

**MINUTES OF THE MEETING OF MAYOR AND COUNCIL OF
THE BOROUGH OF STONE HARBOR HELD IN THE MUNICIPAL BUILDING**

February 21, 2023

The meeting was called to order by Mayor Judith M. Davies-Dunhour

ROLL CALL

Judith M. Davies-Dunhour, Mayor
Kim Stevenson, Borough Clerk
Marcus Karavan, Solicitor
Lisa Marcolongo, Ass't Borough Administrator
Megan Brown, Deputy Clerk

PRESENT

Councilmembers
Frank Dallahan
Victor Foschini
Bunny Parzych
Robin Casper
Jennifer Gensemer
Reese Moore

Mayor Davies-Dunhour announced that the meeting was now open. 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 to the Press and the Cape May County Herald on January 4, 2023.

For the record this Council Meeting was held via Video/Telephone Conference in a Zoom format.

SALUTE TO THE FLAG

Recognition of Staff Sergeant Greg Jackson – Stone Harbor Police Department

Mayor Davies-Dunhour noted that Sergeant Jackson officially retired February 1, 2023 and recognized his family members present. Mayor Davies-Dunhour thanked Sgt. Jackson's family for their support to his career. Sgt. Jackson started his career at the Stone Harbor Police Department in 1998 as a SLEO II Officer at 19 years old. While training in the Police Academy Sgt. Jackson received academic award, 1st place; firearms award, 1st place, physical fitness, 3rd place and received the Directors Award and was ranked number one in the graduating police officer course overall. Sgt. Jackson was a member of the Cape May County Swat Team and was promoted to Patrol Sergeant in June of 2009 and to Staff Sergeant June of 2022. He has received, in his career, 31 commendations and 51 letters of appreciation from residents. Throughout his career he received many Instructor certifications which include the following: Methods of Instruction, Defensive Tactics, Physical Fitness Instructor, Firearms Instructor, Patrol Rifle Instructor, Submachine Gun Instructor, Field Training Officer and Drill Instructor. Gregg played a major role in the Cape May County Police Academy.

Mayor Davies-Dunhour and Council presented Staff Sergeant Greg Jackson with a Plaque for his years of service and thanked him for his time as a Stone Harbor Police Officer.

Dock Hearings:

Lauren Plasket from Channel Marine was sworn in by Solicitor Karavan.

10907 Sunset Drive: Fischer. New Structure, DEP approved.
Councilmember Parzych asked if the CAFRA permit has been received. Ms. Plasket acknowledged that the CAFRA permit has been received. Councilmember Parzych further asked if the proposed dock extended out into the water further than the prior dock. Ms. Plasket explained that the drawing presented are approximately one foot and a half further than existing dock but still not as far as the neighboring docks. Ms. Plasket confirmed that there is no boat lift within the plans for this dock.

Public Hearing for 10907 Sunset Drive was opened.

No one came forth either in person or on zoom.

Public Hearing for 10907 Sunset Drive was closed.

Motion to approve the dock application at 10907 Sunset Drive was made by Councilmember Dallahan and seconded by Councilmember Foschini.

VOTE: 6 Councilmembers AYE

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387 83rd Street Petrick, reconfiguration approved by the NJDEP : Solicitor Karavan clarified that the dock application presented to council included the addition of a boat lift. Ms. Plasket confirmed that this application has been amended to remove that request for a boat lift.

This dock is approximately one foot to one foot and half further out into the water. Ms. Plasket explained the drawing indicating that the dashed line is the existing dock (rectangular in shape) and that the solid line represents the proposed dock.

Ms. Plasket confirmed that this property is also reconstructing the bulkhead and has received proper permitting from the Borough. Ms. Plasket explained that the NJDEP allows a new bulkhead to be placed in front of existing bulkhead one times up to 24 inches. Borough Engineer Marc DeBlasio confirmed.

NJDEP Permits are handled through an environmental consultant and NJDEP could take six months to approve.

Public Hearing for 387 83rd Street was opened.

No one came forth either in person or on zoom.

Public Hearing for 387 83rd Street was closed.

Motion to approve the dock application at 387 83rd Street was made by Councilmember Dallahan and seconded by Councilmember Foschini. Solicitor Karavan noted that this application is being approved based on the amendment to remove the boat lift from the description received.

VOTE: 6 Councilmembers AYE

MOTION CONCERNING THE MINUTES

Upon motion of
Seconded by

Councilmember Frank Dallahan
Councilmember Robin Casper

Since all members of Council have been provided with a copy of the minutes of the Work Session and the Regular Meeting of February 7, 2023 and the minutes of the Special Meeting held on February 9, 2023, if there are no additions or corrections, I move we dispense with the reading of the minutes and that they be approved.

Vote 6 Councilmembers AYE

COMMUNICATIONS

Mr. Dallahan read into the record a response received by Cliff Zukin regarding his concern with the proceedings of the February 9, 2023, Council meeting. Councilmember Dallahan explained the NJSA rules concerning the Open Public Meetings Act which allows for personnel issues to be held in closed/executive session. Councilmember Dallahan confirmed that the employee in question was provided with a Rice Notice and did not request that the matter be held in open session. Councilmember Dallahan responded to the letter received by Mayor and Council (signed the letter) and has requested that this response be included in the record.

From: Frank Dallahan <DallahanF@shnj.org>

Date: Friday, February 17, 2023 at 11:00 AM

To: Cliff Zukin <zukin@rutgers.edu>, Judith Davies-Dunhour <DaviesJ@shnj.org>, Reese Moore <moorer@shnj.org>, gesmerj@shnj.org <gesmerj@shnj.org>, parzyehb@shnj.org <parzyehb@shnj.org>, Victor Foschini <foschiniv@shnj.org>, Robin Casper <casperr@shnj.org>

Cc: Bill@BlaneyDonohue.com <Bill@BlaneyDonohue.com>

Subject: Re: EXTERNAL:An ashamed resident

Dear Mr. Zukin,

Regular Meeting, February 21, 2023

Thank you for your email regarding the Council meeting of February 9, 2023.

I write in response to your email of February 10, 2023 regarding the Borough Council meeting of February 9, 2023. While I understand your displeasure with what you perceive as failure to take certain actions in compliance with "open government", a large part of that meeting's procedure was predicated by the requirements of New Jersey law.

Specifically, under the New Jersey Open Public Meetings Act, discussions involving local government personnel matters are by default required to be conducted in private "closed sessions" outside the public purview. See the *N.J.S.A. 10:4-12(b)(8)*. The main reason for this is to protect the employee's "personal privacy or guaranteed rights of individuals [which] would be clearly in danger of unwarranted invasion". *N.J.S.A. 10:4-7*.

However, there is an exception when the employee specifically requests that the meeting occur in open session. See, *Rice v. Union Co. Reg. High School B.O.E.*, 155 N.J. Super. 64 (1977). Under *Rice* and the cases that followed it, when such personnel issues arise, the employee is given a written notice (called a Rice Notice) which allows the employee to request that the governing body discuss the personnel issue in open session. If the employee does not choose this option, any discussion must occur outside the public's purview in a "closed session".

Prior to the February 9, 2023, meeting you observed, the employee in question was provided a Rice Notice and did not ask for a discussion of his matter in open session. Based upon the same, Council legally could not discuss his personnel issue in open session. Council's actions that evening only amounted to foregoing a private closed session discussion (not open to the public) and to instead proceed directly with a public vote on the ultimate issue. I hope this better explains what occurred that evening.

Sincerely,

Frank Dallahan
Member of Council

From: Cliff Zukin <zukin@rutgers.edu>

Date: Friday, February 10, 2023 at 2:21 PM

To: Judith Davies-Dunhour <DaviesJ@shnj.org>, Frank Dallahan <DallahanF@shnj.org>, Reese Moore <moorer@shnj.org>, gesmerj@shnj.org <gesmerj@shnj.org>, parzyehb@shnj.org <parzyehb@shnj.org>, Victor Foschini <foschiniv@shnj.org>

Cc: casper@sshnj.org <casper@sshnj.org>

Subject: EXTERNAL:An ashamed resident

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.

As a political science professor, author of an academic book on civic engagement and Stone Harbor resident I was horrified to watch the February 9 Council meeting. I say this without knowing any of the specifics or background or commenting on the merits of the decision. I applaud and appreciate the Mayor's comments that this is a failure of open government and a conspiracy of silence. With the exception of the mayor and councilmember Casper, you should all be very ashamed of yourselves. I ask you to take a moment to think about the meaning of public service and public trust and look in the mirror. Maybe you have the wrong job.

Cliff Zukin

zukin@rutgers.edu

A motion officially placing this response into the record was made by Councilmember Frank Dallahan and Seconded by Councilmember Jennifer Gensemer.

VOTE

6 Councilmembers AYE

HEARING OF THE PUBLIC ON MEMORIALS, RESOLUTIONS, PETITIONS & COMPLAINTS

Geoff Woolery: Speaking on Behalf of the Stone Harbor Property Association:

Speaking on the issue of NJDEP Permit process: Mr. Woolery offered assistance of the 1200 members of SHPOA to assist with putting pressure on the NJDEP to approve permitting needed of pace lifeguard stands, concession etc. along our beachfront for 2023.

Ordinance/Resolution for Boat Slip Applications: Geoff noted that himself, along with a number of SHPOA trustees had a number of questions regarding the rules and regulations being proposed and thanked a number of council members who made themselves available to talk through concerns over this past weekend and appreciate their time to listen to comments and concerns. Mr. Woolery noted that there are proposed changes to the original Ordinance and Resolution as presented. Mr. Woolery felt concerned with an Ordinance and Resolution being presented simultaneously both presenting similar information, however there was different language which could be a concern. Mr. Woolery reminded the council of the legacy discussion at the last meeting and the “Right of First Refusal” language within the ordinance and is cautioning the council to be clear how this effects applications going forward.

Councilmember Parzych was under the impression that a letter was going to be included with the application which explained that the “legacy” is still being reviewed. The Borough Clerk stated that that is not the case. Councilmember Foschini stated that this matter of “Legacy” is still under review and will be further discussed in Committee.

Solicitor Karavan clarified the reasoning for approving an Ordinance and a Resolution for this process. He indicated the Resolution provides for an easier change to be made within the ordinance regarding rules and regulations and fees.

Joan Piotrowski: 256 98th Street; Invasive Species Ordinance: Ms. Piotrowski asked if the property next to your property and it spreads who would be responsible for removal. Councilmember Casper indicated that the Code Enforcement office would contact the property owner who has the invasive species and they would be provided with 45 days to correct the problem.

No Further Comments

Ordinance #1624 – Amending Chapter 174 of the Code of the Borough of Stone Harbor “Brush, Grass, Weeds, & Debris”

WHEREAS, the Borough Council has determined that it is in the best interest of the Borough to amend Section 174-3 of the Borough Code for clarity;

NOW THEREFORE, BE IT HEREBY ORDAINED by the Borough Council of the Borough of Stone Harbor, County of Cape May, State of New Jersey, that Chapter 174 of the Borough Code, titled Brush, Grass, Weeds & Debris” shall be amended as follows:

SECTION 1. Amend Language.

Amend Chapter 174 by deleting Section 3 in its entirety and replacing it with the following:

§ 174-3 Duty of owners and tenants.

It shall be unlawful for any owner or tenant, jointly and/or severally, of any land lying within the Borough, after receipt of the notice provided for in § 174-5 hereof, to permit and/or allow to exist, neglect or refuse to remove and destroy from any land any obnoxious growths such as brush, weeds of various types like ragweed, lawn grass in excess of 12 inches, dead or dying trees, stumps, roots, obnoxious growths of every description, filth, garbage, trash, rubbish and debris which may or does attract wild animals such as skunks, raccoons, possums or vermin and/or may create a risk to the health, safety or welfare of the public. It shall also be unlawful for any owner or tenant, jointly and/or severally, of any lands lying within the Borough, after receipt of the notice provided for in § 174-5 hereof, to permit and allow to exist, neglect or refuse to trim or remove any trees, the branches of which encroach into the public rights-of-way, or which interfere with the full use of such public rights-of-way.

SECTION 2. Severability and Effectiveness Clause

- a) If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.
- b) Any Ordinance inconsistent with the terms of this Ordinance is hereby repealed to the extent of such inconsistency.

SECTION 3. Effective Date

This Ordinance shall take effect 20 days from the time of its final adoption and publication in accordance with law.

Upon Motion of
Seconded By

Councilmember Jennifer Gensemer
Councilmember Reese Moore

That Ordinance 1624 be taken up on first reading.

VOTE

6 Councilmembers AYE

Councilmember Gensemer explained the Ordinance.

The Clerk read the title only of Ordinance 1624.

Upon Motion
Seconded by

Councilmember Jennifer Gensemer
Councilmember Reese Moore

That Ordinance 1624 be passed on first reading, published according to law and that it be taken up on second, third and final reading and adoption at a meeting of Mayor and Council to be held on the 21st day of March 2023.

VOTE

6 Councilmembers AYE

ORDINANCE 1625 - AN ORDINANCE AMENDING CHAPTER 156 OF THE GENERAL ORDINANCES OF THE BOROUGH OF STONE HARBOR GOVERNING BEACH RULES AND REGULATIONS

WHEREAS, the Borough Council adopted Resolution #2022-S-145 in July of 2022, which amended the rules and regulations governing conduct at paid beaches in response to concerns over increased boat landing(s), mooring(s) and swimming at the Point; and

WHEREAS, the provisions of the aforesaid Resolution have proved effective in advancing the Borough's efforts to establish appropriate control and regulation of the beachfront and the waters adjacent thereto for the health, safety and welfare of Borough residents and visitors; and

WHEREAS, Borough Council deems it to be in the best interest of the citizens of Stone Harbor to amend the within ordinance to permanently reflect the supplemental rules and regulations previously adopted by Resolution;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council, the Governing Body of the Borough of Stone Harbor, New Jersey as follows:

Section 1. Chapter 156-6(A) is hereby amended and supplemented to include paragraph 23, which shall read as follows:

“Access the beaches of the Borough of Stone Harbor from the ocean, bay, waterway or any other body of water adjacent to or abutting the beaches of the Borough of Stone Harbor by way of boat, whether power driven or otherwise, except as specifically provided for herein. Access to the beach(es) shall be in the manner and location(s) as set forth herein.”

Section 2. Chapter 156-6(B) is hereby amended to include an additional sentence, which shall read as follows:

“The provisions and prohibitions of Chapter 156-6(A)(23) regarding boat access to the beach(es) shall be in effect year-round and are not subject to limited seasonal enforcement as is the case with the remainder of the beach rules and regulations.”

Section 3. 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 4. All Ordinances or parts of Ordinances inconsistent with this Ordinance, to the extent of such inconsistencies only, are hereby repealed.

Section 5. This Ordinance shall take effect immediately upon final passage and publication as provided by law.

Upon Motion of	Councilmember Frank Dallahan
Seconded By	Councilmember Robin Casper

That Ordinance 1625 be taken up on first reading.

Councilmember Dallahan explained the Ordinance.

The Clerk read the title only of Ordinance 1625.

Upon Motion	Councilmember Frank Dallahan
Seconded by	Councilmember Robin Casper

That Ordinance 1625 be passed on first reading, published according to law and that it be taken up on second, third and final reading and adoption at a meeting of Mayor and Council to be held on the 21st day of March 2023.

VOTE **6 Councilmembers AYE**

ORDINANCE 1626 - AMENDING CHAPTER 170 “BOATING” BY ESTABLISHING AN APPLICATION PROCESS FOR THE USE OF DOCK FACILITIES AT THE 81ST STREET MUNICIPAL MARINA

WHEREAS, The Borough Clerks office is responsible for the application process for the use of dock facilities within the Borough of Stone Harbor; and

WHEREAS, the Borough Clerk’s office is requesting that guidelines for the use of said dock facilities located at the 81st Street Marina be established; and

WHEREAS, guidelines for use of the 81st Street Marina Dock Facilities be determined to set rules and regulations, which may be established by resolution.

NOW THEREFORE BE IT RESOLVED that the following insertions be included within Chapter 170 “Boating” of the General Code of the Borough of Stone Harbor.

Section 1. Adding the following to Chapter 170-5

The permitting of seasonal boat slips will be administered through the Borough Clerk.

Section 2. Adding Chapter 170-7 Application Process – 81st Street Marina Boat Slips

§170-7 Application Process – 81ST Street Marina Boat Slips

Applications for use of the 81st Street marina boat slips will be processed through the Borough Clerk’s Office. All season boat slip permittees shall be granted the first right of refusal to renew the slip occupied during the previous season. Renewal applications must be complete with payment in full and include an updated copy of a Certificate of Insurance in the amount of \$500,000 Liability Coverage which shall name the Borough of Stone Harbor as additional insured, proof of ownership and current registration. Failure to comply with Insurance requirements will result in forfeiture of the boat slip subject to the aforesaid renewal rights. Applications must be received by the date indicated on the renewal notice and if not received by the specified date it will be considered a forfeiture of the boat slip and the slip will be offered to individuals on the established 81st Street Marina Boat Slip waiting list, starting with the first person on said list.

Section 3. Adding Chapter 170-8 Violations

§170-8 Violations

Any applicant found in violation of the rules and regulations associated with the permitting of the boat slips at the 81st Street Marina shall be subject to forfeiture of their boat slip. There shall be no exceptions.

Section 4. 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 5. 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 6. This Ordinance shall take effect twenty (20) days after final passage and publication as provided by law.

Upon Motion of
Seconded By

Councilmember Victor Foschini
Councilmember Bunny Parzych

That Ordinance 1626 be taken up on first reading.

Councilmember Foschini explained the Ordinance.

The Clerk read the title only of Ordinance 1626.

Upon Motion
Seconded by

Councilmember Victor Foschini
Councilmember Bunny Parzych

That Ordinance 1626 be passed on first reading, published according to law and that it be taken up on second, third and final reading and adoption at a meeting of Mayor and Council to be held on the 21st day of March 2023.

VOTE

6 Councilmembers AYE

Councilmember Foschini commented that this above ordinance lists the fact that guidelines and fees can be established by resolution and noted that when the resolution regarding these guidelines and fees is presented, he will review the additional considerations.

ORDINANCE 1627 - AMENDING CHAPTER 365 “MARRIAGE AND CIVIL UNION CEREMONIES” BY ESTABLISHING FEES AND PROCEDURES FOR USE OF BEACHES AND PAVILIONS

WHEREAS, The Borough Clerks office is responsible for scheduling the use of beaches and pavilions within the Borough of Stone Harbor; and

WHEREAS, the Borough Clerk’s office is requesting that a fee be established for the use of beaches and pavilions; and

WHEREAS, guidelines for use of beaches and pavilions be determined to set rules and regulations, which may be established by resolution.

NOW THEREFORE BE IT RESOLVED that the following insertion be included within Chapter 365 “Marriage and Civil Union Ceremonies” of the General Code of the Borough of Stone Harbor.

Section 1. Adding Chapter 365-4 Use of Beaches and Pavilions for Wedding Ceremonies

§ 365.4 Use of Beaches and Pavilions

Anyone whose wedding takes place on Borough property, limited to Beaches or Pavilions, shall be required to complete a permit application with the Borough Clerk and adhere to all Rules and Regulations regarding Use of Beaches and Pavilions, established by the Borough Clerk’s office.

A. Purpose: To provide guidelines and expectations to individuals that obtain the required permit for use of Beach or Pavilions within the Borough of Stone Harbor.

B. Permit Application & Payment: Application must be completed and submitted to the Borough Clerk along with the appropriate fee. Approval is considered once the availability of location is determined.

C. Insurance Requirement(s): All applicants are required to sign a Hold Harmless Agreement and provide the Borough of Stone Harbor with a certificate of Insurance indicating the continuation of insurance coverage and designating the Borough of Stone Harbor as an “Additional Insured”. The policy must be current and not expire before or on the date of the event. The policy must provide insurance for no less than \$1,000,000. The Insurance Certificate provided must be in the name of the person applying for the beach/pavilion use.

D. Fees collected: All fees collected by the Borough for the use of the Beach or Pavilion shall be remitted to the Borough of Stone Harbor. The fee for the permit shall be established from time to time by resolution of the governing body of the Borough of Stone Harbor.

E. Cancellation: In the event of cancellation, for any reason, a non-refundable administrative fee of \$50 is required.

F. Postponement: If any person needs to reschedule a ceremony, such postponement shall be permitted without additional cost. All postponements are subject to the availability of the requested location. Any changes to the original application must be received in writing by the applicant.

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 Ordinances 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 twenty (20) days after final passage and publication as provided by law.

Upon Motion of
Seconded By

Councilmember Bunny Parzych
Councilmember Victor Foschini

That Ordinance 1627 be taken up on first reading.

Councilmember Parzych explained the Ordinance.

The Clerk read the title only of Ordinance 1627.

Upon Motion Councilmember Bunny Parzych
Seconded by Councilmember Victor Foschini

That Ordinance 1627 be passed on first reading, published according to law and that it be taken up on second, third and final reading and adoption at a meeting of Mayor and Council to be held on the 21st day of March 2023.

VOTE **6 Councilmembers AYE**

RESOLUTION 2023-S-62 - AUTHORIZING THE DISPOSAL OF SURPLUS PROPERTY

WHEREAS, the Borough of Stone Harbor is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Borough is desirous of selling said surplus property in an “as is” condition without express or implied warranties.

WHEREAS, it is estimated by the Borough Purchasing Coordinator that these items will or may exceed \$6,600 in value, requiring disposition by public sale in accordance to N.J.S.A. 40A:11-36 and 40A:14-157;and

WHEREAS, the State of New Jersey permits the sale of surplus property no longer needed for public use through the use of an online auction service, pursuant to the Local Unit Electronic Technology Pilot Program and Study Act. P.L. 2001,c.30.; and

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Stone Harbor, Cape May County, on this 21st day of February, 2023 as follows:

- (1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-70967/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com and also available from the Public Works Department of the Borough.
- (2) The sale will be conducted online and the address of the auction site is govdeals.com.
- (3) The sale is being conducted pursuant to Local Finance Notice 2008-9.
- (4) A list of the surplus property to be sold is listed below.
- (5) The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.
- (6) The Borough of Stone Harbor reserves the right to accept or reject any bid submitted.

- 19 Luke II Pay Station Kiosks
- 320 Macay Parking Meter Heads
- 315 Duncan Meter Housings

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

RESOLUTION 2023-S-63 - AUTHORIZING THE MAYOR TO SIGN THE CLEAN WATERSHED NEEDS SURVEY

WHEREAS, The Director of Public Works has completed the “Clean Watershed Needs Survey” which is an assessment of capital investment needed for publicly-owned wastewater and treatment facilities to meet the water quality goals of the Clean Water Act; and

WHEREAS, the information collected by the survey is used to assist with quantifying wastewater infrastructure needs.

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 on this 21st day of February 2023 that the Mayor, Judith M. Davies-Dunhour is hereby authorized to sign the Clean Watersheds Needs Survey, as requested.

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

RESOLUTION 2023-S-64 - AUTHORIZING DEBLASIO AND ASSOCIATES – ADDITIONAL SERVICES – TIDE VALVE INSTALLATION 93RD, 94TH AND 95TH STREET

WHEREAS, DeBlasio & Associates. Borough Engineer, 4701 New Jersey Avenue, Wildwood, N.J. 08260 has prepared a Proposal to provide professional engineering and Construction Phase Services for the 93rd Street, 94th Street and 95th Street Tide Valve Installation (part of 2021 Utility & Road Program) which tasks include:

Prepare plans and specifications to accomplish the following task as part of the negotiated change order with Fred M. Schiavone Construction:

1. Install the tidal “gate” valve at the terminus of 93rd Street and the bay. The scope of work shall include a watertight valve chamber, modifying the street end curbline and associated roadway restoration.
2. Install a tidal “butterfly” valve on the existing storm sewer pipe located at the terminus of 94th Street and the bay. The scope of work shall include a watertight valve chamber, modifying the street end curbline and associated roadway restoration.
3. Install a tidal “knife” valve on the existing storm drain sewer pipe located at the terminus of 95th Street and the bay. The scope of work shall include a watertight valve chamber, modifying the street end curbline and associated roadway restoration.

Estimate of construction cost for additional items listed above is approximately \$200,000.00 and estimated construction duration is four (4) weeks. This proposal does not include modifying or installing new storm sewer pipes and submitting NJDEP or USACOE permits.

ENGINEERING & CONSTRUCITON PHASE COST: \$18,500.00

- Design Plans and Specifications
- Construction Observation – 100Hours
- Contract Administration

WHEREAS, it is the intention of Council to approve this proposal as presented.

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 Borough Council approves the attached Engineering & Construction Phase Cost Proposal for the Additional Services, Tide Valve Installation – 93rd, 94th & 95th Street as presented on this 21st day of February, 2023.

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

RESOLUTION 2023-S-65 - A RESOLUTION PROVIDING RULES AND REGULATIONS PERTAINING TO THE PERMIT GUIDELINES FOR THE 81ST STREET MARINA BOAT SLIPS & ESTABLISHING A FEE FOR THE 2023 SEASON

WHEREAS, the Borough Council of the Borough of Stone Harbor is authorized pursuant to Chapter 170-2 of the Revised General Ordinances of the Borough of Stone Harbor to establish rules and regulation essential to govern the use and manner of use of the facilities located at the 81st Street marina; and

WHEREAS, the following rules and regulations pertaining to the application process and use of marina boat slips are presented as follows:

1. The Borough Administrator, subject to the approval of Mayor and Council, is designated as the person in charge of and control of the operation and management of such facilities and is hereby empowered to assign any regularly employed person or persons of the Borough government to assist in the performance of any special duty or function relating to the 81st Street Marina Boat Slip facilities.
2. The season boat slips at the 81st Street Marina shall be issued to power vessels and sailcraft only.
3. A season permit fee shall be established by resolution and may, from time to time, be revised.
4. The permitting of marina boat slips will be administered through the Borough Clerk and be subject to the following rules and procedures:
 - a. All seasonal boat slip permittees shall be granted the first right of refusal to renew the slip occupied during the previous season. Proof of power vessel and sailcraft ownership with current registration is required. The owner of the power vessel or sailcraft must be the same name as the lessee.
 - b. Renewal applications, appropriate fee and required insurance certificate not received by the indicated date are subject to forfeiture.
 - c. The Certificate of Insurance in the amount of \$500,000 Liability coverage naming the Borough of Stone Harbor as an additional insured is required.
 - d. No refunds will be issued after 30 days of the issuance of seasonal boat slip permit.
 - e. The Borough Clerk shall maintain a waitlist for any persons interested in receiving a permit for a boat slip and any slips forfeited or not-renewed shall be offered to the waitlist, starting with the first person on the waiting list. Individuals who forfeit or fail to renew shall be required to re-apply to get onto the waiting list.
 - f. An updated application is required if any information on the original application should change.
 - g. Seasonal boat slip applicants and/or permittees shall not be permitted to assign or transfer their boat slip interest by any means or for any purpose whatsoever.
 - h. All permitted vessels must be emblazoned with up-to-date registration numbers/decals; and

WHEREAS, the Municipal Boat Slip Fee established by Resolution 2023-S-37 on January 3, 2023 be amended as follows:

\$2,100 Slips 9-25
\$1,900 Slips 26-79

Regular Meeting, February 21, 2023

- 5. This Resolution amends, rescinds and/or supersedes all previous Resolutions which are in conflict or are inconsistent herewith to the extent of such conflict or inconsistency.
- 6. This Resolution shall take effect immediately.
- 7. The proper officials be and hereby are authorized to do all things necessary to carry out this Resolution.

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

Discussion: Councilmember Foschini proposed the following changes:

- Item #2** will read - power vessel & sail craft only. Councilmember Foschini stated that wave runners are included as power vessels.
- Item A #4:** Remove proof of ownership – drivers licenses required and add current registration.

Solicitor Karavan confirmed that amendments to the resolution presented are acceptable.

Mayor Davies-Dunhour confirmed that application and boat ownership shall be the same.

All councilmembers agree with the changes presented. The resolution listed within the minutes reflects the changes presented.

RESOLUTION 2023-S-66 - ESTABLISHING FEES AND PROCEDURES FOR USE OF BEACHES AND PAVILIONS

WHEREAS, the Borough Council of the Borough of Stone Harbor is authorized pursuant to Chapter 365 of the Revised General Ordinances of the Borough of Stone Harbor to establish rules and regulations essential to govern the use and manner for the use of beach and pavilions; and

WHEREAS, A permit fee for the use of beach/pavilion is hereby established at \$150.00; and

WHEREAS, the following rules and regulations pertaining to the application process and use of beach and pavilions are presented as follows:

POLICY:

- A. The recipient of a beach/pavilion permit is responsible for ensuring that no arches, arbors, chairs, decorations, debris, or any other equipment remains on the beach or pavilion after the ceremony and that all rules, regulations, and guidelines are adhered to.
- B. Use of the beach/pavilion is for no more than a 2-hour timeframe. This timeframe includes all deliveries, set up, ceremony and breakdown.
- C. Amplified sound is allowed provided it complies with the Boroughs noise ordinance.
- D. Decorations cannot attach to Borough’s property.

RESTRICTIONS:

- E. No open flames, glass, alcohol, smoking, or fireworks are permitted.
- F. No lit lanterns or balloons are allowed to be used or released.
- G. No rice, birdseed, confetti, fake flower petals, or streamers are permitted due to environmental concerns.
- H. No Generators or motor vehicles are permitted on the beach.
- I. No portion of the public beach access, pathway or sidewalk shall be obstructed or utilized for the ceremony.

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J. No Receptions on the public beach/pavilion, permit is for the ceremony only.

PARKING:

- K. Parking is metered from May 1st- October 1st 10am- 9pm. Parking spots are public and cannot be reserved or restricted.
- L. Public or private driveways shall not be blocked at any time.

WHEREAS, This Resolution amends, rescinds and/or supersedes all previous Resolutions which are in conflict or are inconsistent herewith to the extent of such conflict or inconsistency.

WHEREAS, This Resolution shall take effect immediately.

WHEREAS, The proper officials be and hereby are authorized to do all things necessary to carry out this Resolution.

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

RESOLUTION 2023-S-67 - ESTABLISHING EMERGENCY STONE HARBOR POINT BEACH ACCESS

WHEREAS, The Stone Harbor Borough Council declares a public safety emergency at the Stone Harbor Point Access Path. This path leads from the parking lot at 123rd Street, parallel to the oceanfront, and accessing the natural area known as Stone Harbor Point. This natural area has great importance to both residents and visitors, and state and Federal resource agencies. Due to the continued, repeated erosion of the vehicle access ramp, Stone Harbor Point is not presently accessible to police/fire/rescue equipment. The access has been closed, however people continue to access the Point. This leads to an unsafe condition if someone were to be injured. Additionally, the vertical scarp is greater than 6 feet increasing the risk of collapse or and individual falling.

WHEREAS, the initial erosion during the Mother’s Day Storm in May 2022 caused the Borough to request an Emergency Authorization from the NJ Department of Environmental Protection, and expend resources to repair the ramp

WHEREAS, the remnants of Hurricane Ian in early October 2022 began to damage the vehicle access ramp, and a series of “king tides” occurred during mid-December of 2022 which completely destroyed the ramp causing the Borough to close the access,

WHEREAS, the Borough has requested an additional Emergency Authorization from the NJ Department of Environmental Protection on December 20, 2022 and has produced a set of drawings with the preferred repair alternative. The Borough and NJDEP continue negotiations pertaining to the issuance of an Emergency Authorization.

WHEREAS, continued erosion and flanking of the 127th Street groin further exacerbates the condition of the access point, and the Borough is planning for the return of visitors and residents in the spring, the likelihood of environmental impact due to the inability of police to monitor the area will increase, and the possibility of injury without adequate means of rescue also increase,

BE IT THEREFORE RESOLVED, that a public safety emergency exists at the Stone Harbor Point Access Path.

Regular Meeting, February 21, 2023

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

MOTION: Approving the Special Event Application: Stone Harbor Chamber of Commerce Shiver Event, March 18, 2023

Upon Motion By: Councilmember Victor Foschini
Seconded By: Councilmember Bunny Parzych

VOTE **6 Councilmembers AYE**

MOTION: Approving the Clean Ocean Action Beach Sweeps for Saturday, April 1, 2023 and Saturday October 21, 2023

Upon Motion By: Councilmember Robin Casper
Seconded By: Councilmember Reese Moore

VOTE **6 Councilmembers AYE**

DISCUSSION:

None

MOTION - To approve the bills list and authorize CFO to pay the bills when the funds are available, and the vouchers properly endorsed.

Check # Check Date Vendor Amount Paid Reconciled/Void Ref Num

56921	02/24/23	ALBRE005 ALBRECHT INDUSTRIES, INC	1,928.00
56922	02/24/23	ATLAT ATLANTIC TACTICAL	534.00
56923	02/24/23	BORSH BOROUGH OF STONE HARBOR	234,916.04
56924	02/24/23	BURKE BURKE MOTORS	399.29
56925	02/24/23	CAPEMINI CAPE MINING & RECYCLING, LLC	226.08
56926	02/24/23	CAPRI CAPRIONI PORTABLE TOILETS	80.00
56927	02/24/23	CASAP CASA PAYROLL SERVICES	326.90
56928	02/24/23	CENTRJER CENTRAL JERSEY EQUIPMENT	73.01
56929	02/24/23	CINTA005 CINTAS CORPORATION #100	3,688.75
56930	02/24/23	CMCMC C.M.C. MUNICIPAL CLERKS ASSO.	50.00
56931	02/24/23	CMCMU C.M.C. MUNICIPAL UTILITY AUTHO	174.80
56932	02/24/23	COMCA COMCAST	311.17
56933	02/24/23	COMCA1ST COMCAST	10.05
56934	02/24/23	CREAT005 CREATIVE WINDOW DESIGN	2,250.00
56935	02/24/23	DEBLASIO DEBLASIO & ASSOCIATES	0.00
56936	02/24/23	DEBLASIO DEBLASIO & ASSOCIATES	33,437.50
56937	02/24/23	EDA00005 EDA	420.00
56938	02/24/23	GALLS GALL'S, LLC	993.89
56939	02/24/23	GANNL GANN LAW BOOKS	158.50
56940	02/24/23	GRAIN GRAINGER	151.14
56941	02/24/23	HARTZ DAVID HARTZELL	54.00
56942	02/24/23	HERAL SEAWAVE CORPORATION	291.52
56943	02/24/23	JAMESBUR JAMES BURLEIGH	260.00
56944	02/24/23	JENTRACY JENNIFER M. TRACY	56.51
56945	02/24/23	JERSC JERSEY CAPE DOOR	2,324.63
56946	02/24/23	JERSE010 JERSEY SHORE DEVELOPERS	1,320.00
56947	02/24/23	JOYCEMED JOYCE MEDIA, LLC	50.00

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56948	02/24/23	JUSTR005 JUST RIGHT TV	1,200.00
56949	02/24/23	KEENC KEEN COMPRESSED GAS	144.00
56950	02/24/23	KINDL KINDLE FORD MERCURY LINCOLN	40.46
56951	02/24/23	LAURYHEA LAURY HEATING	1,853.10
56952	02/24/23	LAWSO LAWSON PRODUCTS, INC.	174.52
56953	02/24/23	LENEG005 LENEGAN PLUMBING AND HEATING	51,963.86
56954	02/24/23	MARAS005 TRION-MMA	389.50
56955	02/24/23	MARSHMCL MARSH & MCLENNAN AGENCY, LLC	7,500.00
56956	02/24/23	MERCOMAR MERCO MARINE	245.25
56957	02/24/23	MGLFO MGL PRINTING SOLUTIONS	783.00
56958	02/24/23	MOTTMAC MOTT MACDONALD	28,787.72
56959	02/24/23	NAPASEAV NAPA AUTO PARTS - SEAVILLE	1,037.95
56960	02/24/23	ONECA ONE CALL CONCEPTS, INC.	181.61
56961	02/24/23	PRESSASR PRESS OF ATLANTIC CITY	256.80
56962	02/24/23	RICHARDC RICHARD L. CASSANO	4,058.78
56963	02/24/23	RIGGI RIGGINS, INC.	4,514.82
56964	02/24/23	ROTHMANA AUSTIN M. ROTHMAN	398.00
56965	02/24/23	SAFEL005 SAFELITE AUTO GLASS	464.93
56966	02/24/23	SCHOP SCHOPPY'S, INC.	104.50
56967	02/24/23	SEASHACE SEASHORE ACE #10926	14.39
56968	02/24/23	SEASHASP SEASHORE ASPHALT CORP.	2,506.73
56969	02/24/23	SHBED STONE HARBOR BD OF EDUCATION	648,535.50
56970	02/24/23	SHBENZ STONE HARBOR BENZ HOUSE LLC	302.75
56971	02/24/23	SJGAS SOUTH JERSEY GAS COMPANY	94.84
56972	02/24/23	SOUTH020 SOUTH JERSEY ELECTRICAL INSP	155.00
56973	02/24/23	STAPLEBU STAPLES BUSINESS ADVANTAGE	1,236.83
56974	02/24/23	STRUE SEASHORE ACE HARDWARE	518.59
56975	02/24/23	STTOX STATE TOXICOLOGY LABORATORY	180.00
56976	02/24/23	TCTNJ T.C.T.A.N.J. MEMBERSHIP	100.00
56977	02/24/23	TRES4 TREASURER, STATE OF NJ	7.80
56978	02/24/23	TRES6 TREASURER, STATE OF NEW JERSEY	151,314.44
56979	02/24/23	USABL005 USA BLUE BOOK	372.56
56980	02/24/23	VECTO VECTOR SECURITY	1,562.50
56981	02/24/23	VERIZFIR VERIZON WIRELESS	173.61
56982	02/24/23	VESPERAT VESPER AT PARADISE	2,440.00
56983	02/24/23	VITAL VITAL COMMUNICATIONS, INC.	1,080.00
56984	02/24/23	VULCA005 VULCAN CONSTRUCTION, INC	38,293.50
56985	02/24/23	WEATHERW WEATHER WORKS	1,995.00
56986	02/24/23	BALDINIP PAUL BALDINI, P.A.	3,081.25
56987	02/24/23	CMCBD CAPE MAY CO.PUBLIC WORKS	1,224.00
56988	02/24/23	HUFFM005 HUFFMAN'S FLOOR COVERING	4,335.63
56989	02/24/23	NORCAST NORCAST MEDIA GROUP	416.66
56990	02/24/23	TREA7 TREASURER, STATE OF NEW JERSEY	339.00
56991	02/24/23	TRESWAT TREASURER, STATE OF NJ	583.49
56992	02/24/23	VERI1 VERIZON WIRELESS	773.64
56993	02/24/23	VERWIRPD VERIZON WIRELESS	370.57
56994	02/24/23	CMCTT C.M.C. TAX & TREASURER'S ASSO.	200.00
56995	02/24/23	COMCAPOL COMCAST	417.70
56996	02/24/23	CONSTELL CONSTELLATION NEWENERGY INC	1,987.26

Report Totals	Paid	Void	Amount Paid	Amount Void
Checks:	75	1	1,253,197.82	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	75	1	1,253,197.82	0.00

}}

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

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At this time, we are about to consider a Resolution to go into private session. We would appreciate it if you would all remain seated until the Resolution has been acted upon. At the conclusion of the private session we will come back into public session for the purpose of either taking action as a result of our discussion in private session or to simply adjourn.

RESOLUTION 2023-S-68 - 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. *Personnel:*
Salary Ordinance
Borough Administrator Vacancy

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Stone Harbor, assembled in public session on February 21, 2023 that an Executive Session closed to the public shall be held on February 21, 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.

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

Time: 7:15PM

MOTION TO RETURN TO OPEN SESSION

TIME: 8:20PM

Motion made by Councilmember Gensemer
Seconded by Councilmember Parzych
VOTE 6 Councilmembers AYE

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Mayor Davies_Dunhour reported that there will be no formal action taken as a result of closed session discussion however Mayor Davies-Dunhour has been instructed to reach out to several individuals to see if they would act as interim Administrator until an active search can be completed.

HEARING OF THE PUBLIC ON MEMORIALS, RESOLUTIONS, PETITIONS & COMPLAINTS

Noone in Council chamber came forward.

Via Zoom:

Joselyn Rich 10410 Sunset Drive: Very sincerely thanked the five council members who united and stood strong together at the last council meeting. Expressed concern with items on the agenda and there are members of the community that will assist if asked.

MOTION TO ADJOURN

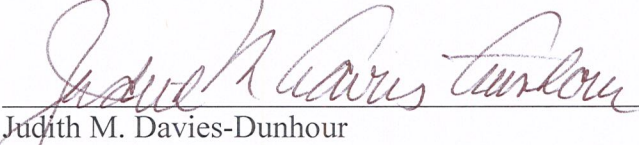
Motion made by Councilmember Frank Dallahan

Seconded by Councilmember Victor Foschini

VOTE 6 Councilmembers AYE

That the Regular Meeting of Mayor and Council be adjourned at 8:24 p.m.

APPROVED: March 7, 2023


_____, Mayor
Judith M. Davies-Dunhour

ATTEST: 
_____, Borough Clerk
Kim Stevenson