

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 on December 14, 2017 in the Beach Haven Times and the Asbury Park Press.

Motion to approve the minutes of the previous meeting, August 21, 2018, was made by Commissioner Gerkens, seconded by Commissioner Garofalo.

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

ORDINANCE #2018-15 FIRST READING

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, IN THE COUNTY OF OCEAN, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO HOLLY AVENUE LOCATED IN THE BOROUGH AND APPROPRIATING \$250,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$100,000 IN BONDS OR NOTES OF THE BOROUGH OF HARVEY CEDARS TO FINANCE THE SAME

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

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

Vote: Ayes – Oldham, Gerkens, Garofalo

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

ORDINANCE #2018-16 FIRST READING

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS APPROPRIATING THE SUM OF \$130,000 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR CERTAIN CAPITAL IMPROVEMENTS IN THE BOROUGH OF HARVEY CEDARS

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 – Oldham, Garofalo, Gerkens

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 #2018-13 SECOND 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 LOT ELEVATIONS

Motion to open public discussion: Commissioner Gerkens

Second: Commissioner Garofalo

A discussion with Mr. EJ Grybowski and his neighbor Mr. Bill Rutherford, West 83rd Street, was held regarding the purpose and understanding of this ordinance. The Mayor stated the ordinance was rewritten for clarity specifically to address Mr. Grybowski's concerns regarding raising lot elevations. The Mayor stated the interpretation of this ordinance is the same as before it was reworded.

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 #2018-14 SECOND READING

AN ORDINANCE AMENDING CHAPTER 16 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, ENTITLED “LAND SUBDIVISION” AS IT PERTAINS TO LOT ELEVATIONS

Motion to open public discussion: Commissioner Gerkens

Second: Commissioner Garofalo

There were no public questions or comments.

Motion to close public discussion: Commissioner Garofalo

Second: Commissioner Gerkens

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

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 #2018-094:

APPOINTMENT OF FINANCE OFFICER FOR THE BOROUGH OF HARVEY CEDARS

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

RESOLUTION #2018-095:

AWARD CONTRACT FOR POLICE VEHICLE UNDER STATE CONTRACT

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

RESOLUTION #2018-096:

DESIGNATING BANK SIGNATORIES FOR THE BOROUGH OF HARVEY CEDARS

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

RESOLUTION #2018-097:

RESOLUTION OF THE BOROUGH OF HARVEY CEDARS AUTHORIZING THE CANCELLATION OF TAXES RECEIVABLE

Motion to adopt: Commissioner Gerkens

Second: Commissioner Garofalo

RESOLUTION #2018-098:

AUTHORIZING WAIVING THE CLAIMANT’S CERTIFICATION ON PAYMENT VOUCHERS AND AMENDING THE PURCHASING POLICY MANUAL OF THE BOROUGH OF HARVEY CEDARS

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

RESOLUTION #2018-099:

CHAPTER 159 ITEM OF REVENUE INSERTION IN THE SUM OF \$13,300.70 – 966 REIMBURSEMENT PROGRAM – EMERGENCY MANAGEMENT RADIOS

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

RESOLUTION #2018-100: Bills

Motion to adopt: Commissioner Garofalo

Second: Commissioner Gerkens

Public Property Usage requests:

Wedding Ceremony – Sunset Park

A motion was made by Commissioner Garofalo, seconded by Commissioner Gerkens, to approve the request to use Sunset Park to Jessica Saiia for a wedding ceremony on Saturday, June 29, 2019 at 4:30pm.

TOPICS OF INTEREST –

Police Chief Burnaford announced school started and buses are running. Police Officers will be attending schools doing walk-throughs every week, when available. The Chief also stated there is a potential Category 4 hurricane coming next Thursday, but will have a better idea of its path on Monday; the dredge left today to wait out the storm.

PRIVILEGE OF THE FLOOR – None.

Motion to adjourn: Commissioner Garofalo

Second: Commissioner Gerkens

Meeting adjourned at 4:58pm.

ORDINANCE NO. 2018-15

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, IN THE COUNTY OF OCEAN, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO HOLLY AVENUE LOCATED IN THE BOROUGH AND APPROPRIATING \$250,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$100,000 IN BONDS OR NOTES OF THE BOROUGH OF HARVEY CEDARS TO FINANCE THE SAME

THE BOARD OF COMMISSIONERS OF THE BOROUGH OF HARVEY CEDARS, IN THE COUNTY OF OCEAN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), **DOES ORDAIN, AS FOLLOWS:**

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Borough of Harvey Cedars, in the County of Ocean, New Jersey (the "Borough"), as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of \$250,000 including a \$150,000 Transportation Trust Fund Grant expected to be received through the State of New Jersey Department of Transportation's Fiscal Year 2018 Municipal Aid Program. No down payment is required in connection with the authorization of bonds and notes pursuant to N.J.S.A. 40A:2-11(c) as this bond ordinance involves a project to be funded by a State grant.

Section 2. In order to finance the cost of the improvement or purpose not otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$100,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds are to be issued is the reconstruction of Holly Avenue located in the Borough, and including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be

renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. No part of the costs thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$100,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding \$50,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvement or purpose.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the

obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Borough is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was duly introduced and passed on the first reading at a regular meeting of the Board of Commissioners of the Borough of Harvey Cedars held on **September 7, 2018**. Further notice is given that said Ordinance shall be considered for final passage and adoption at a regular meeting of said Board of Commissioners to be held on **October 4, 2018** at 4:30pm at the Borough Hall, 7606 Long Beach Blvd., Harvey Cedars, NJ, at which time and place any person desiring to be heard will be given an opportunity to be so heard.

Daina Dale, Municipal Clerk

ORDINANCE NO. 2018-16

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS APPROPRIATING THE SUM OF \$130,000 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR CERTAIN CAPITAL IMPROVEMENTS IN THE BOROUGH OF HARVEY CEDARS

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

- Section 1.** Pursuant to the applicable statutes of the State of New Jersey, there is hereby authorized the capital improvements within the Borough of Harvey Cedars as follows:
- A. For the purchase of a wheel loader there is hereby appropriated the sum of \$130,000.00
- Section 2.** This Capital Improvement Ordinance is to be financed from the capital funds that the Borough presently has on hand.
- Section 3.** The Capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services as on file with the municipal clerk and is available for public inspection.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was duly introduced and passed on the first reading at a regular meeting of the Board of Commissioners of the Borough of Harvey Cedars held on **September 7, 2018**. Further notice is given that said Ordinance shall be considered for final passage and adoption at a regular meeting of said Board of Commissioners to be held on **October 4, 2018** at 4:30pm at the Borough Hall, 7606 Long Beach Blvd., Harvey Cedars, NJ, at which time and place any person desiring to be heard will be given an opportunity to be so heard.

Daina Dale, Municipal Clerk

RESOLUTION #2018-094

**APPOINTMENT OF FINANCE OFFICER
FOR THE BOROUGH OF HARVEY CEDARS**

WHEREAS on August 29, 2018 the Chief Finance Officer and the Certified Tax Collector for the Borough of Harvey Cedars tendered her written resignation effective August 31, 2018; and

WHEREAS NJSA 40A:9-140.13(f) permits the appointment of a non-certified Chief Financial Officer for a period of one (1) year; and

WHEREAS the Commissioner of Revenue and Finance has determined the best candidate for the position of Finance Officer is Rebecca Wessler.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Harvey Cedars that Rebecca M. Wessler is hereby appointed Acting Chief Finance Officer for the Borough of Harvey Cedars effective September 1, 2018 for the term of one (1) year.

PASSED ON: September 7, 2018

RESOLUTION #2018-095

**AWARD CONTRACT FOR POLICE VEHICLE
UNDER STATE CONTRACT**

WHEREAS the Borough of Harvey Cedars is in need of police vehicle; and

WHEREAS Chas. S. Winner Ford, Inc., 250 Haddonfield/Berlin Road, Cherry Hill, NJ 08034 has the desired vehicle and is under State Contract No. A88728-T2776.

WHEREAS it is the desire of the governing body to award a contract for a police vehicle to Winner Ford in the amount of \$50,000.00.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Borough of Harvey Cedars does hereby award a state contract for a 2018 Ford Utility Police Interceptor to Chas S. Winner Ford, Inc. in the amount of \$50,000.00 per State Contract No. A88728-T2776.

BE IT FURTHER RESOLVED that a certificate of availability of funds, executed by the Acting Chief Financial Officer is annexed hereto and the line item appropriation which constitutes the availability of funds for this contract is 8-01-44-933-000-100 Police Vehicle.

PASSED ON: September 7, 2018

RESOLUTION #2018-096

**DESIGNATING BANK SIGNATORIES FOR THE BOROUGH OF HARVEY
CEDARS**

WHEREAS OceanFirst Bank was designated as an official depository for the Borough of Harvey Cedars for the year 2018; and

WHEREAS the Chief Finance Officer resigned effective August 31, 2018 and a new Municipal Finance Officer has been appointed; and

WHEREAS the Borough desires to amend the authorized signors for said bank.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Harvey Cedars, County of Ocean, effective September 1, 2018 Laura Cohen is hereby removed and replaced by Rebecca Wessler, Acting Chief Finance Officer, as an authorized signor of all bank accounts.

BE IT FURTHER RESOLVED the following are hereby reconfirmed as authorized signors of all bank accounts with OceanFirst Bank:

1. Jonathan Oldham, Mayor
2. Judith Gerkens, Commissioner of Finance
3. Michael Garofalo, Commissioner of Public Safety
4. Daina Dale, Municipal Clerk
5. Rebecca Wessler, Acting Chief Finance Officer

PASSED ON: September 7, 2018

RESOLUTION #2018-097

**RESOLUTION OF THE BOROUGH OF HARVEY CEDARS AUTHORIZING
THE CANCELLATION OF TAXES RECEIVABLE**

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 owners listed below had filed an application of exemption, due to the Department of Veteran's Affairs determination of 100% military disability, of the taxes assessed by the Tax Assessor upon the listed properties which was not processed in the current tax duplicate; and

WHEREAS the property owners have not paid assessed taxes and are therefore not due any refund.

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 properties and is authorized to process the cancellation of property taxes as follows:

Property Owner	Block	Lot	2018 taxes	2019 taxes
Barry Putt	53	16	\$5,163.38	\$5,131.48
Marc Barbanell	14	5	\$5,015.38	\$5,108.06

PASSED ON: September 7, 2018

RESOLUTION #2018-098

**AUTHORIZING WAIVING THE CLAIMANT'S CERTIFICATIONS ON PAYMENT
VOUCHERS AND AMENDING THE PURCHASING POLICY MANUAL OF THE
BOROUGH OF HARVEY CEDARS**

WHEREAS N.J.S.A. 40A:5-16 requires that the governing body of any local unit shall not pay out its monies unless:

- (a) the person claiming or receiving payment first presents a detailed bill of items or demand, specifying particularly how the bill or demand is made up (the Invoice), with the certification of the party claiming payment that the bill or demand is correct (the Claimant Certification).
- (b) the payment carries a written or electronic certification of some officer or duly designated employee of the local unit having knowledge of the facts that the goods have been received by, or the services rendered to, the local unit (certification of the user department).

WHEREAS N.J.A.C. 5:30-9A.6 gives local units discretion to not require the Claimant Certification by enacting a standard policy by resolution for vendors or claimants who do not provide such certification as part of its normal course of business; and

WHEREAS generally, vendors do NOT provide such certification as part of the normal course of business, which has created unnecessary confusion and delay in processing claims for payment; and

WHEREAS the Claimant Certification cannot be waived for reimbursement of employee expenses or for services provided exclusively and entirely by an individual; and

WHEREAS it the desire of the Borough to amend its Purchasing Policy Manual to waive the Claimant's Certification except for reimbursement of employee expenses or for services provided exclusively and entirely by an individual.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Harvey Cedars as follows:

1. Claimant Certifications are hereby waived except for reimbursement of employee expenses or for services provided exclusively and entirely by an individual.
2. The Purchasing Policy Manual is hereby amended as per the attached section to reflect the waiver and exceptions.
3. A copy of this resolution and amended policy manual shall be distributed to the all departments.
4. This resolution is effective upon its adoption for all claims paid subsequent to September 7, 2018.

PASSED ON: September 7, 2018

RESOLUTION #2018-099

**CHAPTER 159 ITEM OF REVENUE INSERTION IN THE SUM OF \$13,300.70 –
966 REIMBURSEMENT PROGRAM – EMERGENCY MANAGEMENT RADIOS**

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 2018 in the sum of \$13,300.70, which is now available from the New Jersey Office of Emergency Management (NJOEM) for “FY 2019 966 Reimbursement Program – Motorola Portable Radios”.

BE IT FURTHER RESOLVED that the sum of \$13,300.70 is hereby appropriated under the caption: 8. General Appropriations (A) Operations excluded from “CAPS” Public and Private Programs offset by Revenues: FY 2019 966 Reimbursement Program – Motorola Portable Radios.

BE IT FURTHER RESOLVED that the above is a result of State funds obtained through the New Jersey Office of Emergency Management.

PASSED ON: September 7, 2018