shall take effect immediately.

PASSED ON: March 18, 2022

RESOLUTION #2022-033

RESOLUTION AUTHORIZING THE HARVEY CEDARS POLICE DEPARTMENT TO PARTICIPATE IN THE DEFENSE LOGISTICS AGENCY, LAW ENFORCEMENT SUPPORT OFFICE, 1033 PROGRAM TO REQUEST AND ACQUIRE EXCESS DEPARTMENT OF DEFENSE EQUIPMENT

WHEREAS the United States Congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) 1033 Program to make use of excess Department of Defense personal property by making that personal property available to municipal, county and State law enforcement agencies (LEAs); and

WHEREAS DLA rules mandate that all equipment acquired through the 1033 Program remain under the control of the requesting LEA; and

WHEREAS participation in the 1033 Program allows municipal and county LEAs to obtain property they might not otherwise be able to afford in order to enhance community preparedness, response, and resiliency; and

WHEREAS although property is provided through the 1033 Program at no cost to municipal and county LEAs, these entities are responsible for the costs associated with delivery, maintenance, fueling, and upkeep of the property, and for specialized training on the operation of any acquired property; and

WHEREAS N.J.S.A. 40A:5-30.2 requires that the governing body of the municipality to approve, by a majority of the full membership, both enrollment in, and the acquisition of any property through, the 1033 Program.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Harvey Cedars that the Harvey Cedars Police Department is hereby authorized to enroll in the 1033 Program for no more than a one-year period, with authorization to participate terminating on December 31 of the current calendar year from January 1, 2022 to December 31, 2022; and

BE IT FURTHER RESOLVED that the Harvey Cedars Police Department is hereby authorized to acquire items of non-controlled property designated "DEMIL A," which may include office supplies and furniture, boats, boat motor, jet ski, plastic bags, cleaning equipment, range finders, scopes, gun parts, optical sighting, ranging equipment, compressor, rifle bag, flashlight, plastic bags, paper, computers, electronic equipment, generators, field packs, non-military vehicles, clothing, traffic and transit signal systems, exercise equipment, farming and moving equipment, storage devices and containers, tools, medical and first aid equipment and supplies, personal protection equipment and supplies, construction materials, lighting supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars, and any other supplies or equipment of a non-military nature identified by the LEA, if it shall become available in the period of time for which this resolution authorizes, based on the needs of the Harvey Cedars Police Department without restriction; and

BE IT FURTHER RESOLVED that the Harvey Cedars Police Department is hereby authorized to acquire the following "DEMIL B through Q" property, if it shall become available in the period of time for which this resolution authorizes, including but not limited to items such as utility trucks, ammunition cans, laser optics, armored vehicles, bulldozer, loader, backhoe, skid steer, portable light tower, transport vehicles, scopes, range finders, rescue equipment, tractor, ATV's, 4X4 vehicles, quad, computers, printer, air compressor, tractor, forklift, tools, traffic and transit signal systems etc.; and

BE IT FURTHER RESOLVED that the Harvey Cedars Police Department shall develop and implement a full training plan and policy for the maintenance and use of the acquired property; and

BE IT FURTHER RESOLVED that the Harvey Cedars Police Department shall provide a quarterly accounting of all property obtained through the 1033 Program which shall be available to the public upon request; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately and shall be valid to authorize requests to acquire "DEMIL A" property and "DEMIL B through Q" property that may be made available through the 1033 Program during the period of time for which this resolution authorizes; with Program participation and all property request authorization terminating on December 31st of the current calendar year 2022.

PASSED ON: March 18, 2022

RESOLUTION #2022-034

**RESOLUTION OF THE BOROUGH OF HARVEY CEDARS SUPPORTING THE
“2022 UDRIVE. UTEXT. UPAY.”
DISTRACTED DRIVING CRACKDOWN
April 1 - 30, 2022**

WHEREAS distracted driving is a serious, life-threatening practice that is preventable; and

WHEREAS distracted driving can result in injuries and deaths to all road users (motorists, pedestrians, and bicyclists); and

WHEREAS distracted driving occurs when drivers divert their attention away from the task of driving to focus on another activity instead; and

WHEREAS in 2018 alone distracted driving-related crashes resulted in 2,841 deaths and 400,000 injuries on our nation’s roads; and

WHEREAS in New Jersey distracted driving was listed as a contributing circumstance in 50-percent of all motor vehicle crashes in 2018; and

WHEREAS the State of New Jersey will participate in the nationwide *Distracted Driving 2022 Crackdown* from April 1 - 30, 2022 in an effort to raise awareness and decrease driver distraction through a combination of enforcement and education; and

WHEREAS the national slogan for the campaign is *UDrive. UText. UPay*; and

WHEREAS a reduction in distracted driving in New Jersey will save lives on our roadways.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Harvey Cedars declares its support for the *Distracted Driving 2022 Crackdown* both locally and nationally from April 1 - 30, 2022 and pledges to increase awareness of the dangers of distracted driving.

PASSED ON: March 18, 2022

RESOLUTION #2022-035

March 17, 2022
02:51 PM

BOROUGH OF HARVEY CEDARS
Bill List By P.O. Number

Page No: 1

P.O. Type: All
Range: First to Last
Format: Condensed

Open: N Paid: N Void: N
Rcvd: Y Held: Y Aprv: N
Bid: Y State: Y Other: Y Exempt: Y

PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type
21-00643	07/07/21	JERSE035	JERSEY SHORE CCTV	Open	1,807.00	0.00	
21-00655	07/07/21	SREG0020	S REGIONAL BOARD OF EDUCATION	Open	250,826.67	0.00	B
21-00879	09/10/21	LBIB0020	LBI BOARD OF EDUCATION	Open	141,929.25	0.00	B
21-01089	11/15/21	KENNE030	KENNEDY CULVERT AND SUPPLY	Open	8,741.38	0.00	
21-01201	12/17/21	POWER005	POWER EQUIPMENT CORPORATION	Open	1,725.00	0.00	
21-01224	12/27/21	UNIVE020	UNIVERSAL SUPPLY COMPANY, INC	Open	5,310.12	0.00	
21-01244	12/31/21	KENNE030	KENNEDY CULVERT AND SUPPLY	Open	185.02	0.00	
22-00084	01/20/22	HARVE010	HARVEY CEDARS AUTO	Open	717.78	0.00	
22-00113	01/28/22	JERSE010	JERSEY CAPE DIAG TRNG	Open	4,780.00	0.00	
22-00143	02/07/22	BEACH050	BEACH HAVEN AUTOMOTIVE, INC	Open	30.99	0.00	B
22-00145	02/07/22	HARVE010	HARVEY CEDARS AUTO	Open	597.91	0.00	B
22-00146	02/07/22	OXYGE010	OXYGEN SUPPLY COMPANY	Open	49.00	0.00	B
22-00164	02/07/22	WATER020	CORE & MAIN LP	Open	420.07	0.00	
22-00170	02/09/22	ATLAN130	ATLANTIC PLUMBING SUPPLY CORP	Open	9,797.37	0.00	
22-00171	02/10/22	VERIZ030	VERIZON WIRELESS - CELL	Open	79.49	0.00	B
22-00172	02/10/22	HOME0010	HOME DEPOT/GEFC	Open	182.82	0.00	
22-00173	02/10/22	ONEC0010	ONE CALL CONCEPTS INC	Open	40.75	0.00	B
22-00176	02/11/22	BEACH050	BEACH HAVEN AUTOMOTIVE, INC	Open	1,392.81	0.00	B
22-00200	02/18/22	RUTGE020	RUTGERS THE STATE UNIVERSITY	Open	575.00	0.00	
22-00201	02/18/22	FOLEY005	FOLEY, INCORPORATED	Open	423.84	0.00	
22-00202	02/18/22	WATER020	CORE & MAIN LP	Open	696.98	0.00	
22-00207	02/23/22	HOME0010	HOME DEPOT/GEFC	Open	243.49	0.00	B
22-00208	02/23/22	HOME0010	HOME DEPOT/GEFC	Open	504.64	0.00	B
22-00219	02/25/22	ATLAN130	ATLANTIC PLUMBING SUPPLY CORP	Open	586.80	0.00	
22-00224	02/28/22	GRUND005	GRUNDTISCH, DANIEL	Open	34.85	0.00	
22-00226	03/01/22	TCTA0010	TCTA NJ SPRING CONFERENCE	Open	420.00	0.00	
22-00228	03/02/22	AMAZO005	AMAZON CAPITAL SERVICES, INC	Open	379.98	0.00	
22-00233	03/03/22	AMAZO005	AMAZON CAPITAL SERVICES, INC	Open	83.99	0.00	
22-00237	03/03/22	ATLAN130	ATLANTIC PLUMBING SUPPLY CORP	Open	2,955.77	0.00	
22-00241	03/04/22	LANGU010	LANGUAGE LINE SERVICES, INC	Open	35.70	0.00	
22-00242	03/04/22	AMAZO005	AMAZON CAPITAL SERVICES, INC	Open	17.78	0.00	
22-00243	03/04/22	NESTL005	NESTLE WATERS NORTH AMERICAN	Open	126.39	0.00	
22-00244	03/07/22	HARDR005	HARD ROCK HOTEL & CASINO AC	Open	212.00	0.00	
22-00245	03/07/22	AMAZO005	AMAZON CAPITAL SERVICES, INC	Open	299.99	0.00	
22-00246	03/07/22	QUINL005	QUINLAN, ESQ., KEVIN	Open	150.00	0.00	
22-00247	03/07/22	MEADO020	MEADOWBROOK INDUSTRIES LLC	Open	25,678.23	0.00	
22-00248	03/07/22	COMCA010	COMCAST CABLE	Open	9.96	0.00	
22-00249	03/07/22	COMCA010	COMCAST CABLE	Open	194.17	0.00	
22-00250	03/08/22	HIERI010	HIERING, GANNON & MC KENNA	Open	974.40	0.00	
22-00252	03/08/22	INNOV010	POWER DMS, INC	Open	384.10	0.00	
22-00253	03/08/22	MANAH010	MANAHAWKIN MAGIC WASH	Open	28.50	0.00	
22-00254	03/08/22	GOLD0010	GOLD TYPE BUSINESS MACHINE INC	Open	1,312.50	0.00	
22-00262	03/08/22	RELIA010	RELIABLE COMMUNICATIONS	Open	199.50	0.00	
22-00263	03/09/22	PRESS015	PRESSLER MARBACH LIVING TRUST	Open	64.47	0.00	
22-00265	03/10/22	NJDI0010	NJ DIV OF MOTOR VEHICLES	Open	71.50	0.00	
22-00266	03/10/22	OCRO0010	OC ROAD DEPARTMENT	Open	963.43	0.00	
22-00268	03/14/22	ACEO0010	ACE OUTDOOR POWER EQUIPMENT	Open	2,078.25	0.00	
22-00272	03/14/22	BURNA010	BURNAFORD, ROBERT	Open	37.51	0.00	
22-00278	03/15/22	VERIZ030	VERIZON WIRELESS - CELL	Open	224.31	0.00	
22-00279	03/15/22	OWEN0010	OWEN, LITTLE & ASSOCIATES	Open	1,716.85	0.00	

PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type	
22-00281	03/16/22	HOME0010	HOME DEPOT/GECF	Tools and Shop Supplies	Open	182.01	0.00 B	
22-00282	03/16/22	CENTR035	CENTRAL JERSEY HEALTH INS FUND	March Premium	Open	696.84	0.00	
22-00283	03/16/22	APRUZ005	APRUZZESE, MCDERMOT, MASTRO &	Legal Services	Open	407.00	0.00	
22-00285	03/16/22	PEDRO010	PEDRONI FUEL COMPANY	Fuel Charges	Open	2,123.51	0.00	
22-00286	03/16/22	ERSKI005	ERSKINE, LISA A.	Borough Hall Cleaning	Open	600.00	0.00	
22-00287	03/16/22	GANNE010	GANNETT NEW JERSEY NEWSPAPERS	Monthly Advertising - February	Open	55.20	0.00	
22-00288	03/16/22	ATLAN030	ATLANTIC CITY ELECTRIC	Electric - W&S Charges	Open	2,452.74	0.00	
22-00289	03/16/22	SHORE020	SHORE BUSINESS SOLUTIONS	Copier Maintenance Fees	Open	194.13	0.00	
22-00290	03/16/22	NJNA0020	NJ NATURAL GAS	Monthly Invoice -	Open	491.55	0.00	
22-00291	03/16/22	NJNA0020	NJ NATURAL GAS	Monthly Invoice -	Open	2,027.62	0.00	
Total Purchase Orders:		60	Total P.O. Line Items:	0	Total List Amount:	479,528.91	Total Void Amount:	0.00

Totals by Year-Fund		Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
Fund Description	Fund						
Current Fund	1-01	402,561.47	0.00	402,561.47	0.00	0.00	402,561.47
Utility Operating	1-09	9,346.47	0.00	9,346.47	0.00	0.00	9,346.47
Year Total:		411,907.94	0.00	411,907.94	0.00	0.00	411,907.94
Current Fund	2-01	49,053.35	0.00	49,053.35	0.00	0.00	49,053.35
Utility Operating	2-09	4,661.21	0.00	4,661.21	0.00	0.00	4,661.21
Year Total:		53,714.56	0.00	53,714.56	0.00	0.00	53,714.56
Utility Capital F	C-08	13,691.94	0.00	13,691.94	0.00	0.00	13,691.94
Trust Fund	T-17	214.47	0.00	214.47	0.00	0.00	214.47
Total Of All Funds:		479,528.91	0.00	479,528.91	0.00	0.00	479,528.91

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 March 17, 2022 be paid upon verification by the Chief Financial Officer that sufficient funds are available for the payment of the same.

PASSED ON: March 18, 2022