

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 10, 2015 and the Asbury Park Press on December 15, 2015.

Motion to approve the minutes of the previous meeting, July 19, 2016, was made by Commissioner Gerkens, seconded by Commissioner Garofalo.

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 #2016-09 SECOND READING

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING A REFERENDUM BALLOT QUESTION REGARDING THE ESTABLISHMENT OF AN OPEN SPACE CONSERVATION TRUST FUND PURSUANT TO NJSA 40:12-15.7

Motion to open public discussion: Commissioner Garofalo
Second: Commissioner Gerkens

Mike Songer, President of the Harvey Cedars Taxpayers' Association, stated the Association thinks the open space tax is a great idea in theory, but summarized the concerns raised by the membership:

1. What types of properties would be bought? i.e. the James Street lot (a good idea) vs. a lot in the middle of a street (a concern).
2. The "piggy bank" syndrome – money will accumulate; how can abuse of the funds (using it for other purposes) be prevented by future governing bodies. The membership has no issues with the current administration but it will most likely be different in 15–20 years.
3. When will the tax be eliminated; it's open ended.
4. It was asked if different types of funding have been explored rather than a tax.

Commissioner Gerkens said this ordinance is just to put the question on the ballot; if passed, an advisory committee will be formed and a more detailed ordinance will be implemented; as far as other funding, bonding takes time and needs to have a 5% down payment.

Motion to close public discussion: Commissioner Gerkens
Second: Commissioner Garofalo

Motion to adopt: Commissioner Garofalo
Second: Commissioner Gerkens

Vote: Ayes – Oldham, Gerkens, Garofalo

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 #2016-10 SECOND READING

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS REGULATING THE STATUTORY AUTHORITY OF VERIZON NEW JERSEY INC., ITS SUCCESSORS AND ASSIGNS TO USE THE VARIOUS PUBLIC STREETS, ROADS, AVENUES, HIGHWAYS AND OTHER PUBLIC WAYS IN THE BOROUGH OF HARVEY CEDARS, OCEAN COUNTY, NEW JERSEY, FOR ITS LOCAL AND THROUGH LINES AND OTHER COMMUNICATIONS FACILITIES AND PRESCRIBING THE CONDITIONS THEREOF

Motion to open public discussion: Commissioner Garofalo
Second: Commissioner Gerkens

Mark Bocchieri introduced himself as the representative from Verizon and handed the Board contact information. He stated this ordinance is basically the continuation of the 50-year consent ordinance that expires this year. He thanked the Board for passing it.

There were no other public questions or comments.

Motion to close public discussion: Commissioner Garofalo
Second: Commissioner Garofalo

Motion to adopt: Commissioner Garofalo
Second: Commissioner Gerkens
Vote: Ayes – Oldham, Garofalo, Gerkens
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 #2016-073:

RESOLUTION OF THE BOROUGH OF HARVEY CEDARS AUTHORIZING THE CANCELLATION OF TAXES ASSESSED IN ERROR

Motion to adopt: Commissioner Gerkens
Second: Commissioner Garofalo

RESOLUTION #2016-074:

AUTHORIZING THE EXECUTION OF THE COOPERATIVE AGREEMENT FOR THE PARTICIPATION IN THE OCEAN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR FY 2017-2019

Motion to adopt: Commissioner Garofalo
Second: Commissioner Gerkens

RESOLUTION #2016-075:

SUPPORTING THE “DRIVE SOBER OR GET PULLED OVER” 2016 STATEWIDE CRACKDOWN

Motion to adopt: Commissioner Gerkens
Second: Commissioner Garofalo

RESOLUTION #2016-076: Bills

Motion to adopt: Commissioner Garofalo
Second: Commissioner Gerkens

Public Property Usage requests:

1. Surf Contest – Hudson Ave. Beach

A motion was made by Commissioner Garofalo, seconded by Commissioner Gerkens, to approve the request to use Hudson Ave. beach to the NSSA for a surf contest on Sunday, August 14 (no wave date August 28) from 8:00am to 1:00pm

2. Lifeguard Races – Hudson Ave. Beach

A motion was made by Commissioner Garofalo, seconded by Commissioner Gerkens, to approve the request to use Hudson Ave. beach to Randy Townsend & the Harvey Cedars Beach Patrol for the annual Cutters Cup Lifeguard Races on Thursday, August 11, 2016 from 5pm to 8pm.

3. Barbeque – Sunset Park

A motion was made by Commissioner Gerkens, seconded by Commissioner Garofalo, to approve the request to use Sunset Park to the Harvey Cedars LIT for their annual barbeque in park on Tuesday, August 9th from 6pm to 8pm.

4. Block Party East 81st Street

A motion was made by Commissioner Garofalo, seconded by Commissioner Gerkens, to approve the request from Marilyn Upton for a block party on East 81st Street, Saturday, August 20th from 7pm to 11pm(?). The Chief will visit with Ms. Upton to discuss safety concerns and the setup.

Mayor Oldham stated sand will be pumped next week in Harvey Cedars (by the Army Corps project).

PRIVILEGE OF THE FLOOR –

Jim Loudon, representing the Taxpayers' Association, stated they had their "meet & greet" the other day and a woman from 86th Street stated Harvey Cedars should consider a fire pit ordinance such as the one introduced in Barnegat Light; smoke blowing into open windows is an issue. Commissioner Gerkens added that a drone ordinance should be considered as well. Mayor Oldham asked Mr. Loudon to provide samples of the ordinance.

Mayor Oldham said he is entertaining the idea of re-hiring a lobbyist for beach funding; concerned the funding won't be given to LBI once the project is done. Mike Songer stated the Taxpayers' Association will be happy to do a letter writing campaign to Congressmen and Senators. Mr. Songer noted the walkovers are difficult to traverse with the soft sand; Mayor Oldham said the project would fix that (if we can get it).

Motion to adjourn: Commissioner Garofalo
Second: Commissioner Gerkens

Meeting adjourned at 5:00pm.

RESOLUTION #2016-073

**RESOLUTION OF THE BOROUGH OF HARVEY CEDARS AUTHORIZING
THE CANCELLATION OF TAXES ASSESSED IN ERROR**

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 transferred by deed into the title of Marc Barbanell, a 100% disabled veteran of the Vietnam War, and taxes have been assessed upon the listed property.

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:

<u>Block</u>	<u>Lot</u>	<u>2016 taxes</u>	<u>2017 taxes</u>
14	5	\$ 7,747.87	\$ 5,402.44

and that the overpayment be refunded.

PASSED ON: August 5, 2016

RESOLUTION #2016-074

**AUTHORIZING THE EXECUTION OF THE COOPERATIVE AGREEMENT FOR
THE PARTICIPATION IN THE OCEAN COUNTY COMMUNITY DEVELOPMENT
BLOCK GRANT PROGRAM FOR FY 2017-2019**

WHEREAS Title 1 of the Housing and Community Development Act of 1974 provides for substantial federal funds through the Community Development Block Grant (CDBG) Entitlement Program being made to certain urban counties for use therein; and

WHEREAS Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990 (NAHA) established the HOME investment Partnership Program which provides substantial federal funds to qualified local jurisdictions including the County of Ocean and its participating municipalities; and

WHEREAS these Acts establish certain criteria which must be met in order for a county to be the recipient of said funding; and

WHEREAS the Shared Services and Consolidation Act, N.J.S.A. 40A: 65-1 et seq., provides a mechanism through which counties and municipalities may enter into agreements for the provision of joint services; and

WHEREAS it is in the best interest of the Borough of Harvey Cedars to enter into such an agreement.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Harvey Cedars, County of Ocean, State of New Jersey, that the Mayor and Municipal Clerk are hereby authorized to sign and execute the Cooperative Agreement for FY 2017-2019 with the County of Ocean for the participation in the Ocean County Community Development Block Grant Program, a copy of which is on file in the office of the Municipal Clerk.

PASSED ON: August 5, 2016

RESOLUTION #2016-075

**SUPPORTING THE
“DRIVE SOBER OR GET PULLED OVER”
2016 STATEWIDE CRACKDOWN**

WHEREAS approximately one-third of all fatal traffic crashes in the United States involve drunk drivers; and

WHEREAS impaired driving crashes cost the United States almost \$50 Billion a year; and

WHEREAS 27% of motor vehicle fatalities in New Jersey in 2013 (the last year for which complete data is available) were alcohol-related; and

WHEREAS an enforcement crackdown is planned to combat impaired driving; and

WHEREAS the summer season and the Labor Day holiday in particular are traditionally times of social gatherings which include alcohol; and

WHEREAS the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *Drive Sober or Get Pulled Over 2016 Statewide Crackdown*; and

WHEREAS the project will involve increased impaired driving enforcement from August 19 through September 5, 2016; and

WHEREAS an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Harvey Cedars declares it's support for the *Drive Sober or Get Pulled Over 2016 Statewide Crackdown* from August 19 through September 5, 2016 and pledges to increase awareness of the dangers of drinking and driving.

PASSED ON: August 5, 2016