

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

**August 15, 2023**

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

**ROLL CALL**

Judith M. Davies-Dunhour, Mayor  
Megan Brown, Deputy Borough Clerk  
Steven Morris, 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.

**SALUTE TO THE FLAG**

**COMMUNICATIONS**

There are no communications.

**MOTION CONCERNING THE MINUTES**

Upon motion of  
Seconded by

Councilmember Bunny Parzych  
Councilmember Reese Moore

Since all members of Council have been provided with a copy of the minutes of the Work Session and the Regular Meeting of July 3<sup>rd</sup>, 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:**

**Kim Martin & Grace Martin-** 10508 Third Ave- Owners of & Mile players- Thanked the Mayor & Council for supporting them in bringing the arts to Stone Harbor.

**John Schmidt-** Middle Township – Discussed the Press article that ran August 8<sup>th</sup>, 2023. Regarding the “Appointment of Administrator”. The second paragraph of that article, quotes “An appointment that Mayor Davies-Dunhour opposed”. Pursuant to NJS A40A: 9-137, in New Jersey, governing bodies are all governed by New Jersey Administrative Code and New Jersey Statutes Annotated and Case law. In Resolution 2020-S-119, it states that the Mayor, offered Mr. Robert J. Smith for appointment to the office of Administrator. Whereas the Borough Council believes that it's in the interests of the citizens and granted it's consent.

Mr. Schmidt discussed other cases that ended up in the appellate division.

Mr. Schmidt stated that the Borough Form of government is without power to appoint because they can only make an appointment when it fails to confirm a Mayoral nomination.

Mr. Morris clarified the question Mr. Schmidt was asking.

The question being whether the Mayor submitted a nomination prior to the referenced resolution of the governing body appointing Mr. Parada?

Mr. Schmidt answered. “Did the Mayor appoint an administrator which then would allow the council to act and also start the time clock under 60A60-D, because there's no authority to act until the Mayor appoints, the council can reject and then appoint however they want. Was there an appointment by the Mayor?”

Regular Meeting, August 15<sup>th</sup>, 2023

Mr. Morris answered. His understanding of this and it was a meeting that I was not present at is that during executive session, the Mayor floated, I don't know if it was a formal nomination but proposed someone who she believed would be a suitable candidate during those discussions it was revealed that it would not carry the requisite number of council approval, thus not triggering that consent component required in the cited statute and there after the full time appointment of Mr. Parada, in lieu of the interim appointment was made, it carried the number of votes for council and it went into effect. As far as the representations made about the different statutes and different case law. Mr. Morris would have to take a deeper look, but that's the understanding as to the process relative to that section cited.

Mr. Blaney, Labor Counsel approached and explained that he was involved in this process along with Marcus Karavan, Borough Solicitor. There was, beyond the time frame, without a nomination which is what triggered this incident. When you get a concurring opinion from a Supreme Court Justice that isn't adopted by the entire court, it's non-binding, it's not the opinion of the court. The opinion of the court is what's binding, but what happened in this instance, is there was no nomination within the time frame which then triggered council to make their own nomination.

No further comments were made.

Mayor Judy Davies-Dunhour Closed Public Comment.

**OLD BUSINESS**

**Ordinance 1650** - An Ordinance Amending Ordinance No. 1629 of the Borough of Stone Harbor specifically fixing the salary range for the Borough Administrator – **2nd, 3rd & Final.**

Upon Motion by Councilmember Jennifer Gensemer  
Seconded by Councilmember Frank Dallahan

That Ordinance #1650 be taken up on second reading.

Clerk reads the title of Ordinance #1650 on second reading.

ROLL CALL 5 AYE  
1 NAY (Casper)

Public Hearing on Ordinance #1650 is open.

Mr. Schmidt questioned the Legal Advertisement of the Ordinance, after First Reading the Notice states time and place when and where it will be considered for final passage. He questioned the timing of the meeting states 4:30pm, but the meeting was adjourned.

Mr. Morris explained that he is not going to recommend this not be voted on.

Public Hearing on Ordinance #1650 is now closed.

Upon Motion by Councilmember Jennifer Gensemer  
Seconded by Councilmember Frank Dallahan

That Ordinance #1650 be passed on second reading and advanced to third and final reading.

ROLL CALL 5 AYE  
1 NAY (Casper)

Clerk reads the title of Ordinance #1650

Upon Motion by Councilmember Jennifer Gensemer  
Seconded by Councilmember Frank Dallahan

That Ordinance #1650 be passed on third and final reading, adopted and published according to law.

Regular Meeting, August 15<sup>th</sup>, 2023

**Ordinance 1651** – Amending Chapter 67, Article I of the Code of Stone Harbor, Borough Clerk –  
**2nd, 3rd & Final.**

Upon Motion by Councilmember Reese Moore  
Seconded by Councilmember Frank Dallahan

That Ordinance #1651 be taken up on second reading.

ROLL CALL 6 AYE

Clerk reads the title of Ordinance #1651 on second reading.

Public Hearing on Ordinance #1651 was open. No public comments were made. Public Hearing on Ordinance #1651 was closed.

Upon Motion by Councilmember Reese Moore  
Seconded by Councilmember Frank Dallahan

That Ordinance #1651 be passed on second reading and advanced to third and final reading.

ROLL CALL 6 AYE

Clerk reads the title of Ordinance #1651

Upon Motion by Councilmember Reese Moore  
Seconded by Councilmember Frank Dallahan

That Ordinance #1651 be passed on third and final reading, adopted and published according to law.

**NEW BUSINESS**

**Ordinance #1653** – An Ordinance Amending Ordinance No. 1629 of the Borough of Stone Harbor specifically changing the position title to Recreation Assistant and setting the salary range for that position.

Upon Motion by Councilmember Victor Foschini  
Seconded by Councilmember Bunny Parzych

That Ordinance #1653 be taken up on second reading.

ROLL CALL 6 AYE

Clerk reads the title of Ordinance #1653 on second reading.

Public Hearing on Ordinance #1653 was open. No public comments were made. Public Hearing on Ordinance #1653 was closed.

Upon Motion by Councilmember Victor Foschini  
Seconded by Councilmember Bunny Parzych

That Ordinance #1653 be passed on second reading and advanced to third and final reading.

ROLL CALL 6 AYE

Clerk reads the title of Ordinance #1653

Upon Motion by Councilmember Frank Dallahan  
Seconded by Councilmember Victor Foschini

Regular Meeting, August 15<sup>th</sup>, 2023

That Ordinance #1653 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 19<sup>th</sup> day of September 2023.

ROLL CALL

6 AYE

**Resolution 2023-S-181** – Authorizing a refund of tax payments to Daniel Takayama of 330 96<sup>th</sup> Street

Upon Motion by  
Seconded by

Councilmember Jenifer Gensemer  
Councilmember Reese Moore

That resolution 2023-S-181, Authorizing a refund of tax payments to Daniel Takayama of 330 96<sup>th</sup> Street, be considered for approval.

**CLERK CALL THE ROLL**

**VOTE**

**6 Councilmembers AYE**

**Resolution 2023-S-182** – Extending the Farmers Market for Two Weeks (September 10 and September 17, 2023).

Upon Motion by  
Seconded by

Councilmember Victor Foschini  
Councilmember Bunny Parzych

That Resolution 2023-S-182– Extending the Farmers Market for Two Weeks (September 10 and September 17, 2023) be considered for approval.

**CLERK CALL THE ROLL**

**VOTE**

**6 Councilmembers AYE**

**Resolution 2023-S-183** – Awarding the Construction of the 114<sup>th</sup> Street Pump Station to Fred M. Schiavone Construction Inc for \$1,288,771.00

Upon Motion by  
Seconded by

Councilmember Bunny Parzych  
Councilmember Reese Moore

That Resolution 2023-S-183 – Awarding the Construction of the 114<sup>th</sup> Street Pump Station to Fred M. Schiavone Construction Inc for \$1,288,771.00 be considered.

**CLERK CALL THE ROLL**

**VOTE**

**6 Councilmembers AYE**

**MOTION** – Approving the Special Event Application for the Stone Harbor Chamber of Commerce Sidewalk Sale on August 26, 2023

Upon Motion by  
Seconded by

Councilmember Victor Foschini  
Councilmember Jennifer Gensemer

ALL THOSE IN FAVOR-

**6 Councilmembers AYE**

**MOTION** – Approving the Special Event Application for the Jersey Shore Partnership Board Meeting on September 20, 2023

Upon Motion by  
Seconded by

Councilmember Robin Casper  
Councilmember Bunny Parzych



Check Register By Check Id

Range of Checking Accts: NEWDISBURSEMENT to NEWDISBURSEMENT Range of Check Ids:  
 1185 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			
1185	07/26/23	USTREASU UNITED STATES TREASURY	231.00	
1186	08/04/23	ACELE ATLANTIC CITY ELECTRIC CO.	0.00	08/04/23
1187	08/04/23	ACELE ATLANTIC CITY ELECTRIC CO.	5,365.75	
1188	08/04/23	ACESEWER ATLANTIC CITY ELECTRIC	2,451.80	
1189	08/04/23	ACESTLIG ATLANTIC CITY ELECTRIC	915.16	
1190	08/04/23	ACEWATER ATLANTIC CITY ELECTRIC	19,834.33	
1191	08/04/23	ALLISONU ALLISON UNDERWOOD	9,638.30	
1192	08/04/23	ALLST ALL STATE LEGAL	254.50	
1193	08/04/23	BALDINIP PAUL BALDINI, P.A.	4,769.36	
1194	08/04/23	BENSSERV BEN'S SERV PRO	166.11	
1195	08/04/23	BOROVAL BOROUGH OF AVALON	1,169.00	
1196	08/04/23	BROWS BROWN, SUZANNE	126.62	
1197	08/04/23	CANDE CANDELORE, DEBORAH A.	15.00	
1198	08/04/23	CAPRI CAPRIONI PORTABLE TOILETS	4,820.00	
1199	08/04/23	CASAREPO CASA REPORTING SERVICES	377.60	
1200	08/04/23	CASHM CASHMORE, DONALD	150.00	
1201	08/04/23	CASHMERE CATHERINE CASHMERE	100.00	
1202	08/04/23	CMCMU C.M.C. MUNICIPAL UTILITY AUTHO	21,735.77	
1203	08/04/23	CODYS CODY'S POWER EQUIPMENT	1,145.48	
1204	08/04/23	COMCAST COMCAST	158.17	
1205	08/04/23	COMMKITC COMMERCIAL KITCHEN CLEANING	400.00	
1206	08/04/23	COPIE005 COPIERS PLUS	35.91	
1207	08/04/23	CRAFTSNA NANCY C. CRAFTS	210.00	
1208	08/04/23	DEBLASIO DEBLASIO & ASSOCIATES	5,000.00	
1209	08/04/23	DRAEGER DRAEGER, INC.	179.00	
1210	08/04/23	FOLEYCAT FOLEY CAT HAMMONTON	1,113.39	
1211	08/04/23	FREDM005 FRED M. SCHIAVONE CONST INC	272,249.87	
1212	08/04/23	GALETON GALETON	1,851.90	
1213	08/04/23	GARDE005 GARDEN STATE LABORATORIES, INC	400.00	
1214	08/04/23	GLENNKIN GLENN KINCKNER & ROBERT MORRIS	1,420.00	
1215	08/04/23	GLOUC GLOUCESTER CO. POLICE ACADEMY	120.00	
1216	08/04/23	GOLDENEQ GOLDEN EQUIPMENT CO., INC.	297.47	
1217	08/04/23	HIGHTECH HIGH-TECH COPIERS & FAX, LLC	357.00	
1218	08/04/23	HOMED HOME DEPOT CREDIT SERVICES	610.18	
1219	08/04/23	INGERSOL INGERSOLL-RAND INDUSTRIAL US	826.18	
1220	08/04/23	JCMDEVEL JCM DEVELOPMENT LLC	525.00	
1221	08/04/23	JUSTR005 JUST RIGHT TV	3,000.00	
1222	08/04/23	KARAV005 KARAVAN & MORRIS	4,261.25	
1223	08/04/23	MARAS005 MMA-TRION	375.25	
1224	08/04/23	MONM005 MONMOUTH TELECOM	1,869.47	
1225	08/04/23	MONYLIFE EQUITABLE HOLDINGS, INC	2,838.24	
1226	08/04/23	NATIO020 NATIONWIDE SCREENING SERVICES	40.00	
1227	08/04/23	NATIONAL NATIONAL HIGHWAY PRODUCTS INC	517.76	
1228	08/04/23	NEOPOSTM Quadient	351.32	

Check Register By Check Id

1229	08/04/23	NJSACOP1 NJ STATE ASSO.CHIEFS OF POLICE	299.00
1230	08/04/23	ONSOLVE0 ONSOLVE	2,205.00
1231	08/04/23	POWER005 POWERDMS, INC	6,008.31
1232	08/04/23	QUADIEN QUADIEN FINANCE USA, INC.	6,108.99
1233	08/04/23	RACHELHA RACHEL HAUGHEY	30.00
1234	08/04/23	RICHA020 RICHARD E DEAN	195.00
1235	08/04/23	RIGGI RIGGINS, INC.	8,218.51
1236	08/04/23	RIOSUPPL RIO SUPPLY, INC	23,265.00
1237	08/04/23	RUTGE005 RUTGERS CENTER FOR GOV SERVICE	3,900.00
1238	08/04/23	SCHOP SCHOPPY'S, INC.	704.07
1239	08/04/23	STAPLEBU STAPLES BUSINESS ADVANTAGE	1,445.57
1240	08/04/23	SURENIAN SURENIAN, EDWARDS & NOLAN LLC	4,687.88
1241	08/04/23	TEAMLIFE TEAM LIFE, INC.	1,565.00
1242	08/04/23	THOUSMIL THOUSAND MILE	2,707.23
1243	08/04/23	TOSHITAX TOSHIBA BUSINESS SOLUTIONS USA	163.00
1244	08/04/23	UNITEDUN UNITED UNIFORMS	565.50
1245	08/04/23	USABL005 USA BLUE BOOK	2,373.09
1246	08/04/23	VERALPH0 V.E. RALPH & SON, INC.	1,011.73
1247	08/04/23	VERKIOSK VERIZON WIRELESS	419.40
1248	08/04/23	VITAL VITAL COMMUNICATIONS, INC.	1,620.00
1249	08/04/23	WAVE0 WAVE ONE	3,296.00
1250	08/04/23	WELCHTEN WELCH TENNIS COURTS, INC.	232.32
1251	08/04/23	WIRELESS MOTOROLA SOLUTIONS	4,527.36

Report Totals	<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount</u>
Void				
0.00	Checks: 66	1	447,821.10	
0.00	Direct Deposit: 0	0	0.00	
0.00	Total: 66	1	447,821.10	

Check Register By Check Id

Totals by Year-Fund		Fund	Budget Total	Revenue Total
Fund Description	Total			
G/L Total				
CURRENT FUND		2-01	209.25	0.00
0.00	209.25			
CURRENT FUND		3-01	96,569.46	0.00
0.00	96,569.46			
		3-03	7,582.99	0.00
0.00	7,582.99			
			3-09	55,169.53
			0.00	55,169.53
Year Total:	159,321.98		0.00	0.00
				159,321.98
GENERAL CAPITAL		C-04	273,199.70	0.00
0.00	273,199.70			
UTILITY CAPITAL		U-08	15,090.17	0.00
0.00	15,090.17			
		Total of All Funds:		0.00
0.00	447,821.10		447,821.10	