

Borough of Stone Harbor
REGULAR MEETING AGENDA
Tuesday January 16, 2024
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 Carney

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, 2024.

Salute the Flag

Communications:

Approval of Minutes:

- Closed Session Meeting Minutes dated September 19, 2023
- Closed Session Meeting Minutes dated October 17, 2023
- Work Session, Regular, and Closed Session Meeting Minutes dated December 5, 2023
- Work Session and Regular Meeting Minutes dated December 19, 2023

Public Comment

NEW BUSINESS

Resolutions

- | | |
|-----------------------------|---|
| Resolution 2024-S-35 | Resolution Establishing Fees for Licensing, Permits and Parking 2024 (<i>Tabled from 01/02/2024 Meeting</i>) |
| Resolution 2024-S-37 | Resolution Authorizing the Release for Surety Maintenance Bonds |
| Resolution 2024-S-38 | Resolution Authorizing Reimbursement for Double Payment of Street Opening Permit |
| Resolution 2024-S-39 | Resolution for a Refund for Fire Inspection Payment |
| Resolution 2024-S-40 | Resolution Approving an Amusement Game License for Rigi's Arcade |
| Resolution 2024-S-41 | Resolution Awarding a contract for the Survey, Design, Bidding and NJDOT Grant Administration of the Second Avenue Reconstruction from 87 th to 85 th Streets, Northbound |
| Resolution 2024-S-42 | Resolution Awarding a Contract for the Conceptual Design and Cape May County Open Space Grant |

Resolution 2024-S-43

Application for the 96th Street Recreation Complex Improvements
Resolution Authorizing the Substitution of Attorney in the Matter of the Borough of Stone Harbor v. RTW Construction Company Inc, and First Indemnity of America Insurance Company, Et. Al

Motion- To appoint volunteer firefighter Michael Bennett.

Motion- Appointing Councilmember Tim Carney as the SHPOA liaison and the Bird Sanctuary Council Representative, Councilmember Robin Casper as the Bird Sanctuary Administration Representative, and Angelo Caracciolo as a member of the Bird Sanctuary Committee.

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

RESOLUTION

2024-S-35

RESOLUTION ESTABLISHING FEES FOR LICENSING, PERMITS AND PARKING - 2024

WHEREAS, the Borough Council of the Borough of Stone Harbor in the County of Cape May and the State of New Jersey has ordained that certain fees may be established from time-to-time by Resolution of the Borough Council; and

WHEREAS, the Administration and Finance Committee of Borough Council has recommended that certain fees be established by Resolution; and

NOW, THEREFORE, BE IT RESOLVED by Borough Council of the Borough of Stone Harbor, in the County of Cape May, duly assembled in public session this 2nd day of January, 2024, that the following fees be set at the following levels for the year 2024:

Newspaper Vending Permit	\$65.00
Floating Dock Storage	\$450.00 per floating dock
Sailcraft Permit	\$250.00
Municipal Boat Slip	\$2,500.00 slips 9-25 \$2,300.00 slips 26-79
Boat Trailer Storage	\$150.00 per trailer
Peddlers/Solicitors/Vendors	\$350.00
Vehicles on Beach	\$60.00
Boat Ramp	\$10.00 daily \$100.00 per season
Business Registration	\$100.00 (\$50.00 Late fee applied after July 1 st)
Landscaper Registration	\$25.00
Kayak Permit	\$100.00
Taxi License	\$100.00
Vendors	\$350.00
Alcoholic Beverage License	\$2,500.00 \$188.00 Club
Amusement License	\$300.00 annual (up to 3 machines) Each additional machine \$30.00
Cat & Dog Licenses	Dogs \$4.20 neutered Dogs \$7.20 non-neutered Cats \$5.50 neutered Cats \$50.00 non-neutered

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 January 2nd, 2024, 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 Carney							

Attest: Emily Dillon Clerk

Mayor Judith Davies-Dunhour

BOROUGH OF STONE HARBOR

Cape May County, New Jersey

RESOLUTION

2024-S-37

RESOLUTION AUTHORIZING THE RELEASE FOR SURETY MAINTENANCE BONDS

WHEREAS, the Borough of Stone Harbor requires certain performance and maintenance sureties to be posted prior to any permit being issued for any work in a public street; and

WHEREAS, the following Contractors and/or property owners have submitted Surety Maintenance Bonds which have been placed in escrow; and

WHEREAS, the Construction Office, in coordination with Borough Engineer's authorization, is requesting the release of balances indicated below; and

WHEREAS, Mayor and Council hereby instruct the Chief Financial Officer to take any and all steps necessary to effectuate such refunds and make the proper adjustments to the financial records of the Borough.

1. 15 105th Street – Block 105.01 Lot 25 **Amount \$3,360.00**
Brandywine Developers, PO Box 373, Avalon, NJ 08202
2. 1 109th Street – Block 109.01 Lot 10 **Amount \$2,520.00**
Brandywine Developers, PO Box 373, Avalon, NJ 08202
3. 19 83rd Street – Block 83.01 Lot 22.01 **Amount \$3,380.00**
Brandywine Developers, PO Box 373, Avalon, NJ 08204
4. 112 92nd Street – Block 91.02 Lot 47 **Amount \$4,040.00**
Winfield Developers, 2162 Dune Drive, Avalon, NJ 08202
5. 8808 First Avenue – Block 88.01 Lot 14.02 **Amount \$2,120.00**
Winfield Developers, 2162 Dune Drive, Avalon, NJ 08202
6. 11833 Paradise Drive– Block 209 Lot 13 **Amount \$2,560.00**
Winfield Developers, 2162 Dune Drive, Avalon, NJ 08202
7. 211 120th Street – Block 120.03 Lot 205 **Amount \$3,320.00**
Samples Construction Co., 22 Dartmouth Lane, Haverford, PA 19041
8. 382 104th Street – Block 103.05 Lot 127.02 **Amount \$720.00**
Samples Construction Co., 22 Dartmouth Lane, Haverford, PA 19041
9. 10208 Second Avenue – Block 102.02 Lot 67 **Amount \$3,080.00**
Samples Construction Co., 22 Dartmouth Lane, Haverford, PA 19041
10. 12021 Second Avenue – Block 120.03 Lot 201 **Amount \$6,800.00**

Samples Construction Co., 22 Dartmouth Lane, Haverford, PA 19041

- 11. 455 104th Street – Block 202 Lot 98.01 **Amount \$3,560.00**
Arhrivist Developers, LLC 3690 Canterbury Lane, Vineland, NJ 08361
- 12. 421 98th Street – Block 98.04 Lot 132 **Amount \$1,580.00**
Eldon Builders 376 96th Street Stone Harbor NJ 08247
- 13. 240108th Street – Block 107.03 Lot 73 **Amount \$2,400.00**
JG Popper Builder, LLC 100 E Nashville Avenue, Wildwood Crest, NJ 08260
- 14. 221 98th Street – Block 98.03 Lot 84 **Amount \$1,400.00**
J Craig Otton Builders 10003 Sunrise Drive, Stone Harbor, NJ 08247
- 15. 140105th Street – Block 104.02 Lot 53 **Amount \$1,400.00**
Merrill B Huber 2 Round Hill Road, Newtown, PA 18940
- 16. 342 86th Street – Block 84.04 Lot 129 **Amount \$2,400.00**
ABH Ltd. Of NJ 7120 English Creek Avenue, Egg Harbor, NJ 08234

- 17. 365 92nd Street – Block 92.04 Lot 154 **Amount \$2,320.00**
Seashore Home Builders 1501 Cherry Street, Cape May Courthouse, NJ 08210
- 18. 11709 Paradise Drive – Block 208 Lot 5 **Amount \$2,840.00**
John A Costenza 215 Westmont Avenue, Haddonfield, NJ 08033
- 19. 253 107th Street – Block 107.03 Lot 80 **Amount \$1,040.00**
Mackey Remodeling 82 Branch Street, Medford, NJ 08055
- 20. 10627 Golden Gate – Block 201 Lot 51 **Amount \$2,280.00**
Padula Masonry, Inc 3323 Simpson Ave Suite 5, Ocean City, NJ 08226

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council of the Borough of Stone Harbor, in the County of Cape May, in the State of New Jersey authorize the refunds presented above.

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 January 16th, 2024, 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 Carney							

Attest: Emily Dillon Clerk

Mayor Judith Davies-Dunhour

BOROUGH OF STONE HARBOR

Cape May County, New Jersey

**RESOLUTION
2024-S-38**

**RESOLUTION TO REFUND PAYMENT FOR DOUBLE PAYMENT FOR
STREET OPENING PERMIT-10011 SUNRISE DRIVE**

WHEREAS, the homeowner of the property 10011 Sunrise Drive paid the fee of \$1,250.00 twice for a street opening permit; and,

WHEREAS, the homeowner is now requesting a reimbursement for the double payment; 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 \$1,250.00 be issued to Abbey Malcolm for the property of 10011 Sunset Drive, Stone Harbor, NJ 08247.

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 January 16th, 2024, 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 Carney							

Attest:

Borough Clerk

Mayor

BOROUGH OF STONE HARBOR

Cape May County, New Jersey

RESOLUTION

2024-S-39

**RESOLUTION TO REFUND PAYMENT FOR FIRE PREVENTION
REGISTRATION AND INSPECTION- 9123 FIRST AVENUE**

WHEREAS, the owner of the property 9123 First Avenue paid the fee of \$200.00 for the Bureau of Fire Prevention for registration and inspection; and,

WHEREAS, the owner paid the rental fee but has sold the property before the rental season and now requests a refund for the payment; 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 \$200.00 be issued to Esther Betley of Stone Harbor Property #1 LLC at 1077 Stonegate Road, Hummelstown PA 17036.

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 January 16th, 2024, 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 Carney							

Attest:

Borough Clerk

Mayor

BOROUGH OF STONE HARBOR

Cape May County, New Jersey

RESOLUTION

2024-S-40

**RESOLUTION APPROVING AN AMUSEMENT GAME LICENSE
FOR RIGI'S ARCADE**

WHEREAS, the Borough Clerk has received proper application for an Amusement Games License for Rigi's Arcade for its operations in the 200 block of 96th Street; and

WHEREAS, at this time the State of New Jersey Legalized Games of Chance Control Commission requires the passage of a Resolution by Borough Council in connection with the Commission's oversight responsibilities for redemption activities at such operations; and

WHEREAS, Rigi's Arcade has submitted the proper application and paid the appropriate fee, under and subject to the rules and regulations established by the Commission; and

WHEREAS, the Borough of Stone Harbor is a seashore resort community and State law allows such redemption activities within such operations in such towns; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Stone Harbor, County of Cape May and State of New Jersey, duly assembled in public session this 16th day of January, 2024, that Rigi's Arcade be and is granted an Amusement License by and from the Borough of Stone Harbor for the period January 1, 2024 through December 31, 2024; that the Borough of Stone Harbor has no objection to the State of New Jersey licensing and/or regulating redemption activities at Rigi's Arcade, and that such licenses shall be kept on file for public review in the Borough Clerk's Office.

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 January 16th, 2024, 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 Carney							

Attest: Emily Dillon Clerk

Mayor Judith Davies-Dunhour

BOROUGH OF STONE HARBOR

Cape May County, New Jersey

RESOLUTION

2024-S-41

**RESOLUTION AWARDING A CONTRACT FOR THE SURVEY, DESIGN, BIDDING
AND NJDOT GRANT ADMINISTRATION OF THE SECOND AVENUE
RECONSTRUCTION FROM
87TH TO 85TH STREETS, NORTHBOUND**

WHEREAS, DeBlasio and Associates, Borough Engineer, 4701 New Jersey Avenue, Wildwood, NJ 08260 has provided a proposal dated January 4, 2024 to provide Professional Engineering Services including Surveying, Design, Bidding and Grant Administration; for the DeBlasio and Associates Project No. SH-C-055, Reconstruction of Second Avenue from 87th Street to 85th Street, Northbound; and

WHEREAS, the Borough wishes to engage DeBlasio and Associates to provide all Surveying, Design and Bidding Phase and Engineering Services and Grant Administration; and

WHEREAS, the Borough has received a \$169,000 Grant from the FY 2024 NJDOT Municipal Aid Program; and

WHEREAS, the Borough Engineer has provided a detailed scope of service proposal dated January 4, 2024 to be billed on a time and material basis in accordance with the contractual hourly rate schedule not to exceed Thirty Eight Thousand Five Hundred Dollars (\$38,500); and

WHEREAS, the Chief Financial Officer of the Borough has determined that sufficient funds are available,

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 16th day of January 2024, that the proposal dated January 4, 2024 be approved.

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 January 16th, 2024, 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 Carney							

Attest: Emily Dillon Clerk

Mayor Judith Davies-Dunhour

BOROUGH OF STONE HARBOR

Cape May County, New Jersey

RESOLUTION

2024-S-42

**RESOLUTION AWARDING A CONTRACT FOR THE CONCEPTUAL DESIGN AND
CAPE MAY COUNTY OPEN SPACE GRANT APPLICATION FOR THE 96TH STREET
RECREATION COMPLEX IMPROVEMENTS**

WHEREAS, DeBlasio and Associates, Borough Engineer, 4701 New Jersey Avenue, Wildwood, NJ 08260 has provided a proposal dated January 8, 2024 to provide Professional Engineering and Architectural Services including Surveying, Conceptual Site and Improvements Design, and Cape May County Open Space Grant Application; for the DeBlasio and Associates Project No. SH-C-056, 96th Street Recreation Complex Improvements; and

WHEREAS, the Borough wishes to engage DeBlasio and Associates to provide all Surveying, Conceptual Site and Improvements Design and Grant Application; and

WHEREAS, the Borough desires to apply for the Open Space Grant from Cape May County for these improvements; and

WHEREAS, the Borough Engineer has provided a detailed scope of service proposal dated January 8, 2024 to be billed on a time and material basis in accordance with the contractual hourly rate schedule not to exceed Fourteen Thousand Dollars (\$14,000); and

WHEREAS, the Chief Financial Officer of the Borough has determined that sufficient funds are available,

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 16th day of January 2024, that the proposal dated January 8, 2024 be approved.

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 January 16th, 2024, 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 Carney							

Attest: Emily Dillon, Municipal Clerk

Mayor Judith Davies-Dunhour

BOROUGH OF STONE HARBOR

Cape May County, New Jersey

RESOLUTION

2024-S-43

**RESOLUTION AUTHORIZING THE SUBSTITUTION OF ATTORNEY IN THE
MATTER OF THE BOROUGH OF STONE HARBOR V. RTW CONSTRUCTION
COMPANY INC, AND FIRST INDEMNITY OF AMERICA INSURANCE COMPANY,
ET. AL**

WHEREAS, the Borough of Stone Harbor is Plaintiff in litigation currently pending in the New Jersey Superior Court, Cape May County entitled “The Borough of Stone Harbor v. RTW Construction Company Inc, and First Indemnity of America Insurance Company, et al filed under Docket No. CPM-L-20-23; and

WHEREAS, heretofore, the Borough has been represented by Marcus H. Karavan, P.C. (formerly the Law Office of Karavan and Morris, P.C.) and said firm will be withdrawing as counsel for the Borough; and

WHEREAS, the Council of the Borough of Stone Harbor deems it to be in the best interest of the Borough to permit Anthony Bocci, Esquire to assume representation of the Borough in this matter.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Stone Harbor, County of Cape May and State of New Jersey, duly assembled in public session this 16th day of January, 2024, 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 approves the filing of a substitution of attorney form wherein Anthony Bocci, Esquire shall be substituted in as Counsel for the Borough in the within matter.
3. There shall be an initial cap on services in the amount of \$25,000.00 to be revisited periodically as litigation progresses.
4. The CFO has certified the availability of funds.

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 January 16th, 2024, 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 Carney							

Attest: Emily Dillon Clerk

Mayor Judith Davies-Dunhour