

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 Garofalo was present, Commissioner Gerkens was on holiday.

The 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, June 5, 2015, was made by Commissioner Garofalo, seconded by Mayor Oldham.

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

ORDINANCE #2015-07 FIRST READING

AN ORDINANCE AMENDING CHAPTER 4 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, ENTITLED "GENERAL LICENSING" AS IT PERTAINS TO ACTIVITY COMMITTEE FEES (Special Activity fees)

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

Motion to adopt: Commissioner Garofalo

Second: Mayor Oldham

Vote: Ayes – Oldham, Garofalo

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 #2015-049:

AUTHORIZING THE UTILITY COLLECTOR TO ADJUST CERTAIN WATER/SEWER CHARGES

Motion to adopt: Commissioner Garofalo

Second: Mayor Oldham

RESOLUTION #2015-050:

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

Motion to adopt: Commissioner Garofalo

Second: Mayor Oldham

RESOLUTION #2015-051:

CHAPTER 159 ITEM OF REVENUE INSERTION IN THE SUM OF \$235.73 – ALCOHOL EDUCATION REHAB AND ENFORCEMENT

Motion to adopt: Commissioner Garofalo

Second: Mayor Oldham

RESOLUTION #2015-052:

AUTHORIZING THE EXECUTION OF A CONFIRMATORY DEED TRANSFERRING TITLE OF RIPARIAN LANDS

Motion to adopt: Commissioner Garofalo

Second: Mayor Oldham

RESOLUTION #2015-053: Bills

Motion to adopt: Commissioner Garofalo

Second: Mayor Oldham

Public Property Usage requests:

1. Long Beach Blvd. – Bicycle Ride

A motion was made by Commissioner Garofalo, seconded by the Mayor, to approve the request to use Long Beach Blvd. to "Cycle 4 Awareness" for a bicycling fundraiser on Sunday, September 27, 2015 from 8:00am to 2:00pm. Ride begins in Barnegat Light with 2 loops, one to Holgate and another shorter loop. Number of participants

shall be provided prior to the event for police staffing purposes.

PRIVILEGE OF THE FLOOR –

Bob Danna asked what the confirmatory deed resolution was about; the Clerk explained that in 1959 the Borough vacated a paper street, 81st Street near Anchor, but never formally deeded the easement areas to the property owners, even though they have been paying taxes on it.

Greg Gutchigian mentioned there should be an official unveiling of the water tower. The Mayor responded that he has been asked if a high-rise was being built in Harvey Cedars (*due to the protective screening erected around the tower*). The Mayor said they are done sandblasting, the inside is done, still working on the logo, the paint should last longer this time and there is a 3 year bond in place for any defects.

Bob Danna mentioned the Sandpaper editorial about a driver that nearly hit a bicyclist that had fallen on the Boulevard, and asked if the town is concerned about liability. The Mayor mentioned that “everybody is liable” when an accident occurs, but there is a paper trail (with the County) of Harvey Cedars’ concerns and wishes regarding Boulevard safety.

Jim Loudon asked the status of the letter regarding the disproportionate school taxes. The Mayor said that Commissioner Gerken is working on the letter.

Motion to adjourn: Commissioner Garofalo
Second: Mayor Oldham

Meeting adjourned at 4:47pm.

ORDINANCE NO. 2015-07

**AN ORDINANCE AMENDING CHAPTER 4 OF THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS,
1975, ENTITLED “GENERAL LICENSING” AS IT PERTAINS TO ACTIVITY
COMMITTEE FEES**

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

Section 1. Section 4-7 entitled “Activity Committee Fees” is hereby amended by supplementing the following:

Books \$5.00 - \$25.00
Memorial Benches \$0.00 to \$900.00

Section 2. Ordinances or parts of ordinances inconsistent herewith are repealed.

Section 3. This ordinance shall take effect after a second reading and publication, in accordance with law.

ADOPTED ON: July 7, 2015

RESOLUTION #2015-049

**AUTHORIZING THE UTILITY COLLECTOR TO ADJUST CERTAIN
WATER/SEWER CHARGES**

WHEREAS the Utility Collector of the Borough of Harvey Cedars processes quarterly utility bills based on the prior three months of water usage, and the Borough Superintendent reads and maintains monthly meter readings; and

WHEREAS the following resident had high water usage for the 2nd quarter of 2015 due to unforeseen circumstances and the Borough Superintendent along with the Utility Collector investigated this usage and have recommended credits be issued for this one occasion:

- Account # 673 – Evan & Leslie Hollander Weiss

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Harvey Cedars that the Utility Collector is authorized to adjust and issue a one time credit to the following utility account(s) based on average water usage from prior 2nd quarter's readings:

ACCOUNT#	WATER CREDIT	SEWER CREDIT
673-0	\$1,192.13	\$315.34

PASSED ON: June 16, 2015

RESOLUTION #2015-050

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

WHEREAS NJSA 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS the Annual Report of Audit for the year 2014 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to NJSA 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS RS 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS the Local Finance Board has promulgated NJAC 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations"; and

WHEREAS the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to NJAC 5:30-6.5; and

WHEREAS all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of RS 52:27BB-52, to wit:

RS 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Harvey Cedars hereby states that it has complied with NJAC 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

PASSED ON: June 16, 2015

RESOLUTION #2015-051

**CHAPTER 159 ITEM OF REVENUE INSERTION IN THE SUM OF \$235.73 –
ALCOHOL EDUCATION REHAB AND ENFORCEMENT**

WHEREAS NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS the Director may also approve the insertion of an item of appropriation for an equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Commissioners of the Borough of Harvey Cedars, in the County of Ocean, New Jersey, hereby request the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$235.73, which is now available from the State of New Jersey, Department of Environmental Protection entitled “Alcohol Education/Rehabilitation Enforcement Fund”.

BE IT FURTHER RESOLVED that the sum of \$235.73 is hereby appropriated under the caption: 8. General Appropriations (A) Operations excluded from “CAPS” Public and Private Programs offset by Revenues: Alcohol Education/Rehabilitation Program.

BE IT FURTHER RESOLVED that the above is a result of State funds obtained through the Office of the Attorney General as a State grant.

PASSED ON: June 16, 2015

RESOLUTION #2015-052

**AUTHORIZING THE EXECUTION OF A CONFIRMATORY DEED TRANSFERRING
TITLE OF RIPARIAN LANDS**

WHEREAS the Board of Commissioners of the Borough of Harvey Cedars was formerly the owner of a portion of a public street known as 81st Street; said public street had an abutting riparian grant; and

WHEREAS in 1959 the Borough of Harvey Cedars vacated a portion of 81st Street with the intent that same be conveyed to the owners of Lot 15 Block 64 on the Tax Map of the Borough of Harvey Cedars; and

WHEREAS the Borough in drafting the Ordinance to vacate the said roadway, intended to also transfer title to the abutting riparian lands; and

WHEREAS the Tax Map of the Borough of Harvey Cedars was drawn to reflect and currently does designate said riparian lands as being owned by the owners of Lot 15, Block 64, and has been taxed as such.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Harvey Cedars, in order to correct the above mentioned error, the Mayor is hereby authorized to execute a confirmatory deed transferring title to said riparian lands to the current owner of the premises in question.

PASSED ON: June 16, 2015