

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

August 1, 2023

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

ROLL CALL

Judith M. Davies-Dunhour, Mayor
Megan Brown, Deputy Borough Clerk
Marcus Karavan, Solicitor
Manny Parada, Borough Administrator

PRESENT

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

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

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

Moment of Silence for Lt. Governor Oliver.

SALUTE TO THE FLAG

COMMUNICATIONS

None

MOTION CONCERNING THE MINUTES

Upon motion of
Seconded by

Councilmember Victor Foschini
Councilmember Frank Dallahan

Since all members of Council have been provided with a copy of the minutes of the Work Session and the Regular Meeting of July 3rd, 2023, if there are no additions or corrections, I move we dispense with the reading of the minutes and that they be approved.

Vote

6 Councilmembers AYE

Public Comment:

NEW BUSINESS

Ordinance 1652 – Amending Chapter 520, Article 11 of the Code of Stone Harbor, Adding a No Parking Zone on Chelsea Place

Upon Motion by
Seconded by

Councilmember Frank Dallahan
Councilmember Victor Foschini

That Ordinance #1652 be taken up on first reading.

Clerk: Reads the Title of Ordinance 1652

Upon Motion by
Seconded by

Councilmember Frank Dallahan
Councilmember Victor Foschini

That Ordinance #1652 be passed on first reading, published according to law and that it be taken up on second, third and final reading and adoption at a meeting of Mayor and Council to be held on the 5th day of September 2023.

CLERK CALL THE ROLL

VOTE

6 Councilmembers AYE

Regular Meeting, August 1st, 2023

Resolution 2023-S-175 – Authorizing an Interlocal Agreement with Wildwood Catholic for the Fall, 2023 Boys and Girls Soccer and the Girls Tennis

Upon Motion by
Seconded by

Councilmember Victor Foschini
Councilmember Bunny Parzych

That Resolution 2023-S-175 – Authorizing an Interlocal Agreement with Wildwood Catholic for the Fall, 2023 Boys and Girls Soccer and the Girls Tennis, be considered for approval.

CLERK CALL THE ROLL

VOTE

6 Councilmembers AYE

Resolution 2023-S-176 – Adjusting Usage for Roger and Katherine Tappen of 290 88th Street.

Upon Motion by
Seconded by

Councilmember Bunny Parzych
Councilmember Reese Moore

That Resolution # 2023-S-176 Adjusting the Usage for Roger and Katherine Tappen of 290 88th Street, be considered for approval.

Discussion: Councilmember Foschini asked; if after the new meter is replaced, and having to replace the plastic fitting to brass, are we going to have any other issues with plastic fittings with other residents?

Mr. Parada advised that we only use brass fittings on the meters, it was a connection point after our brass fitting that had a high-density polyethylene, plastic pipe, the connector piece was where the leak occurred, so we shouldn't have any other issues.

Councilmember Parzych confirmed, we are charging them for the water, but we are rebating them the money for sewer charges?

Mr. Parada advised BPU regulations require that every gallon that gets metered gets charged to a customer, so we cannot provide any relief for the water consumption side, however since the water never reached the home/sewer system; the rebate can be made on the sewer side portion of the bill. There will be more discussion on this, Mr. Tappen has asked that the Utilities committee review this because of the long history of excess water on this property.

CLERK CALL THE ROLL

VOTE

6 Councilmembers AYE

Resolution 2023-S-177 – Authorizing the appointment of Samantha Kuhns as the Interim Acting Deputy Court Administrator for the Shared Municipal Courts of the Boroughs of Avalon and Stone Harbor

Upon Motion by
Seconded by

Councilmember Jennifer Gensemer
Councilmember Reese Moore

That Resolution 2023-S-177 – Authorizing the appointment of Samantha Kuhns as the Interim Acting Deputy Court Administrator for the Shared Municipal Courts of the Boroughs of Avalon and Stone Harbor, be considered for approval.

CLERK CALL THE ROLL

VOTE

6 Councilmembers AYE

Regular Meeting, August 1st, 2023

Resolution 2023-S-178 – Extending Tax payment Grace Period to August 25, 2023

Upon Motion by Councilmember Reese Moore
Seconded by Councilmember Frank Dallahan

That Resolution # 2023-S-178 – Authorizing the extension of the Tax payment grace period to August 25, 2023, be considered for approval.

Discussion: Councilmember Foschini asked if the bills have been mailed out?
Mr. Parada confirmed they were mailed yesterday, July 31, 2023

CLERK CALL THE ROLL

VOTE **6 Councilmembers AYE**

MOTION – Approving the Special Event Application for the Northeast Longboard Surf Contest on October 14 and 15, 2023.

Upon Motion by Councilmember Victor Foschini
Seconded by Councilmember Bunny Parzych

ALL THOSE IN FAVOR- **6 Councilmembers AYE**

MOTION – Approving the Donation of Ten 2024 Holiday Beach Tags to Cape Regional Medical for their Gala on August 18, 2023

Upon Motion by Councilmember Jennifer Gensemer
Seconded by Councilmember Reese Moore

ALL THOSE IN FAVOR- **6 Councilmembers AYE**

MOTION- Motion Approving the Bill List and Authorizing the CFO to Pay the Bills when the funds are available, and the vouchers are properly endorsed.

Upon Motion by Councilmember Jennifer Gensemer
Seconded by Councilmember Reese Moore

VOTE **6 Councilmembers AYE**

Resolution 2023-S-179 – Closed Session for Personnel Matter

Upon Motion by Councilmember Jennifer Gensemer
Seconded by Councilmember Reese Moore

That Resolution 2023-S-179, Authorizing closed Session, be considered for approval.

CLERK CALL THE ROLL

VOTE **6 Councilmembers AYE**

Motion- Return to open Session

Upon Motion by Councilmember Bunny Parzych
Seconded by Councilmember Jennifer Gensemer

ALL THOSE IN FAVOR- **6 Councilmembers AYE**

Check Register By Check Id

Range of Checking Accts: NEWDISBURSEMENT to NEWDISBURSEMENT Range of Check Ids:
 1252 to Last

Report Type: All Checks Report Format: Super Condensed

Check Type: Computer: Y Manual: Y Dir Deposit: Y

Check #	Check Date	Vendor	Amount Paid	
Reconciled/Void	Ref Num			
1252	08/10/23	PARKERLE PARKER LENGLE	200.00	
1253	08/14/23	CMCTO C.M.C. TREASURER'S OFFICE	5,206,564.10	
1254	08/18/23	ACECOAH ATLANTIC CITY ELECTRIC	34.98	
1255	08/18/23	ACELE ATLANTIC CITY ELECTRIC CO.	0.00	08/18/23
1256	08/18/23	ACELE ATLANTIC CITY ELECTRIC CO.	18,078.74	
1257	08/18/23	ACESEWER ATLANTIC CITY ELECTRIC	1,946.43	
1258	08/18/23	ACESTLIG ATLANTIC CITY ELECTRIC	8,951.38	
1259	08/18/23	ACEWATER ATLANTIC CITY ELECTRIC	10,231.59	
1260	08/18/23	ALLISONU ALLISON UNDERWOOD	6,144.95	
1261	08/18/23	BLAKARAV BLANEY & DONOHUE, PC	3,022.50	
1262	08/18/23	BLUEMOOS BLUE MOOSE LANDSCAPE CO.	1,219.00	
1263	08/18/23	BUCKETSM BUCKETS MARGARITA BAR	100.00	
1264	08/18/23	CASAP CASA PAYROLL SERVICES	1,194.60	
1265	08/18/23	CINTA005 CINTAS CORPORATION #100	3,994.44	
1266	08/18/23	CMCMU C.M.C. MUNICIPAL UTILITY AUTHO	402,316.50	
1267	08/18/23	CMCTOANI C.M.C.TREASURER'S OFFICE	3,549.67	
1268	08/18/23	COLOELEC COLONIAL ELECTRIC SUPPLY CO.	8,061.75	
1269	08/18/23	COMCAPOL COMCAST	417.60	
1270	08/18/23	COMCASTF COMCAST	250.17	
1271	08/18/23	CONSTELL CONSTELLATION NEWENERGY INC	1,218.20	
1272	08/18/23	DEBLASIO DEBLASIO & ASSOCIATES	0.00	08/18/23
1273	08/18/23	DEBLASIO DEBLASIO & ASSOCIATES	32,054.22	
1274	08/18/23	DEERF005 DEERFIELD ELECTRIC CONST. INC	18,718.61	
1275	08/18/23	EASTE015 EASTERN TRUCK LIFT CO., INC.	294.99	
1276	08/18/23	EDMUN EDMUNDS & ASSOCIATES, INC.	811.00	
1277	08/18/23	FOREMOST FOREMOST PROMOTIONS	697.60	
1278	08/18/23	GARDE005 GARDEN STATE LABORATORIES, INC	1,920.00	
1279	08/18/23	GENCHEVY GENTILINI CHEVROLET, LLC	76.36	
1280	08/18/23	HAWKI HAWKINS, DELAFIELD & WOOD	12,516.10	
1281	08/18/23	HOMEDEPO HOME DEPOT PRO	429.36	
1282	08/18/23	HOOVER HOOVER TRUCK CENTERS	87.84	
1283	08/18/23	JBYRN J. BYRNE AGENCY INC.	12,784.00	
1284	08/18/23	JOHNVANE John VanEtten	45.00	
1285	08/18/23	KARAV005 KARAVAN & MORRIS	4,485.41	
1286	08/18/23	KEENC KEEN COMPRESSED GAS	22.74	
1287	08/18/23	LETSPART LET'S PARTY EVENTS	4,650.00	
1288	08/18/23	MAGGIESL MARGUERITE SLAVIN	89.30	
1289	08/18/23	MEDIA RICHARD GRAVER	5,050.00	
1290	08/18/23	MOTTMAC MOTT MACDONALD	6,619.00	
1291	08/18/23	MUNICEQU MUNICIPAL EQUIPMENT	1,803.90	
1292	08/18/23	NATIO020 NATIONWIDE SCREENING SERVICES	70.00	
1293	08/18/23	NEWBENEF New Benefits, Ltd.	179.41	
1294	08/18/23	NJCTBASS NJCTBA C/O PATTY MARSH,REGISTR	650.00	

Check Register By Check Id

1295	08/18/23	NOWMOSJE	JEFFREY NOWMOS	1,312.50
1296	08/18/23	QUADIENT	QUADIENT FINANCE USA, INC.	144.04
1297	08/18/23	RIGGI	RIGGINS, INC.	8,496.89
1298	08/18/23	SEASHACE	SEASHORE ACE #10926	79.46
1299	08/18/23	SICBP	SEA ISLE CITY BEACH PATROL	260.00
1300	08/18/23	STATE	STATE OF NEW JERSEY DEPT.LABOR	451.50
1301	08/18/23	STOCK	STOCKTON UNIVERSITY	1,761.83
1302	08/18/23	SUBURBAN	SUBURBAN PROPANE-2115	43.49
1303	08/18/23	TOSHCONS	TOSHIBA	636.23
1304	08/18/23	TRES4	TREASURER, STATE OF NJ	2.80
1305	08/18/23	TRES6	TREASURER, STATE OF NEW JERSEY	142,883.15
1306	08/18/23	VERDINCL	THE VERDIN COMPANY	750.00
1307	08/18/23	VERI1	VERIZON WIRELESS	709.22
1308	08/18/23	VERIZFIR	VERIZON WIRELESS	173.55
1309	08/18/23	WBMASONI	W.B. MASON	170.79
1310	08/18/23	WESTE	WESTERN PEST SERVICES	266.00

Report Totals	<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount</u>
<u>Void</u>				
0.00	Checks: 57	2	5,939,692.89	
<u>0.00</u>	Direct Deposit: 0	0	0.00	
0.00	Total: 57	2	5,939,692.89	

Check Register By Check Id

Totals by Year-Fund				
Fund Description	Total	Fund	Budget Total	Revenue Total
G/L Total				
CURRENT FUND		2-01	5,514.51	0.00
0.00	5,514.51			
CURRENT FUND		3-01	5,422,942.66	0.00
0.00	5,422,942.66			
		3-03	15,295.23	0.00
0.00	15,295.23			
WATER/SEWER FUND		3-09	436,430.56	0.00
0.00	436,430.56			
5,874,668.45	0.00	0.00	5,874,668.45	Year Total:
GENERAL CAPITAL		C-04	39,835.36	0.00
0.00	39,835.36			
UTILITY CAPITAL		U-08	19,674.57	0.00
0.00	19,674.57			
		<u>Total of All Funds:</u>		
0.00	5,939,692.89		5,939,692.89	0.00

Resolution 2023-S-180- Censuring Mayor

Councilmember Dallahan made a motion to pass resolution # 2023-S-180, censuring the Mayor for her comments on the July 3rd 2023, meeting, presenting a formal resolution prepared by Labor Council and will present it to the Clerk.

“WHEREAS, the actions and conduct of Mayor Judith M. Davies-Dunhour, while sitting as a member of the Borough’s governing body at a public meeting on July 3, 2023, interfered with the proper and orderly conduct of the meeting by reason of her refusal to abide by Council meeting protocol by improperly targeting an employee for criticism and negatively reviewing said employee’s performance in open session on a matter in which she was not even entitled to vote; it is the opinion of a majority of the members of the Council that Mayor Davies-Dunhour’s actions in this regard were intentionally disruptive, and/or abusive; and that her actions and conduct frustrated the orderly conduct of the business of the Borough Council; and; As a result of her actions, which have been previously set forth herein, Mayor Judith M. Davies-Dunhour is hereby censured and admonished and instructed to cease her disruptive, unwarranted and/or unauthorized comments targeted at the performance of Borough employees, as aforesaid.”

Upon Motion by

Councilmember Frank Dallahan

Seconded by

Councilmember Jennifer Gensemer

That Resolution 2023-S-180, Censuring the Mayor be considered for approval.

CLERK CALL THE ROLL

VOTE

5 Councilmembers

AYE

1 Councilmember (Casper)

NAY

Mayor Judith Davies- Dunhour asked if it was an appropriate time to make a statement.

Mr. Karavan confirmed it was.

Mayor Judith Davies- Dunhour advised she would like circumstances that lead July 3rd on the record.

“On June 29th I met with Jennifer Gensemer, Reese Moore, Manny Parada and Marcus Karavan. At that meeting we discussed the fact that the Administration and Finance Committee had put a Resolution on the July 3rd council meeting moving Mr. Parada from Interim Borough Administrator to Permanent Borough Administrator. At that time, I requested we have a closed session first to discuss the appointment with all of the Council, at that time Jennifer Gensemer remarked it is not necessary because we have the votes. When asked more questions she admitted that Robin Casper was unaware of the pending appointment. I advised Mrs. Gensemer that I feel it is important to have a discussion that includes the entire governing body and that Robin be afforded an opportunity to share her experience and put her opinion on the record. I also advised Mr. Parada that I would like to conduct a performance review of him prior to the vote. After some discussion it was agreed by the group that Mr. Parada would be served the rice notice, several times he says the rice notice was not necessary. My advice to the group and supported by our solicitor Marcus Karavan, was to serve Mr. Parada the rice notice and to go into private session and have a documented review process that is defensible as it is considered the best practice in this situation. Mrs. Gensemer had her laptop, she typed up a Rice notice right there and she served Mr. Parada at that time. The group agreed we would go into a closed session and take a vote on the appointment following the closed session. Mrs. Gensemer wanted the resolution to remain on the agenda to be voted on that night, I assured her we could come out of closed session, and we could

vote on the resolution that night. The clerk was advised to change the agenda to reflect the decision and put a closed session on. I think it's important to include that, at that meeting I said, and I quote, I am begging you, begging you, this is how I spoke, I'm begging you to start having inclusive conversations when we make important decisions. I think it is important that every council person hears the same thing at the same time and be afforded an opportunity to speak and to be heard. I also think it is important that statements be documented and be made part of the record. I left that meeting assured that there was going to be a closed session. Fast forward to July 3rd I call for the resolution for the closed session, four no's for the third time in six months, blindsided, no closed session. Mrs. Gensemer then makes the statement that we're going to be transparent and now is the time for Council to make their remarks and express their opinions. Third time, a closed session resolutions on the agenda. Third time certain council members vote it down, other council members don't even know that's happening. I had no reason to believe that Mr. Parada did not want remarks good or bad to be made in the view of the public, at no time did he ask that this discussion take place in closed session. Anybody who was there, you can watch the tape too. I prefaced my comments with this is not the appropriate way to handle personnel matters, I also stated that I was disappointed that we were not going into closed session. I did what I feel was not only in the best interest of Stone Harbor, but also my responsibility as an elected official and the head of the governing body. I chose to express my doubts and misgivings on this appointment, and I will not be bullied into silence by individuals that have decided that there is no room for a dissenting opinion. What did they expect? I was assured a closed session, the solicitor said the best practice and the way to proceed with this is a closed session, you can come out and call for the vote. Members of the Council chose not to follow the advice of the solicitor which was to conduct the process in closed session. I fail to see how my actions rise to the level of censure or even criticism. There was nothing illegal about my actions, nothing. This council chose a public discussion. Mr. Parada chose a public discussion. Not me, I don't want a public discussion. I begged literally, begged. There's no legal basis for this whatsoever, So, now whenever we do not like what someone says or how they say it, the person can be censured? Where's my First Amendment right to free speech? How are you, the Council, to decide when my free legal protected speech needs to be silenced? We were advised by Counsel to do the discussion in closed session, you chose. Mrs. Gensemer said now is the time to make your comments, full transparency. What did you expect?

Mrs. Gensemer stated that she would just like to make a comment.

“It was stated that Mrs. Casper was not aware of the appointment. I just want to point out that when I gave my Administration and Finance Committee reports, we, at least three times, brought up that we were going to be appoint Mr. Parada and we did it with full transparency. Everyone knew about it. We even went around the Dias and let everyone express their opinions a few months before we actually made the appointment. So, I was aware of what Mrs. Casper had expressed & I knew that she was aware, because she had heard it repeatedly, that we were planning to appoint Mr. Parada.”

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

None

MOTION TO ADJOURN

Upon Motion by

Councilmember Frank Dallahan

Seconded by

Councilmember Victor Foschini

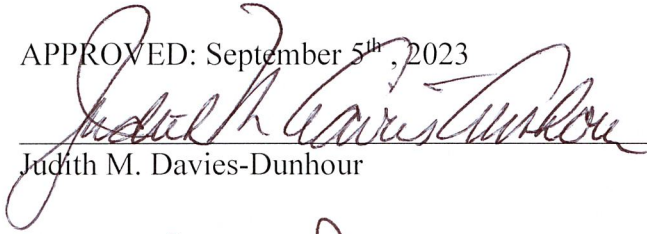
ALL THOSE IN FAVOR-

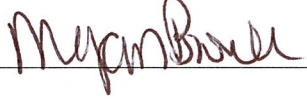
6 Councilmembers AYE

The Regular Meeting of Mayor and Council was adjourned at 6.38pm

Regular Meeting, August 1st, 2023

APPROVED: September 5th, 2023

 _____, Mayor
Judith M. Davies-Dunhour

ATTEST:  _____, Borough Clerk