

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. Commissioner Gerkens was present and Commissioner Garofalo was out of town.

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 13, 2018 in the Beach Haven Times and on December 29, 2018 in the Asbury Park Press.

Motion to approve the minutes of the previous meeting held on October 15, 2019 was made by Commissioner Gerkens, seconded by Mayor Oldham.

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

ORDINANCE #2019-15 FIRST 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 CERTIFICATES OF OCCUPANCY

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

Motion to adopt: Commissioner Gerkens

Second: Mayor Oldham

Vote: Ayes – Oldham, 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 #2019-14 SECOND READING

AN ORDINANCE AMENDING ORDINANCES #2019-02 AND #2019-12 FIXING AND DETERMINING THE ANNUAL BASE SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF HARVEY CEDARS

Motion to open public discussion: Commissioner Gerkens

Second: Mayor Oldham

There were no public questions or comments.

Motion to close public discussion: Commissioner Gerkens

Second: Mayor Oldham

Motion to adopt: Commissioner Gerkens

Second: Mayor Oldham

Vote: Ayes – Oldham, 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 #2019-110:

AUTHORIZING TRANSFER OF FUNDS

Motion to adopt: Commissioner Gerkens

Second: Mayor Oldham

RESOLUTION #2019-111:

APPROVING THE CERTIFIED LIST OF ALL VOLUNTEER MEMBERS WHO QUALIFIED FOR CREDIT UNDER THE LOSAP PROGRAM FOR THE YEAR 2018

Motion to adopt: Commissioner Gerkens

Second: Mayor Oldham

RESOLUTION #2019-112:

**ADOPTION OF THE 2019 MULTI-JURISDICTIONAL ALL HAZARD
MITIGATION PLAN FOR OCEAN COUNTY**

Motion to adopt: Commissioner Gerkens

Second: Mayor Oldham

RESOLUTION #2019-113: Bills

Motion to adopt: Commissioner Gerkens

Second: Mayor Oldham

PRIVILEGE OF THE FLOOR –

Kathleen Ries, Cedars Ave., stated that she was anxious to have her power restored after the heavy wind storms on Halloween night took down several power lines resulting in outages. Mayor Oldham said that the Davis Center was running on generators and was open to anyone who wanted to store food.

Motion to adjourn: Commissioner Gerkens

Second: Mayor Oldham

Meeting adjourned at 4:42pm.

ORDINANCE NO. 2019-15

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 CERTIFICATES OF OCCUPANCY

WHEREAS it is the intent of the Board of Commissioners to minimize public and private losses due to flood conditions by requiring every property owner to execute and record a Declaration of Deed Restriction upon the issuance of a certificate of occupancy issued for any purpose. The declaration shall state that any conveyance of property will continue to be in compliance with FEMA flood regulations.

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

Section 1. Section 12-8.13 entitled “Certificates of Occupancy – Deed Requirement”, is hereby created and supplemented to read as follows:

12-8.13 Certificates of occupancy – Deed Requirement.

A. Prior to the issuance of a certificate of occupancy for new construction or for a certificate of occupancy upon resale or a certificate of occupancy issued for any other purpose, applications shall be accompanied by a recorded deed, recorded in the Ocean County Clerk's Office at Toms River, New Jersey, which recorded deed shall contain the following specific language:

There is hereby imposed upon the lands described in this Deed a restrictive covenant advising all future owners of the said lands whether acquired by conveyance, inheritance or otherwise that the lands may only be used in accordance with flood regulations established by the Federal Emergency Management Agency (FEMA). A violation of any of the said Federal Emergency Management Agency flood regulations may result in:

1. An issuance of a summons returnable in the Municipal Court of the Borough of Harvey Cedars, or any other appropriate Court having jurisdiction, providing for a fine of not less than \$100 nor more than \$1,000 per day, or such greater or lesser fines as may be permitted by law for each and every day that any violation of the said Federal Emergency Management Agency flood protection regulations are violated; or
2. Subject the owner of the lands to an action in the Chancery Division, Superior Court of New Jersey or any other court having injunctive jurisdiction for a mandatory injunction compelling the owner to remove any violations of the said Federal Emergency Management Agency regulations.

By acceptance of title to the lands encumbered hereby, any owner thereof whether title be acquired by Deed of conveyance, inheritance or otherwise, grants to the appropriate inspection officers of the Borough of Harvey Cedars the right upon 48 hours advance notice to inspect the areas of any structure located on the lands which area lies below the base flood elevation (BFE) as defined by Federal Emergency Management regulations in order to determine compliance with such regulations and for a failure to permit such inspection, the owner of the lands may be subject to Complaint returnable in the Municipal Court of the Borough of Harvey Cedars and may be subject to a fine of not less than \$100 per day nor more than \$1,000 per day, or any such greater or lesser amounts as may be permitted by law for each and every day which inspection is refused.

B. A copy of this section of the Code of the Borough of Harvey Cedars shall be provided to any applicant requiring a certificate of occupancy for any purpose in order that the appropriate deed may be prepared and recorded in a timely manner so that a recorded copy may be provided to the Borough prior to the issuance of any requested certificate of occupancy.

C. Any deed required by this section shall, in addition to containing the above-recited language, provide a description by metes and bounds and lot and block of the lands encumbered by the restrictive covenant above called for.

Section 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

Section 4. This Ordinance shall take effect upon final adoption after publication in accordance with 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 **November 1, 2019**. 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 **November 19, 2019** 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 #2019-110

AUTHORIZING TRANSFER OF FUNDS

WHEREAS the date of this resolution is within the last two months of the calendar year 2019, and the first three months of the calendar year 2020; and

WHEREAS N.J.S.A. 40A:4-58 provides for the making of transfers between budget appropriations during the five month period beginning November.

NOW, THEREFORE, BE IT RESOLVED (Not less than two-thirds of all members of the governing body affirmatively confirming) that the following transfers be and the same hereby are made between budget appropriations accounts in the 2019 budget.

<u>CURRENT</u>		<u>FROM:</u>	<u>TO:</u>
Accumulated Leave	9-01-30-315-000-000		\$40,000.00
Construction OE	9-01-22-195-000-220		\$3,250.00
Construction S&W	9-01-22-195-000-110	\$1,500.00	
Engineering OE	9-01-20-165-000-220		\$10,000.00
Finance Admin OE	9-01-20-130-000-210		\$1,000.00
Finance Admin S&W	9-01-20-130-000-110	\$1,000.00	
Legal Services OE	9-01-20-155-000-270		\$2,250.00
Lifeguards S&W	9-01-28-381-000-110	\$5,000.00	
Road Repair & Maint OE	9-01-26-290-000-220	\$10,000.00	
Tax Assessor OE	9-01-20-150-000-220	\$3,000.00	
Tax Collection S&W	9-01-20-145-000-110	\$5,000.00	
Telephone	9-01-31-440-000-000		\$8,000.00
Unemployment Insurance	9-01-23-225-000-000		\$1,000.00
Vehicle Maint. S&W	9-01-26-315-000-110	\$40,000.00	

PASSED ON: November 1, 2019

RESOLUTION #2019-111

APPROVING THE CERTIFIED LIST OF ALL VOLUNTEER MEMBERS WHO QUALIFIED FOR CREDIT UNDER THE LOSAP PROGRAM FOR THE YEAR 2018

WHEREAS Ordinance #2001-08 of the Borough of Harvey Cedars implemented the Length of Service Award Program (LOSAP) for the High Point Volunteer Fire Company and was passed by voters by a referendum on November 6, 2001; and

WHEREAS pursuant to NJSA 40A:14-191, emergency service organizations participating in a Length of Service Award Program (LOSAP) shall annually certify to the sponsoring agency a list of all volunteer members who have qualified for credit under the LOSAP program for the previous year; and

WHEREAS the Governing Body has received and reviewed such certified list from the President of the High Point Volunteer Fire Company.

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

1. Per the certified list received, the following High Point Volunteer Fire Company members are hereby approved to receive the 2018 LOSAP award:

Arthur Ballinger	Christopher Oldham
AJ Ballinger	Jonathan Oldham
Robert Burnaford	Kelly Oswald
Craig Coddington	Scott Oswald
Robert Federicci	Ronald A. Ott
Ronald Fella	Joseph Pinto
C. Dooley Glander	Paul Rice
Richard Hathaway	Robert Selfridge
Paul Jansen	Taylor Stokes
Jason Marti	J. Lloyd Vosseller
Justin Marti	Andrew Wahlberg
Sean Marti	Michael Wolfschmidt
	Scott Wolfschmidt

2. The amount each qualified member will receive for the 2018 LOSAP award is \$620.00.
3. The certified list of members shall be posted at the office of the Municipal Clerk of the Borough of Harvey Cedars and at the High Point Volunteer Fire Company for a period of 30 days to allow sufficient time for membership review.
4. Appeals shall be mailed to the Municipal Clerk of the Borough of Harvey Cedars, PO Box 3185, Harvey Cedars, NJ 08008, and must be received within 30 days of the posting date of the approved certified list.

PASSED ON: November 1, 2019

RESOLUTION #2019-112

**ADOPTION OF THE 2019 MULTI-JURISDICTIONAL ALL HAZARD
MITIGATION PLAN FOR OCEAN COUNTY**

WHEREAS the Commissioners of the Borough of Harvey Cedars recognize the threat that natural hazards pose to people and property within Harvey Cedars; and

WHEREAS the Borough of Harvey Cedars has prepared a multi-hazard mitigation plan, hereby known as *2019 Multi-jurisdictional All Hazard Mitigation Plan for Ocean County* in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS *2019 Multi-jurisdictional All Hazard Mitigation Plan for Ocean County* identifies mitigation goals and actions to reduce or eliminate long-term risk to people and property in Harvey Cedars from the impacts of future hazards and disasters; and

WHEREAS adoption by the Commissioners of the Borough of Harvey Cedars demonstrates their commitment to the hazard mitigation and achieving the goals outlined in the *2019 Multi-jurisdictional All Hazard Mitigation Plan for Ocean County*.

NOW, THEREFORE, BE IT RESOLVED that the Commissioners of the Borough of Harvey Cedars, in the County of Ocean, State of New Jersey, hereby adopts the *2019 Multi-jurisdictional All Hazard Mitigation Plan for Ocean County*.

PASSED ON: November 1, 2019

RESOLUTION #2019-113

November 1, 2019
01:08 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

PO #	PO Date	Vendor	PO Description	Status	Amount	Void Amount	PO Type
18-01061	12/17/18	TYPES010	TYPESTRIES SIGN & DIGITAL	revised recycling stickers	Open	329.50	0.00
19-00231	04/03/19	WINNE010	WINNER FORD	Utility Truck	Open	49,890.50	0.00
19-00514	06/20/19	MIRAC010	MIRACLE CHEMICAL COMPANY	Chlorine for water plants	Open	972.26	0.00 B
19-00515	06/20/19	JRHE0010	J.R. HENDERSON LABS, INC.	Samples/PFNA's and bacteria	Open	400.00	0.00 B
19-00626	07/16/19	WATCH005	WATCHUNG SPRING WATER CO, INC.	Spring water refills	Open	24.97	0.00 B
19-00771	08/29/19	HEMA005	HEM, DANIEL	LIT Tournament & Kids Night	Open	133.16	0.00
19-00779	08/30/19	TUCKE010	TUCKERTON LUMBER COMPANY	Bldgs & Grnds supplies	Open	81.92	0.00 B
19-00783	09/03/19	VERIZ030	VERIZON WIRELESS - CELL	Monthly Invoice for DPW	Open	80.58	0.00 B
19-00870	10/04/19	MAGEL010	LINE SYSTEMS	monthly invoice	Open	1,571.74	0.00
19-00884	10/07/19	COUNT020	COUNTY OF OCEAN	County Tax Payment	Open	1,256,539.77	0.00
19-00898	10/09/19	AMAZO005	AMAZON CAPITAL SERVICES, INC	Batteries	Open	44.97	0.00
19-00900	10/09/19	BENNE015	BENNER, DAVID C	repair gasboy system	Open	609.50	0.00
19-00901	10/09/19	COYNE010	COYNE CHEMICAL	20 bags of alum	Open	500.60	0.00
19-00908	10/11/19	AMAZO005	AMAZON CAPITAL SERVICES, INC	Pressure Switch Salem Plant	Open	27.79	0.00
19-00917	10/16/19	DELA030	DELAWARE VALLEY PAYROLL, INC.	Payroll Processing Services	Open	635.60	0.00
19-00918	10/18/19	WATCH005	WATCHUNG SPRING WATER CO, INC.	Water Bottle Delivery	Open	78.91	0.00
19-00919	10/18/19	OCPO0020	OC POLICE CHIEFS ASSN	Pistol Match	Open	60.00	0.00
19-00920	10/18/19	NJLO0010	NJ LOGO WEAR LLC	Sgts Name Plate Door	Open	28.00	0.00
19-00922	10/18/19	SANDP010	SANDPAPER	Hydrant flushing ad 10/21	Open	98.16	0.00
19-00923	10/18/19	CDWG0010	CDW GOVERNMENT INC	3 Year Firewall License	Open	1,125.99	0.00
19-00925	10/21/19	COURT010	COURTS, BARBARA	Court Services	Open	75.00	0.00
19-00927	10/23/19	CENTR035	CENTRAL JERSEY HEALTH INS FUND	November 2019 Dental Premium	Open	1,769.00	0.00
19-00928	10/23/19	COUNT010	COUNTY OF OCEAN	Traffic Signal Maint. 2&3 qtrs	Open	79.17	0.00
19-00929	10/23/19	AMAZO005	AMAZON CAPITAL SERVICES, INC	Cleaning Supplies	Open	37.98	0.00
19-00930	10/23/19	METRO020	METLIFE - GROUP BENEFITS	Monthly Premium - November	Open	197.60	0.00
19-00931	10/23/19	DYNAM010	DYNAMIC TESTING SERVICE	Random Drug Testing - DPW	Open	560.00	0.00
19-00933	10/24/19	JRHE0010	J.R. HENDERSON LABS, INC.	Monthly lab tests	Open	830.00	0.00 B
19-00934	10/24/19	THIS0010	THIS & THAT UNIFORMS	Uniforms	Open	279.00	0.00
19-00936	10/24/19	OWEN0010	OWEN, LITTLE & ASSOCIATES	Monthly Invoice	Open	2,705.00	0.00
19-00938	10/24/19	STOTT010	STOTT, DIANA	reimbursemt/NJMV 350 reg. fee	Open	60.00	0.00
19-00939	10/25/19	STOTT010	STOTT, DIANA	Eyeglass Reimbursement	Open	400.00	0.00
19-00940	10/26/19	LISIE005	LISIEWSKI, CHRISTINE	2019 Eyeglass Reimbursement	Open	354.65	0.00
19-00942	10/28/19	ITRON005	ITRON, INC	Itron annual maint. contract	Open	4,695.75	0.00
19-00944	10/28/19	PETER020	PETERSON, BONNIE R	Prosecutor October 21, 2019	Open	550.00	0.00
19-00946	10/30/19	COMCA010	COMCAST CABLE	Monthly Invoices	Open	162.97	0.00
19-00947	10/30/19	COMCA010	COMCAST CABLE	Monthly Invoices	Open	260.94	0.00
19-00949	10/30/19	OWEN0010	OWEN, LITTLE & ASSOCIATES	Monthly Invoice #15196	Open	400.00	0.00
19-00950	10/30/19	FORDC005	FORD CREDIT	Zoning Car Lease Payment	Open	248.97	0.00
19-00951	10/30/19	NJAP0010	NJ APZA	2019 NJAPZA Membership	Open	100.00	0.00
19-00953	11/01/19	NJNA0020	NJ NATURAL GAS	Monthly Invoices	Open	165.05	0.00
19-00954	11/01/19	NJNA0020	NJ NATURAL GAS	Monthly Invoice	Open	100.07	0.00
19-00955	11/01/19	OWEN0010	OWEN, LITTLE & ASSOCIATES	Monthly Invoices	Open	3,891.81	0.00
19-00956	11/01/19	VERIZ030	VERIZON WIRELESS - CELL	Police Cell Phones	Open	128.25	0.00
19-00957	11/01/19	VERIZ040	VERIZON WIRELESS MDTs	Police MDT's	Open	152.04	0.00
19-00958	11/01/19	VERIZ030	VERIZON WIRELESS - CELL	Police Cell Phones	Open	174.05	0.00

Total Purchase Orders:	45	Total P.O. Line Items:	0	Total List Amount:	1,331,611.22	Total Void Amount:	0.00
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Totals by Year-Fund		Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
Fund Description	Fund						
Utility Operating	8-09	2,705.00	0.00	2,705.00	0.00	0.00	2,705.00
Current Fund	9-01	1,268,874.70	0.00	1,268,874.70	0.00	0.00	1,268,874.70
Utility Operating	9-09	9,278.36	0.00	9,278.36	0.00	0.00	9,278.36
Year Total:		1,278,153.06	0.00	1,278,153.06	0.00	0.00	1,278,153.06
Utility Capital F C	08	49,890.50	0.00	49,890.50	0.00	0.00	49,890.50
Grant Fund	G-02	329.50	0.00	329.50	0.00	0.00	329.50
Trust Fund	T-17	533.16	0.00	533.16	0.00	0.00	533.16
Total Of All Funds:		1,331,611.22	0.00	1,331,611.22	0.00	0.00	1,331,611.22

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 November 1, 2019 be paid upon verification by the Chief Financial Officer that sufficient funds are available for the payment of the same.

PASSED ON: November 1, 2019