

Borough of Stone Harbor
REGULAR MEETING AGENDA
Tuesday, May 2, 2023
Borough Hall, 9508 Second Avenue, Stone Harbor

Call to Order: Immediately Following Work Session

Roll Call: Councilmember Dallahan, Councilmember 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: Work Session and Regular Meeting ~ April 4, 2023 & April 18, 2023

Public Comment

OLD BUSINESS

Ordinance 1633 – Amending the General Code to Repeal Chapter 300 “Flood Damage Prevention” to Adopt a New Chapter 300 Entitles “Flood Damage Prevention” – *2nd, 3rd & Final*

NEW BUSINESS

Ordinance 1640 – Bond Ordinance – Providing for Improvements of Water/Sewer System (89th Street) \$316,000 – *Introduction*

Ordinance 1641 – Bond Ordinance – Appropriating \$2,202,500 Various Improvements Undertaken by the Borough of Stone Harbor – *Introduction*

Ordinance 1642 – Amending Chapter 134, 156, 162, 241, 357, 363, 374 and 405 of the General Ordinances of the Borough of Stone Harbor- *Introduction*

Resolution 2023-S-112 – Approving the Municipal Public Access Plan

Resolution 2023-S-113 – Refund Duplicate Beach Tag Mail In Order – Starlit Koshar- \$160 (5 tags)

Resolution 2023-S-114 – Refund Oceanview at Avalon Condominium Association Security Deposit \$200

Resolution 2023-S-115 – Authorize DeBlasio and Associates FY2022 NJDEP IBank Watermain Improvements – Additional Services in the Amount of \$20,000 (*Reconstruction of 89th Street & Third Avenue Sanitary Sewer Sliplining*)

Resolution 2023-S-116 – Authorize the Mayor to Sign a Contract with the Department of Community Affairs to Participate in the Low-Income Household Water Assistance Program (LIHWAP)

Resolution 2023-S-117 – Authorize DeBlasio and Associates Additional Inspection Services for the Tide Valve Installation Project

Resolution 2023-S-118 – Authorizing a Shared Service Agreement with Avalon for Certified Financial Officer - James Craft

Resolution 2023-S-119– Authorizing the Issuance of a Change Bank for Beach Tag Sales

Resolution 2023-S-120 – Authorizing Refund for a Boat Trailer Storage fee – Peter Roscoe

Resolution 2023-S-121 - Designated Protected Bathing Beaches - 2023

Motion – Approve Special Event Applications:

Pre-Order Plant Sale, Garden Club of Stone Harbor – May 12 & 13, 2023
Stone Harbor Turtle, Stone Harbor Chamber of Commerce – May 28, 2023
The Lion King Jr Camp – June 21-July 23, 2023
Stone Harbor Triathlon – July 9, 2023
Shore Softball Classic – July 22, 2023
Cystic Fibrosis Paddle for the Cure – August 27, 2023

Motion – Approve Special Event Application: Flag Raising Ceremony, Yacht Club of Stone Harbor – May 27, 2023

Motion – To Allow Chamber of Commerce Summer Preview Sidewalk Sale May 6 & 7, 2023 (In place of event scheduled Spring Into Summer Market for April 29th – cancelled due to weather)

Motion – To Bid Use of Beach Strand for Hotel/Motel Beach Storage Sheds, 96th Street & 98th Street (Storage Shed Size to be included in Bid Specs - 10X12X8)

Advertise- May 10th, 2023
Bid Opening – May 24, 2023 (11:00am)
Award Bid – June 6, 2023

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

Discussion:

Public Comment

Adjournment

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

ORDINANCE NO. 1640

BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF THE WATER AND SEWERAGE SYSTEM (89th STREET) IN AND OF THE BOROUGH OF STONE HARBOR, IN THE COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING \$316,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$316,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION.

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

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by The Borough of Stone Harbor, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$316,000 said sum being inclusive of all appropriations heretofore made therefor and including the sum of 16,000 as the down payment for said improvement or purpose required by law and now available therefor by virtue of provision in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

Section 2. For the financing of said 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 part of said \$316,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$300,000 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 \$300,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which said obligations are to be issued is the improvement of the water and sewerage system in and of the Borough, including the upgrade of existing and installation of new water and sewer pipes in and along 89th Street, together with all storm drains, pumps, roadway reconstruction, concrete curbs, gutters, structures, site work, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved.

(b) The estimated maximum amount of bonds or notes to be issued for said purpose is \$300,000.

(c) The estimated cost of said purpose is \$316,000, the excess thereof over the estimated maximum amount of bonds or notes to be issued therefor being the amount of the said \$16,000 down payment for said purpose.

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 \$300,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

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

Section 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer, the acting chief financial officer or the treasurer of the Borough (the "Chief Financial Officer"), provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale at not less than par and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

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

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

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

APPROVED:

Judith M. Davies-Dunhour, Mayor

ATTEST:

Kim Stevenson, Borough Clerk

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

ORDINANCE NO. 1641

**BOND ORDINANCE APPROPRIATING \$2,202,500 AND
AUTHORIZING THE ISSUANCE OF \$2,092,375 BONDS OR
NOTES OF THE BOROUGH, FOR VARIOUS IMPROVEMENTS
OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE
BOROUGH OF STONE HARBOR, IN THE COUNTY OF CAPE
MAY, NEW JERSEY.**

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

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by The Borough of Stone Harbor, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefor and amounting in the aggregate to \$2,202,500 including the aggregate sum of \$110,125 as the several down payments for said improvements or purposes required by law and more particularly described in said Section 3 and now available therefor by virtue of provision in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

Section 2. For the financing of said improvements or purposes, including for the purposes of applicable United States Treasury regulations the reimbursement of expenditures heretofore or hereafter made therefor, and to meet the part of said \$2,202,500 appropriations not provided for by application hereunder of said down payments, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$2,092,375 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$2,092,375 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

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

<u>IMPROVEMENT OR PURPOSE</u>	<u>APPROPRIATION AND ESTIMATED COST</u>	<u>ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES</u>
(a) Improvement of 89 th Street in and by the Borough by the reconstruction and resurfacing thereof to provide a roadway pavement at least equal in useful life or durability to a roadway surface of Class B construction (as such term is used or referred to in Section 40A:2-22 of said Local Bond Law), including all guide rails, reflectors, signage, dividers, milling, drainage structures and improvements, equipment, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved	\$333,000	\$316,350

(b) Acquisition by purchase of new and additional fire-fighting equipment for use by the Fire Department of the Borough for the preservation of life and property in the Borough, including one (1) ladder truck, together with all equipment, attachments and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved

1,340,000

1,273,000

(c) Improvement of municipally-owned properties, parks and facilities in and by the Borough including Borough Hall/Fire Building by the renovation and upgrade of the roof, the 97th Street and 82nd Street playgrounds by the renovation and upgrade thereof, the 81st Street lower basketball court by the renovation and upgrade thereof and various bulkheads by the rehabilitation thereof, together with for all the aforesaid all landscaping, 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

529,500

503,025

Totals

\$2,202,500

\$2,092,375

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

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

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

(b) The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 11.20 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 \$2,092,375, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

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

Section 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer, the acting chief financial officer or the treasurer of the Borough (the "Chief Financial Officer"), provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at

public or private sale at not less than par and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof.

The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

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

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

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

APPROVED:

Judith M. Davies-Dunhour, Mayor

ATTEST:

Kim Stevenson, Borough Clerk

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

ORDINANCE 1642

**AN ORDINANCE AMENDING ORDINANCES 134, 156, 162, 241, 357, 363, 374,
AND 405 OF THE GENERAL ORDINANCES OF THE BOROUGH OF STONE
HARBOR**

WHEREAS, the Borough Council, in response to inquiries from the Public Safety Committee, conducted a review of the Borough Code as it relates to the Stone Harbor Police Department's ability and authority to address offenses and/or situations occurring within the Borough that represent a breach of peace to the community; and

WHEREAS, the Borough Council has determined that the purposes of the aforesaid code sections would be advanced by providing clarification regarding the same; and deems it to be in the best interest of the Borough employees, the citizens of Stone Harbor and the general public welfare to amend the within ordinance to permanently supplement the aforesaid code section as previously adopted;

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 134 governing "Alcoholic Beverages" is hereby amended at §134-12 and §134-16 to include the following language in those subsections regarding violations:

"A violation of this section, in combination with conduct by the offender that either causes terror and/or alarm to others, incites violence, hinders or obstructs any Borough employee in performance of its duties, is unreasonable load and/or boisterous, offends the sensibilities of the public given the time and pace of the conduct, and/or otherwise has a deleterious impact on public order, shall constitute a breach of the peace."

Section 2. Chapter 156 governing "Paid Beaches" is hereby amended at §156-8 to include the following language regarding violations:

"A violation of this section, in combination with conduct by the offender that either causes terror and/or alarm to others, incites violence, hinders or obstructs any Borough employee in performance of its duties, is unreasonable load and/or boisterous, offends the sensibilities of the public given the time and pace of the conduct, and/or otherwise has a deleterious impact on public order, shall constitute a breach of the peace."

Section 3. Chapter 162 governing "Bicycles, Skateboards, Roller-Skates and Segways" is hereby amended at §162-12 is hereby amended to include the following language regarding violations:

"A violation of this section, in combination with conduct by the offender that either causes terror and/or alarm to others, incites violence, hinders or obstructs any Borough employee in performance of its duties, is unreasonable load and/or boisterous, offends the sensibilities of the public given the time and pace of the conduct, and/or otherwise has a deleterious impact on public order, shall constitute a breach of the peace."

Section 4. Chapter 241 governing "Curfew" is hereby amended at §241-4 to include the following language regarding violations:

"A violation of this section, in combination with conduct by the offender that either causes terror and/or alarm to others, incites violence, hinders or obstructs any Borough employee in performance of its duties, is unreasonable load and/or boisterous, offends the sensibilities of the public given the time and pace of the conduct, and/or otherwise has a deleterious impact on public order, shall constitute a breach of the peace."

Section 5. Chapter 357 governing “Littering” is hereby amended at §357-10 to include the following language regarding violations:

“A violation of this section, in combination with conduct by the offender that either causes terror and/or alarm to others, incites violence, hinders or obstructs any Borough employee in performance of its duties, is unreasonable load and/or boisterous, offends the sensibilities of the public given the time and pace of the conduct, and/or otherwise has a deleterious impact on public order, shall constitute a breach of the peace.”

Section 6. Chapter 363 governing “Loitering” is hereby amended at §363-5 to include the following language regarding violations:

“A violation of this section, in combination with conduct by the offender that either causes terror and/or alarm to others, incites violence, hinders or obstructs any Borough employee in performance of its duties, is unreasonable load and/or boisterous, offends the sensibilities of the public given the time and pace of the conduct, and/or otherwise has a deleterious impact on public order, shall constitute a breach of the peace.”

Section 7. Chapter 374 governing “Noise” is hereby amended at §374-11(B) to include the following language:

“A violation of this section, in combination with conduct by the offender that either causes terror and/or alarm to others, incites violence, hinders or obstructs any Borough employee in performance of its duties, is unreasonable load and/or boisterous, offends the sensibilities of the public given the time and pace of the conduct, and/or otherwise has a deleterious impact on public order, shall constitute a breach of the peace.”

Section 8. Chapter 405 governing “Peace and Good Order” is hereby amended at §405-4, §405-7 and §405-9 to include the following language regarding violations:

“A violation of this section, in combination with conduct by the offender that either causes terror and/or alarm to others, incites violence, hinders or obstructs any Borough employee in performance of its duties, is unreasonable load and/or boisterous, offends the sensibilities of the public given the time and pace of the conduct, and/or otherwise has a deleterious impact on public order, shall constitute a breach of the peace.”

Section 9. 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 10. All Ordinances or parts of Ordinances inconsistent with this Ordinance, to the extent of such inconsistencies only, are hereby repealed

Section 11. 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**

RESOLUTION 2023-S-112

A RESOLUTION APPROVING THE MUNICIPAL PUBLIC ACCESS PLAN

WHEREAS, The Borough of Stone Harbor Public Access Plan (“MPAP”) was submitted to the Borough Council and reviewed at the regular meeting of May 2, 2023; and

WHEREAS, the Governing Body has approved the plan as submitted; and

WHEREAS, the Governing Body recognizes the need to make the MPAP an authorized component of the municipal decision-making process by incorporating it into the municipal Master Plan; and

WHEREAS, the Planning Board has finalized its updated proposal for the Master Plan in regard to the MPAP Element (N.J.S.A. 40:55D-29b(17)), held a workshop with the Master Plan Committee and one public hearing on April 24, 2023, pursuant to law, in order to receive public comments, suggestions and recommendations; and

WHEREAS, the Planning Board adopted a Resolution of Approval on April 24, 2023 at its regular meeting, amending the Master Plan to include the MPAP Element (N.J.S.A. 40:55D-29b(17)) in accordance with New Jersey Municipal Land Use Law subject to Article 3- Master Plan, N.J.S.A. 40:55D-28 and Article 11-Periodic Reexamination of Municipal Plans and Regulations, N.J.S.A. 40:55D-89; and

NOW, THEREFORE BE IT RESOLVED by the, Borough Council of the Borough of Stone Harbor, the “Borough of Stone Harbor Municipal Public Access Plan,” a copy of which is attached, is hereby approved.

BE IT FURTHER RESOLVED a copy of the plan shall be sent to the New Jersey Department of Environmental Protection for review and approval in accordance with N.J.A.C. 7.7.

CERTIFICATION

I Kimberly Stevenson, Clerk of the Borough of Stone Harbor, County of Cape May, State of New Jersey, do hereby certify the foregoing to be true and correct copy of a resolution adopted by the Borough of the Borough of Stone Harbor on May 2, 2023

IN WITNESS WHEREOF, I have hereunto set my hand and seal of this Borough on this 2nd day of May, 2023.

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

The above resolution was duly adopted by the Borough Council of the Borough of Stone Harbor, New Jersey, at a meeting of said Council duly held on the 2nd day of May, 2023

.....
Borough Clerk

The above resolution approved this 2nd day of May, 2023

.....
Mayor

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

RESOLUTION 2023-S-113

REFUNDING BEACH TAG FEES FOR DUPLICATE MAIL IN ORDER

WHEREAS, Starlit Koshar, 2191 Hazen Road, Hermitage PA 16148-440 purchased six (6) seasonal beach tags in error; and

WHEREAS, a mail in order was received from Ms. Koshar on March 16, 2023 in the amount of \$160.00 for the purchase of six (6) beach tags and an additional mail in order was received on March 28, 2023 for the purchase of six (6) beach tags; and

WHEREAS, the duplicate order was received in error and Ms. Koshar is requesting a refund in the amount of \$160.00; and

WHEREAS, the Borough received the request before the June 30 deadline, established by Resolution 72 of 1979 and the request has been approved by the CFO.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Stone Harbor, in the County of Cape May on this 2nd day of May 2023 that \$160.00 be refunded to Starlit Koshar and that the proper Borough officers make the proper adjustments in their records.

	<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 2nd day of May, 2023

.....
Borough Clerk

The above resolution approved this 2nd day of May, 2023

.....
Mayor

BOROUGH OF STONE HARBOR
Cape May County, New Jersey

RESOLUTION

2023-S-114

REFUND OF SECURITY DEPOSIT - USE OF RECREATION BIUILDING

WHEREAS, Mayor and Council approved the use of the 82nd Street Recreation Building on March 7, 2023 for the Oceanview at Avalon Condo Association meeting on April 15, 2023; and

WHEREAS, the Director of Tourism has advised there was no damage and requests the deposit be returned.

NOW THEREFORE, BE IT RESOLVED on this 2nd day of May 2023 by the Mayor and Council of the Borough of Stone Harbor in the County of Cape May and State of New Jersey that the security deposit of \$ 200.00 be returned Oceanview at Avalon Condo Association; and.

BE IT FURTHER RESOLVED that the Chief Financial make the proper adjustment in his records.

	<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

Cape May County, New Jersey

2023-S-115

WHEREAS, DeBlasio & Associates, Borough Engineer, 4701 New Jersey Avenue, Wildwood, N.J. 08260 has prepared a Proposal to provide professional services for FY2022 NJDEP IBank Watermain Improvements – Additional Services; and

WHEREAS, DeBlasio and Associates was authorized to complete the final design services for the Borough's Pending NJDEP IBank Drinking Water Application pursuant to their January 31, 2023 proposal; and

1. 89th Street- Sanitary Sewer Replacement and Roadway Construction
2. Third Avenue-Sanitary Sewer Cleaning and Sliplining; and

WHEREAS, improvements will be incorporated into the bid documents with project plans, specifications and considered Borough participating items or “Non-NJDEP” and IBank Contributing”; and

A. Survey and Base Mapping	Not Included
B. Sanitary Sewer and Roadway Design	\$20,000.00

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 proposal presented be approved on this 2nd day of May, 2023.

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

.....
Borough Clerk

.....
Mayor

DEBLASIO & ASSOCIATES

CONSULTING ENGINEERS AND PLANNERS

4701 NEW JERSEY AVENUE • WILDWOOD, NJ 08260

PHONE: 609-854-3311 • FAX: 609-854-4323

April 25, 2023

VIA EMAIL

Manny Parada, P.E., Interim Administrator
Borough of Stone Harbor
9508 Second Avenue
Stone Harbor, NJ 08247

RE: **Borough of Stone Harbor**
FY2022 NJDEP IBank Watermain Improvements-Additional Services
Reconstruction of 89th Street & Third Avenue Sanitary Sewer Sliplining
NJDEP Project No. 0510001-001
D&A File #: SH-C-048

Dear Manny:

DeBlasio & Associates, P.C. (D&A) is pleased to submit the following scope of work and professional service fee for the **FY2022 NJDEP IBank Watermain Improvements-Additional Services *Reconstruction of 89th Street & Third Avenue Sanitary Sewer Sliplining.***

1.0 Scope of Work

As you are aware, the Borough authorized our office to complete the final design services for the Borough's pending NJDEP IBank drinking water application pursuant to our January 31, 2023 proposal. Subsequently, the Borough has requested to have the following improvements added into the contract:

1. 89th Street-Sanitary Sewer Replacement and Roadway Reconstruction
2. Third Avenue-Sanitary Sewer Clearing and Sliplining

Both improvements will be incorporated into the bid documents with project plans, specifications and considered Borough participating items or "Non-NJDEP and IBank Contributing."

2.0 Scope of Services

Based on the Borough's request and our April 21st phone call, we have identified the following scope of work for this project:

- A. Task 1 Topographic Survey and Base Mapping**
Not included-already completed.

B. Task 2 Sanitary Sewer and Roadway Design Services

The Borough is requesting to replace the existing sanitary sewer within 89th Street, including roadway reconstruction improvements. Additionally, the gravity sanitary sewer in Third Avenue will be reamed and slip lined from 96th Street to 99th Street. Our office will complete the necessary construction cost estimate, design plans and specifications to implement the improvements for public bidding. The project limits for these tasks are the following streets:

- 1. 89th Street-Third Avenue to Sunset Drive
- 2. Third Avenue-96th Street to 99th Street

Please note that our scope of services for these tasks does not include the following items:

- Regulatory permit fees.
- Construction Phase Services including contract administration and inspection.
- Submission of other NJDEP permit applications such as Treatment Works Approval, CAFRA, Flood Hazard Area and Watermain Extension.
- Any other items not listed in the scope of work.

3.0 Schedule and Fee

DeBlasio & Associates, P.C. will commence these services once the proposal is approved by the Borough. Our professional service fee to complete the above referenced scope of work is a lump sum fee of **\$20,000.00**. Our fee will be invoiced on a percent complete by phase basis in accordance with the following phase schedule:


A. Survey and Base Mapping	Not Included
B. Sanitary Sewer and Roadway Design	\$ 20,000.00

Total \$20,000.00

DeBlasio & Associates, P.C. looks forward to the opportunity of working with the Borough of Stone Harbor on the **FY2022 NJDEP IBank Watermain Improvements-Additional Services Reconstruction of 89th Street & Third Avenue Sanitary Sewer Sliplining**. Should you have any questions or require additional information, please do not hesitate to contact me in our Wildwood office at (609) 854-3311. We thank you for the opportunity to submit this proposal.

Sincerely,

DeBlasio & Associates, P.C.


Marc DeBlasio, P.E., P.P., C.M.E.
President
T: 609-854-3311
Marc@deblasioassoc.com

BOROUGH OF STONE HARBOR
Cape May County, New Jersey

RESOLUTION

2023-S-116

**AUTHORIZE THE MAYOR TO SIGN THE LOW INCOME HOUSEHOLD
WATER ASSISTANCE PROGRAM (LIHWAP) CONTRACT**

WHEREAS, Governor Murphy recently signed legislation requiring water purveyors that directly bill residential customers for water and/or sewer to participate in a Low Income Household Water Assistance Water Program (LIHWAP) and Winter termination program both of which are administered by the Department of Community Affairs; and

WHEREAS, the Borough of Stone Harbor must enter into aa contract with the State of New Jersey as part of State Law to provide assistance to rate payers that qualify within the program standards; and

WHEREAS, the Borough of Stone Harbor wishes to comply with the requirements; 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 Mayor is hereby authorized to sign the Low Income Household Water Assistance Program Contract (LIHWAP) on this 2nd day of May 2023.

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

The above resolution was duly adopted by the Borough Council of the Borough of Stone Harbor, New Jersey, at a meeting of said Council duly held on the 2nd day of May, 2023

The above resolution approved this 2nd day of May, 2023

.....
Borough Clerk

.....
Mayor

BOROUGH OF STONE HARBOR
Cape May County, New Jersey

RESOLUTION

2023-S-117

AUTHORIZE ADDITIONAL SERVICES 93RD STREET, 94TH STREET AND 95TH STREET TIDE VALVE INSTALLATION (PART OF THE 2021 UTILITY AND ROAD PROGRAM)

WHEREAS, DeBlasio & Associates, Borough Engineer, 4701 New Jersey Avenue, Wildwood, N.J. 08260 was authorized by Mayor and Council to provide engineering and construction phase services for the 93rd, 94th and 95th Street Tide Valve Installation; and

WHEREAS, the Flood Mitigation Committee has requested that the scope of work authorized be expanded to include additional roadway level design including elevation analysis, roadway raising, replacement of curbing, installation of concrete platform and modifications to the existing storm sewer systems; and

WHEREAS, based on the two negotiated change orders with Fred Schiavone Construction, the cost of additional items listed above is \$356,992.02; and

WHEREAS, DeBlasio and Associates has provided a proposal for the above referenced scope of work for consideration as follows:

Engineering and Construction Phase Cost:	\$7,000.00
Design Plans and Specifications	
Construction Observation	
Contract Administration	

TOTAL PROJECT FEE:	\$7,000.00
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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 proposal for the above reference additional services be approved on this 2nd day of May, 2023.

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

The above resolution was duly adopted by the Borough Council of the Borough of Stone Harbor, New Jersey, at a meeting of said Council duly held on the 2nd day of May, 2023

.....
Borough Clerk

The above resolution approved this 2nd day of May, 2023

.....
Mayor

DEBLASIO & ASSOCIATES

CONSULTING ENGINEERS AND PLANNERS

2023-5-117

4701 NEW JERSEY AVENUE • WILDWOOD, NJ 08260

PHONE: 609-854-3311 • FAX: 609-854-4323

April 26, 2023

VIA EMAIL

Manny Parada, P.E., Interim Administrator
Borough of Stone Harbor
9508 Second Avenue
Stone Harbor, NJ 08247

**Re: Borough of Stone Harbor
2021 Utility and Road Program
Additional Services – 93rd Street, 94th Street and 95th Street Tide Valve Installation
(Part of 2021 Utility & Road Program)
D&A File #: SH-C-025**

Dear Manny:

As you may recall, **DeBlasio & Associates, P.C.** was authorized to provide engineering and construction phase services for the **93rd Street, 94th Street and 95th Street Tide Valve Installation** (Part of 2021 Utility & Road Program) via our January 18, 2023 proposal.

As a follow up to our discussions at the recent Flood Mitigation Committee meetings, the scope of work for each street end location increased into roadway level design including elevational analysis, roadway raising, replacement of curbing, installation of a concrete platform and modifications to the existing storm sewer systems.

Based on two (2) negotiated change orders with Fred M. Schiavone Construction, the cost for the additional items listed above is \$356,992.02.

To complete the above referenced scope of work, our professional service fee for the additional services is listed below:

➤ Engineering and Construction Phase Cost:	\$7,000.00
• Design Plans and Specifications	
• Construction Observation	
• Contract Administration	

Total Project Fee:	\$7,000.00
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WWW.DEBLASIOASSOC.COM

Should you have any questions or require additional information, please do not hesitate to contact me at our office.

Very truly yours,
DeBlasio & Associates, P.C.

A handwritten signature in black ink, appearing to read "Marc DeBlasio", written in a cursive style.

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

T: 609-854-3311

Marc@deblasioassoc.com

Cc : Councilman Frank Dallahan (via email)
Councilman Reese Moore (via email)
Jim Craft, CFO (via email)
Kim Stevenson, Clerk (via email)

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

**RESOLUTION
2023-S-118**

**A RESOLUTION AUTHORIZING AN AGREEMENT FOR SHARED SERVICES FOR
CHIEF FINANCIAL OFFICER SERVICES FOR THE MUNICIPALITIES OF THE
BOROUGH OF STONE HARBOR AND THE BOROUGH OF AVALON**

WHEREAS, N.J.S.A. 40A:65-1 provides in part that two or more municipalities may enter into an agreement to provide or receive any service that each local unit participating in the agreement is empowered to provide or receive in its own jurisdiction; and

WHEREAS, the Borough of Stone Harbor and the Borough of Avalon have negotiated and agreed upon the terms and conditions of such an agreement; and

WHEREAS, a written agreement, specifying those terms and conditions, has been prepared and has been reviewed, which agreement is entitled “Shared Services Agreement for Chief Financial Officer (CFO) Services; and

WHEREAS, the Borough Council of the Borough of Stone Harbor is desirous of ratifying this agreement and authorizing its execution.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Stone Harbor that the Agreement entitled “Shared Services Agreement for Chief Financial Officer (CFO) Services for a Term of Three (3) Years” expiring on May, 2026, be and hereby is ratified.

BE IT FURTHER RESOLVED on this 2nd day of May, 2023, that the Mayor and Borough Clerk be and are hereby duly authorized, empowered and directed to execute this Agreement with the Borough of Avalon for the shared Chief Financial Officer 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 2nd day of May, 2023

.....
Borough Clerk

The above resolution approved this 2nd day of May, 2023

.....
Mayor

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

RESOLUTION

2023-S-119

AUTHORIZE ISSUANCE OF A CHANGE BANK FOR THE BEACH PATROL

WHEREAS, it is necessary for the efficient operation of the beach tag Office to have on-hand change bank during the months when the beach tags are sold.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Stone Harbor does hereby authorize the Finance Office to issue a check in the amount of \$3000.00 which will provide of a change bank specific to the sale of beach tags.

NOW, THEREFORE, BE IT RESOLVED on this 2nd day of May, 2023, that the Borough Council of the Borough of Stone Harbor, County of Cape May hereby authorizes the change bank requested from the Finance Office.

	<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 2nd day of May, 2023

.....
Borough Clerk

The above resolution approved this 2nd day of May, 2023

.....
Mayor

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

RESOLUTION

2023-S-120

AUTHORIZE REFUND FOR A BOAT TRAILER STORAGE FEE – PETER ROSCOE

WHEREAS, Peter Roscoe, 1841 Edge Hill Road, Abington PA 19001 completed an application for boat trailer storage and was issued space #A8 for the 2023 Season; and

WHEREAS, Mr. Roscoe has notified the Borough Clerk’s office that he will no longer need the boat trailer space and has requested a full refund of the permit fee in the amount of \$150.00; and

WHEREAS the Borough Clerk’s office has received the proper signed voucher for reimbursement along with the permit sticker issued for space #A8.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Stone Harbor, in the County of Cape May that \$ 150.00 be refunded to Mr. Roscoe 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							
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 2nd day of May, 2023

.....
Borough Clerk

The above resolution approved this 2nd day of May, 2023

.....
Mayor

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

RESOLUTION

2023-S-121

DESIGNATED PROTECTED BATHING BEACHES – 2023

WHEREAS, the Borough of Stone Harbor periodically receives reports from its Borough Beach Patrol Captain and Borough lifeguards relating to the proper location of bathing beaches in the Borough of Stone Harbor; and

WHEREAS, the information submitted to Mayor and Council for the year 2009 is that some changes to the distribution of bathing beaches should be made.

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 pursuant to Section 156-5 (B) of the Revised General Ordinances 2005 of the Borough of Stone Harbor, protected beaches shall be located at 81st Street, 83rd Street, 86th Street, 87th Street, 90th Street, 93rd Street, 94th Street, 95th Street, 96th Street, 100th Street, 102nd Street, 103rd Street, 105th Street, 108th Street, 110th Street, 112th Street, 113th Street, 116th Street, 117th Street, 120th Street and 122nd Street. Additionally, the lifeguard captain, or his designated assistant, shall have the right during operations on a daily basis to move each bathing beach up to one-half block in either direction in order to take advantage of the best local conditions at the beach site. The lifeguard captain or his designated assistant, may also close a beach due to adverse weather conditions or lack of personnel, or for any other appropriate reason.

BE IT FURTHER RESOLVED that the use of surfboards (with leashes attached) shall be permitted at the beaches at 81st Street (no swimming) and 110th Street (no swimming) only, and all surfers shall be required to comply with the directions of the lifeguards based upon local conditions at the time. Also, the use of stand up paddleboards (with leashes attached) shall be permitted at 81st street only, and all users of stand up paddle boards shall be required to comply with the directions of the lifeguards based upon local conditions at the time. Kayaks and NJ Registered Catamarans will be permitted at 122nd Street through 126th Street only, and life jackets must be worn at all times while in the water.

BE IT FURTHER RESOLVED that rafts and body boards (not surfboards) shall be permitted at all protected beaches, except 81st, 86th, 110th, 112th and 122nd Streets.

BE IT FURTHER RESOLVED that selected protected beaches shall begin to open on the Saturday of Memorial Day week-end and shall be open through the Monday of Labor Day week-end. Post-season protected beaches will be open only if qualified personnel are available.

BE IT FURTHER RESOLVED that beach tags shall be required for all beaches commencing on the Saturday of Memorial Day week-end thru the Monday of Labor Day week-end.

	<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 2nd day of May, 2023

.....
Borough Clerk

The above resolution approved this 2nd day of May, 2023
.....
Mayor