

The regular meeting of the Board of Commissioners of the Borough of Harvey Cedars, NJ was called to order by Mayor Oldham at 4:32pm. 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 21, 2015, 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 #2015-08 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 Gerkens
Second: Commissioner Garofalo

Tony Aukstikalnis stated his issues regarding this ordinance: this would be an additional tax increase and taxes have increased about 20% in the last 4 years and 4.5% this year; how will the funds be safeguarded to only be used for open space; an open space tax is already in place with the County; the Harvest Avenue property mentioned in the paper appears to be usable and is not a justification for open space; Barnegat Light having this tax is not a valid reason for Harvey Cedars to have one; he has not read the question that will appear on the ballot.

The Board responded that there are 2 huge parcels in town that can conceivably come up for sale (or portions of them), Maris Stella and Bible Conference, and even the Fishing Club may be a possibility; the County may kick in, but most likely it would be a cost share; the tax revenue would be placed in a separate fund and monitored by the auditors; down the road if there is an opportunity to maintain open space, the funding would be in place; the Harvest Avenue property was a consideration if this tax were in place; Barnegat Light was only mentioned as another town having the open space tax; this ordinance authorizes the question on the ballot subsequently allowing the people in the town to vote on it.

Mike Songer said he is in favor of the tax so long as it does not become some slush fund, this was the number 1 concern of most people in the Taxpayers' Association that it would be used for something else. He commented that Ocean County doesn't bond to get open space, they only use their open space money, and he thinks it's a good idea that we put our own money aside.

A representative from the Sisters of Charity stated that she would like to know ahead of time when anything about the Sisters' property is mentioned to the public; she received 3 phone calls asking about the sale of their property. The Board explained the Sisters of Charity property was used as an example for open space acquisition and did not state it was for sale, but will definitely inform the Sisters if any future reference is made about their property.

After a brief discussion amongst the Board members, a motion was made by Commissioner Garofalo to carry the public discussion to a special meeting in order to obtain further information and to discuss the matter further. The special meeting will be held on Wednesday, August 12, 2015 at 5:00pm.

Second: Commissioner Gerkens

Vote: Ayes – Oldham, Garofalo, Gerkens

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 #2015-066:

REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES FOR A DEDICATED TRUST BY RIDER FOR A CANINE UNIT PROGRAM

Commissioner Garofalo stated that the police department is setting up a “Go Fund Me” program to fund the canine unit; police have been in contact with other communities and businesses for donations of food, a vehicle and anything else pertaining to the dog; the initial funds raised will be for the purchase of the dog. Commissioner Gerkens added that this dedicated trust must be set up so those funds are separate and to be used solely for the canine unit.

Bob Danno asked why a canine unit is needed. Commissioner Garofalo stated there is a lot of activity with drugs/heroin going through our town; the dog is a good tool when needed; Long Beach, Stafford and the County have dogs but they are usually busy, not on duty or would arrive too late for a search when needed; a police officer can only hold someone for a certain amount of time. The dog can also be used for tracking children. The Commissioner said his wishes are that the program will cost as little as possible (in taxpayer dollars); the canine officer working on a call would not be paid overtime, but by comp time.

Chief Preiser stated most arrests are for warrants, and the 2nd most arrests are for drugs; there is an increase in drug arrests in town, mostly people passing through; a combination of marijuana and hard drugs including heroin; there were 2 heroin arrests out of the 30 drug arrests; quite a few arrests were missed from not getting a dog in time; police cannot hold anyone more than 40 minutes.

It was discussed that most of the funding of the program would come from donations; donations needed for the startup costs are about \$7 to \$8,000 and an annual cost of roughly \$2,000; Stafford Township is donating a (canine) vehicle; the canine officer is responsible for the housing of the dog; efforts will be made to keep the cost out of the budget, but there may be officer training expenses; vehicles can be retrofitted for dogs.

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

RESOLUTION #2015-067:

REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES FOR A DEDICATED TRUST BY RIDER FOR RECREATIONAL PURPOSES

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

RESOLUTION #2015-068:

UPDATING THE PURCHASING POLICY MANUAL OF THE BOROUGH OF HARVEY CEDARS

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

RESOLUTION #2015-069:

CHAPTER 159 ITEM OF REVENUE INSERTION IN THE SUM OF \$100,400 – FEMA INFRASTRUCTURE PROGRAM GENERATOR PROJECT (80TH STREET WATER PLANT)

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

RESOLUTION #2015-070: Bills

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

Public Property Usage requests:

1. Lacrosse Camps – Sunset Park

A motion was made by Commissioner Gerkens conditional upon the accountability for the ballfield fence (the fence gets damaged during lacrosse) to approve the request by David Brothers for lacrosse camps for the following weeks from 9am to 1pm, seconded by Commissioner Garofalo:

August 8 – August 11, 2016

August 15 – August 18, 2016

2. Catboat Race – Sunset Park

A motion was made by Commissioner Gerkens, seconded by Commissioner Garofalo, to approve the request by Robert Rue for the 28th Annual Catboat Race on Sunday, September 6, 2015 from noon to 4pm.

PRIVILEGE OF THE FLOOR –

Several complaints were voiced regarding street traffic and speed:

- Irene Giordano suggested Cedars Avenue speed be reduced to 20 mph because it is a busy street with no sidewalks, Bible Conference parking, big trucks and no “no outlet” signs.
- A woman from 80th Street said on her street the Oasis (Grill) is on one corner and trucks come up the street to turn around; they try to k-turn on the street.
- John Keegan stated East 69th Street is very narrow and there are times he cannot get out of his driveway because of all the cars parked on the street; it is a guarded beach street so there are a lot of cars; the corner property is overgrown; emergency vehicles would not be able to get up the street.

The Mayor stated the laws have changed where municipalities have more autonomy regarding speed limits; he believes side streets should be no more than 15mph. He recently was made aware of the East 69th Street situation and is taking a look at it with the Police; it was suggested that alternate side of the street parking be established, one side be designated as no parking, or no parking the entire street. The Mayor would prefer to talk to the residents on the street but in the meantime will have the empty lot cleared back by the right of way.

Bettie Greber, East 80th Street, stated the handicap ramp is not usable; grass has grown on the ramp and the sand is as deep as the grasses in the walkway. She stated that the bicycle and pedestrian traffic should be enforced; she had an issue with the Bible Conference group where the children were walking 4 abreast on the Boulevard. She suggested to place signage showing which way to walk, or maybe publish in the Sandpaper, or score the white line. Commissioner Garofalo stated the ramp will be rebuilt with Block Grant funds. He stated the Class 1 Police on bicycles are trying to educate people and the message board is being utilized; he said the Borough just recently asked the County to stencil the bike lane, but it was refused because the lane is too narrow, although the County gave us some suggestion for signs.

Tom Berry, East 85th Street, asked what the chances are for “3 in HC”? Mike Songer from the Harvey Cedars Taxpayers’ Association responded that he went to the Wednesday County Freeholder meeting and the sense is that the County is not going to do a thing; Association members have been showing up to meetings and plan to have radio people come down to put pressure on the County.

Tom Berry stated he is in favor of the canine unit for tracking; his wife has dementia and for the first time she got out of the house; he had a good response from the police and they found her, but he is worried about the Boulevard, traffic and the heroin going on and told the Chief he is ready to donate (to the canine unit fund).

The Mayor summarized that E. 69th will be cleaned up, he will work on the Cedars Ave. speed and “no outlet” signs, he will meet at 80th Street tomorrow at 8:00am, and we will hold a special meeting for Wednesday regarding the open space tax.

Motion to adjourn: Commissioner Garofalo

Second: Commissioner Gerkens

Meeting adjourned at 5:30pm.

ORDINANCE NO. 2015-08

**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**

WHEREAS the Borough of Harvey Cedars possesses several areas of open space and natural preservation areas within the Borough for the benefit of the public at large; and

WHEREAS the Borough seeks to obtain the approval of the voters for expanding its natural open space program and the funding mechanisms for the same; and

WHEREAS NJSA 40:12-15.7(a)(1)(a) provides that the governing body of any municipality may submit to the voters of the municipality in a general election a proposition authorizing imposition of an annual levy for an amount or at a rate deemed appropriate for any or all of the purpose of the acquisition of lands for conservation purposes; and

WHEREAS NJSA 19:37-1 provides that the governing body of any municipality may ascertain the sentiment of the legal voters of the municipality upon any question or policy pertaining to the government or internal affairs thereof by the submission of such question to a vote of the electors in the municipality at any election to be held therein, by adopting at any regular meeting an ordinance or resolution requesting the Clerk of the County to print upon the official ballots to be used at the next ensuing general election a certain proposition to be formulated and expressed in the ordinance or resolution in concise form; provided that such request shall be filed with the County Clerk not later than 81 days previous to the election.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Borough of Harvey Cedars, County of Ocean, State of New Jersey, as follows:

SECTION 1. The Board of Commissioners of the Borough of Harvey Cedars does hereby request that the following referendum question be placed on the November 2015 general election ballot:

OPEN SPACE CONSERVATION TRUST FUND REFERENDUM

Shall the Board of Commissioners of the Borough of Harvey Cedars adopt an ordinance establishing an “Open Space Conservation Trust Fund,” which shall have the following provisions:

- A. The Open Space Conservation Trust Fund shall be funded through the collection of local property taxes in the amount of an additional one (1) cent per hundred dollars of assessed value on the annual local property tax levy.
- B. The aforementioned fund shall be designated solely for the purchase of property rights within the Borough of Harvey Cedars, including but not by way of limitation, fee simple acquisitions, easements, development rights, or any other lesser interest in real estate which will further the goal of property acquisitions of lands and property rights for conservation purposes, including all costs and expenses associated therewith.
- C. Any property rights acquired through the Open Space Conservation Trust Fund shall not be sold or conveyed by the Borough unless or until authorized by subsequent Public Referendum of the voters of the Borough of Harvey Cedars.

EXPLANATORY STATEMENT

The proposed Open Space Conservation Trust Fund will be used to acquire property rights to preserve open space on developed or undeveloped areas in the Borough of Harvey Cedars. The purchase of property rights, including but not by way of limitation, fee simple acquisitions, easements, development rights, or any other lesser interest in real estate which will further the goal of property acquisitions of lands for conservation purposes, including all of the Borough’s costs and expenses associated therewith, will be funded by a separate additional one (1) cent assessment per hundred dollars of assessed value on the annual local property tax levy, beginning in 2016. The funds raised will be used for no other purposes. The property acquired will be preserved for open space.

_____ YES _____ NO

SECTION 2. The Mayor and Commissioners do hereby further request that the Ocean County Clerk print the aforementioned question and explanatory statement on the official ballot for the Borough of Harvey Cedars for the General Election to be held on November 3, 2015.

SECTION 3. A certified copy of this ordinance shall be forwarded to the Ocean County Clerk.

SECTION 4. This ordinance shall take effect immediately upon its enactment after second reading and publication as required by law.

RESCINDED ON: August 12, 2015

RESOLUTION #2015-066

**REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF
LOCAL GOVERNMENT SERVICES FOR A DEDICATED TRUST BY RIDER
FOR A CANINE UNIT PROGRAM**

WHEREAS permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

WHEREAS N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Harvey Cedars, County of Ocean, State of New Jersey as follows:

1. That the Board of Commissioners hereby requests permission of the Director of the Division of Local Government Services to pay expenditures under the provisions of N.J.S.A. 40A:4-39, as amended by P.L. 1999, c.292, for the exclusive purpose of depositing and expending funds paid by individuals to offset the costs of operating the municipal police canine program.
2. The Municipal Clerk of the Borough of Harvey Cedars is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

PASSED ON: August 7, 2015

RESOLUTION #2015-067

**REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF
LOCAL GOVERNMENT SERVICES FOR A DEDICATED TRUST BY RIDER
FOR RECREATIONAL PURPOSES**

WHEREAS permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

WHEREAS N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Harvey Cedars, County of Ocean, State of New Jersey as follows:

1. That the Board of Commissioners hereby requests permission of the Director of the Division of Local Government Services to pay expenditures under the provisions of N.J.S.A. 40A:4-39, as amended by P.L. 1999, c.292, for the exclusive purpose of depositing and expending funds paid by individuals to offset the costs of operating the municipal “fee-based” recreation programs.
2. The Municipal Clerk of the Borough of Harvey Cedars is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

PASSED ON: August 7, 2015

RESOLUTION #2015-068

UPDATING THE PURCHASING POLICY MANUAL OF THE BOROUGH OF HARVEY CEDARS

WHEREAS on August 21, 2012 the Board of Commissioners of the Borough of Harvey Cedars re-adopted by resolution the Borough's Purchasing Policy Manual; and

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

WHEREAS on July 7, 2015, Resolution #2015-058 authorized the increase of the bid threshold pursuant to NJSA 40A:11-3.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Harvey Cedars that the Purchasing Policy Manual shall be amended to include the new State thresholds as follows:

- Bid threshold = \$40,000
- Quote threshold = \$6,000
- BRC requirements = \$6,000

BE IT FURTHER RESOLVED that this Policy Manual shall take effect immediately; this revision of the Policy Manual shall be known as Revision 08/2015; and copies of the manual shall be forwarded to all Department Heads.

PASSED ON: August 7, 2015

RESOLUTION #2015-069

**CHAPTER 159 ITEM OF REVENUE INSERTION IN THE SUM OF \$100,400 –
FEMA INFRASTRUCTURE PROGRAM GENERATOR PROJECT
(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 \$97,860.00, 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 \$97,860.00.

BE IT FURTHER RESOLVED that the like sum of \$97,860.00 is hereby appropriated under the caption: 8. General Appropriations (A) Operations excluded from “CAPS” Public and Private Programs offset by Revenues: 80th St. Generator.

BE IT FURTHER RESOLVED that a matching sum of \$2,540.00 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 \$97,860.00.

PASSED ON: August 7, 2015