

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. Commissioner Gerkens was present; Commissioner Garofalo was vacationing.

Pursuant to the applicable portions of the New Jersey Open Public Meetings Act, adequate notice of this meeting has been given. The schedule of this meeting of the Board of Commissioners of the Borough of Harvey Cedars is listed in the notice of meetings posted on the bulletin board located in the Borough Hall and the Borough's website and was published on December 14, 2017 in the Beach Haven Times and the Asbury Park Press.

Motion to approve the minutes of the previous meeting, March 2, 2018, was made by Commissioner Gerkens, seconded by Mayor Oldham.

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

ORDINANCE #2018-04 SECOND READING

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, OCEAN COUNTY, NEW JERSEY AMENDING CHAPTER XIII ENTITLED "ZONING" AS IT PERTAINS TO LOCATION AND SETBACK OF POOLS

Motion to open public discussion: Commissioner Gerkens
Second: Mayor Oldham

The Board received a suggestion from the Land Use Board to include clarification of where setback measurements are taken for the pool, whether it starts at the coping or the water line. The following paragraph was added:

- e. Distance measurements for pools are taken from the pool's water line.

In addition, the Board corrected the sentence in paragraph c. from "Minimum distance of five (5) feet is required between a pool and an accessory structure." to be "Minimum distance of five (5) feet is required between a primary structure and an accessory structure." The word pool should have been primary structure.

There were no public questions or comments.

Motion to close public discussion: Commissioner Gerkens
Second: Mayor Oldham

Motion to adopt with amendments: Commissioner Gerkens
Second: Mayor Oldham

Vote: Ayes – Oldham, Gerkens

A copy of the full ordinance as adopted with amendments is attached and also filed in the ordinance book.

The Mayor read the following resolutions by title only and asked for motions to adopt after reading each title. Copies of the full resolutions are attached hereto and made a part hereof:

RESOLUTION #2018-034:

AUTHORIZING AMENDMENT TO THE TEMPORARY BUDGET

Motion to adopt: Commissioner Gerkens
Second: Mayor Oldham

RESOLUTION #2018-035:

GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964"

Motion to adopt: Commissioner Gerkens
Second: Mayor Oldham

RESOLUTION #2018-036:

ACCEPTING APPLICATION FOR THE SISTERS OF CHARITY OF ST. ELIZABETH TO HOLD A RAFFLE IN THE BOROUGH OF HARVEY CEDARS ON SEPTEMBER 2, 2018 AND WAIVING FEE PAYABLE TO BOROUGH FOR SAME

Motion to adopt: Commissioner Gerkens

Second: Mayor Oldham

RESOLUTION #2018-037: Bills

Motion to adopt: Commissioner Gerkens

Second: Mayor Oldham

PRIVILEGE OF THE FLOOR – No public was in attendance.

Motion to adjourn: Commissioner Gerkens

Second: Mayor Oldham

Meeting adjourned at 4:32pm.

ORDINANCE NO. 2018-04

**AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, OCEAN COUNTY,
NEW JERSEY AMENDING CHAPTER XIII ENTITLED “ZONING”
AS IT PERTAINS TO LOCATION AND SETBACK OF POOLS**

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

Section 1. Section 13-7.3 entitled “Coverages” paragraph D. is hereby amended as follows:

- d. The ratio of the sum of the building footprint area and the areas of a swimming pool taken with adjacent at-grade walkways (timber or other material) and patios within three (3) feet of the pool to the upland lot area shall not exceed forty-three (43%) percent.

Section 2. **At the public hearing, Section 13-17.5, paragraph c. was corrected, changes noted below.**

Section 13-17.5 entitled “Swimming Pools.” paragraphs a. and c. are hereby amended as follows:

- a. *Plan Requirements.* Plans shall accurately show dimensions in construction of pools and appurtenances and properly establish distances to property lines, buildings, walks, required pool coping and fences; details of water supply system, drainage and water disposal systems, and all appurtenances pertaining to the swimming pool. Detailed plans of structures, vertical elevations, and sections through the pool showing depth shall be included. Plans for a pool ten (10) feet wide or smaller are required to show a three (3) foot wide coping along three sides of the pool. Plans for pools with a width of greater than ten (10) feet are required to show a three (3) foot wide coping along all sides of the pool. The required coping will be used in the maximum calculation for pool coverage.
- c. *Locations.* Swimming pools no higher than twelve (12) inches from grade shall not be any closer than ten (10) feet from any side yard, and shall not be any closer than five (5) feet from the rear property line and shall not be any closer than ten (10) feet from the bulkhead line from Barnegat Bay, lagoons, coves, and other bodies of water. There shall be a minimum distance of eight (8) feet between a pool and a primary structure. Minimum distance of five (5) feet is required between a pool ~~pool~~ **primary structure** and an accessory structure.

Any accessory structure requires a minimum distance of three (3) feet to the pool. Refer to Section 13-7.7 Accessory Buildings for other requirements.

Swimming pools shall be prohibited between a primary structure and any street or easement provided that the section is used as the main access point to the property.

Section 2A. **At the public hearing the following amendment to the introduced ordinance was added for clarity.**

Section 13-17.5 entitled “Swimming Pools.” paragraphs e. is hereby supplemented as follows:

- e. Distance measurements for pools are taken from the pool’s water line.**

Section 3. Section 13-17.8 entitled “Zoning Requirements and Lot Coverage.” is hereby amended as follows:

See Section 13-7.3d, permitted coverage with a swimming pool.

The total square footage of all structures above twelve (12) inches above grade on a given building lot may not exceed thirty-three (33%) percent of the total square footage of that building lot. The primary structure, all accessory buildings, the

swimming pool, and required copings (walkways) around the pool shall not cover more than forty-three (43%) percent of the total square footage of the lot.

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 2, 2018**. Further notice is given that said Ordinance shall be considered for final passage and adoption at a regular meeting of said Board of Commissioners to be held on **March 20, 2018** at 4:30pm at the Borough Hall, 7606 Long Beach Blvd., Harvey Cedars, NJ, at which time and place any person desiring to be heard will be given an opportunity to be so heard.

Daina Dale, Municipal Clerk

RESOLUTION #2018-034

AUTHORIZING AMENDMENT TO THE TEMPORARY BUDGET

WHEREAS N.J.S. 40A:4-19.1 provides that in any fiscal year for which the budget dates have been extended, the Director of the Division of Local Government Services may permit appropriations to provide for the period between the date upon which the budget was scheduled temporary budget for adoption pursuant to N.J.S.A. 40A:4-5 and the actual date upon which the budget is adopted; and

WHEREAS the date of this resolution is after the scheduled adoption date of March 16, 2018; and

NOW, THEREFORE, BE IT RESOLVED that the following temporary appropriations be amended and made as follows:

<u>Current Fund</u>	<u>Account #</u>	<u>Amendment</u>	<u>2018 Amended Temp</u>
Administrator S&W	8-01-20-000-000-110	1,500.00	4,000.00
Municipal Clerk - S&W	8-01-20-120-000-110	11,000.00	30,000.00
Finance Administration S&W	8-01-20-130-000-110	6,500.00	18,500.00
Finance Administration OE	8-01-20-130-000-210	1,000.00	3,000.00
Audit Services	8-01-20-135-000-200	11,000.00	16,000.00
Tax Collection S&W	8-01-20-145-000-110	7,700.00	21,700.00
Tax Assessor S&W	8-01-20-150-000-110	3,000.00	8,200.00
Engineering	8-01-20-165-000-220	3,000.00	5,000.00
Land Use Board S&W	8-01-21-180-000-110	3,000.00	9,000.00
Construction S&W	8-01-22-195-000-110	700.00	2,450.00
Employees Group Insurance	8-01-23-220-002-000	45,000.00	115,000.00
Police S&W	8-01-25-240-000-110	165,000.00	395,000.00
Road Repair & Maintenance	8-01-26-290-000-110	15,000.00	95,000.00
Beaches - Other Expenses	8-01-28-380-000-220	5,000.00	5,000.00
Unemployment Insurance	8-01-23-225-000-000	2,500.00	5,200.00
Social Security	8-01-36-472-000-000	30,000.00	60,000.00
PERS Contribution	8-01-36-471-000-000	73,083.04	73,083.04
PFRS Contribution	8-01-36-475-000-000	194,946.00	194,946.00
		<u>578,929.04</u>	<u>1,061,079.04</u>
 <u>Water/Sewer Fund</u>			
Water/Sewer S&W	8-09-56-100-000-110	50,000.00	140,000.00
Water/Sewer OE	8-09-56-100-000-200	50,000.00	150,000.00
Social Security	8-09-56-541-000-010	2,000.00	10,000.00
Unemployment Insurance	8-09-56-542-000-010	1,000.00	1,800.00
PERS Contribution	8-09-56-540-000-010	39,352.42	39,352.42
		<u>142,352.42</u>	<u>341,152.42</u>

PASSED ON: March 20, 2018

RESOLUTION #2018-035

**GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE
UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S
"Enforcement Guidance on the Consideration of Arrest and Conviction Records in
Employment Decisions Under Title VII of the Civil Rights Act of 1964"**

WHEREAS N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Harvey Cedars hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

PASSED ON: March 20, 2018

RESOLUTION #2018-036

**ACCEPTING APPLICATION FOR
THE SISTERS OF CHARITY OF ST. ELIZABETH TO HOLD A RAFFLE IN
THE BOROUGH OF HARVEY CEDARS
ON SEPTEMBER 2, 2018
AND WAIVING FEE PAYABLE TO BOROUGH FOR SAME**

WHEREAS Sisters of Charity of St. Elizabeth in Harvey Cedars has made application to conduct a raffle in accordance with the Act and Rules and Regulations of the Legalized Games of Chance Control Commission; and

WHEREAS there is satisfactory proof that the prizes are of the nature and amount allowed by law; and

WHEREAS in accordance with NJAC 13:47-4.3, fees are payable by law, upon findings and determination of the governing body of the Borough of Harvey Cedars; and

WHEREAS the governing body has heretofore waived the payment of any fee payable to the Borough for a license to conduct raffles on behalf of the Sisters of Charity of St. Elizabeth.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Harvey Cedars that upon acceptance of said application to the Legalized Games of Chance Control Commission, the application fee for license payable to the Borough of Harvey Cedars be and is hereby waived.

PASSED ON: March 20, 2018