

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

AGENDA

Regular Meeting

Tuesday, February 16, 2016

4:30 PM

DOCK HEARING SCOTT 315 – 111TH STREET

OLD BUSINESS

Ordinance 1471 Utility Fees – 2nd 3rd and final (1) Lane

NEW BUSINESS

Ordinance 1472 delete business tourism advisory committee INTRO (2) Mastrangelo

Ordinance 1473 animal control to public safety INTRO (3) Davies-Dunhour

Ordinance 1474 exceed the Municipal Budget Appropriation Limits and Establish Cap Bank INTRO (4) Mastrangelo

Resolution- Intro 2016 Budget (5) Mastrangelo

Resolution – Self Exam Budget (6) Kramar

Resolution –Award Beach Profile Survey Stockton (7) Rich

Resolution- Reject Bid Tennis Improvement (8) Gallagher

Resolution- Recreation Bonuses (9) Gallagher

Resolution – COOP City of Ocean City (10) Kramar

Motion out to bid – 92nd street generator Advertise Feb 19th Bid Opening March 9, possible award March 15th (11) Lane

Motion – Approve Surfside Rugby July 16 and 17 (12) Gallagher

Motion – Approve Ocean Drive Marathon March 20 (13) Gallagher

DISCUSSION

Beach Concession Gougher

Continued Discussion and Decision - Trappers, Pest Control Gougher

Resolution – Closed Session Personnel (14) Mastrangelo

(1)

BOROUGH OF STONE HARBOR
COUNTY OF CAPE MAY, NEW JERSEY
ORDINANCE 1471

CHANGES TO WATER/SEWER ORDINANCES

Section 1. Chapter 542-11 is hereby amended as follows:

542-11 Turnoff charges; final reading charges.

A. A turnoff charge of ~~\$200~~ \$250 will be made if the Utilities Department has effected a temporary turnoff of the water service, either at the request of the customer or because of an emergency, or because the Utilities Department turned off the water service by reason of a violation of any of the sections of this chapter. A second subsequent turnoff hereunder will result in the imposition by the Borough of a charge of ~~\$300-\$500~~. Each subsequent turnoff will result in the imposition by the Borough of a charge of \$750. Service may only be restored by a Licensed NJ Plumber

B. Final meter readings in connection with the sale or transfer of real property will be conducted by the Borough upon request. Prior to the performance of each reading, the requestor shall submit a fee of \$45.00 per parcel to cover the administrative costs of such special, unscheduled readings.

C. Due to nonpayment, an obligatory interruption of service charge of \$425.00 will be imposed, whereby the water meter will be removed from the premises and will not be reinstalled until the arrears, plus interest and special mailing costs (\$25 per utility account), are paid current by means of cash, if paid in person, or cash equivalent funds via mail in accordance with §§ 542-17 and 542-25.

[Amended 8-20-13 by Ord. No. 1431]

APPROVED:

Suzanne M. Walters, Mayor

ATTEST:

Suzanne C. Stanford, Borough Clerk

(2)

BOROUGH OF STONE HARBOR
COUNTY OF CAPE MAY, NEW JERSEY

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 25 -ARTICLE V OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF STONE HARBOR, 2006

DELETING CHAPTER 25, ARTICLE V - BUSINESS AND TOURISM ADVISORY COMMITTEE

Delete 25.21

25.22

25.23

25.24

25.25

25.26

25.27

Section 1. All Ordinances or parts of Ordinances inconsistent with this Ordinance, to the extent of such inconsistencies only, be and the same are hereby repealed.

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

(3)

**BOROUGH OF STONE HARBOR
CAPE MAY COUNTY
ORDINANCE NO.**

**AN ORDINANCE AMENDING CHAPTER 10
OF THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF STONE HARBOR**

Section 1. Chapter 10 of the Stone Harbor Code (Administration of Government) is hereby amended as follows:

§10-18. *Functional areas of standing committees*

Each of the standing committee's responsibilities shall be directed to the following specific functional areas:

A. Public Safety Committee. Police, fire prevention, Municipal Court, emergency management and liaison with Rescue Squad and Fire Department, and animal control.

E. Natural Resources. Beach replenishment, dredging and dredging-related issues, including sites for placement of dredge material, Bird Sanctuary, Borough waters and bay islands, Conservation Management District, open space; the Shad Tree Advisory Committee; ~~animal control; pest control and flood control.~~

Section 2. If any portion of this ordinance is determined to be invalid by a Court of competent jurisdiction, that determination shall have no effect upon the remainder of this Ordinance, which shall remain valid and operable.

Section 3. All Ordinances or parts of Ordinance inconsistent with this Ordinance, to the extent of such inconsistencies only, be and the same are hereby repealed.

Section 4. This Ordinance shall take effect immediately upon final passage and publication as provided by law.

APPROVED:

Suzanne M. Walters, Mayor

ATTEST:

Suzanne C. Stanford, Borough Clerk

(4)

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

ORDINANCE

**CALENDAR YEAR 2016
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 1.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Stone Harbor in the County of Cape May finds it advisable and necessary to increase its CY 2016 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 2.0% increase in the budget for said year, amounting to \$195,352.88 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Stone Harbor, in the County of Cape May, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2016 budget year, the final appropriations of the Borough of Stone Harbor shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$ _____, and that the CY 2016 municipal budget for the Borough of Stone Harbor be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

APPROVED:

Suzanne M. Walters, Mayor

ATTEST:

Suzanne C. Stanford, Borough Clerk

(6)

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

SELF EXAMINATION OF THE BUDGET 2016

WHEREAS, N.J.S.A 40A: 4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1979; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Borough of Stone Harbor has been declared eligible to participate in the program by the Division of Local Government Services, and Chief Finance Officer has determined that the local government meets the necessary conditions to participate in the program for the 2016 budget year.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stone Harbor that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officers certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met (complies with the "Cap" law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated.
 - b. Items of appropriation are properly set forth
 - c. In itemization, form arrangement and content the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised, and in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOVLED, that a copy of this Resolution be forwarded to the Director of the Division of Local Government Services.

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 theday of, 2016

Borough Clerk

The above resolution approved this day of....., 2016

Mayor

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

2/16 (7)

RESOLUTION

AWARDING PROFESSIONAL SERVICES CONTRACT FOR BEACH PROFILE SURVEY

WHEREAS the Borough of Stone Harbor is given authority by N.J.S.A. 40A:11 *et seq.* to enter into contracts for "Professional Services," without competitive bidding, where the need arises and so long as the award of such contract is made public by a Resolution of the Governing Body ; and

WHEREAS, the Borough of Stone Harbor requires specialized expert services in connection with an integrated study of shoreline changes in Stone Harbor; and

WHEREAS, the Richard Stockton College of New Jersey Coastal Research Center headed by Stewart C. Farrell, Ph.D., has agreed to continue the semi-annual survey monitoring of the municipal shoreline at 8 locations between 82nd and 123rd Street, as outlined in a proposal entitled "Proposal to Survey 8 Beach Profiles Semi-Annually in 2016 as part of a study of shoreline changes in Stone Harbor" made a part hereof by reference and on file with the Borough Clerk, with a project cost of \$ 14,270.01, a contingency meeting cost of \$1,543.45 and a contingency for emergency survey work of \$8,663.66; and

WHEREAS, funds are available for award of this contract as evidenced by the Chief Financial Officer's certification of funds attached hereto;

NOW, THEREFORE, BE IT RESOLVED by the Members of Council of the Borough of Stone Harbor in the County of Cape May and State of New Jersey, duly assembled in public session this 16^h day of January, 2016, that a contract be and it is hereby awarded to Richard Stockton College Coastal Research Center/Stewart C. Farrell, Ph.D., to do a survey; and

BE TI FURTHER RESOLVED that this Resolution, the incorporated proposal and the mandatory affirmative action and anti-discrimination language shall constitute the contract and that the Mayor and Clerk be and are hereby authorized and directed to execute said contract on behalf of the Borough.

BE IT FURTHER RESOLVED that the statutory language required by N.J.S.A. 10:2-1 and 10:5-33 shall be executed by the contractor as a condition of award and shall be part of the contract.

BE IT FURTHER RESOLVED that notice of the letting of this contract be published in accordance with law.

Contractor

Dr. Stewart C. Farrell, Ph.D. Date

For the Borough of Stone Harbor

Suzanne M. Walters, Mayor Date
Attest _____
Suzanne C. Stanford, Clerk

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 theday of, 2016

.....
Borough Clerk

The above resolution approved this day of....., 2016

.....
Mayor

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

(8)

2/16

RESOLUTION

**REJECTING BIDS
FOR 82nd STREET RECREATION FACILITY TENNIS IMPROVEMENTS**

WHEREAS, on January 27, 2016 one (1) bid was received by the Borough Clerk for 82nd Street Recreation Facility Tennis Improvements with due notice having been provided through a publication of a Notice to Bidders in *The Press of Atlantic City* issue of January 11, 2016; and

WHEREAS, said Notice to Bidders did specifically state that the Borough Council of the Borough of Stone Harbor reserved the right to waive any informalities in any bid, or to reject any or all bids; and

WHEREAS, the submission of the bids all exceed the Engineer's estimate for the project; and in accordance with the Local Public Contracts Law NJSA 40A:11-13.2 et seq., the bids should be rejected and the project rescheduled for public bidding.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Stone Harbor, County of Cape May, State of New Jersey, duly assembled in public session this 16th day of February, 2016, as follows;

1. That the preamble of this Resolution is hereby incorporated herein by reference;
2. That the one (1) bid received on January 27, 2016 for 82nd Street Recreation Facility Tennis Improvements is hereby rejected;
3. That the Borough Clerk is authorized to return the bid bonds of all bidders.

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 theday of, 2016

.....

Borough Clerk

The above resolution approved this day of....., 2016

.....
Mayor

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BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

(9)

RESOLUTION

WHEREAS, the Beach and Recreation Committee of Borough Council has requested bonuses be paid to the Summer Employees of the Stone Harbor Recreation Department; and

WHEREAS, Recreation Department Summer staff may qualify for the following bonus:

“A Summer Recreation Department staff member will receive a bonus of \$6.50 per day worked, August 13th through Labor Day. Bonus to be distributed during the first pay period in November. The maximum Summer Employee bonus awarded will be \$200”.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Stone Harbor on this 16th day of February, 2016 as follows:

1. That the bonus program outlined herein is hereby approved.
2. That the Chief Financial Officer shall take any and all steps necessary to effectuate such funds and shall make the proper adjustments to the financial records of the Borough.

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 theday of, 2016

.....
Borough Clerk

The above resolution approved this day of....., 2016

.....
Mayor

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

(10)

RESOLUTION

**AUTHORIZING THE BOROUGH OF STONE HARBOR
TO ENTER INTO A COOPERATIVE PRICING AGREEMENT FOR PARTICIPATION
IN
THE CITY OF OCEAN CITY COOPERATIVE PRICING SYSTEM #251COCCPS**

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the City of Ocean City, hereinafter referred to as the "Lead Agency " has offered voluntary participation in a Cooperative Pricing System and established #251COCCPS for the purchase of goods and services; and

WHEREAS, on February 16, 2016 the governing body of the Borough of Stone Harbor, Cape May County , State of New Jersey duly considered participation in a Cooperative Pricing System #251COCC for the provision and performance of goods and services; and

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Stone Harbor, NJ that this resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Borough of Stone Harbor pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Chief Financial Officer is hereby authorized to enter into a Cooperative Pricing Agreement #251COCC with the "Lead Agency"; and

BE IT FURTHER RESOLVED that the "Lead Agency" shall be responsible for complying with the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. and all other provisions of the revised statutes of the State of New Jersey.

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 theday of, 2016

.....
Borough Clerk

The above resolution approved this day of....., 2016

.....
Mayor

114)

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

**A RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC
IN ACCORDANCE WITH THE PROVISIONS OF
THE NEW JERSEY OPEN PUBLIC MEETINGS ACT,
N.J.S.A. 10:4-12**

WHEREAS, the Borough Council of the Borough of Stone Harbor is subject to certain requirements of the *Open Public Meetings Act, N.J.S.A. 10:4-6*, et seq., and

WHEREAS, the *Open Public Meetings Act, N.J.S.A. 10:4-12*, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution, and

WHEREAS, it is necessary for the Borough Council of the Borough of Stone Harbor to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

- 1. *Matters Relating to the Employment Relationships, the relevant employees having been properly notified in accordance with law.*

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Stone Harbor, assembled in public session on February 16, 2016, that an Executive Session closed to the public shall be held on February 16, 2016 at or about 4:30 P.M. in the Borough Hall of the Borough of Stone Harbor, 9508 Second Avenue, Stone Harbor, New Jersey, for the discussion of matters relating to the specific items designated above.

Official action may be taken as a result of said executive session.

It is anticipated that, in accordance with law and in a timely manner, the deliberations conducted in closed session may be disclosed to the public upon the determination of the Borough Council that the public interest will no longer be served by such confidentiality.

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, 2016

.....
Borough Clerk

The above resolution approved this day of....., 2016

.....
Mayor