

The regular meeting of the Board of Commissioners of the Borough of Harvey Cedars, NJ was called to order by Deputy Mayor Gerkens at 4:30pm. Commissioner Garofalo was present; Mayor Oldham was attending his son's wedding in Myrtle Beach.

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

Pursuant to the applicable portions of the New Jersey Open Public Meetings Act, adequate notice of this meeting has been given. The schedule of this meeting of the Board of Commissioners of the Borough of Harvey Cedars is listed in the notice of meetings posted on the bulletin board located in the Borough Hall and the Borough's website and was published in the Beach Haven Times on December 18, 2014.

**Motion** to approve the minutes of the previous meeting, March 24, 2015, was made by Commissioner Garofalo, seconded by Commissioner Gerkens.

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

**ORDINANCE #2015-03 FIRST READING**

**AN ORDINANCE AMENDING CHAPTER 12 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, ENTITLED "BUILDING AND HOUSING" AS IT PERTAINS TO "HOURS OF CONSTRUCTION"**

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

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

Vote: Ayes – Gerkens, Garofalo

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

**ORDINANCE #2015-02 SECOND READING**

**AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS AUTHORIZING THE MUNICIPALITY IN PREPARING ITS 2015 BUDGET TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK**

Motion to open public discussion: Commissioner Garofalo

Second: Commissioner Gerkens

There were no public questions or comments.

Motion to close public discussion: Commissioner Garofalo

Second: Commissioner Gerkens

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

Vote: Ayes – Garofalo, Gerkens

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

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

**RESOLUTION #2015-024:**

**BOROUGH OF HARVEY CEDARS PROCLAIMING APRIL 12 – 18, 2015 AS NATIONAL LIBRARY WEEK**

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

**RESOLUTION #2015-025:**

**RESOLUTION OF THE BOROUGH OF HARVEY CEDARS, COUNTY OF OCEAN, SUPPORTING BILLS S-2775 AND A-4215 TO INCREASE THE AMOUNT OF THE SHORE PROTECTION FUND**

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

**RESOLUTION #2015-026: Bills**

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

**Public Property Usage requests:**

**1. Yoga Lessons – 80<sup>th</sup> Street Beach**

A motion was made by Commissioner Garofalo, seconded by Commissioner Gerkens, to approve the request to use 80<sup>th</sup> Street beach to Ann Daly & Jane Kraemer for Yoga lessons from June 29<sup>th</sup> through August 31<sup>st</sup> from 7:30am to 9:00am on various days.

**2. Fitness Groups – Ballfield, Sunset Park**

A motion was made by Commissioner Garofalo, seconded by Commissioner Gerkens, to approve the request by Quinn McNicholas for fitness groups on Sundays starting May 31 through November from 9am to 11am contingent of the outcome of last year's defaulted payment.

**PRIVILEGE OF THE FLOOR –**

Al Donahower asked about the status of changing the Boulevard to three lanes. The Commissioners stated another traffic engineer did a traffic study report which was submitted to the County, but the County responded with indifference to the new report; follow-up is pending.

Mr. Donahower asked if there will be a design on the newly painted water tower. Commissioner Garofalo said the tank will be painted inside and out; water is being pumped from Barnegat Light; the tower will be painted with “Harvey Cedars” and a cedar tree.

Mr. Donahower asked about the status of the bay beach basketball hoop. Commissioner Gerkens stated the hoop and stand were ordered at the cost of about \$1700.

**Motion** to adjourn: Commissioner Garofalo

Second: Commissioner Gerkens

Meeting adjourned at 4:44pm.

**ORDINANCE NO. 2015-03**

**AN ORDINANCE AMENDING CHAPTER 12 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, ENTITLED “BUILDING AND HOUSING” AS IT PERTAINS TO “HOURS OF CONSTRUCTION”**

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

Section 1. Section 12-9.1 entitled “Hours of Construction” is hereby amended in its entirety as follows:

12-9.1 Days and hours. Construction and demolition activity, excluding emergency work, shall be performed as follows:

- a. Mondays through Fridays
  1. After Labor Day through June 30<sup>th</sup> beginning no earlier than 7:00 a.m.
  2. From July 1 through Labor Day beginning no earlier than 8:00 a.m.
- b. Saturdays beginning no earlier than 8:00 a.m.
- c. No construction activity shall be performed on Sundays, except by the homeowner beginning no earlier than 8:00 a.m.

Section 2. If any provision, section, subsection, or paragraph of this Ordinance shall be declared unconstitutional, invalid, or inoperative, in whole or in part, by a Court of competent jurisdiction, such provision, section, subsection, or paragraph shall, to the extent that it is not unconstitutional, invalid or inoperative, remain in full force and effect, and no such determination shall be deemed to invalidate the remaining provisions, subsections, or paragraphs of this Ordinance.

Section 3. This Ordinance shall take effect after final adoption and publication in accordance with law.

ADOPTED ON: May 1, 2015

**ORDINANCE NO. 2015-02**

**AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS AUTHORIZING  
THE MUNICIPALITY IN PREPARING ITS 2015 BUDGET TO  
EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO  
ESTABLISH A CAP BANK**

**WHEREAS** the Local Government Cap Law, NJSA 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 1.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

**WHEREAS** NJSA 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 2015 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 2015 budget year, the final appropriations of the Borough of Harvey Cedars shall, in accordance with this ordinance and NJSA 40A:4-45.14, be increased by 2%, amounting to \$61,894 and that the CY 2015 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.

ADOPTED ON: April 10, 2015

**BOROUGH OF HARVEY CEDARS  
PROCLAIMING APRIL 12 – 18, 2015 AS  
NATIONAL LIBRARY WEEK**

**WHEREAS** libraries create potential and possibilities within their communities, campuses and schools; and

**WHEREAS** libraries level the playing field for all who seek information and access to technologies; and

**WHEREAS** libraries continuously grow and evolve in how they provide for the needs of every member of their communities; and

**WHEREAS** libraries and library staff open up a world of possibilities through innovative STEAM programming, Makerspaces, job-seeking resources and the power of reading; and

**WHEREAS** library staff are trained, tech-savvy professionals, providing technology training and access to downloadable content like e-books; and

**WHEREAS** libraries support democracy and effect social change through their commitment to provide equitable access to information for all library users regardless of race, ethnicity, creed, ability, sexual orientation, gender identity or socio-economic status; and

**WHEREAS** libraries, library workers and supporters across America are celebrating National Library Week.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Borough of Harvey Cedars proclaim National Library Week, April 12 – 18, 2015 and encourage all residents to visit the Ocean County Library this week to take advantage of the wonderful library resources available at your library.

DATED: April 10, 2015

**RESOLUTION #2015-025**

**RESOLUTION OF THE BOROUGH OF HARVEY CEDARS, COUNTY OF OCEAN,  
SUPPORTING BILLS S-2775 AND A-4215  
TO INCREASE THE AMOUNT OF THE SHORE PROTECTION FUND**

**WHEREAS** the beaches of the New Jersey shore are the foundation for tourism, enhanced quality of life and a thriving coastal economy; and

**WHEREAS** every hurricane/storm season threatens both the coastline and miles inland often causing damage in the millions of dollars; and

**WHEREAS** such devastation was never more apparent than following Superstorm Sandy, the worse storm to hit New Jersey in many years; and

**WHEREAS** P.L. 1968, c.49, enacted by the New Jersey Senate and General Assembly, authorized amounts, not in excess of \$25,000,000 from the realty transfer fees, to be deposited annually in the Shore Protection Fund; and

**WHEREAS** in order to properly protect our beaches, shore communities and inland areas affected by inadequate coastline protection, a substantial increase in the annual amount is necessary; and

**WHEREAS** S-2775 and A-4215 would increase the amount annually credited to the Shore Protection Fund to \$50,000,000. This increase in funding would go a long way in ensuring a healthy coastline and protecting homes and businesses from future devastation.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Borough of Harvey Cedars, County of Ocean, State of New Jersey, hereby strongly supports the passage of S-2775 and A-4215 and urges all shore communities and counties to adopt a resolution in support of this legislation.

**BE IT FURTHER RESOLVED** that certified copies of this resolution shall be forwarded to Members of the 9<sup>th</sup>, 10<sup>th</sup>, 12<sup>th</sup> and 30<sup>th</sup> Legislative Districts, Ocean County Municipal Clerks and the Jersey Shore Partnership.

PASSED ON: April 10, 2015