

Borough of Stone Harbor
REGULAR MEETING AGENDA
Tuesday, January 17, 2023
Borough Hall, 9508 Second Avenue, Stone Harbor

Call to Order: Immediately Following Work Session

Roll Call: Councilmember Dallahan, Councilman Foschini, Councilmember Parzych, Councilmember Casper, Councilmember Gensemer, Councilmember Moore

Statement of Public Notice: Adequate notice of the meeting was provided by posting a copy of the time and place on the Municipal Clerk's bulletin board and mailing a copy of same of the Press and the Cape May County Herald on January 4, 2023.

Salute the Flag

Recognition of Dr. Stewart Farrell

Communications:

Approval of Minutes: Work Session and Regular Meeting ~ December 20, 2022 & Re-Organization Meeting January 3, 2023

Public Comment

OLD BUSINESS

Resolution 2023-S-12 – Authorizing Stone Harbor Shorebird Stewardship Program – 2023 Season

*** This Resolution was authorized incorrectly at the January 3, 2023 Council Meeting*

NEW BUSINESS

Ordinance 1622 – Bond Ordinance - Authorizing the Issuance of Bonds for Various Improvements and Purposes for \$1,764,000

Ordinance 1623 – Bond Ordinance – Providing for the Improvement of the Water and Sewer System for the Sum of \$316,000

Resolution 2023-S-38 – Authorize the Award of a Professional Service Contract for Beach Renourishment and Coastal Engineering and Planning Consultant

Resolution 2023-S-39 – Award of Contract to Park Mobile LLC through the National Cooperative Purchasing Alliance

Resolution 2023-S-40– Authorizing the Mayor to Sign the Discharge of Easement at 10829 Sunset Drive

Resolution 2023-S-41 – Authorizing the Borough to Apply for a Recreation Improvement Grant

Resolution 2023-S-42 Appointing Director of Public Works as the Representative for the Cape May County Solid Waste Advisory Committee

Resolution 2023-S-43 – Authorizing the Mayor & Borough Clerk to Sign Revised Developers Agreement for Villa Maria

Motion – Authorizing a Bid Schedule for the 122nd Street Reconstruction Project

1. Motion to Bid: January 17th Meeting
2. Bid Advertisement: January 20th
3. Bid Opening: February 1st at 10:00 am
4. Possible Award: February 7th Council Meeting

Discussion:

Motion - Approve the Bill List & Authorize the CFO to Pay the bills when the funds are available, and the vouchers are properly endorsed.

Resolution 2023-S-44 – Closed Session / Attorney Client Privilege

Public Comment

Adjournment

BOROUGH OF STONE HARBOR

Cape May County, New Jersey

RESOLUTION

2023-S-12

**AUTHORIZE STONE HARBOR POINT SHOREBIRD STEWARDSHIP
PROGRAM – 2023 SEASON**

WHEREAS, The Wetlands Institute has built a successful shorebird steward program at Stone Harbor Point which monitors shorebirds, studies human disturbance issues, and creates successful public education programs; and

WHEREAS, it is the Borough of Stone Harbor’s intention to continue to partner with The Wetlands Institute in an effort to enhance public educations and shorebird protection at Stone Harbor Point; and

WHEREAS, the Wetlands Institute,1075 Stone Harbor Boulevard, Stone Harbor, N.J. 08247 has submitted a proposal for 2023 to continue the Stewards Services at the Stone Harbor Point which includes hiring and overseeing a staff who will be thoroughly trained to monitor Stone Harbor Point on a daily basis from May 27, 2023 through September 4th, 2023; and

WHEREAS, Stewards will be employees of The Wetlands Institute and will act in accordance with policy standards established by the Institute; and

WHEREAS, results of the Steward Program will be summarized and submitted to the Borough at the end of the season; and

WHEREAS, The Borough Council of the Borough of Stone Harbor hereby approves the Proposal, a copy of which is attached hereto for the Stone Harbor Point Shorebird Stewardship Program, and proposes a budget of \$19,000 to manage and enhance this program;

Hourly salaries & benefits costs	\$18,000
Miscellaneous Field supplies	\$ 250
Indirect expenses	\$ 750 and:

WHEREAS, the Chief Financial Officer has certified that funds are available.

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 the Shorebird Stewardship Program be authorized on this 17th day of January, 2023.

Offered bySeconded 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 17th day of January, 2023

.....
Borough Clerk

The above resolution approved this 17th day of January, 2023

.....
Mayor

Stone Harbor Point Shorebird Stewardship Program – 2023 Season

Prepared by Dr. Lisa Ferguson, Director of Research and Conservation

The Wetlands Institute, Stone Harbor, NJ 08247

Project Overview and Justification

During the summer months, shorebird species compete with people for undisturbed space on New Jersey's beaches. Undisturbed space and time is essential for shorebirds during nesting and migration along the coast, particularly at intact beaches like Stone Harbor Point Conservation Area. This site provides important refuge for federally threatened species, such as the Piping Plover and Red Knot, and other species of conservation concern, such as the American Oystercatcher and Black Skimmer. With close proximity to densely settled, summer tourist destinations, Stone Harbor Point is also a prime location for educating various user groups about the importance of protected areas and the conservation and management needs of shorebirds and other coastal species.

Due to the importance of the site, sections of the beach are closed to public use from March 15 – October 31 during peak shorebird nesting and migration. The perimeter of the closed area is marked by fencing and informative signage. Despite these strategies, some people enter closed areas causing potential harm to shorebirds. The Shorebird Stewardship Program is designed to further deter people from violating seasonal closures.

Shorebird stewards will be present during the height of the tourist and beach-use season to monitor the closed area for violations of the closure and to educate visitors about shorebird management and conservation. Education will be achieved by engaging visitors in a friendly and inviting manner about issues facing beach-nesting and migratory shorebirds and by helping the public to identify and view birds on the beach. The stewards will also alert the public to other areas of Stone Harbor where there are not usage restrictions and will help clarify rules and restrictions. Though stewards will maintain a non-confrontational approach, Stone Harbor Law Enforcement may be engaged if a situation becomes unmanageable, as necessary, or if public safety is a concern. During scheduled patrols, stewards will communicate with Law Enforcement officers and escort vehicles after chicks hatch per the vehicle use agreement. The number and types of interactions with the public will be recorded by stewards to understand the public use of the site and so that adjustments can be made to improve the program.

The Wetlands Institute built a successful shorebird steward program at Stone Harbor Point in 2015 and has continued it in the years since. Public engagement and reductions in disturbances were significant between years at Stone Harbor Point. Additionally, we oversee a successful steward program at Cape May National Wildlife Refuge. Our staff has many years of experience stewarding beaches, monitoring shorebirds, studying human disturbance issues, and creating successful public education programs. We believe we are qualified to meet the objectives of the Shorebird Steward Program and, in partnership with the Borough, enhance public education and shorebird protection at Stone Harbor Point.

Project Implementation and Deliverables

The Wetlands Institute will hire and oversee a staff of shorebird stewards at Stone Harbor Point from May through September, which coincides with the highest level of public visitation and peak tourist season during the seasonal beach closure. In addition, summer interns in the Coastal Conservation Research Program at The Wetlands Institute may participate in stewarding activities as a component of their early career development. Volunteers may be recruited to supplement these efforts, providing an opportunity for interested individuals to contribute to shorebird conservation. Staff, interns, and volunteers will be thoroughly trained.

Stewards will be present to monitor the closed area of Stone Harbor Point on a daily basis between May 27 (Memorial Day weekend) and September 4 (Labor Day). On Saturday - Sunday, coverage will be provided for 7-10 hours. Two stewards may be necessary on weekends during the busiest part of the season July-Labor Day. On weekdays, coverage will be provided for 3 to 5 hours with typical coverage being 40 hours per week, plus data entry time, as funding permits. Daily coverage will fall between from 8 AM – 6 PM, though exact hours may be adjusted based on weather and observed patterns of public use. Stewards will not be present during adverse weather. Shifts may be added through September 30 if public use of the site indicates the need and staff and funding resources allow. Stewards will also provide a pedestrian escort for vehicle-based patrols scheduled by Stone Harbor Police Department required during the nesting season when unfledged chicks are present.

Stewards will be identified as beach stewards and will be employees of The Wetlands Institute. They will act in accordance with policy standards established by the Institute. Institute staff will maintain regular communication with Borough staff to coordinate trainings and activities, and to report on progress and development of the program. Stewards will record interactions with the public on datasheets created by TWI staff. Results will be summarized and submitted to the Borough after the end of the season.

Budget Detail and Justification

The Wetlands Institute proposes a budget of \$19,000 to manage the Shorebird Stewardship Program in 2020. Personnel costs constitute the majority of the requested amount. The budget includes \$18,000 to cover the salaries and associated benefits costs of stewards and Institute staff for program management and coordination, steward hiring and training, and material and report development. In addition to staff time, \$250 is requested to cover miscellaneous field supplies and expenses related to travel to Stone Harbor Point over the duration of the project, and \$750 is requested to cover indirect expenses.

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

ORDINANCE NO. 1622

BOND ORDINANCE APPROPRIATING \$1,964,000, AND AUTHORIZING THE ISSUANCE OF \$1,865,800 BONDS OR NOTES OF THE BOROUGH, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF STONE HARBOR, IN THE COUNTY OF CAPE MAY, NEW JERSEY.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF STONE HARBOR, IN THE COUNTY OF CAPE MAY, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by The Borough of Stone Harbor, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefor and amounting in the aggregate to \$1,964,000 including the aggregate sum of \$98,200 as the several down payments for said improvements or purposes required by law and more particularly described in said Section 3 and now available therefor by virtue of provision in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

Section 2. For the financing of said improvements or purposes, including for the purposes of applicable United States Treasury regulations the reimbursement of expenditures heretofore or hereafter made therefor, and to meet the part of said \$1,964,000 appropriations not provided for by application hereunder of said down payments, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$1,865,800 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$1,865,800 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. The improvements hereby authorized and the several purposes for the financing of which said obligations are to be issued, the appropriation made for and estimated cost of each such purpose, and the estimated maximum amount of bonds or notes to be issued for each such purpose, are respectively as follows:

<u>IMPROVEMENT OR PURPOSE</u>	<u>APPROPRIATION AND ESTIMATED COST</u>	<u>ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES</u>
(a) Improvement of 122 nd Street in and by the Borough by the reconstruction and resurfacing thereof to provide a roadway pavement at least equal in useful life or durability to a roadway surface of Class B construction (as such term is used or referred to in Section 40A:2-22 of said Local Bond Law), including all guide rails, reflectors, signage, dividers, milling, drainage structures and improvements, equipment, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved, the \$164,000 appropriation hereby made therefor being exclusive of the sum of \$170,000 received or expected to be received by the Borough from the New Jersey Department of Transportation as a grant-in-aid of financing said improvement	\$164,000	\$155,800

(b) Improvement of municipally-owned beach property in and by the Borough, including the replenishment of sand, together with all structures, appurtenances, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved

	<u>1,800,000</u>	<u>1,710,000</u>
Totals	\$1,964,000	\$1,865,800

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the said down payment for said purpose.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purposes described in Section 3 of this bond ordinance are not current expenses and each is a property or improvement which the Borough may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 14.58 years.

(c) The supplemental debt statement required by said Local Bond Law has been duly made 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, and such statement shows that the gross debt of the Borough as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$1,865,800, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) Amounts not exceeding \$200,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of said Local Bond Law may be included as part of the costs of said improvements and are included in the foregoing estimate thereof.

Section 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer, the acting chief financial officer or the treasurer of the Borough (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 the 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 N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale at not less than par and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Borough 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 principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 6. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance.

Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 7. The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

Section 8. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

APPROVED:

Judith M. Davies-Dunhour

ATTEST:

Kim Stevenson, Borough Clerk

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

ORDINANCE NO. 1623

**BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF
THE WATER AND SEWERAGE SYSTEM IN AND OF THE
BOROUGH OF STONE HARBOR, IN THE COUNTY OF CAPE MAY,
NEW JERSEY, APPROPRIATING \$316,000 THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$316,000 BONDS OR NOTES
OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION.**

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF
STONE HARBOR, IN THE COUNTY OF CAPE MAY, NEW JERSEY** (not less than
two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by The Borough of Stone Harbor, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$316,000 said sum being inclusive of all appropriations heretofore made therefor.

Section 2. For the financing of said improvement or purpose, including for the purposes of applicable United States Treasury regulations the reimbursement of expenditures heretofore or hereafter made therefor, and to meet said \$316,000 appropriation, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$316,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Borough in a principal amount not exceeding \$316,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which said obligations are to be issued is the improvement of the water and sewerage system in and of the Borough, including the upgrade of existing and installation of new water and sewer pipes in and along 122nd Street, together with all storm drains, pumps, roadway reconstruction, concrete curbs, gutters, structures, site work, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved.

(b) The estimated maximum amount of bonds or notes to be issued for said purpose is \$316,000.

(c) The estimated cost of said purpose is \$316,000.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purpose described in Section 3 of this bond ordinance is not a current expense and is a property or improvement which the Borough may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of said purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is forty (40) years.

(c) The supplemental debt statement required by said Local Bond Law has been duly made 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, and such statement shows that, while the net debt of the Borough determined as provided in said Local Bond Law is not increased by this bond ordinance, the gross debt of the Borough as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$316,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$35,000 for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of said Local Bond Law may be included as part of the cost of said improvement and is included in the foregoing estimate thereof.

Section 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer, the acting chief financial officer or the treasurer of the Borough (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 the 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 N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale at not less than par and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Borough 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 principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 6. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and, unless paid from the revenues of the water and sewerage system of the Borough, the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 7. The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

Section 8. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

APPROVED:

Judith M. Davies-Dunhour

ATTEST:

Kim Stevenson, Borough Clerk

BOROUGH OF STONE HARBOR
Cape May County, New Jersey

RESOLUTION

2023-S-38

**AUTHORIZING THE AWARD FOR PROFESSIONAL SERVICES CONTRACT FOR
COASTAL ENGINEERING AND PLANNING CONSULTANT**

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 required specialized expert services in connection with Beach Re-nourishment and Coastal Engineering; and

WHEREAS, Douglas Gaffney, P.E. of Mott MacDonald, 211 Bayberry Drive, Cape May Court House, N.J. 08210 submitted the attach Proposal and Statement of Qualifications; and

WHEREAS, the contract is non-fair and open in accordance with NJSA 19:44A-20.5 and the Business Entity Disclosure was received and there are no reportable contributions; and

WHEREAS, the cost of these services is covered in a Cost Proposal as part of the contract; and

WHEREAS, funds are available for award and payment of this contract to Douglas Gaffney, P.E. of Mott MacDonald as evidenced by the Chief Financial Officers 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 17th day of January 2023, that Douglas Gaffney, P.E. is hereby authorized to perform as the Coastal Engineering and Planning Consultant for the Borough of Stone Harbor according to the Agreement for Professional Services contained in the Contract.

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

	<u>MOTION</u>	<u>SECOND</u>	<u>AYE</u>	<u>NAY</u>	<u>RECUSE</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Councilmember Dallahan							
Councilmember Foschini							
Councilmember Parzych							
Councilmember Casper							
Councilmember Gensemer							
Councilmember Moore							

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 17th day of January, 2023

.....
Borough Clerk

The above resolution approved this 17th day of January, 2023

.....
Mayor



Mr. Robert J. Smith, Esq.
Borough Administrator
Borough of Stone Harbor
Municipal Building
9508 Second Avenue
Stone Harbor, NJ 08247

**RE: Proposal for 2023
Coastal Engineering Services**

January 13, 2023

Dear Mr. Smith:

3 Paragon Way
Freehold, NJ 07728

T +1 (732) 780 6565
F +1 (732) 577 0551
mottmac.com

Mott MacDonald, LLC looks forward to continuing to provide professional consultation services to the Borough of Stone Harbor (Borough) as the Coastal Engineer in 2023. Mott MacDonald again proposes to assign Mr. Douglas A. Gaffney, PE, D. CE, to serve as the Coastal Engineer for the Borough.

Mr. Gaffney will continue to provide effective and responsive Coastal Engineering and Planning services to the Borough. In addition to our firm's Coastal Engineering experience, Mr. Gaffney will continue to draw upon the variety of talented professionals of various engineering and permitting disciplines employed by the firm to provide technical assistance to the Borough.

We are attaching our 2023 Coastal Engineering rate schedule (Exhibit B). Most categories have remained the same as last year, with modest changes to the Principal Coastal Engineer and Coastal Project Director.

We would be pleased to discuss this proposal at your convenience. We are also including a draft copy of our form of agreement.

We look forward to continuing to serve the Borough of Stone Harbor in 2023. Should you have any questions or require additional information, please do not hesitate to contact us.

Very truly yours,

MOTT MACDONALD, LLC

A handwritten signature in black ink, appearing to read 'Stephen Polen'.

Stephen Polen, PE
Senior Vice President
stephen.polen@mottmac.com

A handwritten signature in black ink, appearing to read 'Douglas A. Gaffney'.

Douglas Gaffney PE, D.CE
Vice President
douglas.gaffney@mottmac.com

BOROUGH OF STONE HARBOR
Cape May County, New Jersey

RESOLUTION

2023-S-39

AWARD OF CONTRACT TO PARKMOBILE, LLC THROUGH THE NATIONAL COOPERATIVE PURCHASING ALLIANCE

WHEREAS, the Director of Public Works has made recommendation to enter into a Contract with ParkMobile through the National Cooperative Purchasing Alliance; and

WHEREAS, the ParkMobile service will provide an on demand parking alternative for the Borough of Stone Harbor by enabling people to conveniently park and pay using a smart phone; and

WHEREAS, this service will eliminate the need for parking meters and kiosks within the Borough which in turn will reduce cost and maintenance; and

WHEREAS, the intent to award this contract to ParkMobile LLC, 1100 Spring Street, NW, Suite 200 Atlanta GA 30309 which has been properly advertised 10 days prior to the award of the contract; and

WHEREAS, the Borough of Stone Harbor is permitted to join national cooperative purchasing agreements under the authority of N.J.S.A. 52:34-6.2(b)(3); and

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Stone Harbor, County of Cape May, State of New Jersey enter into a contract with ParkMobile LLC and authorize the Director of Public Works to sign the contact commencing January 17, 2023.

	<u>MOTION</u>	<u>SECOND</u>	<u>AYE</u>	<u>NAY</u>	<u>RECUSE</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Councilmember Dallahan							
Councilmember Foschini							
Councilmember Parzych							
Councilmember Casper							
Councilmember Gensemer							
Councilmember Moore							

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 17th day of January 2023

.....
Borough Clerk

The above resolution approved this 17th day of January, 2023

.....
Mayor

This ParkMobile Service Agreement ("Agreement") is made by and between Parkmobile, LLC, a Delaware limited liability company, with offices at 1100 Spring St. NW, Ste 200, Atlanta, GA 30309 ("ParkMobile") and Borough of Stone Harbor, a New Jersey municipality, with offices at 9508 Second Avenue, Stone Harbor, NJ 08247 ("Client"). This Agreement will become effective as of the last signature date below (the "Effective Date"). In consideration of the mutual covenants and agreements set forth in this Agreement, the parties agree as follows:

PARTY CONTACTS			
Client		ParkMobile	
Legal Name:	Borough of Stone Harbor	Legal Name:	Parkmobile, LLC
Contact:		Sales Rep:	Ron Ross
Email:		Email:	Ron.Ross@parkmobile.io
Phone:		Phone:	774-281-5520
Address:		Address:	
	Borough of Stone Harbor 9508 Second Avenue Stone Harbor, NJ 08247		Parkmobile, LLC 1100 Spring St. NW Ste 200 Atlanta, GA 30309
For legal notices:			
with a copy to ParkMobile's Legal Department at the above address and to legal-notices@parkmobile.io .			

SERVICE TERMS	
Services	ParkMobile will provide Client with the Services related to the following types of parking transactions: On-Demand
Initial Term	3 years beginning on the Effective Date
Renewal	This Agreement will automatically renew for additional successive one (1) year terms unless earlier terminated pursuant to this Agreement's express provisions or either party provides written notice of non-renewal at least sixty (60) days before the end of the then-current term (each a " <u>Renewal Term</u> " and, collectively, together with the Initial Term, the " <u>Term</u> ").
Termination	Either party may terminate this Agreement effective immediately on written notice to the other party, if the breaching party materially breaches this Agreement, and such breach: (i) is incapable of cure; or (ii) being capable of cure, remains uncured thirty (30) days after the non-breaching party provides the breaching party with written notice of such breach.
Merchant of Record	The parties designate ParkMobile as the merchant of record. Client agrees to pay ParkMobile \$0.15 + 3% of the total transaction amount per transaction for this service. ParkMobile will remit any amounts due Client in arrears to Client on the 15th of the following month.
Parking Locations	The Services will be provided to Client in the following locations / geographical territory: All client locations.

Signage	Client will receive one free welcome kit that includes the aluminum signs and/or decal stickers necessary to complete implementation (installation not included). All signage included in the welcome kit is designed using ParkMobile's standard signage templates. Custom signage may be made available to Client for purchase at ParkMobile's current signage rates. Any requested changes to ParkMobile's standard signage templates will be treated as custom signage. Additional and/or replacement signage may be purchased by Client at ParkMobile's then-current signage rates. Installation and maintenance of all signage is Client's sole responsibility.
Governing Law	State of Georgia
Schedules	This Agreement incorporates the following Schedules: Schedule 1: Client General Terms and Conditions; Schedule 2: Services; Schedule 3: Client Electronic Funds Authorization Form

IMPLEMENTATION FEES				
Description		Units	Rate	Price
Implementation Fee		0	\$1,000.00	\$0.00
Custom Development		0	\$165.00/hr	\$0.00
Total Implementation Fees:				\$0.00

ADDITIONAL FEES	
Call Center & Customer Support	WAIVED
Client Support & Maintenance	WAIVED
Hosting	WAIVED
Enforcement Portal	WAIVED
Reporting Portal	WAIVED
Marketing & Advertising	WAIVED

USER FEES		
On-Demand User Fee	\$0.30	per transaction

The parties have executed this Agreement as of the Effective Date.

BOROUGH OF STONE HARBOR

PARKMOBILE, LLC

By: _____
Name: _____
Title: _____
Date: _____

By: _____
Name: _____
Title: _____
Date: _____

BOROUGH OF STONE HARBOR

Cape May County, New Jersey

RESOLUTION

2023-S-40

**AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE DISCHARGE
OF EASEMENT FOR BLOCK 107.04, LOT(S) 100.01 & 101 ALSO KNOWN
AS 10829 SUNSET DRIVE**

WHEREAS, a certain easement was made by William H. Terry and Lillian M. Terry and the Borough of Stone Harbor on a parcel of land currently known as 10829 Sunset Drive and recorded in the Cape May County Clerk’s office on October 25, 1940 in Deed Book 615, page 344. This property is currently known as Block 107.04, Lots 100.01 and 101; and

WHEREAS, the property owner has requested a discharge of easement indicating that the drainage easement is no longer operational and is to be extinguished; and

WHEREAS, the Director of Public Works has confirmed that the Borough of Stone Harbor has abandoned the outfall pipe at 10829 Sunset Drive and are no longer in need of the easement at this location;

BE IT THEREFORE RESOLVED, that the Borough of Stone Harbor authorize the Mayor and Borough Clerk to sign the Discharge of Easement document for 10829 Sunset Drive also known as Block 107.04 Lot 100.01 and 101 and submit said discharge for proper recording with the Cape May County Clerk.

	<u>MOTION</u>	<u>SECOND</u>	<u>AYE</u>	<u>NAY</u>	<u>RECUSE</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Councilmember Dallahan							
Councilmember Foschini							
Councilmember Parzych							
Councilmember Casper							
Councilmember Gensemer							
Councilmember Moore							

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 17th day of January, 2023

.....
Borough Clerk

The above resolution approved this 17th day of January, 2023

.....
Mayor

Prepared By: **Law Office of Karavan &
Morris P.C.**

Marcus H. Karavan, Esquire

DISCHARGE OF EASEMENT

A certain Easement, was made by:

WILLIAM H. TERRY and **LILLIAN M. TERRY**, his wife, of Bustleton in the State of Pennsylvania

and

BOROUGH OF STONE HARBOR, a Municipal Corporation of the State of New Jersey, with an address of 9508 Second Avenue, Stone Harbor, New Jersey 08247.

This easement which appears on a parcel of land currently known as 10829 Sunset Drive, Stone Harbor was made and recorded in the Cape May County Clerk’s Offices on October 25, 1940 in Deed Book 615, Page 344. This property is currently known as Block 107.04, Lots 100.01 and 101.

This Easement is no longer viable and will now be **DISCHARGED** as of the date listed below. This means that this Easement is now canceled and voided.

I sign and CERTIFY to this Discharge of Easement on December ____, 2022.

Witnessed or Attested by:

Kimberly Stevenson, Municipal Clerk

Judith Davies Dunhour, Mayor

STATE OF NEW JERSEY:

Ss:

COUNTY OF CAPE MAY:

I certify that on December ____, 2022, personally came before me and acknowledged under oath, to my satisfaction, that she is/are the Mayor of the Borough of Stone Harbor and persons (or if more than one, each person) who signed the within document and signed, sealed and delivered this document as his or her act and deed.

BOROUGH OF STONE HARBOR
Cape May County, New Jersey

RESOLUTION

2023-S-41

**AUTHORIZING GRANT APPPLICATION WITH THE NEW JERSEY
DEPARTMENT OF COMMUNITY AFFAIRS**

WHEREAS, the Borough of Stone Harbor desires to apply for and obtain a grant from the New Jersey Department of Community Affairs in the amount of \$100,000.00 which will assist with funding of the 97th Street playground improvements.

NOW THEREFORE BE IT RESOLVED that the Borough of Stone Harbor does hereby authorize the application for such a grant; and,

BE IT FURTHER RESOLVED that the Borough of Stone Harbor recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs , does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Borough of Stone Harbor and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED that Mayor Judith Davies-Dunhour is authorized to sign the application, and that she or her successor is authorized to sign the agreement, and any other documents necessary in connection therewith.

	<u>MOTION</u>	<u>SECOND</u>	<u>AYE</u>	<u>NAY</u>	<u>RECUSE</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Councilmember Dallahan							
Councilmember Foschini							
Councilmember Parzych							
Councilmember Casper							
Councilmember Gensemer							
Councilmember Moore							

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Borough Clerk

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.....
Mayor

BOROUGH OF STONE HARBOR

Cape May County, New Jersey

RESOLUTION

2023-S-42

**APPOINTING A REPSRESENTATIVE TO THE CAPE MAY COUNTY SOLID WASTE
ADVISORY COUNCIL**

WHEREAS, The New Jersey Solid Waste Management Act requires that a Solid Waste Advisory Council (SWAC) be constituted in every county to assist each board of County Commissioners in the development and formulation of solid waste management plans and amendments thereto; and

WHEREAS, due to lack of agenda items the SWAC has not had a formal meeting in recent years due to the lack of active members; and

WHEREAS, several important solid waste disposal and recycling issues require action and the Cape May County Municipal Utilities Authority is requesting assistance to reorganize the SWAC to enable both the Board of County Commissioners and the Cape May County MUA to fulfill our districts solid waste management/recycling planning obligations by naming a formal representative and alternate member from our municipality; and

WHEREAS, the Borough of Stone Harbor would like to participate in this opportunity; and

NOW THEREFORE BE IT RESOLVED that representative(s) for the Solid Waste Advisory Council shall be the Director of Public Works and the alternate member would be Public Works Chairperson.

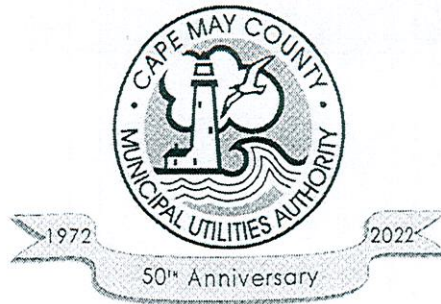
	<u>MOTION</u>	<u>SECOND</u>	<u>AYE</u>	<u>NAY</u>	<u>RECUSE</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Councilmember Dallahan							
Councilmember Foschini							
Councilmember Parzych							
Councilmember Casper							
Councilmember Gensemer							
Councilmember Moore							

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Borough Clerk

The above resolution approved this 17th day of January, 2023

.....
Mayor



Cape May County Municipal Utilities Authority

1523 Route 9 North, Cape May Court House, NJ 08210
Telephone: (609) 465-9026 • Telefax: (609) 465-9025
www.cmcmua.com

December 9, 2022

Mayor Judith Davies-Dunhour
BOROUGH OF STONE HARBOR
95th & Second Avenue
Stone Harbor, NJ 08247

*Yes = name a member
of Council*

RE: Appointment of Representative - Cape May County Solid Waste Advisory Council

Dear Mayor Davies-Dunhour:

The New Jersey Solid Waste Management Act requires that a Solid Waste Advisory Council (SWAC) be constituted in every county to assist each board of County Commissioners in the development and formulation of solid waste management plans and amendments thereto. Due to lack of agenda items, the SWAC has not had a formal meeting in recent years, and the majority of members have resigned/retired as active members of SWAC. In the upcoming year (2023), several important solid waste disposal and recycling issues may be presented to the members of Cape May County's SWAC, and subsequent action will need to be taken on those issues. The Cape May County Municipal Utilities Authority (CMCMUA) is requesting your assistance to reorganize the SWAC to enable both the Board of County Commissioners and the CMCMUA to fulfill our district's solid waste management/recycling planning obligations by naming a formal representative and alternate member from your municipality.

While your municipality's participation on the SWAC is not required, it is certainly encouraged, so if you choose to have representation on the council, please forward the name, mailing address, and email address of your formal designee and alternate member to my attention. Alternate members can attend meetings when scheduling conflicts arise with the regular appointed member, and have full voting privileges on behalf of the municipality.

Once the Authority receives this information from all municipalities, we will forward it to the Board of County Commissioners so that a formal resolution naming SWAC members can be adopted. This will ensure that your municipality will be represented in future discussions/actions concerning solid waste disposal and recycling matters in Cape May County.

Cape May County Municipal Utilities Authority

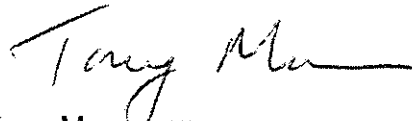
December 9, 2022

Page 2

If you have any questions, or require any additional information regarding the SWAC, please feel free to contact me at 609-465-9026.

Very truly yours,

CAPE MAY COUNTY
MUNICIPAL UTILITIES AUTHORITY

A handwritten signature in black ink, appearing to read "Tony Monahan", with a stylized, flowing script.

Tony Monahan
Administrative and Compliance Supervisor/
SWAC Coordinator

TM: tm

cc: Mr. Joseph V. Rizzuto
Mr. John R. Conturo
Mr. Kevin Lare

BOROUGH OF STONE HARBOR

Cape May County, New Jersey

RESOLUTION

2023-S-43

AUTHORIZING MAYOR & BOROUGH CLERK TO SIGN REVISED DEVELOPER’S AGREEMENT /VILLA MARIA

WHEREAS the Villa Maria has prepared a revised Developer’s Agreement which requires authorization from the Borough of Stone Harbor; and

BE IT RESOLVED that the Mayor and Borough Clerk are authorized to sign the revised Developer Agreement for Villa Maria in a form acceptable by the Borough Solicitor.

	<u>MOTION</u>	<u>SECOND</u>	<u>AYE</u>	<u>NAY</u>	<u>RECUSE</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Councilmember Dallahan							
Councilmember Foschini							
Councilmember Parzych							
Councilmember Casper							
Councilmember Gensemer							
Councilmember Moore							

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.....
Borough Clerk

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.....
Mayor

Kim Stevenson

From: Marc DeBlasio <marc@deblasioassoc.com>
Sent: Wednesday, January 11, 2023 4:32 PM
To: Kim Stevenson; Robert Smith; Lisa Marcolongo; Manny Parada; Judith Davies-Dunhour; Frank Dallahan; Reese Moore
Cc: Matt Abrams; Elaine Benincasa
Subject: EXTERNAL:Reconstruction of 122nd Street

Importance: High

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We are proposing the following bid schedule for the above referenced project for review and approval by the Borough:

1. Motion to Bid: January 17th Meeting
2. Bid Advertisement: January 20th
3. Bid Opening: February 1st at 10:00 am
4. Possible Award: February 7th Council Meeting

Please let us know if this schedule works for the Borough and we will finalize the notice to bidders.

Thank you,

Marc DeBlasio, P.E, P.P., C.M.E.
President

DeBlasio & Associates | Consulting Engineers and Planners
4701 New Jersey Avenue, Wildwood, NJ 08260
Phone: 609-854-3311 | Fax: 609-854-4323

**DEBLASIO &
ASSOCIATES**
CONSULTING ENGINEERS AND PLANNERS
www.deblasioassoc.com

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BOROUGH OF STONE HARBOR

Cape May County, New Jersey

RESOLUTION

2023-S-44

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. Attorney Client Privilege

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Stone Harbor, assembled in public session on January 17, 2023 that an Executive Session closed to the public shall be held on January 17, 2023 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.

	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
Councilmember Dallahan							
Councilmember Foschini							
Councilmember Parzych							
Councilmember Casper							
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