

**MINUTES OF THE WORK SESSION OF MAYOR AND COUNCIL
OF THE BOROUGH OF STONE HARBOR HELD IN THE
MUNICIPAL BUILDING
June 6th, 2023**

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

ROLL CALL

Judith M. Davies-Dunhour, Mayor
Megan Brown, Deputy Clerk
Steve Morris, Solicitor
Manny Parada, Interim Borough Administrator

PRESENT

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

Mayor Davies-Dunhour announced that the meeting was now open. Adequate notice of the meeting was provided by posting a copy of the time and place on the Municipal Clerk’s bulletin board and mailing a copy of same to the Press and the Cape May County Herald on January 4, 2023.

FOR THE RECORD, THIS WORK SESSION WAS HELD VIA VIDEO/TELEPHONE
CONFERENCE IN A ZOOM FORMAT AS WELL AS IN PERSON

SALUTE TO THE FLAG

Administration & Finance Committee- Councilmember Gensemer

CRS (Community Rating System) Update: Ray Poudrier, as CRS coordinator, stated the flood prevention ordinance has been sent to FEMAs (Federal Emergency Management Agency) ISO specialist, we are waiting to see if this will get us more points towards our rating. His office has initiated the flood compliance inspection which will be done with each title transfer, there will be a \$50 fee. Additionally, the revised flood permit requirements also went into effect and his office is now charging a \$200 permit fee for home improvements that exceed \$10k. Ray has been reviewing the severe repetitive loss spreadsheet and has found 32 properties that potentially could be removed from the list, and the AW501 form is required to remove these properties from the list. A survey of each building within the borough to include photos and foundation type and current conditions of foundations, suggested dividing the borough into 7 zones to accomplish this over time. ISO approval is needed first. Paul Dietrich is reviewing the Boroughs website to update it to current conditions. July 19th is the community assistance visit.

Marc DeBlasio added that he has many maps completed and will be working with Ray to get it on the website, the mapping is done.

Bill Blaney, Borough's labor attorney was called to the podium. Councilmember Dallahan responded to Vince Conti’s article published on May 21st, 2023, titled “Tensions between the Mayor and Borough Council at recent council meetings” Councilmember Dallahan asked Bill Blaney to confirm that there was no charge for labor counsel at that meeting which Mr. Blaney concurred. The A&F committee believed it was not appropriate to have a closed meeting without the Borough’s labor attorney being present. The A&F committee was unaware that the COAH attorney would be attending, the Mayor did not provide the closed session agenda to the council members, which raises the question, who gave Mr. Conti the closed session agenda? Since Mr. Conti did not attend the meeting how did he know the COAH representative was there? The obvious answer is the Mayor communicated this info to him. Mr. Blaney advised it was communicated to Mr. Morris, to communicate this to Mayor, he did not. Councilmember Dallahan advised the COAH issue was in question because the work was managed by Mr. Smith with no reporting or transparency as is required.

Mr. Morris explained the Boroughs obligation to the fair share housing council are a byproduct of a court negotiated settlement, complying with the terms of that by way of the spending plan, number of housing units produced is all a matter of compliance with litigation, if there are genuine concerns with that, he advises to council that the same be vetted in closed session with himself, Nancy Holm & if there are any personnel issues, with Mr. Blaney.

Council member Dallahan continued advising that they are currently investigating the matter and they understand the seriousness and are taking the appropriate action to address this.

CFO Report- James Craft reported that the Auditors have started the 2022 audits, while the statutory deadline is June 30th, the state extended it to the end of September, however the auditors did indicate that we would have our report well before that.

Sturdy Bank has informed us that our disbursement account number has showed up on the dark web, none of the assets have been compromised, but we are closing the account as a safety precaution, and we are also implementing 'positive pay' so any time we do a bill list we will send Sturdy a list of the checks payees and amounts and if it doesn't match up the check will not be honored.

Borough Administrator Report- Manny Parada reported, in response to the May 16th council meeting, and several questions raised in public comment regarding the COAH property, Mr. Parada would like to address some of those questions now. Mr. Morris advised that this was discussed prior to the meeting with Nancy Holm, COAH council, in anticipation of this just to ensure that they were not discussing anything that could compromise as it relates to the fair share housing obligation. Mr. Parada explained that the apartment house was purchased by the Borough to satisfy the council on affordable housing requirement, which came as a result the sale of the Borough owned track of land to the IHM property. The building is referred to as the Triplex. Building has three apartments, one is occupied, although that tenant does not qualify under the COAH requirement, that lease expired in 2021, there is month to month agreement currently, the other two units were contracted to be renovated utilizing TRIAD associates as the either a general contractor, or a contract manager, we are not entirely sure the definition, but they acted as an agent for the Borough throughout the renovation of the property. The building is valued by the assessor at \$113, 900, applying the 66.62 percent premium imposed by the county on the equalization ratio, the value of the house is found to be \$170, 970 applying the 40% limit to that figure which would trigger the flood ordinances, we would not be able to exceed \$68,388 in expenditures without exceeding that 40%. The problem is that we currently have \$116,757 spent to date on the units, which does not include \$51,000 of TRIADS fee which is supposed to be included in the FEMA regulations, which they have been paid \$39,000, if you include their fee into the construction, we have spent a total of \$167,757, which far exceeds the limit. Multiple contracts were signed by the borough to perform work on the units. TRIAD arranged for the bidding, and the awards were made by the Borough, which include: Creative Window Design, Huffman Floor Covering, Exterior Images, Laury Heating, Star General Contracting, Buggy Construction, Nicholas Electrical Contractors, Broadley's HVAC, Birch tree remodeling & Murphy Fencing. Mr. Parada was contacted by TRIAD a few weeks ago and he was told all that was left to do was deep cleaning and add some appliances, after he visited the house, he does not think the units are ready for occupancy, A & F suggested that a home inspection be done to determine some other options to consider. Atlantic Cape Inspection is being secured to provide quotes. A & F has strongly recommended that a independent investigation be performed regarding the money spent, overall progress of the work, funding for that will be considered in regular session by a resolution.

Construction Official Report – Raymond Poudrier reported that construction & zoning permitting is on the rise, he believes this is due in part due to developers and designers wanting to get their projects in before the flood plain requirements start. Ray indicated this has been the second-best May since he has been keeping record of construction revenue. Title transfers are consistent with past years; his office has received a couple of additional applications for homes within the 112th subdivision.

Borough Engineer Report- Marc DeBlasio reported that the contractor for the reconstruction of 122nd St. has completed all of work and the project is now in the closeout phase. The Boroughs I-bank water application that we will talk about in the utility section of the work session. The NJ DEP CAFRA permit application for the 111th & 114th street storm sewer outfall removal has been deemed complete and is entering public comment phase, bearing any unforeseen issues we should hopefully have a CAFRA within the next 90 days. A joint permit process meeting with the Borough, NJ DEP and Army Corps for the Bay Marina Park improvements is scheduled for next Wednesday and at that point we're going to discover what permits we'll need or challenges etcetera and we'll bring that back to Mayor & Council. In regard to grants, the Boroughs FY23 NJDOT local transportation projects fund grant application for the reconstruction of 96th St. was successfully submitted on June 1st.

The Borough has another opportunity for a grant, called the FY24 NJDOT municipal aid, which is due July 2nd so we'll need to deliberate on an application and then adopt a resolution at the next meeting, if you choose to pursue that grant opportunity which is recommended by D&A. Lastly some good news on the FEMA Grant applications for flood mitigation improvements, the Borough was essentially notified that a FEMA grant in the amount of \$157,000 was awarded for flood mitigations for planning and design in the planning area of 80th St. to 88th St. and same amount, \$157,000 was awarded for flood mitigation improvements in the planning area of 89th St. to 99th; that will allow us to survey bulkheads, evaluate roadway raising & investigate the feasibility of locating pump stations. Some of these services were talked about when discussing the Bay Marina Park and the Cape May County open space project. Work will be synergistic between both efforts which will help defray some costs for you moving forward on the Marina should you choose to move forward with that but that's really good news, we're actually going to be able to put our fingers into some design and see if we can effectuate what we had in the flood master plan.

Legal Report- Steve Morris reported, his office is working with Chief Schutta on two ordinances, Breach of Peace ordinance, which will solidify the abilities or the authority of the Police Department to combat some of the issues that that we face during the summer time; the other Ordinance is a smoking ordinance, which isn't necessarily something that we see in the offseason but it's particularly relevant in the summertime when we have a large influx of visitors so we'll be looking to have those on the agenda next week and that'll be another tool that the Police can utilize to ensure the safety and security of all residents.

Human Resources - Councilmember Gensemer reported that Nicole Curio, an attorney for Blaney/ Donahue met in three sessions on May 23rd and 24th with groups of employees for equipping employees with knowledge and skills to foster a respectful and inclusive workplace environment. At the end of June, she will return for the lifeguards and anyone who missed the May 23rd and 24th sessions. Councilmember Gensemer advised that we are looking into the possibility of a shared services agreement with Avalon and other municipalities for human resource management and we continue to look to increase the operational efficiency of our Borough and reduce costs.

Public Works Committee- Councilmember Moore

Manny Parada provided report for Public Works, to follow up on what Mr. DeBlasio mentioned, the NJDOT grants for FY24, that are due July 2nd, we will be presenting a resolution at the June 20th council meeting to direct Mr. DeBlasio to make that submission on our behalf. Mr. Parada mentioned that he went through the community; he had 17 items to look for on the roadways, different elements. He went down the entire list and narrowed it down to about 5 strong candidates, one of the caveats is the roads had to be clear of the water work that is being complete under the I-Bank application. He indicated he narrowed it down to 5, the southbound lanes of 2nd Ave, between 120th and 122nd St. The northbound lanes of 2nd Ave. from 87th to 85th the 100 block of 98th St. The 100 block of 117th St. and both the beach and 100 blocks of 109th St. It would have to be around a \$200,000 application, so any one of these five would qualify & would meet the DOT requirements. Mr. Parada suggested the northbound lane of 2nd Ave. from 85-87th St. Obviously open for council and discussion but we hope to have a resolution on June 20th meeting to allow Mr. DeBlasio to apply.

Update on the pedestrian scramble at the intersection of 96th and 3rd. He indicated that a letter was written to Bob Church, which he responded on May 23rd advising they have hired a consultant to evaluate the impacts of the Boroughs desire for all pedestrian cycle. The plan is, if they must make any required changes, that they would do that in the second phase of the Third Ave. project which would be September 2024. Councilmember Gensemer stated she would like the timetable moved up; Mr. Parada will reach out to Bob Church to inquire what can be done.

GP-2 Permit update: Permit was received on May 24th, there are some conditions on it which are easy to meet. Beach maintenance has started, the beach ramps and crossovers were in decent shape for Memorial Day weekend. The beach nourishment has started, they are pumping sand as of yesterday, the booster pump had a gasket fail, so it was shut down overnight last night, they did get the new gasket in place and by 1:30pm today they started pumping sand on

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87th St. They have started at the landing site on 91st St. They turned right and are going northbound from 91st St. The first strip is 87th to 78th St. The filling of the sand will be from 87th to 80th and then taper down to 78th, there is a small section in Avalon to tie it into the berm will then flip over and start on 89th St, we are getting sand from 89th to 115th St. there's a gap on 115th to 119th, resumes on 119th St. to the 127th St. groin.

Stormwater pilot program update: Construction has started on 93rd, 94th and 95th streets at the Bay, we've run into a couple of minor issues. The contractor is expecting about a month to complete the work on those three streets, project includes adding valves to control the back flow from the Bay into the storm grates, these are manual valves, but they are being built with the anticipation of going toward an automated system later. There was a delay in getting the knife gate valves, we are working with the contractor right now; figuring out a short-term solution; we will probably end up with a temporary valve that will have to be removed and then put a knife gate in once that arrives.

On the 10-year capital plan; A spreadsheet has been sent to all department heads. The idea is to create a 10-year projection on anticipated capital from each department, then roll that into a single spreadsheet with some movements so that we can better plan for capital expenditures. Looking towards more flexibility, a tool that we can use to lessen the impact of one big year of capital, if we can spread it out over several years. That will be coming back in September and October, covering the years 2024 through 2035 and present to the Council.

Park Mobile Update: been working with park mobile; we have heard a lot of issues regarding the extension of time using park mobile; arguments we are hearing on the .30 cent fee they charge to use the system; then if you extend it they charge another .30 cents, so we're working with them, and we're very close to announcing although I can't specifically announce it tonight but we are very close to being able to drop that second \$0.30 fee so that you could extend it and not have to pay this the second .30 cents.

Trash and recycling convenience center was constructed; it gets a remarkable amount of trash and recycling every day. We started our summer street sweeping schedule seven days a week, this is a critical component of our MS-4 permit. With the GP2 permit we can do beach maintenance; we've already done all the docks and water lines. The pavers at the Marina have been maintained and checked daily. The buildings department has completed repairs to the beach concession stands. Repairs were done in the finance office, painted most of the doors & trim in Borough Hall. Porta-pot enclosures at the Marina and the 123rd street parking lot have been waterproofed. Repairs were made on the Firehouse garage door. Tightened up the pickleball court net, assisted with maintenance of the clay courts on the 82nd St. Installation the monofilament collector on the 104th St. bridge. Mulching & grass cutting along 2nd Ave. Irrigation systems are being checked, flowers are being watered every day. The shrink wrap recycling program has started & is being used. Completed bulk trash on the week of May 8th. 158 tons of solid waste for the month, 39 tons almost of bulk waste, 60 tons of single stream recycling, 3.8 tons of leaves and grass. 2 tons of brush/branches/limbs. Also taken E-waste and freon waste & 1.32 tons of plastic film has been recycled. Automotive continues to do their work maintaining all the Borough vehicles.

Mr. Parada continued, introducing a salt storage ordinance, there are two ordinances that came out of the MS-4 permit that we must include this year, we have the calendar year to do that. The salt storage requirement is for any privately owned units of road salt storage. It does not affect any properties in the Borough, basically it regulates how to hold the storage of the salt.

Utilities Committee- Councilmember Parzych

Manny Parada provided Utility update: Water & Sewer department has started hydrant flushing, running emergency generators; sampling is done all in accordance with DEP regulations. Several taps and new services have been done in the last month, storm drains are being inspected and cleaned on a rotating basis, which is also part of the MS4 permit. Continue to respond to emergencies; lead service lines investigation is continuing, will be replacing them in a slow methodical level, the I- Bank application will take out 400 of the unknown services

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that we have so that will help our numbers tremendously.

There are three reports due to the DEP currently being worked on, due on July 1st; includes annual inventory, our lead service line replacement & water quality accountability act. The last big item is the board of Public Utilities, a mandate for all water utilities across the state to provide a lot of operating data due August 1st, this is also currently being worked on.

Councilmember Parzych mentioned there are two vacancies in the water department, Mr. Parada advised that the job has been posted both in-house and to the public as well and the Borough offers CDL training for anyone interested. Councilmember Parzych also explained how residents are billed for sewage. Councilmember Parzych explained we have a resolution to vote on tonight and that issues 7.5 million worth of water bonds; which ties up all the all the financial requirements when we financed through the I- Bank.

Marc DeBlasio explained that the I-Bank project is currently out for public bidding; the bid opening is June 15th, on the assumption that we get a responsive bid within budget that will put you in position to consider awarding that contract at the next council meeting, June 20th. The DEP have committed a half million in grant money towards the project contingent upon the bid opening the contract award.

Tourism- Jenny Olson

Jenny reported she has a time sensitive special event application that she just received from SH elementary school. Their PTC carnival is this Tuesday, June 13th (rain date of June 14th) they'll be walking students to the 93rd St. beach in groups from 8:30 to 12:30; they are requesting some police assistance while they cross the street, they are aware of the beach fill project, and they do understand that they may have to go to a different beach it just depends on progress at that time. They also requested to access the beach without tags. This will need to be approved tonight.

Motion to Adjourn Meeting

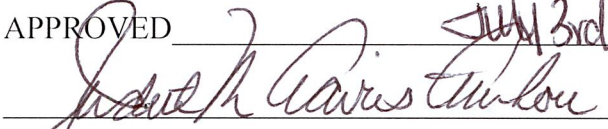
DISCUSSION:

Upon motion of
Seconded by

Councilmember Frank Dallahan
Councilmember Victor Foschini

That the Work Session Meeting of Mayor and Council be adjourned 5:45 pm

APPROVED , 2023

, Mayor

ATTEST , Borough Clerk