

Borough of Stone Harbor
REGULAR MEETING AGENDA
Tuesday October 17, 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 to the Press and the Cape May County Herald on January 4, 2023.

Salute the Flag

Communications:

Approval of Minutes:

- Work Session and Regular Meeting minutes dated September 5, 2023
- Work Session and Regular Meeting minutes dated September 19, 2023

Public Comment

NEW BUSINESS

- 2023-S-207** Resolution Approving the 2022 Annual Audit Report
- 2023-S-208** Resolution for the Adoption of the Revised Personnel Policies and Procedures Manual and the Employee Handbook
- 2023-S-209** Resolution Authorizing the Award of a Professional Services Contract for Special Counsel
- 2023-S-210** Resolution for Final Change Order- Beach ADA Ramp and Pavilion Replacement

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

- 2023-S-211** A Resolution Providing for a Meeting Not Open to the Public in Accordance with the Provisions of the New Jersey Public Meetings Act, N.J.S.A. 10:4-12-Employment

Discussion:

Public Comment

Adjournment

BOROUGH OF STONE HARBOR

Cape May County, New Jersey

RESOLUTION

2023-S-207

RESOLUTION APPROVING THE 2022 ANNUAL AUDIT REPORT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, The Annual Report of Audit for the year 2021 has been filed by a Registered Municipal Accountant with the Borough Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, R.S. 52:27BB-34 authorized the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs, and

WHEREAS, The Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled: Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled: Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE BE IT RESOLVED that the Borough Council of the Borough of Stone Harbor hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

I HEREBY CERTIFY THAT the foregoing resolution was duly adopted by the Borough Council of the Borough of Stone Harbor, New Jersey at the Regular Meeting held on October 17th, 2023, with the voting record as indicated below.

	<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							

Attest:

Borough Clerk

Mayor

BOROUGH OF STONE HARBOR

Cape May County, New Jersey

RESOLUTION

2023-S-208

**ADOPTION OF THE REVISED PERSONNEL POLICES AND PROCEDURES
MANUAL AND THE EMPLOYEE HANDBOOK**

WHEREAS, the Borough of Stone Harbor is an active member of the Atlantic County Municipal Joint Insurance Fund; and

WHEREAS, the Atlantic County Municipal Joint Insurance Fund periodically provides updates for its members to incorporate into their respective Policies and Procedures Manual and their Employee Handbook; and

WHEREAS, the Atlantic County Municipal Joint Insurance Fund recently provided such updates to both documents;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Stone Harbor, duly assembled in public session this 17th day of October 2023, as follows:

1. The revised Personnel Policies and Procedures Manual and the revised Employee Handbook be adopted and made part of the Borough's Personnel Documentation.
2. That the Borough Council, the governing body of the Borough of Stone Harbor, hereby approves this resolution
3. That the Mayor and the Municipal Clerk are hereby authorized and directed to sign said Resolution;
4. That all appropriate municipal officials and employees are hereby empowered to undertake the necessary actions to further the enforcement of the provisions adopted pursuant to this Resolution.
5. That notice of this Resolution shall be published according to law.

I HEREBY CERTIFY THAT the foregoing resolution was duly adopted by the Borough Council of the Borough of Stone Harbor, New Jersey at the Regular Meeting held on October 17th, 2023, with the voting record as indicated below.

	<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							

Attest:

Borough Clerk

Mayor

BOROUGH OF STONE HARBOR

Cape May County, New Jersey

RESOLUTION

2023-S-209

**AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES
CONTRACT FOR SPECIAL COUNSEL**

WHEREAS, the Borough of Stone Harbor has determined that a Special Counsel may become necessary to defend the Borough in matters raised relative to Zoning Issues; and

WHEREAS, the scope of the work is yet undetermined since no formal legal action has taken place, but it is anticipated that the Special Counsel may be needed at Court Appearances to bring or answer motions, research, investigations, correspondence, preparation and drafting of pleadings, preparation of legal documentation and memoranda, trial preparation, preparation of witnesses, depositions and other forms of discovery, may become necessary; and

WHEREAS, Labor Counsel has identified another law firm, Cullen and Dykman, LLC (“Special Counsel”), with specific expertise and competency to handle the Zoning and Permitting issues that may arise, the terms of which are incorporated by reference herein; and

WHEREAS, the governing body of the Borough of Stone Harbor desires to retain said Special Counsel and enter into a Professional Services Agreement with the Special Counsel.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Stone Harbor, duly assembled in public session this 17th day of October 2023, as follows:

1. That the provisions of the above preamble of this Resolution are hereby incorporated herein, by this reference, as if set forth at length.
2. That the Borough Council, the governing body of the Borough of Stone Harbor, hereby authorizes the award of a Professional Services Contract to Anthony S. Bocchi, Esquire, of Cullen and Dykman, LLC as detailed in the retainer agreement proposal dated October 6, 2023.
3. That the Mayor and Municipal Clerk are hereby authorized and directed to sign said Resolution;
4. That all appropriate municipal officials and employees are hereby empowered to undertake the necessary actions to further the execution of said agreement.
5. That notice of this Resolution shall be published according to law.

I HEREBY CERTIFY THAT the foregoing resolution was duly adopted by the Borough Council of the Borough of Stone Harbor, New Jersey at the Regular Meeting held on October 17th, 2023, with the voting record as indicated below.

	<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							

Attest:

Borough Clerk

Mayor

Attest: Emily Dillon Clerk

Mayor Judith Davies-Dunhour

BOROUGH OF STONE HARBOR

Cape May County, New Jersey

RESOLUTION

2023-S-210

FINAL CHANGE ORDER – BEACH ADA RAMP AND PAVILION REPLACEMENT

WHEREAS, the Borough of Stone Harbor has entered into a Contract with Vulcan Construction, Inc of Cookstown, NJ for the Beach ADA Ramp and Pavilion Replacements at 88th and 101st Streets; and

WHEREAS, it is the recommendation of the Borough's Engineer, DeBlasio and Associates to authorize Change Order No. 1 – *Final* to Adjust the Contract to As Built Quantities; and

WHEREAS, Change Order No. 1 – *Final* will result in a decrease of Twenty Five Dollars (-\$25.00) from the original contract amount of \$460,200.00 to an amended amount of \$460,175.00; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Stone Harbor, duly assembled in public session this 17th day of October 2023, as follows:

1. That the provisions of the above preamble of this Resolution are hereby incorporated herein, by this reference, as if set forth at length.
2. That the Borough Council, the governing body of the Borough of Stone Harbor, hereby authorizes the Mayor and Clerk to execute Change Order No. 1 – *Final* to the subject Contract.
3. That notice of this Resolution shall be published according to law.

I HEREBY CERTIFY THAT the foregoing resolution was duly adopted by the Borough Council of the Borough of Stone Harbor, New Jersey at the Regular Meeting held on October 17th, 2023, with the voting record as indicated below.

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Councilmember Dallahan							
Councilmember Foschini							
Councilmember Parzych							
Councilmember Casper							
Councilmember Gensemer							
Councilmember Moore							

Attest:

Borough Clerk

Mayor

Attest: Emily Dillon Clerk

Mayor Judith Davies-Dunhour

BOROUGH OF STONE HARBOR

Cape May County, New Jersey

RESOLUTION

2023-S-212

**A RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC
IN ACCORDANCE WITH THE PROVISIONS OF
THE NEW JERSEY OPEN PUBLIC MEETINGS ACT,
N.J.S.A. 10:4-12**

WHEREAS, the Borough Council of the Borough of Stone Harbor is subject to certain requirements of the *Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.*, and

WHEREAS, the *Open Public Meetings Act, N.J.S.A. 10:4-12*, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution, and

WHEREAS, it is necessary for the Borough Council of the Borough of Stone Harbor to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

1. Matter involving employment

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Stone Harbor, assembled in public session on October 17th, 2023 that an Executive Session closed to the public shall be held on October 17th, 2023 or about 4:30 P.M. in the Borough Hall of the Borough of Stone Harbor, 9508 Second Avenue, Stone Harbor, New Jersey, for the discussion of matters relating to the specific items designated above.

- a) Official action may be taken as a result of said executive session.
- b) It is anticipated that, in accordance with law and in a timely manner, the deliberations conducted in closed session may be disclosed to the public upon the determination of the Borough Council that the public interest will no longer be served by such confidentiality.

I HEREBY CERTIFY THAT the foregoing resolution was duly adopted by the Borough Council of the Borough of Stone Harbor, New Jersey at the Regular Meeting held on October 17th, 2023, with the voting record as indicated below.

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Attest:

Borough Clerk

Mayor