

Borough of Stone Harbor
REGULAR MEETING AGENDA
Tuesday November 7, 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 September 15, 2023.

Salute the Flag

Communications:

Approval of Minutes:

- Work Session and Regular Meeting Minutes dated October 3, 2023
- Work Session and Regular Meeting Minutes dated October 17, 2023

Dock Hearing:

- Jersey Shore Piling and Dock Co., 370-372 83rd Street
- Channel Marine Construction Inc., 9725 3rd Avenue

Public Comment

OLD BUSINESS

ORDINANCES FOR SECOND READING AND CONSIDERATION FOR ADOPTION:

Ordinance 1654

An Ordinance Amending Chapter 560, Zoning of the Revised General Ordinances of the Borough of Stone Harbor Amending the Zoning Code for Bulkhead and Habitable Story

PUBLIC HEARING

Ordinance 1655

An Ordinance Amending Chapter 560, Zoning of the Revised General Ordinances of the Borough of Stone Harbor Amending the Zoning Code Encroachments into Side Yard Along Beach and Bay

PUBLIC HEARING

Ordinance 1656

An Ordinance Amending Chapter 560, Zoning of the Revised General Ordinances of the Borough of Stone Harbor Amending the Zoning Code for Fences

PUBLIC HEARING

Ordinance 1657

An Ordinance Amending Chapter 560, Zoning of the Revised General Ordinances of the Borough of Stone Harbor Amending the Zoning Code for Sideyard Setbacks in Residential Zones A, B, and C Zones to Retain Open Space in Stone Harbor

PUBLIC HEARING

Ordinance 1658

An Ordinance Amending Chapter 560, Section 50 of the Code of the Borough of Stone Harbor, Lot Grading

PUBLIC HEARING

Ordinance 1659

An Ordinance Amending Chapter 453 of the General Ordinances of the Borough of Stone Harbor

PUBLIC HEARING

NEW BUSINESS

Resolution 2023-S-212

Resolution for Certification of Compliance with the United States Equal Employment Opportunity Commission's

Resolution 2023-S-213

Resolution to Affirm the Borough of Stone Harbor's Civil Rights Policy with Respect to All Officials, Appointees, Employees, Prospective Employees, Volunteers, Independent Contractors, and Members of the Public that come into contact with Municipal Employees, Officials and Volunteers

Resolution 2023-S-214

Resolution to Refund Duplicate Tax Payment, 150 109th Street

Resolution 2023-S-215

Resolution for an Adjustment for Summer Leaks in Connection with RGO 542-27 G- 11841 Paradise Drive

Resolution 2023-S-216

Resolution for an Adjustment for Summer Leaks in Connection with RGO 542-27 G- 20 94th Street

Resolution 2023-S-217

Resolution Authorizing a Credit for Utilities Sewer Overpayment- 290 88th Street

Resolution 2023-S-218

A Resolution Authorizing the Transfer of Funds

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
CAPE MAY COUNTY, NEW JERSEY
ORDINANCE NO. 1654**

**AN ORDINANCE AMENDING CHAPTER 560, ZONING OF THE
REVISED GENERAL ORDINANCES OF THE BOROUGH OF STONE HARBOR
AMENDING THE ZONING CODE FOR BULKHEAD AND HABITABLE STORY**

WHEREAS, Section 560 of the Zoning Ordinance (the “Ordinance”) of the Borough of Stone Harbor (the “Borough”) currently establishes the definitions, zoning district regulations, general provisions and exceptions for the zoning districts; and

WHEREAS, included in the definitions is the established bulkhead line which the Borough seeks to clarify determination of such bulkhead line; and

WHEREAS, included in the zoning district regulations is the total number of stories allowed to be inhabited without definition in the zoning codes; and

WHEREAS, to eliminate confusion the Borough will clarify story.

Section 1. Section 560-10. Definitions. Is amended (added text underlined and deleted text is ~~stricken~~) as follows:

ESTABLISHED BULKHEAD LINE

The bulkhead line shown on the current Tax Map of the Borough of Stone Harbor or if the current Tax Map does not establish a bulkhead line the most recent tax map illustrating an established bulkhead line for the Borough.

Section 2. Section 560-13. Residential A Zoning District. Is amended (added text underlined and deleted text is ~~stricken~~) as follows:

(2) Maximum limitations:

TABLE II	
Maximum Limitations	
Building coverage	25%
Lot coverage (impervious)	55%
Lot coverage (with semi-pervious)	70%
Building height	23 feet (flat roof)

TABLE II
Maximum Limitations

	31 feet (peaked roof)
Building height, coastal high hazard areas	24 feet (flat roof)
	32 feet (peaked roof)
Habitable <u>Stories</u>	2
Building length	100 feet

Section 3. Section 560-14. Residential B Zoning District. Is amended (added text underlined and deleted text is ~~stricken~~) as follows:

(2) Maximum limitations:

TABLE II
Maximum Limitations

Building coverage	25%
Lot coverage (impervious)	55%
Lot coverage (with semi-pervious)	70%
Building height	23 feet (flat roof)
	31 feet (peaked roof)
Habitable <u>Stories</u>	2
Building length	100 feet

Section 4. Section 560-16. Residential C Zoning District. Is amended (added text underlined and deleted text is ~~stricken~~) as follows:

(2) Maximum limitations:

TABLE II
Maximum Limitations

Building coverage	40% for lots having an area of 2,200 square feet or less, minus 1% for each 200 square feet of lot area or portion thereof in excess of 2,200 square feet; maximum building coverage shall not be less than 25%
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TABLE II
Maximum Limitations

Lot coverage (impervious)	70% for lots having an area of 2,200 square feet or less, minus 1% for each 200 square feet of lot area or portion thereof in excess of 2,200 square feet; maximum building coverage shall not be less than 55%
Lot coverage (with semi-pervious)	85% for lots having an area of 2,200 square feet or less, minus 1% for each 200 square feet of lot area or portion thereof in excess of 2,200 square feet; maximum building coverage shall not be less than 70%
Building height	23 feet (flat roof) 31 feet (peaked roof)
Habitable <u>Stories</u>	2
Building length	100 feet

Section 5. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 6. This ordinance shall take effect after final adoption and publication as required by law.

APPROVED:

Judith Davies-Dunhour, Mayor

ATTEST:

Borough Clerk

	<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							
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Introduced: September 19, 2023

1st Publication: September 27, 2023

2nd Reading: November 7, 2023

Final Publication: November 15, 2023

**BOROUGH OF STONE HARBOR
CAPE MAY COUNTY, NEW JERSEY
ORDINANCE NO. 1655**

**AN ORDINANCE AMENDING CHAPTER 560, ZONING OF THE
REVISED GENERAL ORDINANCES OF THE BOROUGH OF STONE HARBOR
AMENDING THE ZONING CODE ENCROACHMENTS INTO SIDE YARD ALONG
BEACH AND BAY**

WHEREAS, section 560 of the Zoning Ordinance (the “Ordinance”) of the Borough of Stone Harbor (the “Borough”) currently establishes the definitions, zoning district regulations, general provisions and exceptions for the zoning districts; and

WHEREAS, the Borough desires to amend the setback encroachment limitation on encroachments in the side yard of properties along the beach and bay to conform to existing zoning enforcement.

Section 1. Section 560-38D(2) is hereby deleted in its entirety with the number reserved for future use.

560-38D(2)

~~Notwithstanding the foregoing, no provision of this 560-38D shall permit the construction of improvements in any required yard space which is adjacent to any beach or bay water.~~

Section 2. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 3. This ordinance shall take effect after final adoption and publication as required by law.

APPROVED:

Judith Davies-Dunhour, Mayor

ATTEST:

Borough Clerk

	<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							

Introduced: September 19, 2023

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Final Publication: November 15, 2023

**BOROUGH OF STONE HARBOR
CAPE MAY COUNTY, NEW JERSEY
ORDINANCE NO. 1656**

**AN ORDINANCE AMENDING CHAPTER 560, ZONING OF THE
REVISED GENERAL ORDINANCES OF THE BOROUGH OF STONE HARBOR
AMENDING THE ZONING CODE FOR FENCE**

WHEREAS, Section 560 of the Zoning Ordinance (the “Ordinance”) of the Borough of Stone Harbor (the “Borough”) currently establishes the definitions, zoning district regulations, general provisions and exceptions for the zoning districts; and

WHEREAS, the Borough determined to amend adopted ordinance 1632 section 560-43 E and section 560-38 D.(1)(g)(i).

Section 1. Section 560-38. Supplemental area regulations. Is amended (added text underlined and deleted text is ~~stricken~~) as follows:

D. Setback exceptions.

- (1) Notwithstanding the setback requirements set forth in Article **IV** above, the following shall be permitted in yard spaces in all zoning districts:
 - (g) Fences; panels shall not exceed 48 inches and a final height to top of panel shall not exceed 54 inches, with the exception of fence enclosing swimming pools subject to §560-43, provided that:
 - [1] Fence requirements necessary to comply with the Construction Code and the Zoning General Provisions and Exceptions for fence requirements in all zone areas may change such as through compliance of adjacent properties within section 560-50. It is the responsibility of the property owner to comply at all times with the fence height setback requirements. Where adjacent lot grades have been elevated due to lot grading requirements fence heights exceeding four feet will be permitted only for the section of fence facing an elevated retention wall higher than the existing fence. Fences will not be permitted to be higher than the minimum height required by building or construction codes.
 - [2] Any portion of a fence construction intended or utilized for the support of the fence shall be located on the inside of the

fence, facing the principal portion of the tract of land upon which the fence is erected. The finished portion of the fence must face the property or street adjacent to the fence, except when the fence faces a retention wall where the retention wall is equal to or above the height of the fence.

(i) Arbors and trellises, provided that:

- [1] No arbor or trellis shall exceed eight feet in height, five feet in width (inside dimension) or five feet in depth.
- [2] Arbors and/or trellises greater than four feet in height and located on a single lot or parcel shall be separated by a minimum distance of 25 feet.
- [3] Arbors and trellises shall not be placed in the site triangle on any corner lot.
- [4] Any fence, latticework, bench or decorative structure attached to, extending from or running with an arbor or trellis shall not exceed four feet in height except a fence that is regulated by subsection (g) of this same section, if these structures are contained within a required yard setback.

Section 2. Section 560-43. Swimming pools. Is amended (added text underlined and deleted text is ~~stricken~~) as follows:

E. Fencing

- (3) A pool made non-compliant as a result of adjacent lots being raised in compliance with §560-50 and §560-26 shall have 180 days to bring the pool fencing into compliance from the date of notification of non-compliance by the construction official and shall be permitted to maintain the fence where it is located. There shall be no permit fee for the issuance of a fence permit to bring a non-compliant fence into compliance under this section.

Section 3. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4. This ordinance shall take effect after final adoption and publication as required by law.

APPROVED:

Judith Davies-Dunhour, Mayor

ATTEST:

Emily Dillon, Borough Clerk

	<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							

Introduced: September 19, 2023

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**BOROUGH OF STONE HARBOR
CAPE MAY COUNTY, NEW JERSEY
ORDINANCE NO. 1657**

**AN ORDINANCE AMENDING CHAPTER 560, ZONING OF THE
REVISED GENERAL ORDINANCES OF THE BOROUGH OF STONE HARBOR
AMENDING THE ZONING CODE FOR SIDEYARD SETBACKS IN RESIDENTIAL
ZONES A, B, AND C ZONES TO RETAIN OPEN SPACE IN STONE HARBOR**

WHEREAS, the popularity and charm of Stone Harbor is rooted in the beauty of its natural resources and enjoyment of its cool ocean breezes; and

WHEREAS, the Borough of Stone Harbor has been cultivated by a population valuing open space, low-density, and the flow of light and air, and maintenance of the character and charm of the neighborhood consistent with its Master Plan; and

WHEREAS, the Borough of Stone Harbor has a large block of homeowners who own residential lots of 50 feet street frontage who are required to contribute 40% of their street frontage to side yard setbacks and open space; and

WHEREAS, it is the opinion of the Borough Council that said restrictions should be equitably applied to all properties in order to maintain the balance of light and open air as promoted in its Master Plan, requiring the owners of all residential lots to equally contribute to the appearance of open space and enjoyment of open air to benefit the common good of the people of Stone Harbor; and

WHEREAS, Section 560 of the Zoning Ordinance (the “Ordinance”) of the Borough of Stone Harbor (the “Borough”) currently establishes the definitions, zoning district regulations, general provisions and exceptions for the zoning districts; and

WHEREAS, the Borough determines, under its general police powers, it is in the best interest to adjust the side yard setbacks for lots in excess of 50 feet of street frontage; and

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Stone Harbor, County of Cape May, State of New Jersey that Chapter 560 be amended as follows:

Section 1:Section 560-13-16. Residential A, B, and C Zoning Districts Area Regulations are amended (added text underlined and deleted text is ~~stricken~~) as follows:

560-13 Residential A Zoning District

B. Area regulations. Development in the Residential A District shall be subject to the following area regulations:

(1) Minimum requirements:

TABLE I
Minimum Requirements

Lot area	6,600 square feet
Lot frontage	60 feet
Setbacks (principal structure)	
Front yard	10 feet
Side yards (each)	10 feet <u>20% of street frontage, rounded down to the nearest whole foot; (10 feet minimum)</u>
<u>Corner lot</u>	<u>20% of street frontage on which the side yard fronts, rounded down to the nearest whole foot; (10 feet minimum)</u>
<u>Beachfront lot</u>	<u>10 feet on east side of lot; westside setback is 40% of street frontage, rounded down to the nearest whole foot, minus eastside setback; (10 feet minimum)</u>
<u>Irregularly-shaped lot</u>	<u>On each side, a straight line is drawn starting from a point measured from the front corner to 20% of the street frontage along the front property line (10' minimum) to a point 20% of the rear line measurement from the corresponding corner on the rear property line (10' minimum) to establish the lines of setback</u>
Rear yard	25 feet
Building coverage (principal structure only)	900 square feet

560-14 Residential B Zoning District

B. Area regulations. Development in the Residential B District shall be subject to the following area regulations:

(1) Minimum requirements:

TABLE I
Minimum Requirements

Lot area	
Single-family	6,600 square feet
Two-family	12,500 square feet
Lot frontage	
Single-family	60 feet
Two-family	110 feet
Setbacks (principal structure)	
Front yard	10 feet
Side yards (each)	
Single-family	<u>40 feet 20% of street frontage, rounded down to the nearest whole foot; (10 feet minimum)</u>
<u>Corner lot</u>	<u>20% of street frontage on which the side yard fronts, rounded down to the nearest whole foot; (10 feet minimum)</u>
<u>Irregularly-shaped lot</u>	<u>On each side, a straight line is drawn starting from a point measured from the front corner to 20% of the street frontage along the front property line (10' minimum) to a point 20% of the rear line measurement from the corresponding corner on the rear property line (10' minimum) to establish the lines of setback</u>
Two-family	<u>20 feet 20% of street frontage, rounded down to the nearest whole foot; (22 feet minimum)</u>
Rear yard	25 feet

TABLE I
Minimum Requirements

Building coverage (principal structure only)	700 square feet
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560-16 Residential C Zoning District

B. Area regulations. Development in the Residential C District shall be subject to the following area regulations:

(1) Minimum requirements:

TABLE I
Minimum Requirements

Lot area	
Single-family	5,500 square feet
Two-family	9,100 square feet
Lot frontage	
Setbacks (principal structure)	
Front yard	
Lots more than 2,200 square feet	10 feet
Lots 2,200 square feet or less	5 feet
Side yards (each)	
Single-family	5 feet for lots having an area of 2,200 square feet or less, plus 1 additional foot for each 560 square feet of lot area or portion thereof in excess of 2,200 square feet; 10 feet maximum
<u>For lots having an area in excess of 5000 square feet and at least 50 feet of lot frontage, 20% of street frontage, rounded down to the nearest whole foot; 10 feet minimum</u>	

Two-family 20 feet

Rear yard

Single-family 5 feet for lots having an area of 2,200 square feet or less, plus 1 additional foot for each 360 square feet of lot area or portion thereof in excess of 2,200 square feet; 10 feet maximum

Two-family 25 feet

Section 2. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 3. This ordinance shall take effect on January 1, 2025 after final adoption and publication as required by law.

APPROVED:

Judith Davies-Dunhour, Mayor

ATTEST:

Emily Dillon, Borough Clerk

	<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							

Introduced: September 19, 2023
1st Publication: September 27, 2023
2nd Reading: November 7, 2023
Final Publication: November 15, 2023

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

ORDINANCE NO. 1658

**AN ORDINANCE AMENDING CHAPTER 560, SECTION 50 OF THE CODE OF
THE BOROUGH OF STONE HARBOR, LOT GRADING**

WHEREAS, the Borough Council has determined that it is in the best interest of the Borough to update the Municipal Code regarding Lot Grading within the Zoning Code;

NOW THEREFORE, BE IT HEREBY ORDAINED by the Borough Council of the Borough of Stone Harbor, County of Cape May, State of New Jersey, that Article 50 of Chapter 560 of the Borough Code governing Lot Grading within the Zoning Code entitled "Lot Grading", be updated as follows:

SECTION 1.

The following sections of Chapter 560 is hereby amended in their entirety to read as follows:

§ 560-50. Lot grading. [Added 10-16-2018 by Ord. No. 1532]

PARAGRAPH A(4):

(4) Retaining walls shall only be installed to comply with the minimum elevation requirements of this ordinance and shall not be installed arbitrarily. Retaining walls installed in slope-controlled areas shall be constructed of reinforced concrete or other reinforced masonry and shall be adequately designed by a New Jersey licensed professional engineer and detailed in the plan to carry all earth pressures, including any surcharges. The retaining walls shall be finished on all exposed faces. Where retaining walls are constructed of poured concrete or cinder block, they shall be faced with brick, stone, or stucco. The heights of retaining walls shall not exceed 1/3 of the horizontal distance from the foundation wall of any building to the face of the retaining wall. The applicant and applicant's design engineer shall make every attempt to limit the use of retaining walls and minimize the retaining wall's height to avoid abrupt vertical changes with adjacent properties.

PARAGRAPH A(7):

(7) All new construction, or construction constituting substantial improvement, adjacent to roadways where the average centerline elevation, measured at the property lines, is below elevation six feet (NAVD 1988) will be required to ~~construct retaining walls consistent with § 560-50A(4). The retaining walls will be constructed along all of the property lines, except as noted in § 560-50A(7)a, to facilitate raising the lot grade to a required minimum elevation 6.5 feet (NAVD 1988), measured at the foundation. Retaining walls will be built to a minimum elevation of six feet (NAVD 1988).~~ Garage floors shall be built to a minimum elevation of seven feet (NAVD 1988). **[Added 4-20-2021 by Ord. No. 1586; amended 7-19-2022 by Ord. No. 1612]**

ADD PARAGRAPH A(8):

(8) All new construction, or construction constituting substantial improvement, adjacent to roadways where the average centerline elevation, measured at the property lines, is at or

above elevation six feet (NAVD 1988) will not be permitted to construct retaining walls any higher than necessary to provide stormwater lot drainage consistent with § 560-50A. Interior yard collection systems are preferred to simply grading the property from rear to front.

SECTION 2. Severability and Effectiveness Clause

- a) If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.
- b) Any Ordinance or Code Section inconsistent with the terms of this Ordinance is hereby repealed to the extent of such inconsistency.

SECTION 3. Effective Date

This Ordinance shall take effect 20 days from the time of final adoption and publication in accordance with law.

APPROVED:

Judith Davies-Dunhour, Mayor

ATTEST:

Emily Dillon, Borough Clerk

	<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							

Introduced: September 19, 2023

1st Publication: September 27, 2023

2nd Reading: November 7, 2023

Final Publication: November 15, 2023

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

ORDINANCE 1659

**AN ORDINANCE AMENDING CHAPTER 453 OF THE GENERAL
ORDINANCES OF THE BOROUGH OF STONE HARBOR**

WHEREAS, the Borough Council of the Borough of Stone Harbor adopted a comprehensive municipal ordinance governing smoking consistent with the provision of the New Jersey Smoke-Free Air Act by way of Ordinance # 1644 and

WHEREAS, the Borough has identified an inconsistency between the definitions and substantive provisions of the section that require amendment for consistent application and enforcement,

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 453-3(b) is hereby amended to read as follows:

PUBLIC PROPERTY OR FACILITIES AND PUBLIC PLACES — All Borough-owned or -controlled parks, ~~public rights-of-way, public streets~~, beaches, beach accesses, ~~boardwalk~~, athletic fields, marinas, playgrounds, buildings and grounds, and shall include the area within the buildings, outside areas, and appurtenances and all other Borough-owned or controlled facilities.

Section 2. 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 3. All Ordinances or parts of Ordinances inconsistent with this Ordinance, to the extent of such inconsistencies only, are hereby repealed.

Section 4. This Ordinance shall take effect immediately upon final passage and publication as provided by law.

APPROVED:

Judith Davies Dunhour - Mayor

ATTEST:

Emily Dillon, Borough Clerk

BOROUGH OF STONE HARBOR

Cape May County, New Jersey

RESOLUTION

2023-S-212

**CERTIFICATION OF COMPLIANCE WITH THE
UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S**

**"Enforcement Guidance on the Consideration of Arrest and Conviction Records in
Employment Decisions Under Title VII of the Civil Rights Act of 1964"**

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the Council have familiarized themselves with the contents of the above-referenced enforcement guidance and with the Borough's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the Governing Body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the Borough Council of the Borough of Stone Harbor, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the Borough's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit 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 November 7th, 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-213

A RESOLUTION TO AFFIRM THE BOROUGH OF STONE HARBOR'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS

WHEREAS, it is the policy of The Borough of Stone Harbor to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

WHEREAS, the governing body of the Borough of Stone Harbor has determined that certain procedures need to be established to accomplish this policy,

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Stone Harbor in the County of Cape May, duly assembled in public session this 7th day of November 2023, that:

Section 1: No official, employee, appointee or volunteer of the Borough by whatever title known, or any entity that is in any way a part of the Borough shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Borough's business or using the facilities or property of the Borough.

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough to provide services that otherwise could be performed by the Borough.

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Borough Administrator shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the

person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Borough Administrator shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Borough Administrator shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Borough Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Borough's web site.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the Borough in order for the public to be made aware of this policy and the Borough's commitment to the implementation and enforcement of this policy.

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 November 7th, 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-214

**RESOLUTION TO REFUND DUPLICATE TAX PAYMENT 150 109TH
STREET**

WHEREAS, CoreLogic Tax Servicing Agency and the homeowner paid the 4th Quarter November 1st tax installment for Block 108.02 Lot 41, aka 150 109th Street; and,

WHEREAS, Dennis Zatlin, the homeowner, requested a refund; 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 a refund check in the amount of \$5,780.84 be issued to Dennis & Linda Zatlin, 135 Dowlin Forge Rd, Exton PA 19341; and,

BE IT FURTHER RESOLVED that the Tax Collector make the proper adjustment in her records.

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 November 7th, 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-215

**RESOLUTION FOR AN ADJUSTMENT FOR SUMMER LEAKS IN CONNECTION
WITH RGO 542-27 G- 11841 PARADISE DRIVE**

WHEREAS, Jeanne M Hauch experienced a 2022 summer leak at 11841 Paradise Dr AKA as Block 209 Lot 9 and account number 20600-0 and they have appropriately documented and certified that said leak did not drain into the sanitary collection system; and,

WHEREAS, the Utilities Committee reviewed the documentation and approved the claim under the provisions of RGO 542-27G; and,

WHEREAS, the Utilities Collector is directed to adjust the 2022 summer usage based upon the average of the prior three years' summers consumption for the purpose of recalculating 2023 sewer volume charges; 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 Utilities Collector makes the proper adjustments to her records.

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 November 7th, 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-216

**RESOLUTION FOR AN ADJUSTMENT FOR SUMMER LEAKS IN CONNECTION
WITH RGO 542-27 G- 20 94th STREET**

WHEREAS, Rainbow Kitty Sparkling Beach House Jack Gartner experienced a 2022 summer leak at 20 94th Street AKA as Block 93.01 Lot 19.01 and account number 7590-0 and they have appropriately documented and certified that said leak did not drain into the sanitary collection system; and,

WHEREAS, the Utilities Committee reviewed the documentation and approved the claim under the provisions of RGO 542-27G; and,

WHEREAS, the Utilities Collector is directed to adjust the 2022 summer usage based upon the average of the prior three years' summers consumption for the purpose of recalculating 2023 sewer volume charges; 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 Utilities Collector makes the proper adjustments to her records.

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 November 7th, 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-217

**RESOLUTION AUTHORIZING A CREDIT FOR UTILITIES SEWER
OVERPAYMENT- 290 88TH STREET**

WHEREAS, Roger & Katherine Tappen residing at 290 88th Street, AKA Utility Account 4220 and Block 87.03 Lot 111.02, claimed they had a 2020 summer leak; and,

WHEREAS, upon the written appeal of Mr. Tappen, the Utilities Committee reviewed the documentation including an Emergency Turn Off dated February 18, 2021, where a leak at the meter was found; and,

WHEREAS, the Utilities Committee approved a credit adjustment in the amount of \$645.00 based on a 3-year average of 2020's summers usage for the purpose of recalculating the 2021 sewer volume charges; 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 Utilities Collector makes the proper adjustments to her records.

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 November 7th, 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-218

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS

BE IT RESOLVED by the Mayor and Council of the Borough of Stone Harbor that the following transfers of 2021 appropriations are hereby approved in accordance with N.J.S.A 40A:4-58:

Current Fund

From:

Beach Patrol Salaries and Wages	3-01-28-380-100	\$50,000.00
Fire Department Other Expense	3-01-25-256-200	\$20,000.00
Clerk's Office Salary and Wages	3-01-20-120-100	\$25,000.00
Solid Waste Salaries and Wages	3-01-26-305-100	\$100,000.00
Police Department Salaries and Wages	3-01-25-240-100	\$50,000.00

To:

Beach Patrol Other Expense	3-01-28-380-256	\$7,000.00
Fire Department Salaries and Wages	3-01-25-256-101	\$133,000.00
Legal Other Expense	3-01-20-155-225	\$55,000.00
Clerk's Office Other Expense	3-01-20-120-209	\$15,000.00
Building and Ground Other Expense	3-01-26-310-279	\$25,000.00
Natural Gas	3-01-31-450-299	\$10,000.00

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 November 7th, 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