

**MEETING AT MUNICIPAL BUILDING, 9508 SECOND AVENUE**  
**PRELIMINARY AGENDA FOR COUNCILMEMBERS**  
**SUBJECT TO CHANGE**

AGENDA Regular Meeting  

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**MONDAY** November 17, 2014 4:30 PM

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**OLD BUSINESS**

**Ordinance 1452 Rescind Alcoholic Beverage Area 2<sup>nd</sup> 3<sup>rd</sup> and final (1)**  
**Mastrangelo (1)**

**NEW BUSINESS:**

Resolution – Release Cricket Money (2) Mastrangelo  
Resolution – SLEO II Officers (begin Winter Academy) (3) Carusi  
Resolution – Go Green Committee (4) Lane  
Motion – Approve Members of Go Green Committee – Alan Kaplan, Larry  
Kratzer and Patricia DiMarco, as 3 public members, Director of Public  
Works, Utility Inspector, Island Supervisor, and Scott Wahl. (5) Lane  
Motion – Approve Gingerbread House Building - Sat November 29<sup>th</sup> (6)  
Davies-Dunhour  
Motion – New Dates Phase 3 Advertise November 29, 2014 (7) Lane  
Open Bids January 8, 2014  
Award January 20, 2014

**DISCUSSION:**

(1)

**BOROUGH OF STONE HARBOR  
COUNTY OF CAPE MAY, NEW JERSEY  
ORDINANCE 1452**

**AN ORDINANCE AMENDING CHAPTER 134 OF THE REVISED GENERAL  
ORDINANCE OF THE BOROUGH OF STONE HARBOR  
(Eliminating Licensed Establishment Zone)**

**PREAMBLE:** The Borough Council of the Borough of Stone Harbor is the recognized authority for the issuance of liquor licenses within the Borough. As such, the Borough has authority to address concerns related to the approval of the location and use of liquor licenses through reasonable conditions that can address such issues as noise, outdoor service, the extent of service areas within a structure and other issues that may be relevant to a particular location. The Borough also retains the ability to adopt appropriate ordinances with regard to the hours of service and include in its Zoning Ordinance, as it does, appropriate use limitations to prohibit liquor licenses in certain zoning districts. Recognizing the inherent authority of the Borough Council to impose reasonable conditions and the fact that the number of plenary retail consumption liquor licenses in Stone Harbor is limited to the four that are currently in use, the Borough Council has considered and discussed in public session over the course of several months the elimination of the "liquor zone" found in Chapter 134. Further recognizing that the current "liquor zone" limitations may be having the unintended consequence of limiting the appropriate and vital development of the central business district of Stone Harbor, the Borough Council finds that the elimination of the liquor zone is in the best interest of the Borough and will not negatively impact the health, safety and welfare of the residents of the Borough of Stone Harbor, inasmuch as the Borough Council can adequately address any concerns through the use of its reasonable conditions authority.

**Section 1.** §134-3.1 Location of Licensed Establishments, is hereby amended as follows:

**TITLE:** §134-3.1 Location of Licensed Establishments Certain Winery Related Licenses

~~A. Through enactment of N.J.S.A. 33:1-3.1(b)(9) the New Jersey Legislature has declared that one of the overriding purposes of the New Jersey Alcoholic Beverage Control Act is "to maintain primary municipal control over the retailing of alcoholic beverages." Recognizing that it is desirable to minimize the impact that licensed establishments may have on residential areas and furthermore that limiting the location of licensed establishments to the central business district allows for more effective law enforcement monitoring of such establishments at times when patrons are departing such establishments en masse, the Borough of Stone Harbor has determined that it is in the interests of the health, safety and welfare of the citizens of the Borough that establishments licensed for the retail sale of alcoholic beverages for consumption on the premises, including but not limited to hotels, motels, bars, taverns, restaurants and clubs, shall be located only as follows: upon 96th Street (both sides) from the westerly side of Second Avenue to a point 590 feet west of the westerly side of Third Avenue. Upon Third Avenue (both sides) from the southerly line of 96th Street to the northerly line of 97th Street. The licensed premises on 96th Street and the licensed premises on Third Avenue shall extend back from said street or avenue no further than the lesser of 110 feet or 1/2 of the width of the block. Recognizing that there has not been a history of interference with residential areas associated with the license held by the Yacht Club of Stone Harbor and that the traditional use of that license has been in connection mainly with food service, the location of the Yacht Club of Stone Harbor and its alcoholic beverage license shall not be affected by this subsection.~~

~~B. A. Exception to Subsection A:~~ In order to assist and encourage the cultivation of wine grapes in New Jersey and the production of New Jersey wines, the State of New Jersey has enacted N.J.S.A. 33:1-10 (2a) et seq. The Borough of Stone Harbor has determined that the retail sale of New Jersey wines in connection with a commercial enterprise situate within the Borough of Stone Harbor would further this state policy and, within the limitations established by that policy via the aforementioned state statute, would pose less of a threat to residential areas than the sale of the full range of alcoholic beverage products. Accordingly, retail sales licenses issued by the State of New Jersey in accordance with N.J.S.A 33:1-10(2a) and/or (2b) shall be allowed to be placed within any business district within the Borough of Stone Harbor as delineated on the Zoning Map of the Borough of Stone Harbor, for the sale of wine only, subject to the following limitations:

[Added 7-18-2006 by Ord. No. 1263]

(1) Such licenses shall only be acceptable within an establishment operating as a restaurant and, with regard to consumption on the premises, only in connection with the service of food. This provision is not intended to prevent the sale of New Jersey wines for consumption off-premises by any restaurant where such a license has been approved.

**Section 2.** This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

**Section 3.** The provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

**Section 4.** All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

**BE IT SO ORDAINED.**

APPROVED:

\_\_\_\_\_  
Suzanne M. Walters, Mayor

ATTEST:

\_\_\_\_\_  
Suzanne C. Stanford, Borough Clerk

**BOROUGH OF STONE HARBOR**

CAPE MAY COUNTY, NEW JERSEY

**RESOLUTION**

(2)

**Refund Pro-Rated Amount of Rent, Cricket Communication Inc.**

WHEREAS, Cricket Communications has a lease agreement with the Borough dated May 22, 2008 ; and

WHEREAS, the site was completely decommissioned and all the equipment removed effective 7/31/13 and Cricket paid an annual rent payment for the time period 1/1/13 – 12/31/13 in the amount of \$36,012.00; and

WHEREAS, on April 10, 2013 Cricket Communications sent a letter to the Borough, 30 days written notice, that they decided to terminate the lease pursuant to Sec. 16 (iv) of the Lease Agreement; and

WHEREAS, Cricket Communication has requested a refund of the pro-rated rent amount for the time period 8/1/13 to 12/31/13 in the amount of \$15,055.00

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Stone Harbor in the County of Cape May and State of New Jersey that a refund check in the amount of \$ 15,005.00 be issued to Cricket Communication, Inc.

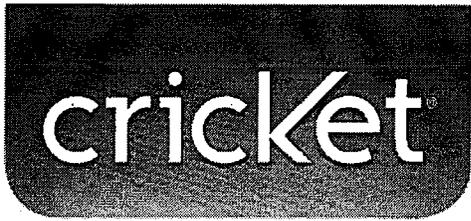
Offered by ..... Seconded by.....

The above resolution was duly adopted by the Borough Council of the Borough of Stone Harbor, New Jersey, at a meeting of said Council duly held on the .....day of ....., 2014

Borough Clerk

The above resolution approved this ..... day of....., 2014

Mayor



April 10, 2013

Borough of Stone Harbor  
Clerk's Office  
9508 Second Avenue  
Stone Harbor, NJ 08247

RE: Termination of Lease Agreement  
Cricket Site ID: PHL-550B-WT-NT1  
Site Address: 200 96th Street, Stone Harbor, Cape May, NJ 08247

Dear Landlord:

This Letter will serve as the thirty (30) days written notice that Cricket Communications, Inc. has decided to terminate this Lease pursuant to Sec. 16(iv) of the Lease Agreement dated on May 22, 2008. The Termination effective date shall be May 10, 2013.

If you have any questions, please feel free to contact me at 858-882-9657 or [rwaters@cricketcommunications.com](mailto:rwaters@cricketcommunications.com).

Sincerely,

A handwritten signature in black ink that reads "Ryan Waters". The signature is written in a cursive, flowing style.

Ryan Waters  
Sr. Property Manager  
National Real Estate Dept.  
Cricket Communications, Inc.

5887 COPLEY DRIVE, SAN DIEGO, CA 92111

**BOROUGH OF STONE HARBOR**

CAPE MAY COUNTY, NEW JERSEY

(3)

**RESOLUTION**

BE IT RESOLVED by the Mayor and Council of the Borough of Stone Harbor in the County of Cape May and State of New Jersey that the following be appointed as SLEO II Officers, with the Stone Harbor Police Department so they can begin training at the Cape May County Police Academy on Saturday, December 6, 2014.

Timothy L. Freeman  
Thomas S. McKechney  
Ryan H. Williams

Offered by ..... Seconded by.....

The above resolution was duly adopted by the Borough Council of the Borough of Stone Harbor, New Jersey, at a meeting of said Council duly held on the .....day of ....., 2014

.....

Borough Clerk

The above resolution approved this ..... day of....., 2014

.....  
Mayor

## Suzanne Stanford

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**From:** Schutta, Thomas <TSchutta@police.stone-harbor.nj.us>  
**Sent:** Wednesday, November 12, 2014 4:02 PM  
**To:** Suzanne Stanford; Suzanne Stanford  
**Subject:** SLEO II Resolution

Hello Mrs. Stanford,

I respectfully request a resolution be prepared for the Monday November 17, 2014 Council meeting to include the following SLEO II officers who will begin the winter SLEO II academy training at the Cape May County Police Academy on Saturday December 6, 2014:

Timothy L. Freeman  
Thomas S. McKechney  
Ryan H. Williams

If you have any questions please let me know. Thank you.

Respectfully Submitted,

Tom

**Capt. Thomas J. Schutta**  
Stone Harbor Police Department  
9508 Second Avenue  
Stone Harbor, NJ 08247  
609-368-1455

(4)

**BOROUGH OF STONE HARBOR**

CAPE MAY COUNTY, NEW JERSEY

**RESOLUTION**

**REAFFIRMING THE COMMITMENT AND OBJECTIVE OF THE BOROUGH OF STONE HARBOR GO GREEN COMMUNITY**

WHEREAS, The Borough of Stone Harbor adopted Resolution 2012-S-134, "Creation of the Borough of Stone Harbor Go Green Community" at a regular meeting conducted on July 17, 2012; and

WHEREAS, the Borough of Stone Harbor resolved in that resolution that they wished to pursue local initiatives and action that would lead to Sustainable Jersey Municipal Certification; and

WHEREAS, the Borough of Stone Harbor further resolved in that resolution to create the Borough of Stone Harbor Go Green Community, to serve as the Borough of Stone Harbor's agents for the Sustainable Jersey municipal certification process; and

WHEREAS, the Go Green Community was composed of individuals who are interested in advancing the efforts of Borough of Stone Harbor in the Sustainable Jersey municipal certification program, and that have been actively working as a Go Green Community since it was established; and

WHEREAS, that group, has been creating and cataloging significant sustainability actions so that the Borough of Stone Harbor may pursue Sustainable Jersey certification at the bronze Level in year 2014;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Stone Harbor, duly assembled this 17<sup>th</sup> day of November, 2014, do hereby approve the following:

1. The Go Green Community of the Borough of Stone Harbor is active in the community and advancing sustainable practices and actions included in the Sustainable Jersey municipal certification program.
2. The Go Green Community has been and shall continue to be composed of individuals who have demonstrated interest in advancing efforts of the Borough of Stone Harbor to pursue certification through the Sustainable Jersey municipal certification program.
3. The make up of the committee shall be as follows:
  - a. Three public members who shall be residents of the Borough of Stone Harbor, chosen at large from the community and approved by the Borough Council by vote at a public meeting.
  - b. The Director of Public Works, and under the authority of the Director, the Utilities Inspector and the Island Supervisor.
  - c. The Chair of the Utilities Committee who shall serve as liaison between Go Green Community and the Borough Council.
4. The role of the Green Team has been and shall continue to be lead and coordinate the sustainability activities of the community.

Offered by ..... Seconded by.....

The above resolution was duly adopted by the Borough Council of the Borough of Stone Harbor, New Jersey, at a meeting of said Council duly held on the .....day of ....., 2014

.....  
Borough Clerk

The above resolution approved this ..... day of....., 2014

.....  
Mayor