

**Borough of Stone Harbor**  
**REGULAR MEETING AGENDA**  
**Tuesday February 6, 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**

**2024-S-44** Resolution to Appoint Solicitor for the Borough of Stone Harbor

**Communications:**

**Approval of Minutes:**

- Closed Session Meeting Minutes dated September 19, 2023
- Closed Session Meeting Minutes dated October 17, 2023
- Work Session, Regular Meeting and Closed Session Meeting Minutes dated December 5, 2023
- Work Session and Regular Meeting Minutes dated December 19, 2023
- Reorganization Meeting Minutes dated January 2, 2024
- Work Session and Regular Meeting Minutes dated January 16, 2024

**Public Comment**

**NEW BUSINESS**

**Ordinances**

**Ordinance 1660** 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

**Ordinance 1661** An Ordinance Amending Chapter 560 of the Revised General Ordinances of the Borough of Stone Harbor Creating the Residential D Zoning District

**Resolutions**

**2024-S-45** Resolution to Extend Employment of Part Time Firefighter

**2024-S-46** Resolution Establishing Summer Seasonal Rates for 2024

**2024-S-47** Resolution Adjusting Summer Leaks In Connection with RGO-542-27 G

**2024-S-48** Resolution Authorizing the Disposal of Surplus Property

**Motion-** To advertise to go out to bid for repaving of 96<sup>th</sup> Street.

**Motion-** To appoint volunteer firefighter Ronal DiGiovanni.

**Motion-** To approve the Special Event Application for Oceanview at Avalon Condominium Association's Annual Meeting, April 20, 2024.

**Motion-** To request proposals for Special Projects Planner.

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

**2024-S-49**

A Resolution 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- Matters Relating to Litigation-  
**Discussion regarding litigation matters: Sweet v Borough of Stone Harbor, Smith v. Borough of Stone Harbor, Borough of Stone Harbor v. RTW and Gallo v. Hafner and Borough of Stone Harbor**

**Public Comment**

**Adjournment**

**BOROUGH OF STONE HARBOR  
CAPE MAY COUNTY, NEW JERSEY  
ORDINANCE NO. 1660**

**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.

**STORY**

- A. That portion of a building included between the upper surface of a floor and the ceiling or roof next above, any part of which is above the base flood elevation and which is six feet or more in height, subject to the following exceptions:
- (1) A basement or cellar, no part of which is above base flood elevation, shall not constitute a story;
  - (2) ~~One nonhabitable intermediate level of 69 square feet or less may be permitted, and such intermediate level shall not constitute a story; and~~ One enclosed transition area, that does not exceed the allowable building height and does not exceed 69 square feet to allow access to a deck over the second story may be permitted, and such area shall not constitute a story; and
  - (3) An attic shall not constitute a story.

- B. Any floor level, whether on the ground or elsewhere, regardless of the height thereof, which is to be occupied in whole or in part for the parking or storage of automobiles shall, for the purpose of determining the height limit, be regarded as a story.
- C. The number of stories shall be measured as a vertical line from the roof to the ground beneath a structure, so that sunken living rooms and rooms resulting from split-level construction shall be permitted as long as, on any vertical line from the roof to the ground beneath the structure, there are no more than two floors and two ceilings in addition to the attic.

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

**Section 5.** Section 560-18. Business District. Is amended (added text underlined and deleted text is ~~stricken~~) as follows:

(2) Maximum limitations:

<b>TABLE II</b>	
<b>Maximum Limitations</b>	
Building coverage	100%
Lot coverage	100%
Building height	28 feet
Building length (applicable only to buildings utilized partly or wholly for residential uses	120 feet
<del>Habitable</del> <u>s</u> Stories	2

**Section 6.** Section 560-33. Height regulation. Is amended (added text underlined and deleted text is ~~stricken~~) as follows:

560-33. Height regulations.

A. (Reserved)<sup>[1]</sup>

[1] *Editor's Note: Former Subsection A, Residential building height, as amended, was repealed 10-152013 by Ord. No. 1432.*

B. Interpretation. Except as otherwise expressly provided, "building height" shall include all appurtenances attached or erected upon any roof or top of a building, such as signs, radio towers, water tanks, elevators, penthouses, parapet walls or structures of any kind, nature or description.

C. Height exceptions. Mechanical structures affixed to and rising above a roof, including, without limitation, chimneys, solar panels and air conditioners, shall be excepted from height limitation; provided that they are built no higher than the minimum height required by building or construction codes or, in absence of such codes, no higher than three feet above the highest point of the roof.

D. Height of decks.

[1] The floor of all decks located above a flat roof shall be no greater than six inches above the height of the roof below.



- [2] The floor of all decks which are not located above a flat roof shall be no higher than the floor of the highest habitable floor in the principal structure.
- [3] Every deck having a floor higher than the highest ~~habitable~~-story of the principal structure shall be situated directly above a fully enclosed habitable area.
- [4] In no event shall any deck having a floor situated above two ~~habitable~~ stories be covered with a roof, fixed awning or other permanent cover.
- [5] On a single-story structure having a pitched roof, the floor of an outside deck shall be no higher than 10 feet above floor level.

E. Proof of compliance with height restrictions required during construction. At specific intervals during the construction of all new construction and/or the renovation/alteration of any structure where such renovation/alteration may potentially change the height of the structure, a site survey prepared by a New Jersey Professional Land Surveyor shall be provided to the Zoning Officer for review and approval as follows:

- [1] Upon completion of the foundation, a survey indicating the elevation to the top of the block, top of the freeboard and finished grade in relation to the top-of-curb height applicable to the property. In addition, all setbacks from property lines shall be indicated.
- [2] Upon completion of the roof framing and sheathing, a survey of the elevation to the highest peak of the roof from the top of the block, top of the freeboard and finished grade in relation to the top-of-curb height applicable to the property. In addition, all setbacks from the property line shall be indicated. This shall include the height and location of any accessory structures on the lot. No framing inspection shall be performed on the property unless and until this provision is complied with.
- [3] Upon application for the final certificate of occupancy, a survey showing the elevation to the highest roof peak from the top of the block, top of the freeboard and finished grade in relation to the top-of-curb height applicable to the property. In addition, the height and location of all structures on the lot, both in size and setbacks from the property lines. Where applicable, grade throughout the property shall also be shown to indicate conformance with the approved grading plan and shall indicate all impervious surfaces along with any underground storage provided in conformance with the code.

**Section 7.** All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 8.** This ordinance shall take effect after final adoption and publication as required by law.

**I HEREBY CERTIFY THAT** the foregoing ordinance was introduced by the Borough Council of the Borough of Stone Harbor, New Jersey at the Regular Meeting held on February 6<sup>th</sup>, 2024, and will be considered for second reading and public hearing at the Regular Meeting held on March 19, 2024.

	<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							

Introduced: February 6, 2024  
First Publication: February 14, 2024  
2<sup>nd</sup> Reading & Public Hearing: March 19, 2024  
Final Publication: March 27, 2024  
Effective Date: April 8, 2024

\_\_\_\_\_  
Attest: Emily Dillon Clerk

\_\_\_\_\_  
Mayor Judith Davies-Dunhour



**BOROUGH OF STONE HARBOR  
CAPE MAY COUNTY, NEW JERSEY  
ORDINANCE NO. 1661**

**AN ORDINANCE AMENDING CHAPTER 560 OF THE REVISED GENERAL  
ORDINANCES OF THE BOROUGH OF STONE HARBOR CREATING THE  
RESIDENTIAL D ZONING DISTRICT**

**WHEREAS**, Section 560 of the Zoning Ordinance (the "Ordinance") of the Borough of Stone Harbor (the "Borough") currently establishes four residential zoning districts; and

**WHEREAS**, included in the Borough's Residential C Zoning District regulations are special provisions governing properties having street frontage on Linden Lane; and

**WHEREAS**, the Stone Harbor Master Plan Reexamination Report adopted June 2019 (the "Master Plan") recommended the creation of a new residential zoning district to regulate and provide for the responsible development and improvement of properties located on Linden Lane; and

**WHEREAS**, the Borough desires that the Ordinance be revised to implement the recommendations of the Master Plan, all in accordance with the provisions set forth below.

**NOW, THEREFORE, BE IT ORDAINED**, by the Borough Council of the Borough of Stone Harbor, Cape May County, New Jersey, as follows:

**Section 1.** Section 560-5. Classes of districts. is amended (added text underlined and deleted text is ~~stricken~~) as follows:

For the purposes of this chapter, the Borough is divided into ~~nine~~ ten classes of districts as follows:

- A. Residential A District (§ 560-13).
- B. Residential B District (§ 560-14).
- C. Residential B Parking B-P District (§ 560-15).
- D. Residential C District (§ 560-16).
- E. Residential D District (§ 560-17).
- F. Business District (§ 560-18).
- G. Waterfront Business District (§ 560-19).
- H. Light Industry District (§ 560-22).
- I. Public Use P District (§ 560-23).
- J. Conservation Management CM District (§ 560-24).

**Section 2.** Section 560-6. Zoning Map. is amended (added text underlined and deleted text is ~~stricken~~) as follows:

The districts and their boundaries shall be as shown on the Zoning Map, dated June 1, 2006, together with approved revisions, and originally prepared by Remington, Vernick and Walberg Engineers, and as revised from time to time by the Borough Engineer, on file in the office of the

Administrative Officer, hereinafter to be referred to as the "Zoning Map of the Borough of Stone Harbor."

**Section 3.** Section 560-10 Definitions. is amended to add the following definitions alphabetically:

**BUILDING HEIGHT**

A. In all residential zones (Residential A, B, B-P, C, and D), "building height" shall be defined as the vertical measurement from design flood elevation as defined in Chapter 300 of the Borough Code to the uppermost point of a building, except as otherwise provided.

B. In all other zones, "building height" shall be defined as the vertical measurement from the curb level to the uppermost point of a building, except as otherwise provided.

**Section 4.** Section 560-16 D (2) Supplemental regulations. is amended (added text underlined and deleted text is ~~stricken~~) as follows:

- (2) For lots having street frontage only on Bower Court, Stone Court, or Weber Court ~~or Linden Lane~~, the requirements set forth in § **560-16B** above shall be amended as follows, provided that the provisions of § **560-16B** not altered by this subsection shall remain unaffected:

- (a) Minimum lot area: 1,400 square feet.
- (b) Minimum lot frontage: none.
- (c) Maximum building height: 15 feet above base flood elevation.
- (d) Maximum number of stories: one.

**Section 5.** Section 560-17 is created as follows:

**560-17 Residential D Zoning District.**

A. Use Regulations. In the Residential D Zoning District, lands, buildings, and premises may be used for the following purposes:

- 1. Principal Permitted Use: Single Family Dwellings
- 2. Permitted Accessory Use: Accessory Storage Building (Shed)
- 3. Conditional Uses: None

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

- 1. Minimum requirements

TABLE I  
Minimum Requirements

Lot Area	925 Square Feet
Lot Frontage	25 Feet
Setbacks (Principal Structure)	
Front Yard	First Floor (up to DFE +10') - 5 Feet Second Floor (Above DFE +10') - 3 Feet from the front face of the structure
Side Yards (each)	5 Feet,
Rear Yard	5 Feet
Setbacks (Accessory Structure)	Side Yard: 3 feet  Rear Yard: 3 feet  Front Yard: the greater of the front setback to the principal structure on the subject lot or 5 feet.

## 2. Maximum Limitations

TABLE II  
Maximum Limitations

Building Coverage	40%
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Lot Coverage	85%,
Building Height	Prohibited (Flat Roof) 22' (Peaked Roof) with 6"/12" minimum roof slope
Habitable Stories	Two
Building Length	30 feet
Second floor habitable area	Not to exceed 30% of the total lot area, subject to item D Supplemental Regulations #3 below

C. Conditional Use Regulations. Not Applicable.

#### D. Supplemental Regulations

1. No accessory buildings shall be permitted, except that each principal structure shall be permitted one (1) accessory storage building (shed) which (i) shall not exceed one (1) story; (ii) shall not exceed an overall height of eight (8') feet (flat roof) or twelve (12') feet (pitched roof) measured from the curb level to the uppermost point of the roof; and (iii) shall be a minimum of five feet (5') from the principal structure. No cooking facilities, sink, shower, clothes washing or drying machine, or toilet shall be installed in any accessory shed. No accessory shed may be utilized for dwelling purposes.

2. A pitched roof with or without dormers may be located within the front yard setback of any second floor area (greater than 10' above Design Flood Elevation); provided that (i) any roof located in the second floor front yard setback area shall have a maximum pitch of 6"/12"; (ii) no more than two dormers shall be permitted; (iii) dormers shall be subject to a minimum front yard setback of five (5') feet; and (iv) the combined width of dormers shall not exceed forty (60%) percent of the building total frontage.

3. This section applies to second floor. Front decks on the 2<sup>nd</sup> floor shall be permitted as long as said decks do not extend beyond the front face of the structure. Flat roofs to accommodate any front facing decks shall be at design flood plus 10' and no higher, inclusive of decks.

The area allocated to stairways or stairways with elevator shall be included as habitable area for the first floor only. Above the first floor, a maximum exemption in habitable area per floor shall be 100 square feet for stairs only or 125 square feet for stairs and elevator.

4. All new construction and all renovations that result in the addition of a second story shall require that all wires shall be placed underground in accordance with Section 560-47.

5. Any nonconforming structure has to be brought into compliance with all Borough Codes in order to add a second floor.

**Section 6.** 560-38 D. 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 unless otherwise noted:

(a) Landings/stairs.

- [1] For all residential buildings having an elevation at or above design flood elevation, as defined in Chapter 300, stairs or steps leading to a first-floor entrance landing or porch shall be permitted in yard spaces in all zoning districts, provided that (i) no such stairs or steps shall be located less than five feet from a front property line or less than 3 1/2 feet from a side or rear property line, except in the Residential C and Residential D Zoning Districts, where no such stairs or steps shall be located less than two feet from a side property line; and (ii) stairs or steps located in a front yard setback shall not exceed 25% of the building length as defined in § 560-10.
- [2] For all residential buildings having an elevation below design flood elevation as defined in Chapter 300, stairs or steps leading directly to a first-floor entrance landing or a porch shall be permitted in yard spaces in all zoning districts, provided that (i) no such stairs or steps shall be located less than five feet from a property line, except in the Residential C and Residential D Zoning Districts, where no such stairs or steps shall be located less than two feet from a side property line; and (ii) stairs or steps located in a front yard setback shall not exceed 25% of the building length as defined in § 560-10.
- [3] This § 560-38D(1)(a) shall not permit landings to be located in any front yard setback.
- [4] Landings not exceeding five feet in length or five feet in width shall be permitted in side yard and rear yard setbacks; provided that no such landing shall (i) be located less than five feet from a property line, except in the Residential C and Residential D Zoning Districts, where no such

landing shall be located less than two feet from a side or rear property line; nor (ii) be elevated above design flood elevation.

- (b) Outside shower enclosures, which shall not exceed four feet by eight feet in length and width, shall not exceed seven feet in height, and shall not encroach more than four feet into the yard space; provided that no shower enclosure shall be less than six feet from a side property line in the Residential A and Residential B Zoning Districts nor less than two feet from a side property line in the Residential C and Residential D Zoning Districts. Outside showers are prohibited in front yards.
- (c) Trash receptacle enclosures which shall not exceed four feet in height; provided that encroachments into side yards or front yards shall not exceed four feet; and further provided that no trash receptacle enclosure shall be closer to the front or side property lines than five feet in the Residential A and Residential B Zoning Districts nor closer than two feet in the Residential C and Residential D Districts.
- (d) Bay windows, chimneys, and window seats having no floor area; provided that they do not extend more than 20 inches into the yard space; and further provided that the windows, chimneys, and window seats having no floor area shall not exceed 10 feet in width and shall be separated from each other by a minimum horizontal distance of 10 feet. Should bay windows, chimneys, and window seats having no floor area not have footings or foundations, they shall not be counted as lot coverage or building coverage. Any and all bay windows, chimneys, and window seats which have footings or foundations shall be counted as lot coverage and building coverage and shall comply with all applicable setback requirements. The purpose of the aforesaid deviations from the setback requirements is to permit aesthetic enhancement to structures in the case of bay windows and window seats and for proper ventilation in the case of chimneys. This section shall supersede and control to the extent its provisions conflict with the definitions of "lot coverage" and "building coverage." / Not permitted in Residential D District.
- (e) Eaves; provided that they do not extend more than 20 inches into any yard space; and further provided that eaves extending from bay windows and/or window seats permitted under § 560-38D(4) may extend an additional eight inches into a side yard space. In no event shall any eave extend to within three feet of any property line.
- (f) Heating, air-conditioning and circulating equipment; provided that they do not encroach more than five feet into any yard space; and further provided that they are no closer than two feet to any side, rear, or front property line.
- (g) Fences; provided that no fence shall exceed four feet in height, with the exception of fences enclosing swimming pools subject to § 560-43.
- (h) Lampposts, which shall be of a single-globe type only, at a height not to exceed seven feet above grade. The light intensity shall not exceed the lumen output of a standard one-hundred-watt frosted incandescent lamp or 1,750 lumens, whichever is higher.

(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, if these structures are contained within a required yard setback.

(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 waters.

#### **Section 7.**

Zone Change and Zoning Map Amendment. **(NOT TO BE PLACED IN THE CODE)**

The Zoning Map of the Borough of Stone Harbor, New Jersey is hereby amended to conform to the following changes.

<b>Zone Change</b>	<b>General Location</b>	<b>Block &amp; Lot</b>
Residential C to Residential D	LINDEN LANE	BLOCK 84.03, LOT 82, 84, 86, 88, 90, 91.02, 92, 94, 95.02, 96, 97.02, 98, 99.03, 100, 101.02, 101.03, 102, 103.02, 103.03, 104, 105.02, 105.03, 106, 107.02, 108, 109.03, 110, 112, and 114



**Section 8.** 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 9.** All Ordinances or parts of Ordinances inconsistent with this Ordinance, to the extent of such inconsistencies only, be and the same are hereby repealed.

**Section 10.** This Ordinance shall take effect twenty (20) days after final passage and publication as provided by law.

**I HEREBY CERTIFY THAT** the foregoing ordinance was introduced by the Borough Council of the Borough of Stone Harbor, New Jersey at the Regular Meeting held on February 6<sup>th</sup>, 2024, and will be considered for second reading and public hearing at the Regular Meeting held on March 19, 2024.

	<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							

Introduced: February 6, 2024

First Publication: February 14, 2024

2<sup>nd</sup> Reading & Public Hearing: March 19, 2024

Final Publication: March 27, 2024

Effective Date: April 8, 2024

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Attest: Emily Dillon Clerk

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Mayor Judith Davies-Dunhour

**BOROUGH OF STONE HARBOR**

Cape May County, New Jersey

**RESOLUTION**

**2024-S-44**

**RESOLUTION AUTHORIZING APPOINTMENT OF THE MUNICIPAL ATTORNEY  
UNDER THE “NONFAIR AND OPEN” PROCESS- ANTHONY S. BOCCHI, ESQ.-  
BOCCHI LAW LLC**

**WHEREAS**, the Borough of Stone Harbor is given authority by N.J.S.A. 40A:11 *et seq.* to enter into contracts for “Professional Services” without competitive bidding, where the need arises and so long as the award of such contract is made public by a Resolution of the Governing Body and the contractor submits certain disclosures in accordance with the “fair and open” process; and

**WHEREAS**, limiting the influence of campaign contributions on municipal appointments is an important policy of the Borough and the “nonfair and open” process prevents any professional from contributing more than \$300 to any local political party or campaign; and

**WHEREAS**, the required pay-to-play disclosures are on file with the Borough Clerk as required by law; and

**WHEREAS**, the Borough of Stone Harbor is mandated by state statute to appoint a Municipal Attorney. The law also requires that municipalities designate litigation counsel and counsel to the tax assessor. These tasks are typically performed by the Municipal Attorney; and

**WHEREAS**, Anthony S. Bocchi , Esq. is in good standing in the State of New Jersey, has offered the attached Proposal and are experienced in the area of Local Government Law and municipal prosecution; and

**WHEREAS**, Anthony S. Bocchi, Esq. is authorized by law to practice a recognized profession, the practice of which is regulated by law, and the performance of these service requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction;

**WHEREAS**, NJSA 40A:11 *et seq.* allows the Borough to enter into contracts for “Professional Services,” including legal services, without competitive bidding, where the need arises and so long as the award of such contract is made public by a Resolution of the Governing Body.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Stone Harbor, County of Cape May, State of New Jersey, on this 6<sup>th</sup> day of February, 2024, as follows:

1. That the preamble of this Resolution is hereby incorporated by reference as if set forth here at length;

2. That, as required by law, having been nominated by the Council of the Borough of Stone Harbor, Anthony S. Bocchi, Esq. be and are hereby appointed Municipal Attorney for the Borough of Stone Harbor in accordance with and under the terms of a contract for professional services, which includes provisions for litigation and representation of the Tax Assessor and other extraordinary matters, which is on file with the Borough Clerk for public review, for a term of one year, said term commencing on February 6, 2024 and continuing until the reorganization meeting of the Borough in 2025 or in accordance with law.
3. That the Mayor is authorized and directed to forthwith execute on behalf of the Borough of Stone Harbor the contract for professional services, such contract being under and subject to the provisions of the affirmative action and antidiscrimination laws and regulations of the State of New Jersey, an acknowledgement of same to be executed by the Municipal Attorney.
4. That the aforementioned contract is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law which allows under NJSA 40A:11-5 and that the Solicitor be compensated as detailed in the contract for professional services in an amount not to exceed \$60,000 for Solicitor services and shall be compensated for extraordinary services outside of salaried position at a rate of \$175.00 per hour, and funds are available as evidenced by the Certification of the Chief Financial Officer attached hereto.
5. That a notice of the letting of the within contract be published in accordance with law within ten (10) days of passage in the official newspaper designated by the Borough for legal notices and that the contract be open to public viewing in accordance with the Open Public Records Act.

**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 February 6<sup>th</sup>, 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-45**

**RESOLUTION TO EXTEND EMPLOYMENT OF PART TIME FIREFIGHTER**

**WHEREAS**, the Council of the Borough of Stone Harbor appointed part-time firefighter Evan Schroer per resolution 2023-S-224 with a term ending January 31, 2024; and

**WHEREAS**, the appointment of a part-time firefighter has been successful in covering sick and vacation time; and

**WHEREAS**, the Fire Department Chief Roger Stanford is requesting that the term of employment be extended to April 30, 2024.

**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 on this 6<sup>th</sup> day of February 2024 the following part-time firefighter, Evan Schroer, have his employment with the Stone Harbor Fire Department extended until April 30, 2024.

**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 February 6<sup>th</sup>, 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-46**

### **RESOLUTION ESTABLISHING SUMMER SEASONAL RATES FOR 2024**

**WHEREAS**, The Borough of Stone Harbor requires additional personnel in the summer season to properly and efficiently maintain and protect the beaches, provide sufficient police and fire protection, staff for programming and manpower needed to maintain services within our public works department; and

**WHEREAS**, Mayor and Council has determined that it is in the best interest of the Borough to provide a more competitive wages schedule, complete with certain incentives, in order to continue to attract qualified and committed persons to serve within the following departments:

Beach Patrol (Lifeguards & Beach Taggers)  
Police Department  
Fire Department  
Recreation Department  
Public Works Department / Solid Waste Department

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Stone Harbor, County of Cape May, State of New Jersey, duly assembled in public session on this 6th day of February 2024 that the members of the above reference departments be compensated as presented below for work during the 2024 season in accordance with the following schedule:

#### **Beach Patrol:**

	<b><u>2024 Rate</u></b>
1 <sup>st</sup> year of service	\$171.00
2 <sup>nd</sup> year of service	\$175.00
3 <sup>rd</sup> year of service	\$179.00
4 <sup>th</sup> year of service	\$183.00
5 <sup>th</sup> year of service	\$187.00
6 <sup>th</sup> year of service	\$191.00
Over 6 years	4% increase from the 6 <sup>th</sup> Year Guard Rate

#### **Lieutenant Rate:**

	<b><u>2024 Rate</u></b>
Year 1:	\$210.00
After Year 1:	\$222.50
Sr. Lieutenants	\$232.50

**Bonuses:** A lifeguard who has worked a total of at least 40 full days shall receive a bonus of \$50.00 for each day worked from August 15<sup>th</sup> until the last day of operation.

**Officer in Charge:** In the event the Beach Patrol Captain is not on site, he may designate a Senior Lieutenant to act as the Officer in Charge and that Lieutenant shall receive a bonus of \$24 per Day for every day he is the Officer in Charge designee.

**Beach Tag Checkers & Office Staff:**

**2024 Rate**

Range: \$16.00 - \$26.00 / hour  
1st year- \$16.00 per hour  
2<sup>nd</sup> year-\$16.50 per hour  
3<sup>rd</sup> year-\$17.00 per hour  
4<sup>th</sup> year-\$17.50 per hour  
5<sup>th</sup> year-\$18.00 per hour  
6<sup>th</sup> year-\$18.50 per hour  
Over 6 years- \$.50 per hour increase  
Office Personnel- 4% increase over last year's rate

**Bonuses:** Taggers will receive an additional .75 cents for every tag sold  
(Returnees automatically receive additional .50 cents / hour)

**Police Department:**

**2024 Rate**

Class I \$18.00-\$22.00 / hour  
Class II \$21.00-\$25.00 / hour  
(Returnees automatically receive additional .50 cents / hour)

**Recreation Department:**

**2024 Rate**

\$13.00-\$21.00 / hour  
(Returnees automatically receive additional .50 cents / hour)

**Bonuses:** \$150.00 Bonus for working from July 1 through August 31 and working full 40-hour shifts

**Solid Waste Department:**

**2024 Rate**

\$18.00 - \$22.00 / hour  
(Returnees automatically receive additional .50 cents / hour)

**Bonuses:** \$200.00 Bonus for working from July 1 through August 31

**Public Works Department:**

**2024 Rate**

\$18.00 - \$22.00 / hour  
(Returnees automatically receive additional .50 cents / hour)

**Bonuses:** \$200.00 Bonus for working from July 1 through August 31

**Fire Department**

**2024 Rate**

Without EMT Certification \$18.00 - \$22.00 / hour

With EMT Certification \$21.00 - \$25.00 / hour

(Returnees automatically receive additional .50 cents / hour)

In accordance with NJ Fair Labor Standards Act all seasonal employees that work more than 40 hours in a work week will be paid overtime at a rate of one and a half times their hourly rate.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the provisions of this Resolution shall become effective immediately upon passage and be subject to the continuing review of the Borough Council and may be modified, in the sole discretion of the Borough Council, as deemed appropriate from time to time.

**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 February 6<sup>th</sup>, 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-47**

**RESOLUTION ADJUSTING SUMMER LEAKS IN CONNECTION WITH RGO-  
-542-27 G**

**WHEREAS**, the below listed accounts experienced 2023 summer leaks which have been 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 2023 summer usage based upon the average of the prior three years' summer consumption for the purpose of recalculating 2024 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.

Account 880 – 3yr average 10.0 (actual consumption 12.1)  
309 83<sup>rd</sup> Street

Account 2670 - 3yr average 38.8 (actual consumption 135.4)  
13 85<sup>th</sup> Street

Account 3890 - 3yr average 3.86 (actual consumption 16.3)  
8715 Second Avenue

Account 16790 – 3yr average 15.9 (actual consumption 21.0)  
271 106<sup>th</sup> Street

Account 20470 – 3yr average 65.9 (actual consumption 201.8)  
11709 Paradise Drive

Account 22412 – 3yr average 58.5 (actual consumption 397.7)  
12111 Second

**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 February 6<sup>th</sup>, 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-48**

**RESOLUTION AUTHORIZING DISPOSAL OF SURPLUS PROPERTY**

**WHEREAS**, the Borough of Stone Harbor is the owner of certain surplus property which is no longer needed for public use; and

**WHEREAS**, the Borough is desirous of selling said surplus property in an “as is” condition without express or implied warranties.

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Stone Harbor, Cape May County, on this 6<sup>th</sup> day of February, 2024 as follows:

(1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-70967/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com and also available from the Public Works Department of the Borough.

(2) The sale will be conducted online and the address of the auction site is govdeals.com.

(3) The sale is being conducted pursuant to Local Finance Notice 2008-9.

(4) A list of the surplus property to be sold is attached.

(5) The surplus property as identified shall be sold in an “as-is” condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.

(6) The Borough of Stone Harbor reserves the right to accept or reject any bid submitted.

List Attached:

1. Former Police Unit 132.

Plate Number: NJ 27307MG

VIN- 1GNSKDEC4JR260905

2018 Chevrolet Tahoe with approximately 137,000 miles 5.3L V8 Engine.

Minimum Bid will be set at \$3000.

2. Former Police Unit 136

Plate Number: NJ MG80933

VIN-1GNSK2EC3FR563590

2015 Chevrolet Tahoe with approximately 190,000 miles 5.3L V8

Minimum Bid will be set at \$1000.

**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 February 6<sup>th</sup>, 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-49**

### **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 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) Matters Required by Law to be Confidential: Any matter which, by express provision of Federal law or state statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.
- \_\_\_\_\_ (2) Matters Where the Release of Information Would Impair the Right to Receive Funds: Any matter in which the release of information would impair a right to receive funds from the Government of the United States.
- \_\_\_\_\_ (3) Matters Involving Individual Privacy: Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information, relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.
- \_\_\_\_\_ (4) Matters Relating to Collective Bargaining Agreement: Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.
- \_\_\_\_\_ (5) Matters Relating to the Purchase, Leas or Acquisition of Real Property or the Investment of Public Funds: Any matter involving the purchase, lease or

acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.

\_\_\_\_\_ (6) Matters Relating to Public Safety and Property: Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law.

  X   (7) Matters Relating to Litigation, Negotiations and the Attorney- Client Privilege: Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.- **Discussions regarding pending litigations: Borough of Stone Harbor v. Sweet, Borough of Stone Harbor v. Smith, Borough of Stone Harbor v. RTW and Borough of Stone Harbor and Hafner v. Gallo**

\_\_\_\_\_ (8) Matters Relating to the Employment Relationship: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance or promotion or discipling of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

\_\_\_\_\_ (9) Matters Relating to the Potential Imposition of a Penalty: Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party bears responsibility.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Stone Harbor, assembled in public session on February 6, 2024, that an executive session closed to the public shall be held on this date for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon 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 February 6<sup>th</sup>, 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