

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 Imperiale and Rice and Board Attorney Michael McKenna were present.

The Mayor asked all to rise for the Pledge of Allegiance.

The Mayor stated to the best of his knowledge all the requirements of the Sunshine Law have been met. 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 9, 2021 in the Asbury Park Press and on December 16, 2021 in the Beach Haven Times, and republished with amendments on February 24, 2022 and March 8, 2022 respectively.

Motion to approve the minutes of the previous meeting held on September 2, 2022 was made by Commissioner Imperiale, seconded by Commissioner Rice.

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

ORDINANCE #2022-18 FIRST READING

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, IN THE COUNTY OF OCEAN, NEW JERSEY, AMENDING ORDINANCE 2017-05 OF THE BOROUGH FINALLY ADOPTED ON FEBRUARY 21, 2017, PROVIDING FOR THE INSTALLATION OF A WELL AND RELATED IMPROVEMENTS, AND APPROPRIATING \$1,825,000 THEREFORE, AND PROVIDING FOR THE ISSUANCE OF \$1,825,000 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 Rice

Second: Commissioner Imperiale

Vote: Ayes – Oldham, Rice, Imperiale

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 #2022-087:

AUTHORIZING ZONING OFFICER DUTIES FOR THE BOROUGH OF HARVEY CEDARS

Motion to adopt: Commissioner Imperiale

Second: Commissioner Rice

RESOLUTION #2022-088:

CHAPTER 159 ITEM OF REVENUE INSERTION IN THE SUM OF \$35,000.00 – COMMUNITY DEVELOPMENT BLOCK GRANT FOR HANDICAP BEACH ACCESS AND ACCESSIBILITY EQUIPMENT

Motion to adopt: Commissioner Rice

Second: Commissioner Imperiale

RESOLUTION #2022-089: Bills

Motion to approve bills for payment: Commissioner Rice

Second: Commissioner Imperiale

Public Property Usage requests:

1. Surf Team Practices – Hudson Beach

Motion was made by Commissioner Rice, seconded by Commissioner Imperiale, to approve the request to use Hudson Avenue beach to Randy Townsend & the Southern Regional Surf Team for surf team practice & meets in September and October, Monday through Thursday 3:00pm – 6:00pm conditions permitting. 35 people expected.

2. Block Party – Bay Terrace

A motion was made by Commissioner Imperiale, seconded by Commissioner Rice, to approve the request by Karl Pfeil for a block party on Bay Terrace for the neighborhood on Saturday, October 1st from 3pm to 10pm. 60 to 80 people, band, no street blockage.

3. Wedding Ceremony – 77th Street Beach

A motion was made by Commissioner Imperiale, seconded by Commissioner Rice, to approve the request by Jessica Kunze and Doug Ballinger for a wedding ceremony on the 77th Street beach on Saturday, October 15th. Approx. 50-60 people.

4. 2023 Lacrosse & Soccer Camps – Sunset Park

After a discussion of prior year background check requirement issues, a unanimous motion was made to table both camp requests pending a determination of a new background check process for camp vendors.

PRIVILEGE OF THE FLOOR –

Jim Fritz, W. 82nd Street, asked for a status on the construction start time. The Mayor stated the Board will come up with a consensus for a change. A discussion was held regarding managing construction sites, builders, timing of construction projects, daylight working hours in the winter, and the enforcement of the changes. Public input was made by Fred Schragger, E. Salem, Steve Cole, Bay Terrace, Jim Fritz, Peter and Angela Lisciotta, Warwick Ave., in favor of changing the start time to be 8am year-round.

The Mayor asked Mr. Cole if the fish were cleaned up on the boat ramp (Kinsey Cove). A discussion was held regarding the recent fish kill in Harvest and Kinsey Coves.

Kathy Ries, Taxpayers Association, stated dune grass will be available October 7th, and the Association will be planning a “dune grass planting social”. She stated 62 bricks are on order, and the net profit at this time is \$5,177. Fred Schragger asked how many are needed before construction can start; the Mayor responded typically 70% of funding is needed prior to project start.

Mayor Oldham stated the LBI School Board meeting tomorrow night at 7pm will have a contract to be voted on for the sale of the Ship Bottom school. Fred Schragger, Harvey Cedars’ representative on the LBI School Board, said the \$14million contract with the contractor Pagnotta has contingencies that he has not yet seen. Mr. Schragger suggested members of the public should attend to question the contract and contingencies; he said the 1.5-year-old litigation matter is still pending. A discussion continued regarding the lawsuit, the contract, and how the sale could proceed with cost, zoning and planning. Mr. Schragger stated he is in favor of the sale, however he needs to see the contingencies and details.

Commissioner Imperiale reminded the public the next Police Community Forum will be held a week from Wednesday on the 28th.

Motion to adjourn: Commissioner Imperiale

Second: Commissioner Rice

Meeting adjourned at 5:11pm.

ORDINANCE NO. 2022-18

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, IN THE COUNTY OF OCEAN, NEW JERSEY, AMENDING ORDINANCE 2017-05 OF THE BOROUGH FINALLY ADOPTED ON FEBRUARY 21, 2017, PROVIDING FOR THE INSTALLATION OF A WELL AND RELATED IMPROVEMENTS, AND APPROPRIATING \$1,825,000 THEREFORE, AND PROVIDING FOR THE ISSUANCE OF \$1,825,000 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:**

Bond Ordinance No. 2017-05 of the Borough of Harvey Cedars, in the County of Ocean, New Jersey, finally adopted on February 21, 2017 (the "Prior Ordinance"), is hereby further amended in full to read 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 \$1,825,000 (representing an increase of \$700,000 from the Prior Ordinance). No down payment is required hereunder as this ordinance involved an environmental infrastructure project to be funded by loans pursuant to the New Jersey Environmental Infrastructure Financing Program.

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 \$1,825,000 (representing an increase of \$700,000 from the Prior Ordinance) 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 installation of a well and related water mains and the construction of a well house, 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, except as provided in N.J.S.A 58:11B-9(e), 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 hereby authorized to sell part of all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery. 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. It is an improvement or purpose the Borough may lawfully undertake as an improvement of a municipal public utility, and 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 forty (40) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough 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 \$1,825,000 (representing an increase of \$700,000 from the Prior Ordinance), and the obligations authorized herein will be within all debt limitations prescribed by that law.

(d) An amount not exceeding \$365,000 (representing an increase of \$80,000 from the Prior Ordinance) 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 purpose or improvement.

(e) The Borough reasonably expects to commence acquisition and/or construction of the improvement described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Borough further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate not to exceed the amount of bonds or notes authorized in Section 2 hereof.

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. This Ordinance amends Bond Ordinance 2017-05 of the Borough of Harvey Cedars, in the County of Ocean, New Jersey, finally adopted on February 21, 2017. 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 19, 2022**. 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 7, 2022** 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 #2022-087

**AUTHORIZING TEMPORARY ZONING OFFICER DUTIES
FOR THE BOROUGH OF HARVEY CEDARS**

WHEREAS the Borough of Harvey Cedars Zoning/Code Enforcement Officer shall be on holiday for a time period in October; and

WHEREAS the Borough desires to designate an Acting Zoning/Code Enforcement Officer during this absence.

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 Assistant to the Zoning Officer, Cecilia Morillo, is hereby designated as Acting Zoning and Code Enforcement Officer for the Borough of Harvey Cedars effective October 1, 2022 through October 16, 2022.

PASSED ON: September 19, 2022

RESOLUTION #2022-088

**CHAPTER 159 ITEM OF REVENUE INSERTION IN THE SUM OF \$35,000.00 –
COMMUNITY DEVELOPMENT BLOCK GRANT FOR
HANDICAP BEACH ACCESS AND ACCESSIBILITY EQUIPMENT**

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 2022 in the sum of \$35,000.00, which is now available from the U.S. Housing & Urban Development (through Ocean County Planning Board) CDBG CT#1510-22 in the amount of \$35,000.00.

BE IT FURTHER RESOLVED that the like sum of \$35,000.00 is hereby appropriated under the caption: 8. General Appropriations (A) Operations excluded from “CAPS” Public and Private Programs offset by Revenues: Community Development Block Grant CT#1510-22 – Beach Access.

BE IT FURTHER RESOLVED that the above is a result of funds from U.S. Housing & Urban Development (through Ocean County Planning Board) CDBG CT#1510-22, in the amount of \$35,000.00.

PASSED ON: September 19, 2022

RESOLUTION #2022-089

September 19, 2022
12:36 PM

BOROUGH OF HARVEY CEDARS
Bill List By P.O. Number

Page No: 1

P.O. Type: All	Open: N	Paid: N	Void: N
Range: First to Last	Rcvd: Y	Held: Y	Aprv: N
Format: Condensed	Bid: Y	State: Y	Other: Y Exempt: Y
Vendors: All	Include Non-Budgeted: Y		
Rcvd Batch Id Range: First to Last			

PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type
22-00130	02/02/22	EAGLE010	EAGLE POINT GUN	2022 ammo	Open	1,214.28	0.00
22-00151	02/07/22	NESTL005	NESTLE WATERS NORTH AMERICAN	spring water refills	Open	44.63	0.00 B
22-00270	03/14/22	GEORG005	GEORGIA GOLF CONSTRUCTION, INC	Turf Management	Open	658.80	0.00 B
22-00536	05/20/22	COYNE010	COYNE CHEMICAL	alum	Open	905.00	0.00
22-00543	05/20/22	LBIB0020	LBI BOARD OF EDUCATION	Local School Taxes	Open	146,234.00	0.00 B
22-00544	05/20/22	SREG0020	S REGIONAL BOARD OF EDUCATION	2022-2023 Reg. School Taxes	Open	266,615.58	0.00 B
22-00576	06/02/22	HOME0010	HOME DEPOT/GEFC	Tools and shop supplies	Open	986.82	0.00 B
22-00588	06/03/22	RELIA010	RELIABLE COMMUNICATIONS	monthly fire alarm monitoring	Open	199.50	0.00 B
22-00718	07/11/22	AMAZO005	AMAZON CAPITAL SERVICES, INC	Park Supplies	Open	152.78	0.00
22-00728	07/13/22	JOHNN010	UNITED SITE SERVICES	monthly rental	Open	310.00	0.00
22-00765	07/21/22	ONEC0010	ONE CALL CONCEPTS INC	monthly markouts	Open	55.77	0.00
22-00789	07/27/22	USLA0010	USLA NJ CERTIFICATION	Annual Accreditation	Open	160.00	0.00
22-00795	07/29/22	HOME0010	HOME DEPOT/GEFC	Lifeguard stand supplies	Open	125.29	0.00
22-00844	08/09/22	BEACH050	BEACH HAVEN AUTOMOTIVE, INC	shop supplies	Open	51.00	0.00
22-00849	08/10/22	ACEO0010	ACE OUTDOOR POWER EQUIPMENT	chainsaw parts	Open	89.97	0.00
22-00851	08/11/22	DALE0020	DALE, DAINA	Petty Cash Reimbursements	Open	77.75	0.00
22-00870	08/16/22	BEACH050	BEACH HAVEN AUTOMOTIVE, INC	vehichle maintenance	Open	490.25	0.00
22-00874	08/18/22	DYNAM010	DYNAMIC TESTING SERVICE	Pre-employment Testing - DPW	Open	50.00	0.00
22-00906	08/31/22	AMAZO005	AMAZON CAPITAL SERVICES, INC	Hand Soap	Open	97.00	0.00
22-00912	09/02/22	VOGUE005	VOGUE CONSTRUCTION CO., INC	stone	Open	499.85	0.00
22-00915	09/02/22	AMAZO005	AMAZON CAPITAL SERVICES, INC	Park Bathroom Tissue	Open	69.85	0.00
22-00916	09/06/22	NESTL005	NESTLE WATERS NORTH AMERICAN	water Delivery	Open	148.39	0.00
22-00917	09/06/22	COMCA010	COMCAST CABLE	Monthly Invoice - w&s	Open	194.17	0.00
22-00918	09/06/22	AMAZO005	AMAZON CAPITAL SERVICES, INC	Bulkhead Signs	Open	28.16	0.00
22-00919	09/06/22	SANDP010	SANDPAPER	Blue Claw Craft Show Ad 2022	Open	278.00	0.00
22-00923	09/06/22	LONG0020	LONG BEACH ISLAND FISHING CLUB	HOFNOD - T-Shirt Donation	Open	1,000.00	0.00
22-00926	09/07/22	NESTL005	NESTLE WATERS NORTH AMERICAN	monthly water	Open	22.82	0.00
22-00930	09/08/22	LANGU010	LANGUAGE LINE SERVICES, INC	Phone Interpretation	Open	17.00	0.00
22-00931	09/08/22	PCSL005	PCS, LLC	Monthly Invoice - September	Open	1,447.96	0.00
22-00932	09/08/22	MEADO020	MEADOWBROOK INDUSTRIES LLC	August Trash & Recycling	Open	33,923.64	0.00
22-00936	09/09/22	BEACH050	BEACH HAVEN AUTOMOTIVE, INC	vehicle maintenance	Open	103.98	0.00
22-00937	09/09/22	BEACH050	BEACH HAVEN AUTOMOTIVE, INC	Life guard Quads	Open	83.95	0.00
22-00938	09/09/22	HOME0010	HOME DEPOT/GEFC	buildings and ground	Open	1,302.46	0.00
22-00942	09/09/22	JERSE035	JERSEY SHORE CCTV	svc call lightning strike	Open	290.00	0.00
22-00943	09/09/22	OCRO0010	OC ROAD DEPARTMENT	Schedule C - patch	Open	1,476.82	0.00
22-00945	09/09/22	MAGEL010	LINE SYSTEMS	Monthly Invoice	Open	3,135.65	0.00
22-00946	09/12/22	AMAZO005	AMAZON CAPITAL SERVICES, INC	Office Supplies	Open	29.98	0.00
22-00947	09/12/22	AMAZO005	AMAZON CAPITAL SERVICES, INC	Office Supplies	Open	39.69	0.00
22-00948	09/12/22	AMAZO005	AMAZON CAPITAL SERVICES, INC	Supplies	Open	28.12	0.00
22-00949	09/12/22	JOHNN010	UNITED SITE SERVICES	monthly Rental porta john	Open	175.00	0.00
22-00951	09/12/22	VERIZ040	VERIZON WIRELESS MDTs	Police MDT's	Open	152.04	0.00
22-00954	09/13/22	NJST0020	NJ STATE LEAGUE OF MUNI	2022 League Conference	Open	240.00	0.00
22-00955	09/13/22	RUE00010	RUE, ROBERT	Catboat Race Trophies	Open	224.55	0.00
22-00960	09/13/22	LBIH0010	LBI HEALTH DEPARTMENT	Third Quarter Health Services	Open	10,164.39	0.00
22-00961	09/13/22	OCBO0010	OC BOARD OF ELECTIONS	Primary Elect Sample Ballots	Open	89.56	0.00
22-00962	09/13/22	HIERI010	HIERING, GANNON & MC KENNA	August Legal Fees	Open	369.60	0.00
22-00963	09/13/22	TWPO0010	TWP OF STAFFORD	August Animal Control	Open	589.00	0.00
22-00967	09/14/22	GANNE010	GANNETT NEW JERSEY NEWSPAPERS	Monthly Advertising - August	Open	83.08	0.00

PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type	
22-00969	09/15/22	LISIE005 LISIEWSKI, CHRISTINE	HCAC - Social Affairs Permit	Open	153.50	0.00		
22-00970	09/16/22	NJNA0020 NJ NATURAL GAS	Monthly Invoice -	Open	508.13	0.00		
22-00971	09/16/22	PEDRO010 PEDRONI FUEL COMPANY	Fuel Charges	Open	1,977.64	0.00		
22-00972	09/16/22	PEDRO010 PEDRONI FUEL COMPANY	Fuel Charges	Open	3,027.77	0.00		
22-00973	09/16/22	PEDRO010 PEDRONI FUEL COMPANY	Fuel Charges	Open	2,520.90	0.00		
22-00974	09/16/22	PEDRO010 PEDRONI FUEL COMPANY	Fuel Charges	Open	3,493.86	0.00		
22-00975	09/16/22	ATLAN030 ATLANTIC CITY ELECTRIC	Electric - Current Charges	Open	5,535.11	0.00		
22-00976	09/16/22	ATLAN030 ATLANTIC CITY ELECTRIC	Electric - W&S Charges	Open	10,775.37	0.00		
22-00977	09/16/22	VERIZ030 VERIZON WIRELESS - CELL	Police Cell Phones	Open	365.53	0.00		
22-00978	09/16/22	SHORE020 SHORE BUSINESS SOLUTIONS	Copier Maintenance Fees	Open	319.03	0.00		
22-00979	09/19/22	OWEN0010 OWEN, LITTLE & ASSOCIATES	Monthly Invoice	Open	400.00	0.00		
Total Purchase Orders:		59	Total P.O. Line Items:	0	Total List Amount:	503,802.97	Total Void Amount:	0.00

Totals by Year-Fund		Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
Fund Description	Fund						
Current Fund	2-01	484,572.76	0.00	484,572.76	0.00	0.00	484,572.76
Utility Operating	2-09	17,174.16	0.00	17,174.16	0.00	0.00	17,174.16
Year Total:		501,746.92	0.00	501,746.92	0.00	0.00	501,746.92
Trust Fund	T-17	2,056.05	0.00	2,056.05	0.00	0.00	2,056.05
Total of All Funds:		503,802.97	0.00	503,802.97	0.00	0.00	503,802.97

BE IT RESOLVED by the Commissioners of the Borough of Harvey Cedars, County of Ocean, State of New Jersey, that the foregoing bill list dated September 19, 2022 be paid upon verification by the Chief Financial Officer that sufficient funds are available for the payment of the same.

PASSED ON: September 19, 2022