

Borough of Stone Harbor
REGULAR MEETING AGENDA
Tuesday, April 18, 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

Communications:

Approval of Minutes: Special Meeting March 22, 2023

Public Comment

2023 BUDGET:

ORDINANCE FOR SECOND READING/PUBLIC HEARING:

Ordinance #1631 – Calendar Year 2023 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank - *2nd, 3rd & Final*

BUDGET RESOLUTIONS & PUBLIC HEARING:

Resolution 2023-S-103 – Read by Title Only 2023 Municipal Budget & Open Public Hearing

Municipal Budget Hearing
Public Comment on the Budget

Resolution 2023-S-104 – Self Examination of the Budget for 2023

Resolution 2023-S-105 – Adopt 2023 Municipal Budget

OLD BUSINESS

Ordinance 1630 – Amending Chapter 67, Article IV of the General Ordinances Pertaining to the Office of Borough Administrator – *2nd, 3rd & Final*

Ordinance 1632 – Establishing Additional Regulations for the Pool Barrier (Fence) Requirements Relating to Construction Code Requirements.” - *2nd, 3rd & Final*

NEW BUSINESS

Ordinance 1629 – Salary Ordinance - *Introduction*

Ordinance 1634 – Amending Chapter 67, Article I – “Borough Clerk” - *Introduction*

Ordinance 1635 – Amending Chapter 365 – Marriage and Civil Union Ceremonies - *Introduction*

Ordinance 1636 – Amending Chapter 205 & 205A to Comply with Senate Bill S-1368 – Insurance Requirements - *Introduction*

Ordinance 1637 – Establishing a New Chapter Allowing for Restricted Areas in Buildings Where Municipal Operations are Being Conducted - *Introduction*

Ordinance 1638 – Amending Chapter 67, Article IV of the General Ordinances Pertaining to the Office of Borough Administrator - ***Introduction***

Ordinance 1639 – Bond Ordinance – Water Improvements – IBank \$7,500,000 - ***Introduction***

Resolution 2023-S-106 – Amending Resolution 2023-S-66 – Establishing Fees and Procedures for Use of Beaches and Pavilions

Resolution 2023-S-107 – Establishing Recreation Program Fees for 2023

Resolution 2023-S-108– Award Beach Concession Stands 2023/2024 Season

Resolution 2023-S-109 – Summer Leak Adjustments in Connection with Chapter 542-27G

Resolution 2023-S-110 – Authorizing a 2023 Contract with Richard Graver, Network Engineer

Motion –To Approve Special Event Application – Stone Harbor Chamber of Commerce “Spring Into Summer Market” April 29, 2023

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-111 - Closed Session – Personnel & Attorney Client Privilege

Public Comment

Adjournment

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

ORDINANCE 1631

**CALENDAR YEAR 2023 ORDINANCE TO EXCEED
THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A.
40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

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

WHEREAS, the Borough Council of the Borough of Stone Harbor in the County of finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council of the Borough of Stone Harbor hereby determines that a 2.5% increase in the budget for said year, amounting to \$312,246.99 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

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

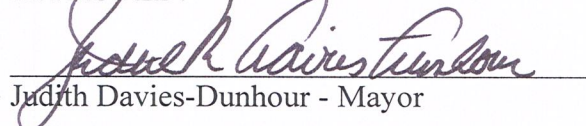
NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Stone Harbor, in the County of Cape May, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Borough of Stone Harbor shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 1.0%, amounting to \$124,896.79, and that the CY 2023 municipal budget for the Borough of Stone Harbor be approved and adopted in accordance with this ordinance; and,

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

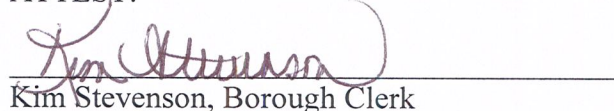
BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

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

APPROVED:


Judith Davies-Dunhour - Mayor

ATTEST:


Kim Stevenson, Borough Clerk

BOROUGH OF STONE HARBOR
COUNTY OF CAPE MAY
STATE OF NEW JERSEY

RESOLUTION

2023-S-103

READ BY TITLE ONLY AND OPEN PUBLIC HEARING
ON 2023 MUNICIPAL BUDGET

WHEREAS, N.J.S.A. 40A: 4-8 provides that the budget may be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full governing body, providing that at least ten (10) days prior to the date of the hearing, a publication by summary of the budget has been advertised and copies have been made available by the Clerk to persons requesting them.

NOW, THEREFORE, BE IT RESOLVED that the conditions of N.J.S.A. 40A:4-8 have been met and the budget shall be read by title only.

	<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 18th day of April, 2023

.....
Borough Clerk

The above resolution approved this 18th day of April, 2023

.....
Mayor

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

RESOLUTION

2023-S-104

SELF EXAMINATION OF THE BUDGET 2023

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

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Borough of Stone Harbor has been declared eligible to participate in the program by the Division of Local Government Services, and Chief Finance Officer has determined that the local government meets the necessary conditions to participate in the program for the 2023 budget year.

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

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

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

	<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 18th day of April, 2023

.....
Borough Clerk

The above resolution approved this 18th day of April, 2023

.....
Mayor

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

RESOLUTION

2023-S-105

ADOPTION OF MUNICIPAL BUDGET FOR THE YEAR 2023

NOW, THEREFORE, BE IT RESOLVED, this 18th day of April, 2023 by the Mayor and Council of the Borough of Stone Harbor, County of Cape May, the governing body thereof, that the Municipal Budget for 2023 be and is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$21,493,458.77 to be raised by taxes for municipal purposes.

	<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 18th day of April, 2023

.....
Borough Clerk

The above resolution approved this 18th day of April, 2023

.....
Mayor

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

ORDINANCE 1630

**AN ORDINANCE AMENDING CHAPTER 67, ARTICLE IV OF THE GENERAL
ORDINANCES OF THE BOROUGH OF STONE HARBOR PERTAINING TO
THE OFFICE OF THE BOROUGH ADMINISTRATOR**

WHEREAS, in or about 1982, the Borough adopted Chapter 67, Article IV, which created the office of the Borough Administrator and set forth the duties and responsibilities of same; and

WHEREAS Borough Council now deems it to be in the best interest of the Citizens of Stone Harbor to amend and modify said qualifications, duties, and responsibilities.

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

Section 1. Article IV, Section 67-15 of Chapter 67 (entitled “**Residency**”) is hereby stricken in its entirety and the following is substituted in its place:

67-15. Residency. At the time of appointment, the Administrator need not be a resident of the Borough of Stone Harbor and during his/her tenure may reside outside the Borough with Council approval.

Section 2. Article IV, Section 67-16 of Chapter 67 (entitled “**Duties**”) is hereby stricken in its entirety and the following is substituted in its place:

67-16. Qualifications, Responsibilities, Powers, and Duties.

The Borough Administrator, hereafter referred to as the “Administrator”, serves as the principal administrative officer representing the Mayor and Council, hereafter referred to as the “Borough Council”. The Administrator is the head of the Department of Administration and head of the Department of Human Resources.

The Administrator shall administer, supervise, and direct all administrative and personnel activities consistent with all Collective Negotiations Agreements (Collective Bargaining Agreements) and Borough Employee Personnel Policies.

The Administrator shall be a college graduate with experience in a responsible administrative or executive capacity.

Under the direction and supervision of Borough Council, the Administrator shall:

1. Coordinate the administration of all departments.
2. Enforce administrative policies and rules. The administrative policies and procedures are developed in coordination with the Administrator, department heads, and Council.
3. Plan and direct the work of the Department of Administration.
4. Oversee coordination of Community Rating System (CRS) Program.
5. Administer and direct Coalition for Affordable Housing (COAH) Program.
6. Enforce personnel policies and rules. The personnel policies and procedures are developed in coordination with the Administrator, department heads, and Council. Receive and respond accordingly to Human Resources issues.
7. Ensure the Borough complies with all Federal, State, and County regulations.
8. Make timely application for all required permits to ensure the efficient management and operation of the Borough government.

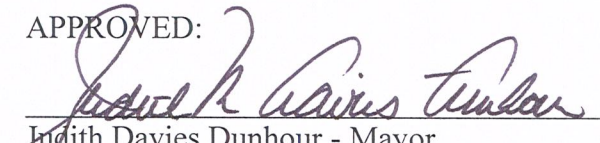
9. With the assistance of labor counsel, negotiate labor contracts.
10. Attend all meetings of the Borough Council.
11. Assist the Chief Financial Officer, respective department heads, and chairperson of the standing committees in the preparation of the budget for the consideration of Borough Council.
12. Develop and submit grants for the benefit of the Borough.
13. Receive and respond accordingly to requests for information and complaints from homeowners, business owners, and tourists on all matter of problems, and keep Borough Council informed of such matters.
14. With the assistance of the Director of Tourism, edit and compile releases of information for the public and press as directed by the Borough Council.
15. Perform such other duties and functions prescribed by the Borough Council for the Department of Administration.

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.

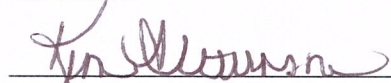
Section 4. All Ordinances or parts of Ordinances inconsistent with this Ordinance, to the extent of such inconsistencies only, are hereby repealed.

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

APPROVED:


Judith Davies Dunhour - Mayor

ATTEST:


Kim Stevenson, Borough Clerk

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

ORDINANCE 1632

**AN ORDINANCE OF THE BOROUGH OF STONE HARBOR, COUNTY OF
CAPE MAY, NEW JERSEY ESTABLISHING ADDITIONAL REGULATIONS
FOR THE POOL BARRIER (FENCE) REQUIREMENTS AS THEY RELATE TO
CONSTRUCTION CODE REQUIREMENTS**

BE IT ORDINANED BY THE BOROUGH COUNCIL OF THE BOROUGH
OF STONE HARBOR, COUNTY OF CAPE MAY, STATE OF NEW JERSEY, AS
FOLLOWS:

Section 1a. Section 560-43 E is amended as follows:

§ 560-43 Swimming Pools.

E. Fencing.

- (1) Swimming pools, other than nonregulated pools, shall be completely enclosed by a fence not less than four feet and not more than six feet in height, which shall be measured from the ground immediately contiguous to the fence, except where otherwise required by §560-43 E(2). Fence panels shall not exceed 48 inches and a final height to top of panel shall not exceed 54 inches. All fencing, gates and latching devices shall be in compliance with state regulations and codes. All fences exceeding 54 inches in height shall be no closer than five feet to any property line.
- (2) Fence requirements necessary to comply with the Construction Code and International Pool and Spa Code requirements for fencing securing a pool area may change by the compliance of adjacent properties with §560-50 and §560-26. It is the responsibility of the property owner where the pool is located to comply at all times with the fence height requirements for securing a pool. Where adjacent lot grades have been elevated due to lot grading requirements fence heights exceeding four feet will be permitted. The height of the fence will be measured from the adjacent grade to allow for compliance with all applicable codes and standards. Fences will not be permitted to be higher than the minimum height required by building or construction codes.
- (3) A pool made non-compliant as a result of adjacent lots being raised in compliance with §560-50 and §560-26 shall have 180 days to bring the pool fencing into compliance from the date of notification of non-compliance by the construction official and shall be permitted to maintain the fence where it is located.

Section 1b. Section 560-38 D.(1)(g) is amended as follows:

§ 560-38 Supplemental Area Regulations

D. Setback exceptions.

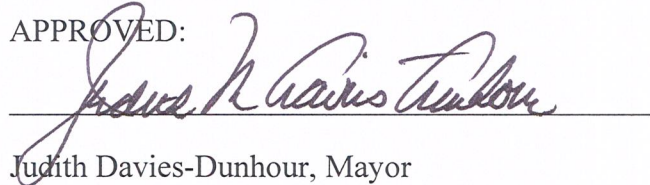
(1) Notwithstanding the setback requirements set forth in Article **IV** above, the following shall be permitted in yard spaces in all zoning districts:

(g) Fences; panels shall not exceed 48 inches and a final height to top of panel shall not exceed 54 inches, with the exception of fence enclosing swimming pools subject to § **560-43**.

Section 2. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

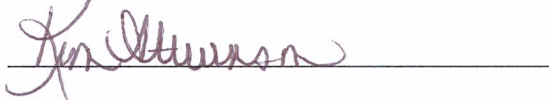
Section 3. This ordinance shall take effect after final adoption and publication as required by law.

APPROVED:



Judith Davies-Dunhour, Mayor

ATTEST:



Kim Stevenson, Borough Clerk

**BOROUGH OF STONE HARBOR
CAPE MAY COUNTY**

ORDINANCE NO. 1629

An Ordinance establishing and fixing salary ranges for certain positions within the Borough of Stone Harbor, New Jersey, County of Cape May.

BE IT ORDAINED by the Members of Council of the Borough of Stone Harbor, in the County of Cape May and State of New Jersey as follows:

Section 1. That the salary and wage ranges for certain positions within the Borough of Stone Harbor are hereby fixed at the following amounts:

	<u>MIN</u>	<u>MAX</u>
Borough Administrator	\$ 90,000	\$ 165,000
Regulatory Compliance Specialist	\$ 40,000	\$ 65,000 <i>New Position</i>
Borough Clerk	\$ 57,000	\$ 125,000
Deputy Borough Clerk	\$ 40,000	\$ 65,000
Receptionist	\$ 15,000	\$ 50,000
Accounting Ass't & P/R Benefits Coord.	\$ 50,000	\$ 65,000
P/R Benefits Coordinator	\$ 40,000	\$ 60,000
Tax Assessor	\$ 28,000	\$ 40,000
Tax Assessor Clerk/Receptionist	\$ 15,000	\$ 35,000
Tax & Utilities Collector	\$ 48,000	\$ 83,000
Tax & Utilities Collector Clerk	\$ 30,000	\$ 65,000
Police Chief	\$ 90,000	\$ 165,000
Police Captain	\$ 70,000	\$ 140,000
Administrative Assistant	\$ 40,000	\$ 65,000
Police Clerk	\$ 30,000	\$ 41,000
Technical Assistant Construction	\$ 45,000	\$ 75,000
Zoning Officer/Code Enforcement	\$ 55,000	\$ 150,000
Uniform Fire Code Official/Inspector	\$ 48,000	\$ 80,000
EMT/Fire Code Inspector	\$ 30,000	\$ 50,000
Administrative Assistant -Public Works	\$ 40,000	\$ 68,000
Supervisor Public Works	\$ 65,000	\$ 80,000
Public Works Clerk/Secretary	\$ 30,000	\$ 40,000
Director of Public Works	\$ 95,000	\$ 150,000
Supervisor Public Works	\$ 65,000	\$ 80,000
Recreation Director	\$ 65,000	\$ 80,000
Tourism Director	\$ 50,000	\$ 70,000
Recreation Manager	\$ 30,000	\$ 50,000
Mayor	\$ 20,000	\$ 20,000
Council	\$ 15,000	\$ 15,000
Lifeguard Captain	\$ 40,000	\$ 75,000
Building Inspector	\$ 20,000	\$ 25,000
Inspector	\$18.00/hr	\$21.00/hr
Subcode Plumbing/Plumbing Inspector	\$ 5,200	\$ 26,000
Mechanical Inspector	\$ 2,500	\$ 25,000
CRS Coordinator		\$ 6,000
O.E.M. Coordinator	\$ 4,000	\$ 11,000
Deputy O.E.M. Coordinator	\$ 3,000	\$ 9,000
Utilities Collection System Operator		\$ 5,775
Utilities Treatment/Distribution License		\$ 10,775
Planning Board Secretary per meeting	\$ 200	\$ 400
Zoning Board Secretary per meeting	\$ 200	\$ 400
ZBA/Planning Bd. Officer per meeting	\$ 200	\$ 400
Licenses	\$ 2,625	\$ 2,625
Recycling Certification	\$ 2,625	\$ 2,625
Hourly Rated Employees Range	\$13/hour	\$33/hour

Section 2. That Salaries, wages and compensation shall be paid in equal bi-weekly installments.

This Ordinance shall remain in effect until such time that it is considered for a change by the Mayor and Council of the Borough of Stone Harbor.

APPROVED:

Judith M. Davies-Dunhour Mayor

ATTEST:

Kim Stevenson, Borough Clerk

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

ORDINANCE 1634

**AN ORDINANCE AMENDING CHAPTER 67, ARTICLE 1 OF THE CODE OF
THE BOROUGH OF STONE HARBOR, BOROUGH CLERK**

WHEREAS, the Borough Council has determined that it is in the best interest of the Borough to update the Municipal Code regarding duties associated with the position of the Borough Clerk; and

WHEREAS, these updates will further clarify the scope of the Clerk's duties and more closely reflect the statutory requirements of a Municipal Clerk as set forth in N.J.S.A. 40A:9-133 – et seq.;

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 Article 1 of Chapter 67 of the Borough Code governing Officers and Employees, entitled Borough Clerk, be updated as follows:

SECTION 1.

The following sections of Chapter 67 are hereby amended in their entirety to read as follows:

§ 67-1Appointment; term; qualifications.

There shall be a Clerk of the Borough of Stone Harbor appointed by the Mayor with the advice and consent of the Council for a term of three years. Prior to his appointment the Borough Clerk shall be qualified by training and experience to perform the duties of his office. The Borough Clerk shall be a Registered Municipal Clerk with the State of New Jersey or shall receive such certification prior to re-appointment. IN the event of a vacancy in the office of the Municipal Clerk, an appointment shall be made by the Mayor with the advice ad consent of the Borough Council within 90 days of the occurrence of the vacancy for a new term, not for the unexpired term. The Clerk filling the vacancy need not hold a Registered Municipal Clerk Certificate and shall be appointed for a one-year term starting on the date of the vacancy. Two subsequent one -year terms may be approved by the Director of the Division of Local Government Services in the Department of Community Affairs. The Acting Municipal Clerk cannot exceed three years in that capacity. Time served in the capacity of Acting Municipal Clerk cannot be credited for the purpose of seeking tenure pursuant to Section 7 of P.L. 1985, c. 174 (C.40A:9-133.7)

§ 67-2Clerk of Council and committees; minutes.

The Borough Clerk shall act as the secretary to the governing body and Clerk to the Council, prepare meeting agendas at the discretion of the governing body, be present at all meetings of the governing body, keep a journal of the proceedings of said meetings, retain original copies of all ordinances and resolution and record the minutes of every Council Meeting. The minutes of each meeting of the Council shall be signed by the officer presiding at the meeting and by the Clerk. Attendance of the Municipal Clerk at Standing Committee Meetings is at the discretion of the Committee Chairperson. Minutes of said Standing Committees may or may not be taken also at the discretion of the Committee Chairperson.

§ 67-4Custodian of records.

The Clerk shall have custody of and shall safely keep all records, books, deeds, minutes, bonds, contracts, archival records and documents of the Borough, except those committed by ordinance to any other office or transferred thereto by the Council. The Clerk shall, upon request and upon the payment of the fees prescribed therefor by resolution of the Council for the use of the Borough, furnish a certified copy of any such paper in his custody under the corporate seal of the Borough. The Clerk shall serve as the coordinator and records manager responsible for implementing local archives and records retention programs as mandated pursuant to Title 47 of the Revised Statutes.

§ 67-8Additional powers and duties.

In addition to such other functions, powers and duties as may be prescribed by ordinance and subject to the supervision and direction of the Mayor and Borough Council, the Clerk shall:

- A.** Perform all of the functions required of municipal clerks by the General Election Law (Title 19 of the Revised Statutes) and any other law or ordinance.
- B.** Administer the provisions of Borough ordinances with reference to the licensing of occupations and activities for which licenses are required by law or ordinance to be obtained from the Clerk.

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 or Code Section 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 final adoption and publication in accordance with law.

APPROVED:

Judith Davies-Dunhour, Mayor

ATTEST:

Kim Stevenson, Borough Clerk

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

ORDINANCE 1635

**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.

APPROVED

Judith M. Davies-Dunhour

ATTEST

Kim Stevenson, Borough Clerk

**BOROUGH OF STONE HARBOR
COUNTY OF CAPE MAY**

ORDINANCE 1636

**AN ORDINANCE AMENDING CHAPTER 205 AND CHAPTER 205A OF THE
STONE HARBOR BOROUGH CODE REGARDING LICENSING TO INCLUDE
INSURANCE REQUIREMENTS PURSUANT TO SENATE BILL S-1368
(P.L.2022, c.92)**

WHEREAS, Chapter 205 of the Stone Harbor Code regulates business licensing requirements for businesses in the Borough of Stone Harbor; and

WHEREAS, Chapter 205A of the Stone Harbor Code regulates Rental Unit Registrations in the Borough of Stone Harbor; and

WHEREAS, on August 5, 2022, Governor Murphy signed into law S-1368 (P.L.2022, c.92) requiring all business owners and owners of rental units to maintain certain levels of liability insurance. This law also requires all business owners and owners of rental units to annually register a certificate of insurance with the municipality where the business or rental unit is located; and

WHEREAS, the Borough Council have reviewed the matter and determined that the licensing requirements in the Borough Code should be amended to include the submission of a certificate of insurance in conformance with S-1368 and to be made in connection with the general licensing and renewal process; and

WHEREAS, the state statute authorized municipalities to charge a reasonable administrative fee for the certificate of insurance and a penalty for owners who fail to register;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Stone Harbor, in the County of Cape May and State of New Jersey, as follows:

SECTION 1. Section 205-1.2 of the Borough Code of the Borough of Stone Harbor is hereby amended as follows:

§ 205-1.2 Application.

Pursuant to P.L.2022. c.92 (S-1368). the owner of a business shall maintain liability insurance for negligent acts and omissions in an amount of no less than \$500,000 for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence. All business owners shall annually register the applicable certificate of insurance in connection with their business license application. Pursuant to P.L.2022, c.92 (S1368), the failure to comply with this registration requirement carries a maximum penalty of \$5,000 against an Owner who fails to comply with the provisions.

The following entities are required to register their certificate of insurance under this Chapter:

- A. Businesses, which shall mean any permitted commercial use
- B. Owners of single rental dwelling units.
- C. Owners of multiple dwelling rental units.
- D. Owners of multi-family homes that include rental units, even where one unit is owner-occupied.

SECTION 2. Section 205A-4 of the Borough Code of the Borough of Stone Harbor is hereby added as follows:

§ 205A – 4 Requirements for all rental properties.

Pursuant to P.L.2022. c.92 (S1368), the owner of a multifamily rental property which is four or fewer units, one of which is owner-occupied, shall maintain liability insurance for negligent acts and omissions in an amount of no less than \$300,000 for combined property

damage and bodily injury. to or death of one or more persons in any one accident or occurrence. The owner of any other rental unit or units shall maintain liability insurance for negligent acts and omissions in an amount of no less than \$500,000 for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence. A single property with multiple units may register with one certificate of insurance satisfying the applicable minimum limit set forth herein.

All rental unit owners shall annually register the applicable certificate of insurance in connection with their rental license application. Pursuant to P.L.2022. c.92 (S1368), the failure to comply with this registration requirement carries a maximum penalty of \$5,000 against an Owner who fails to comply with the provisions.

SECTION 3. If any section, provision, or part of provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance, or any part thereof, other than the part so held unenforceable or invalid.

SECTION 4. This Ordinance shall take effect after passage and publication in the manner provided by law. Notwithstanding the above, Borough Council hereby directs that enforcement of the amendments made herein shall commence no earlier than the 2023-2024 Business or Rental License Term.

APPROVED:

Judith M. Davies-Dunhour, Mayor

ATTEST:

Kim Stevenson, Borough Clerk

**BOROUGH OF STONE HARBOR
COUNTY OF CAPE MAY**

ORDINANCE 1637

**AN ORDINANCE TO ESTABLISH A NEW CHAPTER IN THE CODE OF THE BOROUGH
OF STONE HARBOR, CHAPTER 28, BUILDINGS, MUNICIPAL, ARTICLE 1,
RESTRICTED AREAS, ENTITLED, "RESTRICTED AREAS IN BUILDINGS WHERE
MUNICIPAL OPERATIONS ARE CONDUCTED LIMITED TO AUTHORIZED
EMPLOYEES ONLY TO PROTECT AND SAFEGUARD PUBLIC RECORDS
CONTAINING PERSONALLY IDENTIFIABLE INFORMATION".**

WHEREAS, Borough of Stone Harbor officials and employees have a responsibility to maintain and safeguard public records that consist of confidential information; and

WHEREAS, to adequately comply with the New Jersey Open Public Records Act, N.J.S.A. 47:1A-1, and to comply with the statutorily defined responsibilities, the maintenance and custody of specific records are required; and

WHEREAS, municipal officials assigned this responsibility include, but are not limited to; the Municipal Clerk, the Police Chief, the Fire Official, the Beach Patrol Captain, the Chief Financial Officer, the Tax Collector, the Tax Assessor, the Construction Code Officer, the Public Works Director, the Tourism Director, the Recreation Director, and the Township Administrator; and

WHEREAS, the responsibility for the maintenance and safeguarding of records, reports, documents and information in municipal offices may not be available for immediate public view since they may contain personal information, phone numbers, social security numbers, dates of birth and other confidential information; and

WHEREAS, securing these records maintains the integrity of this information and when an Open Public Records Act request is received, and it is determined that a requestor is entitled to the records, the records can be released individually and redacted as required by law; and

WHEREAS, securing these records prevents outsiders/trespassers from simply walking into an office, grabbing some records, and leaving the building; and

WHEREAS, we cannot expect our municipal employees to physically intervene to protect a record, and creating secure areas with clear signage will help deter persons from collecting records which they are not entitled to receive without following the process required by the Open Public Records Act.

NOW THEREFORE BE IT RESOLVED, by the Council of the Borough of Stone Harbor, County of Cape May, State of New Jersey, as follows:

SECTION 1

Municipal office areas in the following facilities have been secured and such offices are not open to the public for the purpose of protecting documents, digital data and other written, copied or printed materials that are not subject to the Open Public Records Act, which may include, but are not limited to, personally identifiable information that is protected by the Statutes of the State of New Jersey and the Federal laws of the United States:

- a) Stone Harbor Borough Hall and Police Department, 9508 Second Avenue
- b) Stone Harbor Public Works Facility, 8018 Third Avenue
- c) Stone Harbor Recreation Center, 8100 Second Avenue
- d) Stone Harbor Fire Department, 175 96th Street
- e) Stone Harbor Beach Patrol Building, 95th Street & the Beach

SECTION 2

The Borough of Stone Harbor shall be required to post signs outside of offices which read, "Stop, Restricted Area, Authorized Employees Only".

SECTION 3

Persons that trespass these posted, protected offices may be subject to prosecution under N.J.S.A. 2C-18-3.

SECTION 4

This ordinance shall take effect after publication thereof and final passage as required by law.

APPROVED

Judith M. Davies-Dunhour

ATTEST

Kim Stevenson, Borough Clerk

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

ORDINANCE 1638

**AN ORDINANCE AMENDING CHAPTER 67, ARTICLE IV OF THE GENERAL
ORDINANCES OF THE BOROUGH OF STONE HARBOR PERTAINING TO
THE OFFICE OF THE BOROUGH ADMINISTRATOR**

WHEREAS, in or about 2005, the Borough adopted Chapter 67, Article IV, which created the office of the Borough Administrator and set forth the duties and responsibilities of same; and

WHEREAS Borough Council now deems it to be in the best interest of the Citizens of Stone Harbor to amend and modify said qualifications, duties, and responsibilities.

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

Section 1. Article IV, Section 67-15 of Chapter 67 (entitled “**Residency**”) is hereby stricken in its entirety and the following is substituted in its place:

67-15. Residency. At the time of appointment, the Administrator need not be a resident of the Borough of Stone Harbor and during his/her tenure may reside outside the Borough with Council approval.

Section 2. Article IV, Section 67-16 of Chapter 67 (entitled “**Duties**”) is hereby stricken in its entirety and the following is substituted in its place:

67-16. Qualifications, Responsibilities, Powers, and Duties.

The Borough Administrator, hereafter referred to as the “Administrator”, serves as the principal administrative officer representing the Mayor and Council, hereafter referred to as the “Borough Council”. The Administrator is the head of the Department of Administration.

The Administrator shall administer, supervise, and direct all administrative and personnel activities consistent with all Collective Negotiations Agreements (Collective Bargaining Agreements) and Borough Employee Personnel Policies.

The Administrator shall be a college graduate with experience in a responsible administrative or executive capacity.

Under the direction and supervision of Borough Council, the Administrator shall:

1. Coordinate the administration of all departments.
2. Enforce administrative policies and rules. The administrative policies and procedures are developed in coordination with the Administrator, department heads, and Council.
3. Plan and direct the work of the Department of Administration.
4. Oversee coordination of Community Rating System (CRS) Program.
5. Administer and direct Coalition for Affordable Housing (COAH) Program.
6. Enforce personnel policies and rules. The personnel policies and procedures are developed in coordination with the Administrator, department heads, and Council. Receive and respond accordingly to Human Resources issues.
7. Ensure the Borough complies with all Federal, State, and County regulations.
8. Make timely application for all required permits to ensure the efficient management and operation of the Borough government.

- 9. With the assistance of labor counsel, negotiate labor contracts.
- 10. Attend all meetings of the Borough Council.
- 11. Assist the Chief Financial Officer, respective department heads, and chairperson of the standing committees in the preparation of the budget for the consideration of Borough Council.
- 12. Develop and submit grants for the benefit of the Borough.
- 13. Receive and respond accordingly to requests for information and complaints from homeowners, business owners, and tourists on all matter of problems, and keep Borough Council informed of such matters.
- 14. With the assistance of the Director of Tourism, edit and compile releases of information for the public and press as directed by the Borough Council.
- 15. Perform such other duties and functions prescribed by the Borough Council for the Department of Administration.

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.

APPROVED:

Judith Davies Dunhour - Mayor

ATTEST:

Kim Stevenson, Borough Clerk

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

ORDINANCE NO. 1639

BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF THE WATER SUPPLY AND DISTRIBUTION SYSTEM (I-BANK PROJECT) IN AND OF THE BOROUGH OF STONE HARBOR, IN THE COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING \$7,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$7,500,000 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 \$7,500,000 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 the said \$7,500,000 appropriation, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$7,500,000 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 \$7,500,000 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 supply and distribution system in and of the Borough, including the reconstruction, rehabilitation and upgrade of existing and installation of new water mains and water service connections in and along streets ranging from 80th Street to 121st Street, together with all storm drains, pumps, roadway reconstruction, concrete curbs, gutters, fire hydrants, 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 \$7,500,000.

(c) The estimated cost of said purpose is \$7,500,000.

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 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 \$7,500,000, 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 \$1,500,000 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, except as may be otherwise provided for and authorized by N.J.S.A. §58:11B-9(e) relating to interim loans from the New Jersey Infrastructure Bank, 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 and N.J.S.A. §58:11B-9(e). 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, Mayor

ATTEST:

Kim Stevenson, Borough Clerk

BOROUGH OF STONE HARBOR
Cape May County, New Jersey

RESOLUTION

2023-S-106

ESTABLISHING FEES AND PROCEDURES FOR USE OF BEACHES AND PAVILIONS
(Amending Resolution 2023-S-66 – Approved by Borough Council on February 21, 2023)

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

WHEREAS, the Borough Council wishes to amend Resolution 2023-S-66 which reduces the fee and establishes alternate time limits for use of beaches and pavilions; and

WHEREAS, a permit fee for the use of beach/pavilion is hereby established at \$100.00; and

WHEREAS, the Policy established within Resolution 2023-S-66 be changed to reflect the following time frame for use:

- 1. Use of the beach is limited to no more than a 3-hour time frame.
- 2. Use of the pavilion is limited to no more than a 2-hour time frame.
- 3. Time frames includes all deliveries, set up, ceremony and breakdown.

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							
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 18th day of April 2023

.....
Borough Clerk

The above resolution approved this 18th day of April, 2023

.....
Mayor

BOROUGH OF STONE HARBOR
Cape May County, New Jersey
RESOLUTION

2023-S-107

SETTING RECREATION PROGRAM FEES FOR 2023

WHEREAS, Section 400.3 of the Revised General Ordinances 2005 of the Borough of Stone Harbor provides that Recreation fees and charges shall be established from time to time by Resolution; and

WHEREAS, on the advice of the Chief Financial Officer the Council has adopted a policy to promulgate other recreation fees by Resolution; and

WHEREAS, Borough Council has reviewed the rates for the recreation programs

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 that the new fees are as follows:

<u>Pickleball</u>	
Pickleball Member Pass: Includes Access to Open Play (Daily 8am-10am / 10am-12 pm) & Discounted Court Rental Rates	
Member Rates	
Member – Summer Pass	\$250.00
Member – Monthly Pass	\$125.00
Member – Weekly Pass	\$ 35.00
Member – Daily Pass	\$ 10.00
Court Rental – 60 min	\$ 5.00
Court Rental – 90 min	\$ 10.00
Non-Member Rates	
Open Play Drop-in	\$ 5.00
Court Rental – 60 min	\$ 10.00
Court Rental – 90 min	\$ 15.00
 <u>Tennis</u>	
Court Membership – Adult (18+)	\$175.00
Court Membership – Youth (13-17)	\$125.00
Court Rental – 60 min	\$ 20.00
Court Rental – 90 min	\$ 30.00
 <u>Platform Tennis</u>	
Court Rental – 60 min	\$ 20.00
Court Rental – 90 min	\$ 30.00
 <u>Sports Clinics</u>	
Weekly Pass – Per Clinic	\$ 30.00
Daily Drop In	\$ 20.00
 <u>Basketball League</u>	
Junior League Participant	\$ 75.00
Intermediate League Participant	\$ 100.00
Senior League Participant	\$ 125.00
 <u>Arts & Crafts</u>	
10 Class Punch Card	\$ 90.00
Daily Drop In	\$ 10.00

	<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 18th day of April, 2023

.....
Borough Clerk

The above resolution approved this 18th day of April, 2023

.....
Mayor

BOROUGH OF STONE HARBOR
Cape May County, New Jersey
RESOLUTION

2023-S-108

**AWARDING A CONTRACT
FOR BEACH CONCESSION STANDS 2023/2024**

WHEREAS, one (1) bid was received by the Stone Harbor Municipal Clerk on April 12, 2023, on the Borough’s request for proposals for the aforementioned project in accordance with the specifications prepared by the Borough of Stone Harbor, which specifications are hereby incorporated herein and made a part hereof by reference, all in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.*; and

WHEREAS, William G. Kelly Jr. of Southwind Ice Cream LLC of 6205 New Jersey Avenue, Wildwood Crest, N.J. 08260, submitted the highest responsible and conforming bid in the amount of \$126,000 for the year 2023 and \$127,000 for the year 2024.

WHEREAS, the Borough Administrator and the Borough CFO have recommended that the contract be awarded to Southwind Ice Cream, LLC, and the bid has been found to be responsible and in conformity by the Borough Solicitor; and

WHEREAS, pursuant to the bid specifications, the total due for Year 2023 is \$ 126,000; 10% due with bid (\$12,600) where (1) check totaling \$25,000 was received, 30% of the total 2023 bid by 22nd of May, 2023, 30% due by 16th of June, 2023 and 30% due by 14th of July, 2023. Total due for the year 2024 is \$127,000, 20% of the total 2024 bid by 17th of February, 2024, 20% due by 19th of May, 2024, 30% due by 16th of June, 2024 and 30% due by 14th of July, 2024.

WHEREAS, this Resolution, and the incorporated proposal shall constitute a contract and that the Mayor and Clerk be and are hereby authorized and directed to execute said contract on behalf of the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Stone Harbor, County of Cape May, State of New Jersey, duly assembled in public session this 18th day of April, 2023 as follows;

- 1. That the preamble of this Resolution is hereby incorporated herein by reference;
- 2. That a contract for the aforementioned project be and the same is hereby awarded to Southwind Ice Cream, LLC, in the amount of \$ \$126,000 for year 2023 and \$127,000 for the year 2024.
- 3. That the Mayor and Clerk are hereby authorized and directed to execute the contract for same in accordance with the bid submitted and incorporated herein as stated above.
- 4. That the Borough Administrator is hereby directed and authorized to issue an appropriate Notice of Award and Notice to Proceed as called for within the contract.
- 5. That the Borough Clerk is authorized to return the bonds of the unsuccessful bidders.

	<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 18th day of April, 2023

.....
Borough Clerk

The above resolution approved this 18th day of April, 2023

.....
Mayor

BOROUGH OF STONE HARBOR

Cape May County, New Jersey

RESOLUTION

2023-S-109

SUMMER LEAK ADJUSTMENTS IN CONNECTION WITH CHAPTER 542-27G

WHEREAS, the below listed properties experienced summer leaks and have been appropriately documented and certified that said leaks did not drain into the sanitary collection system; and,

WHEREAS, under the provisions of Chapter 542-27G, the 2022 summer usage shall be adjusted to the average of the prior three years’ summers consumption for the purpose of calculating 2023 sewer volume charges; and,

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 below listed properties shall have the 2022 summer consumption adjusted to the average usage; and,

BE IT FURTHER RESOLVED, that the Utilities Collector makes the proper adjustments to her records.

Account: 3097

8610 Third Ave

Average Consumption: 19.9 (actual usage caused by leak: 54,000)

Account: 3150

265 86th Street

Average Consumption: 19.4 (actual usage caused by leak: 102,500)

Account: 21860

211 119th Street

Average Consumption: 68.8 (actual usage caused by leak: 268,800)

	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
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 18th day of April, 2023

.....
Borough Clerk

The above resolution approved this 18th day of April, 2023

.....
Mayor

BOROUGH OF STONE HARBOR

Cape May County, New Jersey

RESOLUTION

2023-S-110

AUTHORIZING A 2023 CONTRACT WITH RICHARD GRAVER, NETWORK ENGINEER FOR EXTRAORDINARY, UNSPECIFIABLE SERVICES

WHEREAS, The Borough Council of the Borough of Stone Harbor has determined that there exists a need for oversight and maintenance of the Borough’s information technology; and

WHEREAS, Richard Graver, Network Engineer of 118 Reading Avenue Tuckahoe, N.J. 08250 supplies a service that is specialized and qualitative in nature requiring expertise, extensive training and proven reputation in this field of endeavor, which constitutes an Extraordinary Unspecifiable Service not subject to public bidding; and

WHEREAS, the Borough Council is satisfied to engage Mr. Graver for the purposes outlined herein in accordance with the attached contract which is incorporated herein and made a part hereof by reference; and

WHEREAS, the amount of the contract in question is \$ 21,500.00, which amount is less than the threshold which would require public bidding, and

WHEREAS, funds are available for such services as evidenced by the certification of the Chief Financial Officer of the Borough attached hereto;

WHEREAS, this resolution authorizing the award of a contract for "Extraordinary, Unspecifiable Services" and shall serve as the agreement between the parties and shall be available for public inspection; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Stone Harbor, duly assembled in public session this 18th day of April, 2023, as follows:

1. The Mayor and the Clerk are hereby authorized and directed to execute this Resolution, as the contract for provision of an "Extraordinary, Unspecifiable Service" in accordance with 40A:11–5(1)(a) of the Local Public Contracts Law because this service is specialized and qualitative in nature requiring expertise, extensive training and proven reputation in this field of endeavor
2. A notice of this action shall 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 18th day of April, 2023

.....
Borough Clerk

The above resolution approved this 18th day of April, 2023

.....
Mayor

BOROUGH OF STONE HARBOR
Cape May County, New Jersey

RESOLUTION

2023-S-111

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
- 2. Attorney Client Privilege

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Stone Harbor, assembled in public session on April 18, 2023 that an Executive Session closed to the public shall be held on April 18, 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.

Table with 8 columns: Councilmember Name, MOTION, SECOND, AYE, NAY, RECUSE, ABSTAIN, ABSENT. Rows include Councilmembers Dallahan, Foschini, Parzych, Casper, Gensemer, and 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 18th day of April, 2023

Borough Clerk

The above resolution approved this 18th day of April, 2023

Mayor