

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

**March 21, 2023**

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The meeting was called to order by Mayor Davies-Dunhour at 4:30 p.m.

**ROLL CALL**

Judith M. Davies-Dunhour, Mayor  
Kim Stevenson, Borough Clerk  
Marcus Karavan, Solicitor  
Bill Blaney, Attorney  
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 WORK SESSION WAS HELD VIA VIDEO/TELEPHONE  
CONFERENCE IN A ZOOM FORMAT AS WELL AS IN PERSON

**SALUTE TO THE FLAG**

**Flood Prevention Ordinance - Ray Poudrier**

Mr. Poudrier explained that the Special Consultant is recommending that the FEMA Flood Prevention Ordinance guidelines be implemented within Chapter 300 of the Borough Ordinance.

Mr. Poudrier outlined the changes within the Ordinance that will have the greatest impact on the Borough.

**NEW: Ordinary Building Maintenance and Minor work:** Improvements defined as ordinary building maintenance and minor work projects by the Uniform Construction Code including non-structural replacement-in-kind of windows, doors, cabinets, plumbing fixtures, decks, walls, partitions, new flooring materials, roofing, etc. shall be evaluated by the Floodplain Administrator through the floodplain development permit to ensure compliance with the Substantial Damage and Substantial Improvement Section 300-103.14 of this ordinance.  
\*\* The Construction office is already collecting data for work completed which does not require a permit.

**CHANGE: Violations & Penalties,** imprisonment for a term not exceeding ninety (90) days or a period of community service not exceeding 90 days. (Was 30 days)

**NEW: Solid Waste Disposal in a Flood Hazard Area:** Any person who has unlawfully disposed of solid waste in a floodway or floodplain who fails to comply with this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$2500 or up to a maximum penalty by a fine not exceeding \$10,000 under N.J.S.A. 40:49-5.

**NEW:** The solicitor is drafting language that any higher regulatory standards would not be automatic, they would have to come before the council before being implemented.

**NEW:** Recommending three foot of freeboard or twelve foot for local design flood elevation whichever is higher. Currently the Borough requirements is plus two feet or eleven for design flood elevations. This change would add one foot to the height of the structures in Stone Harbor. Will achieve additional CRS points.

**NEW:** Lowest Floor of unfinished floor: this portion of the ordinance will be consistent with lot grading ordinance already in place.

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**NEW:** Inspect Development: duties remain the same for the Certified Floodplain Manager and Construction Official, however this insertion will require inspections after the home is built.

**NEW:** Submission of Technical Data (Lot Grading Ordinance, Bulkhead Ordinance) This portion requires the Floodplain Administrator to submit any changes relating to flood prevention directly to FEMA.

**NEW:** Permitting has been expanded to add a fee. The suggested fee is \$200, however more review is needed.

**NEW:** Flood Compliance Certificate; fee of \$50. The inspections required would coincide with the Certificate of Title Transfer. Will require floodplain inspections to confirm no changes have been made since the property was constructed relating to the guidelines at that time.

**REMOVE:** Information for development in flood hazard areas: **Eliminate #6** (already included in the Lot Grading Ordinance) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose. **NEW:** (#10) Allow the Floodplain Administrator to waive requirements on minor issues when, after review it is not necessary to ascertain compliance.

**NEW:** Authority: Allows the Floodplain Administrator to serve notices of violations and stop work orders.

**UPDATE:** Definitions: Adding Definitions (Expanding and defining)

**NEW:** Subdivision & Other Developments: New section within the Flood Prevention Ordinance but already enforcing through Construction requirements.

**UPDATE:** Coastal High Hazard V Zones and A Zones – language is expanded, regulations are currently enforced.

**NEW:** Licenses Design Professional certifies that building foundation is designed in accordance with ASCE 34 Chapter 4. This would be a higher standard to gain more CRS points.

**NEW:** Deed Restrictions: A Crawlspace higher than 6 feet will be required to file a deed restriction certifying that the crawlspace will not be retrofitted to be made into habitable space.

**NEW:** Garages & Accessory Structures: Stone Harbor allows for cabana type structures which are insurable.

**NEW:** Bulkhead, Lot Grading etc: Anything not related to the main structure will require a flood permit as well.

**Questions from Council:**

Councilmember Gensemer: Ordinary Building Maintenance – Ray explained: FEMA wants a permit for anything a homeowner expects to be reimbursed for when an insurance claim is filed. Construction Official is being reasonable when floodplain permits are obtained. Mr. Poudrier does not feel that work under a certain amount should be charged a permit fee but desires that a permit be issued.

Councilmember Moore feels that there is a significant burden on homeowners and the borough and agrees with placing an amount on the work that should be permitted.

Mayor Davies-Dunhour asked if there was any detail within the ordinance presented that could be altered to alleviate burden on the homeowner and the borough. Mr. Poudrier said yes however it could lessen the points awarded for the implementation. Councilmember Moore feels that clarification on the points versus burden should be reviewed.

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Councilmember Parzych asked why there is an urgency to approve all items within the ordinance and was it just based on maximizing points. Mr. Poudrier noted that the previous Borough Clerk received a letter from the NJDEP last year indicating that the Flood Prevention Ordinance must be approved by the governing body by April 30, 2022. Currently there have been no ramifications regarding that due date. Mr. DeBlasio confirmed the need for the Ordinance to lower our classification within Activity 430 – Higher Regulatory Standards. Councilmember Parzych expressed her concerns regarding lot grading and height limitations and open space.

Councilmember Gensemer noted that the proposed ordinance states that you can not build in a V zone however other notations within the Flood Prevention Ordinance contradicts those limitations. (page 38 Line 1a) Mr. Poudrier is unaware of the contradiction and does agree that it is confusing. Councilmember Gensemer also noted the need for a form for the Certificate of Title Transfer.

Mayor Davies-Dunhour asked for the next step. Mr. Poudrier indicated that most of the recommended requirements are being completed within Construction office. Councilmember Gensemer questioned the dollar amount in which the borough will begin charging a permit fee for work completed. Mr. Poudrier indicated that Mr. Dietrich can complete an analysis of construction within Stone Harbor versus the value of homes in Stone Harbor to determine an appropriate threshold for an additional fee.

Mr. DeBlasio explained that the Flood Prevention Ordinance is being presented this evening for review. There is now way to determine, if portions of the Ordinance are removed, what impact that would have on CRS points.

Mr. Karavan suggested revisions be made to the draft and again circulated to all of council allowing for enough time for review and possible introduction at the next council meeting. Mayor Davies-Dunhour is concerned with not allowing for discussion. Mr. Karavan suggests any comments or concerns from councilmembers be addressed immediately in writing.

Report of Standing Committees:

### **Public Safety Report – Councilmember Dallahan**

#### **Fire Department- Chief Roger Stanford**

Report for February 2023: 14 Fire Calls; 9 EMS calls– 1 Building Fire; 2 Medical Assists; 1 Surf Rescue; 1 Natural Gas Leak, 1 Arching Wire; 1 Structural Collapse; 1 Medivac; 6 Fire Alarms

#### **Police Department – Captain Chris Palmer**

**Report for February 2023-** 35 Motor vehicle stops; 5 motorist assisted; 8 suspicious vehicles; 6 Animal Complaints; 2 OPRA request were fulfilled; 17 open doors or windows were found;

**Personnel Update:** Currently still short two full time officers; 1 of those positions is currently being covered by a Class II Officer and the selection process to fill those positions is currently pending the completion of the SLEO hiring process. Summer personnel: Currently slow going. It appears that there will be more Class I positions filled than Class II in 2023.

**Stone Harbor Municipal Court:** No Issues to report.

#### **Beach Patrol- Captain Sandy Bosacco**

Captain Bosacco commended the borough on allowing the use of credit cards to purchase beach tags. He feels this added service provides the very best customer service and assists with accounting of the purchase of beach tags. There is a small fee when the consumer uses the credit/debit card. Credit cards will only be accepted at Borough Hall and at the beach tag office at 95<sup>th</sup> Street.

#### **Office of Emergency Management – Frank Vault**

Mr. Vault advised council that there were no major storm events for the month of February.

**Recreations and Tourism – Councilmember Victor Foschini**

**Recreation – Shannon MacPherson, Rec Director**

**Mayors Wellness Program:** Assessments are underway. There will be a seven-week fitness challenge beginning March 31, 2023 with weekly and grand prizes offered to employees that excel within the challenge. Popup workouts and other wellness events will also be included. There will also be a guest speaker series added in the fall.

**Summer Contracts:** Applications were due February 17<sup>th</sup>. There are two new programs offered: Volleyball camp at Chelsea Park and a Girls Lacrosse camp. There is a resolution on the agenda tonight to approve the recreation contracts for 2023.

**Crafternoon:** Classes are offered for the elementary kids coming right from school via bus and begin Monday March 27<sup>th</sup> from 3:30pm to 5:00pm. There are still spaces available, registration is required.

**Harbor Hop 5K:** Saturday, April 8<sup>th</sup>, 2023. Includes a one mile family run/walk beginning at 9:00am. The 5K will begin shortly after. Race awards will be offered within certain age groups. Registration is open on the Stone Harbor Rec Website.

**Stone Harbor Sandbag Beach Challenge:** NEW EVENT – hosted by 31 Heroes. Scheduled for Saturday, July 1<sup>st</sup>, 2023. Begins with a workout on the Recreation field followed by a sandbag carry for 31 blocks along the beachfront. This event includes a family/kid challenge on the Recreation field as well. More information to follow.

Applications are still being accepted for part time recreation employees for the 2023 season.

**Tourism – Jenny Olson, Tourism Director**

**2023 Special Event Applications:**

Seashore Home Supply – Contractor Day – April 28, 2023

Requesting use of 8 parking spaces; 10am to 2pm, partnering with Childrens Miracle Network

Seashore Home Supply – Grill Demonstration – April 22, 2023; May 6, 2023; June 10, 2023

Requesting use of 2 parking spaces; 8am to 4pm; partnering with Childrens Miracle Network

Garden Club of Stone Harbor – Community Yard Sale – May 20, 2023 (Rain Date May 21<sup>st</sup>, 2023) – use of 94<sup>th</sup> Street parking lot; 8am to 2pm; requesting barriers, cones and trash cans

Wetlands Institute – Summer Celebration – Saturday July 22, 2023

Requesting use of a portion of the municipal marina lot; 5pm to 10pm

**2023 Farmers Market** – Location will remain at the 95<sup>th</sup> Street parking lot. The committee will continue to review the use of the 94<sup>th</sup> Street parking lot to see if this location would be better suited for the Farmers Market in the future.

**Additional Comment:** Stone Harbor was recently featured on HGTV.com's 50 states of beaches which featured one beach from every state.

**Natural Resource Committee – Councilmember Robin Casper**

**Aaron Baker, Lomax Consulting: Dune Vegetation Management Project**

Mr. Baker gave an overview of the Dune Vegetation Management Plan and his role as it relates to this plan with consulting from Lomax Consulting.

Mr. Baker explained the ability and the need to perform maintenance pruning on an existing project. The limit to pruning is 18 inches off the top of trees or 10% of the height of the shrubs. The pruning is limited and controlled and cost is the responsibility of the property owner.

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Mr. Baker presented a continuation of one of the recorded projects between 115<sup>th</sup> and 118<sup>th</sup> Street. This project has completed the 5 years of monitoring and as a part of the original project they were authorized to complete bi-annual maintenance pruning starting in 2017 to 2022. The property owner is now requesting a continuation of the maintenance pruning however they need a new authorization from the council to continue with the maintenance pruning. The Natural Resource Committee has reviewed the maintenance pruning and agrees to allow for a 10 year extension with maintenance pruning offered every other year if requested. Will still require monitoring and permission from the borough to complete. Escrow funding is still a requirement.

### **Doug Gaffney, Coastal Engineer, Mott MacDonald**

GP2 Permit Update: 90-day review period has begun, hopeful that approval can be accomplished before Memorial Day weekend.

Individual Permit: April 1<sup>st</sup> submittal date; will include Stone Harbor Point Access Emergency Authorization plus modification of the 127<sup>th</sup> Street groin.

Mr. Gaffney reviewed some of the details within the beach renourishment project. He indicated that once the surveys are complete the borough will have a better understanding of the placement of sand along the beachfront.

127<sup>th</sup> Street Groin: Beach fill will include placement of sand from 121<sup>st</sup> to 127<sup>th</sup> Street and it is anticipated that the sand in that area will be lost fairly quickly. Mr. Gaffney says it is important to understand the sand movement within this area and is requesting that a survey be completed before the beach renourishment project and another shortly after. He recommends working with SHPOA to get more data on a more frequent basis.

Emergency Authorization: Access Area Repair – Bids have been received and the bid amount is lower than expected. There is one more permit needed from the Army Corp to complete this project.

### **Bird Sanctuary Update: Lenore Tedesco**

The Department of Corrections/Clean Shores working in partnership with Public Works were able to clear a lot of invasive understory within the Sanctuary and complete a lot of work along Holly Path.

Princeton Hydro: work in the freshwater marsh was completed to remove/control phragmites in the Bird Sanctuary. There was a test area which was raked out to control seedlings and regrowth. Research shows that really wet soils do not allow for regrowth of Phragmites – careful review will be completed to verify that native vegetation will replace the invasive phragmites. Lenore will be working on getting information on this project up on the Bird Sanctuary website.

The Beach Sweep is scheduled for Saturday, April 1<sup>st</sup> from 9am to 12:30pm. Being held at the 95<sup>th</sup> Street beach entrance – everyone is encouraged to bring buckets to reduce plastic garbage bags.

The Stone Harbor Museum is scheduled too open again Memorial Day weekend.

### **Discussion:**

**Hotel/Motel Beach Storage Shed Bid Specifications:** Councilmember Foschini Rec & Tourism has discussed the request to increase the beach storage shed within these bid specifications. Councilmember Foschini wants to ensure that the council is comfortable with the increase in size.

Captain Bosacco does not have a problem with the length or width however he wants to ensure the height does not obstruct lifeguards view.

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The council reviewed the suggested size and the standard size of the concession stands owned by the borough. The previous storage shed owner by Reed's was 8 feet high and sat on approximately 6 inches of sand.

Councilmember Foschini confirmed that the Rec & Tourism Committee has reviewed the request and understands concerns regarding height however are in agreement with the added size to 10X12X8 and that the color should be neutral (roof/siding). There was also discussion about the borough purchasing the storage shed therefore being compliant with the Jurisdictional Determination. Purchasing the storage shed for the Hotel/Motel bid can be included in the 2024 bid specifications.

Councilmember Dallahan proposes size to remain the same as in the past (8X10X8)

Councilmember Gensemer proposes that the storage sheds be conforming to the concession stands along the beachfront (10X12X10)

Councilmember Moore agrees with conformity (10X12X10)

Councilmember Casper proposes that the size remain as in the past (8X10X8)

Councilmember Parzych asked if the neighbors within that area have issues with the size of the prior storage shed size. Mayor Davies-Dunhour advised there is always a concern.

For clarity the proposal is for consideration of increasing the storage shed from 8x10x8 to 10x12x10.

Motion to authorize the bid is scheduled for April 4<sup>th</sup>

No Further Discussion

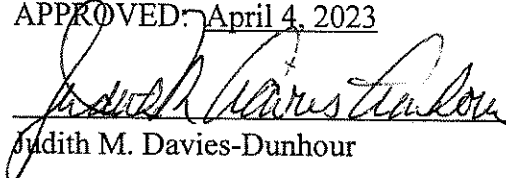
Upon Motion by: Councilmember Frank Dallahan

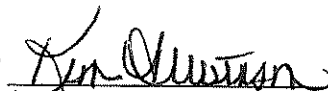
Seconded by: Councilmember Robin Casper

That the Work Session Meeting of Mayor and Council be adjourned at 6:15p.m.

**Vote                      6 Councilmembers    AYE**

APPROVED: April 4, 2023

 \_\_\_\_\_, Mayor  
Judith M. Davies-Dunhour

ATTEST  \_\_\_\_\_, Borough Clerk  
Kim Stevenson