

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 Gerkens and Garofalo were present.

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, July 7, 2015, was made by Commissioner Gerkens, seconded by Commissioner 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 #2015-061:

AUTHORIZING BEACH BUGGY AND MUNICIPAL PROPERTY USAGE FEES TO BE WAIVED FOR THE 2015 LBI FISHING TOURNAMENT

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

RESOLUTION #2015-062:

CHAPTER 159 ITEM OF REVENUE INSERTION IN THE SUM OF \$50,000.00 – FEMA INFRASTRUCTURE PROGRAM EQUIPMENT ELEVATION PROJECT (RAISE ELECTRICAL PANEL 80TH STREET WATER PLANT)

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

RESOLUTION #2015-063:

AUTHORIZING MUNICIPAL CHARGES FOR COSTS INCURRED BY THE BOROUGH FOR PROPERTY MAINTENANCE VIOLATION REMEDIES

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

RESOLUTION #2015-064:

AMENDMENT TO THE POLICY AND PROCEDURE MANUAL FOR THE BOROUGH OF HARVEY CEDARS

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

RESOLUTION #2015-065: Bills

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

Public Property Usage requests:

1. Wedding Ceremony – Sunset Park

A motion was made by Commissioner Garofalo, seconded by Commissioner Gerkens, to approve the request from Joey Anna Young for a wedding ceremony at the gazebo on Sunday, August 29th at 11:00am.

2. LIT Barbeque – Sunset Park

A motion was made by Commissioner Garofalo, seconded by Commissioner Gerkens, to approve the request from Harvey Cedars LIT for their annual barbeque in park on Thursday, July 30th from 5pm to 10pm.

3. Soccer Camp – Ballfield at Sunset Park

A motion was made by Commissioner Gerkens, seconded by Commissioner Garofalo, to approve the request from Martyn Rushmore for 5 weeks of soccer camps in July & August of 2016 from 9am to 1pm.

4. Flyboarding Drop Off – Sunset Park

The request from Justin Chiusolo (SuperflyNJ) to use Sunset Park for pick up and drop off of flyboarding customers was resubmitted with a copy of a permit from the State Police allowing the flyboarding to operate in a designated area in the bay. After a discussion amongst the Board, the Police Chief and input from the public in attendance, the Commissioners denied the request based on safety concerns because of all the existing activity of SUP's, kayakers and boating. A letter of denial will be sent.

PRIVILEGE OF THE FLOOR –

Greg Gutchigian showed a t-shirt to the Board and the Police Chief as a suggestion to promote bicycle and pedestrian safety on the Boulevard. The Police Chief said he will look into getting a grant for pedestrian safety next year to purchase the shirts, although this year the Borough was denied because there were not enough accidents, a requirement for the grant.

A brief discussion with Jim Loudon was held regarding the pickleball court striping. The Mayor asked the clerk to get a CAD drawing of the layout. Fees for use of the court would be the same as the tennis court fees.

Jim Loudon and Greg Gutchigian reported that a survey was sent out to the members of the Taxpayers Association regarding the open space tax. The results should be back prior to the Board submitting the question to the County.

The Mayor stated he sent a letter to the County requesting bicycle stenciling on the Boulevard. The County responded verbally that it cannot be done because the shoulders are not official bike lane width; it was suggested by the County to put up signage.

Motion to adjourn: Commissioner Garofalo
Second: Commissioner Gerkens

Meeting adjourned at 4:50pm.

RESOLUTION #2015-061

**AUTHORIZING BEACH BUGGY AND MUNICIPAL PROPERTY USAGE FEES
TO BE WAIVED FOR THE
2015 LBI FISHING TOURNAMENT**

WHEREAS pursuant to Section 4-3 of the General Ordinances of the Borough of Harvey Cedars, every person desiring to operate a motor vehicle on the strand of ocean beach of this borough for the purpose of competing in the annual Long Beach Island Fishing Club Tournament shall pay a registration fee of five (\$5.00) dollars per vehicle to be valid only during the tournament; and

WHEREAS pursuant to Section 4-9 of the General Ordinances of the Borough of Harvey Cedars, no person or group shall be permitted to conduct any private, commercial, or non-profit event or conduct any type of business upon municipal owned property without first obtaining a permit and paying a fee as per Resolution #2015-009; and

WHEREAS the Long Beach Island Fishing Club located at 6 East Cape May Avenue, Harvey Cedars, is hosting the 69th Annual World Series of Surf Fishing Invitational Tournament on September 26, 2015 with approximately 50 teams participating and using approximately 120 vehicles; and

WHEREAS the Long Beach Island Fishing Club hosts, sponsors and participates in the annual *Hooked On Fishing Not On Drugs* fishing tournament for children, a non-profit community spirited event held in Harvey Cedars.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Harvey Cedars that beach buggy registration fee and the municipal property usage fee for the 2015 Long Beach Island Fishing Club Tournament is hereby waived.

PASSED ON: July 21, 2015

RESOLUTION #2015-062

**CHAPTER 159 ITEM OF REVENUE INSERTION IN THE SUM OF \$50,000.00 –
FEMA INFRASTRUCTURE PROGRAM EQUIPMENT ELEVATION PROJECT
(RAISE ELECTRICAL PANEL 80TH STREET WATER PLANT)**

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 Commission of the Borough of Harvey Cedars, in the County of Ocean, New Jersey, hereby requests 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 \$45,000.00, which is now available from the Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP) (through the New Jersey Office of Emergency Management) in the amount of \$45,000.00.

BE IT FURTHER RESOLVED that the like sum of \$45,000.00 is hereby appropriated under the caption: 8. General Appropriations (A) Operations excluded from “CAPS” Public and Private Programs offset by Revenues: 80th St. Electrical Panel.

BE IT FURTHER RESOLVED that a matching sum of \$5,000.00 is to be provided for in the 2015 Municipal budget from the line item entitled “Water/Sewer – Pump House 5-09-56-100-000-202”.

BE IT FURTHER RESOLVED that the above is a result of funds from the Federal Emergency Management Agency and the New Jersey Office of Emergency Management in the amount of \$45,000.00.

PASSED ON: July 21, 2015

RESOLUTION #2015-063

**AUTHORIZING MUNICIPAL CHARGES FOR COSTS INCURRED BY THE
BOROUGH FOR PROPERTY MAINTENANCE VIOLATION REMEDIES**

WHEREAS in accordance with NJSA 40:48-2 et. seq. and pursuant to Section 21-5.2 of the General Code of the Borough of Harvey Cedars, if notices of violation for property maintenance are not complied with, the code official shall institute the appropriate proceedings; and

WHEREAS a violation has been served in writing to the property owner and the property owners' mortgage lender for the property located at 7 East 73rd Street with a remedy deadline of July 31, 2013; and

WHEREAS since no action was taken by the property owner, the following charges have been previously authorized:

RESOLUTION	DATE	AMOUNT	STATUS
#2013-102	09/17/2013	\$893.68	Paid
#2013-115	11/01/2013	\$560.00	Paid
#2014-006	01/03/2014	\$610.00	Paid
#2014-024	02/18/2014	\$310.00	Paid
#2014-050	05/02/2014	\$890.97	Paid
#2014-076	07/15/2014	\$609.03	Paid
#2014-091	10/03/2014	\$920.00	Paid
#2014-129	12/16/2014	\$920.00	Paid

;and

WHEREAS the following additional charges have accumulated:

FROM DATE	TO DATE	AMOUNT
01/01/2015	07/31/2015	\$2,120.00

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Harvey Cedars has reviewed the attached municipal costs for the abatement of violations and hereby authorizes said costs for the period of January 1, 2015 through July 31, 2015 totaling Twenty One Hundred Twenty Dollars and No Cents (\$2,120.00) to be invoiced to 7 East 73rd Street and to be recorded as a municipal lien.

PASSED ON: July 21, 2015

RE: VIOLATIONS NOTICE
7 East 73rd St., Harvey Cedars, NJ 08008

The above captioned property is in violation of the following:

1. **Ord. 21-7.1 Sanitation** – Hazardous insulation batting falling out of unprotected underside of first floor.
REMEDY: Install proper boards to secure insulation batting or remove all insulation.
2. **Ord. 21-7.4 Rodent Harborage** – Witnesses have seen feral cats entering and leaving premises. Cats have been seen looking out from the windows. Structure is unsecured and is vulnerable to rodent and other infestation.
REMEDY: Secure all accesses to structure which allow feral cats to enter.
3. **Ord. 21-7.7 Motor vehicles** - Red vehicle inoperable and with expired registration.
REMEDY: Remove car from property.
4. **Ord. 21-9.2 Protective treatment** – Garage entry blockade deteriorating and coated with mold and algae seen on exterior of building
REMEDY: Remove mold from garage blockade and paint with protective treatment; remediate all exterior mold and algae.
5. **Ord. 21-9.3 Premises identification** - None
REMEDY: Install house number, minimum 4” high
6. **Ord. 21-10 HANDRAILS AND GUARDRAILS** - None
REMEDY: Install handrails and guards on all exterior staircases and decks.

The borough will allow up to 30 days from the receipt of this notice to abate the violations or file an appeal to the Board of Commissioners by July 31, 2013.

Maintenance Costs for 7 East 73rd Street
Block 52 Lot 4
01/01/15 through 07/31/15

1/1/15 – 7/31/15	
Previous balance (credit)	\$ - 179.94
212 days storage of vehicle@ \$10/day	\$ 2,212.00
TOTAL UNPAID CHARGES THROUGH 07/31/15	\$ 1,940.06

RESOLUTION #2015-064

AMENDMENT TO THE POLICY AND PROCEDURE MANUAL FOR THE BOROUGH OF HARVEY CEDARS

WHEREAS the Borough of Harvey Cedars adopted employment policies and procedures on February 7, 1997 which are available to the employees through an encompassing manual known as the Policy and Procedure Manual; and

WHEREAS said manual shall be reviewed from time to time for policy updates.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Harvey Cedars hereby amends the following sections of the Personnel Policy and Procedure Manual for the Borough of Harvey Cedars:

1. Section 4.5 Attendance and Tardiness, paragraphs a. & b. are hereby amended in full as follows:
 - a. When an employee becomes aware that he/she will be late, the employee's immediate supervisor must be advised. An employee who is absent is responsible for notifying his/her supervisor promptly on or before the employee's usual starting time. Notification by another employee, friend, or relative is not considered proper except in an emergency situation where the employee is physically unable to make the notification. Failure to notify the supervisor may be cause for denial of the use of sick leave for the absence and constitute cause for disciplinary action.
 - b. All employees who are repeatedly late or abuse sick time, revealing a pattern considered to be "excessive," will be subject to disciplinary action.
2. Section 4.6 Inclement Weather is hereby amended by supplementing the following:

The following policy applies to every Public Works employee and will be administered fairly and consistently:

1. Employees may not call out for work due to anything related to inclement weather.
 2. If an employee calls out for work sick on an inclement weather day, they will need to provide a physician's note, signed by their doctor, which includes diagnosis and the date they are able to return to full duty.
 3. If an employee calls out for work due to the inclement weather, he/she will be required to use a personal or vacation day for that missed shift. **Sick days may not be used.**
 4. If an employee calls out they **must speak** with their supervisor at least two hours before the beginning of their shift.
 5. Employees need to plan for inclement weather and arrange their own transportation to the Borough. If an employee has exhausted all of their means of reporting to work for their shift during inclement weather, then it will be up to the employee to call the Borough to arrange for transportation. Again, employees are **fully accountable** for getting to work.
3. New Section 4.13 Fire Department and First Aid Squad Members is hereby added as follows:

4.13 Fire Department and First Aid Squad Members

In accordance with NJSA 40A:9-160.1, the Borough shall grant time off from work with pay for municipal employees who are members of the fire department and/or first aid squad serving the Borough of Harvey Cedars when such employee is called to respond to alarms occurring during the hours of their employment as follows:

1. Employees are only permitted to respond to alarms occurring during their work hours when said alarm is for the company to which they are a member.
2. Employees are required to report back to work as soon as possible.
3. Employees must have the commanding officer on site complete and sign the Borough's "Response to Call" form and deliver it to their Department Head upon return from the call.
4. Employees must return to work if not needed on a fire truck, until such a time they receive a recall.

In accordance with NJSA 38:23-2, every public department shall give a leave of absence with pay to every person in the service of the State, county or municipality who is a duly authorized representative (delegate) of various associations including the New Jersey Firemen's Association and the New Jersey State Exempt Firemen's Association, to attend any State or national convention of such association. Per the New Jersey State Firemen's Association, a maximum of four (4) delegates per organization (such as the High Point Volunteer Fire Company) are authorized. A certificate of attendance to the State convention shall be submitted by the delegate so attending.

Any other employee(s) wishing to attend a State convention may do so upon the approval of requested use of vacation or personal benefit time. Approval shall be granted based on staff availability and work duty schedules.

4. New Section 4.14 Outside Employment is hereby added as follows:

4.14 Outside Employment

Employees who have a job or self-employed business outside his or her regular full-time employment with the Borough shall notify their Department Head of same, in writing, setting forth the name and address of the employer, hours worked and the nature of the work.

It shall be understood by the employee that any outside employment or self-employment shall not interfere with his or her work performance with the Borough or shall not cause a conflict of interest.

5. Section 9.1 Sick Leave, paragraph e. is hereby amended in full as follows:

e. Any employee who shall be absent on sick leave for three (3) or more consecutive working days shall be required to submit acceptable medical evidence substantiating the illness to his/her Department Head. An employee who is absent seven (7) or more days within a six (6) month period shall be subject to a review by the supervisor.

6. Section 9.1 Sick Leave, paragraph f. is hereby amended by supplementing the following bulleted items:

- Doctor or dental appointments
- Maternity leave
- Death in the employee's immediate family, for a reasonable period of time, as cited in the bereavement policy.

7. Section 9.1 Sick Leave, paragraph i. is hereby added as follows:

i. At the discretion of the Department Head, an employee may utilize vacation leave, if available and with proper notice, when sick leave has been exhausted.

8. Section 10.3 Holidays is hereby supplemented with the following paragraphs:

- c. Holiday dates shall be designated annually by the Board of Commissioners.
- d. An employee who calls out sick or who is absent on the day immediately preceding or following a holiday shall lose the holiday unless a doctor's note is submitted upon returning to work. At the discretion of the Supervisor, a vacation or personal day can be substituted for the lost holiday pay. Sick days shall not be substituted for lost holiday pay.

9. Section 11. Workers' Compensation is hereby amended by inserting the following as the second paragraph:

If the insurance company places the employee out from work, all time off shall be charged as Workers' Comp days, otherwise sick time shall be used.

10. Section 11. Workers' Compensation is hereby amended by inserting the words "6 consecutive days and" after the first word "After" in the third paragraph.

11. Section 12.5 Post-Accident Testing is hereby amended by adding the following new letter a. to the list and re-lettering the remaining items:

- a. A police report is generated.

BE IT FURTHER RESOLVED as follows:

1. Any Personnel Policies or Personnel Policy Manuals inconsistent herewith are hereby repealed.
2. This update to the Policy Manual shall take effect immediately.
3. This revision of the Policy Manual shall be known as Revision 07/15.
4. The Personnel Officer shall offer copies of this resolution to all employees.

PASSED ON: July 21, 2015