

Borough of Stone Harbor
REGULAR MEETING AGENDA
Tuesday April 2, 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:

Public Comment

NEW BUSINESS

Ordinances for Introduction

1665 An Ordinance Amending Ordinances 1629 and 1653 of the Borough of Stone Harbor Specifically Adding the Position and Authorizing the Salary Range of Chief Financial Officer

CONSENT AGENDA

Resolutions

2024-S-69 Resolution Designating Protected Bathing Beaches 2024
2024-S-70 Resolution Authorizing the Release for Surety Maintenance Bonds
2024-S-71 Resolution Authorizing the Creation of a Flood Mitigation Special Committee
2024-S-72 Resolution Authorizing a Change Order for 10206 Third Avenue Building Improvements
2024-S-73 Resolution Approving Special Event Applications
2024-S-74 Resolution Authorizing the Revision of the Summer Seasonal Rates for 2024
2024-S-75 Resolution Authorizing the Amendment of the Professional Services Contract for the Borough's Municipal Attorney
2024-S-76 Resolution Authorizing the Award of a Professional Services Contract for Labor Counsel
2024-S-77 Resolution to Award a Contract for the Stormwater System GIS Mapping

REGULAR AGENDA

Motion- To authorize advertisement of bid specifications for the Beach Storage Sheds for the year 2024.

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-78 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 and Matters Relating to the Employment Relationship**

Discussion:

Public Comment

Adjournment

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

ORDINANCE No. 1665

**AN ORDINANCE AMENDING ORDINANCES 1629 and 1653 OF THE
BOROUGH OF STONE HARBOR SPECIFICALLY ADDING THE
POSITION AND AUTHORIZING THE SALARY RANGE OF CHIEF
FINANCIAL OFFICER**

WHEREAS, the Borough Council the Governing Body of the Borough of Stone Harbor, New Jersey, deems it to be in the best interest of the Borough of Stone Harbor to amend Ordinance No. 1629/1653 relative to the position

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

Section 1. That the position of the Chief Financial Officer be added to the Borough of Stone Harbor's salary ordinance.

Section 2. That the salary and wage range, in the current salary ordinance regarding the Chief Financial Officer shall hereby be authorized to read follows:

	<u>MIN.</u>	<u>MAX.</u>
Chief Financial Officer	<i>\$120,000.00</i>	<i>\$165,000.00</i>

Section 2. The Salaries, wages and compensation shall be paid in equal bi-weekly installments.

Section 3. The remainder of the ordinance shall remain in full force in effect has written. 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 4. All Ordinances or parts of Ordinances inconsistent with this Ordinance, to the extent of such inconsistencies only, are hereby repealed.

Section 5. This Ordinance shall take effect immediately upon final passage and publication as provided by law.

I HEREBY CERTIFY THAT the foregoing ordinance will be introduced by the Borough Council of the Borough of Stone Harbor, New Jersey at the Regular Meeting held on April 2 , 2024, and will be considered for second reading and public hearing at the Regular Meeting held on May 7, 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: April 2, 2024
 First Publication: April 10, 2024
 2nd Reading & Public Hearing: May 7, 2024
 Final Publication: May 15, 2024
 Effective Date: June 4, 2024

 Emily Dillon, Borough Clerk

 Judith Davies-Dunhour, Mayor

**BOROUGH OF STONE HARBOR
COUNTY OF CAPE MAY**

RESOLUTION

2024-S-69

RESOLUTION DESIGNATING THE PROTECTED BATHING BEACHES FOR 2024

WHEREAS, the Borough of Stone Harbor periodically receives reports from its Borough Beach Patrol Captain and Borough lifeguards relating to the proper location of bathing beaches in the Borough of Stone Harbor; and

WHEREAS, the information submitted to Mayor and Council for the year 2024 is that the bathing beaches should be as follows:

NOW, THEREFORE, BE IT RESOLVED, by the Members of Council of the Borough of Stone Harbor, in the County of Cape May and State of New Jersey that pursuant to Section 156-5 (B) of the Revised General Ordinances 2005 of the Borough of Stone Harbor, protected beaches shall be located at 81st Street, 83rd Street, 86th Street, 87th Street, 90th Street, 93rd Street, 94th Street, 95th Street, 96th Street, 100th Street, 102nd Street, 103rd Street, 105th Street, 108th Street, 110th Street, 112th Street, 113th Street, 116th Street, 117th Street, 120th Street and 122nd Street. Additionally, the lifeguard captain, or his designated assistant, shall have the right during operations on a daily basis to move each bathing beach up to one-half block in either direction in order to take advantage of the best local conditions at the beach site. The lifeguard captain or his designated assistant, may also close a beach due to adverse weather conditions or lack of personnel, or for any other appropriate reason.

BE IT FURTHER RESOLVED that the use of surfboards (with leashes attached) shall be permitted at the beaches at 81st Street (no swimming) and 110th Street (no swimming) only, and all surfers shall be required to comply with the directions of the lifeguards based upon local conditions at the time. Also, the use of stand up paddleboards (with leashes attached) shall be permitted at 81st street only, and all users of stand up paddle boards shall be required to comply with the directions of the lifeguards based upon local conditions at the time. Kayaks and NJ Registered Catamarans will be permitted at 122nd Street through 126th Street only, and life jackets must be worn at all times while in the water.

BE IT FURTHER RESOLVED that rafts and body boards (not surfboards) shall be permitted at all protected beaches, except 81st, 86th, 110th, 112th and 122nd Streets.

BE IT FURTHER RESOLVED that selected protected beaches shall begin to open on the Saturday of Memorial Day week-end and shall be open through the Monday of Labor Day week-end. Post-season protected beaches will be open only if qualified personnel are available.

BE IT FURTHER RESOLVED that beach tags shall be required for all beaches commencing on the Saturday of Memorial Day week-end thru the Monday of Labor Day week-end.

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 April 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							

 Emily Dillon, Borough Clerk

 Judith Davies- Dunhour, Mayor

BOROUGH OF STONE HARBOR

Cape May County, New Jersey

RESOLUTION

2024-S-70

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. 9619 Seng Place – 96.21 Lot 55.01 **Amount \$5,200.00**
Uno Enero, 161 85th Street Stone Harbor, NJ 08247
2. 370 83rd Street– Block 81.04 Lot 135 **Amount \$3,400.00**
Rockwell Custom, 126 E State Street, Media, PA 19063
3. 9811 Sunset Drive – Block 96.04 Lot 221 **Amount \$2,380.00**
Seaside Builders & Developers, 162 60th Street, Avalon, NJ 08202
4. 2 101st Street – Block 122.02 Lot 101 **Amount \$3,100.00**
Mclaughlin Construction, 1066 W Jersey Avenue, Sea Isle, NJ 08243
5. 224 99th Street – Block 98.03 Lot 83 **Amount \$2,420.00**
DiPalantino Contractors, 114 Stagecoach Road, Cape May Courthouse, NJ 08210

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 April 2, 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							

Emily Dillon, Borough Clerk

Judith Davies-Dunhour, Mayor

BOROUGH OF STONE HARBOR

Cape May County, New Jersey

RESOLUTION

2024-S-71

**RESOLUTION AUTHORIZING THE CREATION OF A FLOOD MITIGATION
SPECIAL COMMITTEE**

WHEREAS, the Borough of Stone Harbor in Municipal Code Section 10-29 provides for the creation of Special Committees for Special Purposes; and

WHEREAS, the Borough of Stone Harbor desires to continue the work of the former Flood Mitigation Committee created in August, 2022; and

WHEREAS, it has been determined that the Committee shall comprise of the following individuals:

1. Bernadette Parzych, Chair of Public Works Committee
2. Jennifer Gensemer, Member of PW Committee
3. Frank Dallahan, Member of PW Committee
4. Manuel Parada, P.E., Director of PW
5. Marc DeBlasio, P.E., Borough Engineer
6. Justine Herzog – Resident
7. Jim Fisher – Commercial District Representative
8. Bob Church, P.E. – County Engineer

And Whereas the Committee previously selected Manuel Parada as the Special Committee Chair; and

WHEREAS, the defined purpose of the Special Committee shall include the continuation of a pilot study using control valves along the bayfront; investigate alternative means of flood control and mitigation; continue monitoring bulkheads throughout the Borough including upgrading Borough-owned bulkheads; establish a baseline and history of floods; create an interactive database to document and record flooding and investigate the creation of a Stormwater Utility; and

WHEREAS, the Special Committee shall meet regularly, 48 hours after a Council Meeting usually, subject to change, and shall continue in effect until December 31, 2024, after which the Council in 2025 may extend or renew the term of this Committee; and

WHEREAS, the Borough desires a Quarterly presentation of the status work to be provided during a Work Session to be determined by Council;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Stone Harbor, duly assembled in public session this 19th day of March 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 authorizes the creation of the Special Committee on Flood Mitigation as described herein effective immediately through December 31, 2024.
3. That the Mayor and Municipal Clerk are hereby authorized and directed to sign said Resolution;
4. That all appropriate municipal officials and employees are hereby empowered to undertake the necessary actions to further the execution of said Committee and deliverables.
5. That notice of this Resolution shall be published according to law.

I HEREBY CERTIFY THAT the foregoing resolution was duly adopted by the Borough Council of the Borough of Stone Harbor, New Jersey at the Regular Meeting held on April 2, 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							

Emily Dillon, Borough Clerk

Judith Davies-Dunhour, Mayor

BOROUGH OF STONE HARBOR

Cape May County, New Jersey

RESOLUTION

2024-S-72

**RESOLUTION AUTHORIZING A CHANGE ORDER FOR 10206 THIRD AVENUE
BUILDING IMPROVEMENTS**

WHEREAS, the Borough of Stone Harbor has entered into a Contract with DeBlasio and Associates of Wildwood, NJ for the design and construction administration of the Borough-owned house at 10206 Third Avenue; and

WHEREAS, upon completion of the site survey it was discovered that the building utilities in the crawl space require replacement to meet current codes and functionality; and

WHEREAS, this additional work was not previously included in the original scope of work and was not foreseen at the time of the original proposal and is comprised of Mechanical, Electrical and Plumbing (MEP) Subcodes; and

WHEREAS, Change Order No. 1 will result in an increase of Thirteen Thousand Dollars (\$13,000) from the original contract amount of \$60,000.00 to an amended amount of \$73,000.00;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Stone Harbor, duly assembled in public session this 2nd day of April 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 authorizes the Mayor and Clerk to execute Change Order No. 1 to the subject Contract.
3. That notice of this Resolution shall be published according to law.

I HEREBY CERTIFY THAT the foregoing resolution was duly adopted by the Borough Council of the Borough of Stone Harbor, New Jersey at the Regular Meeting held on April 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							

Emily Dillon, Borough Clerk

Judith Davies-Dunhour, Mayor

BOROUGH OF STONE HARBOR

Cape May County, New Jersey

RESOLUTION

2024-S-73

RESOLUTION APPROVING SPECIAL EVENT APPLICATIONS

WHEREAS, pursuant to Chapter 275 of the Revised General Ordinances of 1982 of the Borough of Stone Harbor, Section 275.2, a permit is required to conduct any special event within the Borough; and

WHEREAS, the below event holders have submitted the necessary documentation and paid the required fees; and

- Seashore Home Supply Grill Demo- April 27, 2024
- Seashore Home Supply Grill Demo- May 18, 2024
- Seashore Home Supply Grill Demo- June 29, 2024
- SHPOA’s Harbor Hustle 5K- June 23, 2024
- Cystic Fibrosis Paddle to a Cure- August 18, 2024

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Stone Harbor, County of Cape May, State of New Jersey, duly assembled in public session this 2nd day of April, 2024 that Borough Council approve the above special events.

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 April 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							

Emily Dillon, Borough Clerk

Judith Davies- Dunhour, Mayor

BOROUGH OF STONE HARBOR

Cape May County, New Jersey

RESOLUTION

2024-S- 74

RESOLUTION AUTHORIZING THE REVISION OF THE 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

WHEREAS, the Governing Body approved Resolution 2024-S-46 on February 6, 2024 establishing the summer rates for 2024, and wishes to correct two of the rates to reflect the longevity limits for returning employees in the Solid Waste and Public Works Divisions,

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 2nd day of April 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 with all others in Resolution 2024-S-46 remaining unchanged:

Solid Waste Department:

2024 Rate

\$18.00 - \$23.00 / 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 - \$23.00 / hour

(Returnees automatically receive additional .50 cents / hour)

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

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 April 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							

Emily Dillon, Borough Clerk

Judith Davies-Dunhour, Mayor

BOROUGH OF STONE HARBOR
Cape May County, New Jersey

RESOLUTION

2024-S-75

RESOLUTION AUTHORIZING THE AMENDMENT OF THE PROFESSIONAL SERVICES CONTRACT FOR THE BOROUGH'S MUNICIPAL ATTORNEY

WHEREAS, the Borough Council appointed Anthony S. Bocchi on February 6, 2024 per resolution 2024-S-44 ; and

WHEREAS, in the original proposal submitted to Borough Council there was an error under "Section C- Fee Proposal" for the compensation rate per hour; and

WHEREAS, the Borough Council authorizes the amendment to the contract as shown below:

- ~~Bocchi Law shall be compensated at the rate of \$175.00 per hour~~
- Bocchi Law shall be compensated at the rate of \$5,000 per month, for a total sum of \$60,000 per annum, for the provision of general services.
- Bocchi Law shall be compensated at the rate of \$200.00 per hour for the provision of extraordinary services including, but not limited to, litigation services.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Stone Harbor, duly assembled in public session this 2nd day of April, 2024, as follows:

- a) That the provisions of the above preamble of this Resolution are hereby incorporated herein, by this reference, as if set forth at length.
- b) That the Borough Council, the governing body of the Borough of Stone Harbor, hereby approves the amendment of the Professional Services Contract between the Borough and Municipal Attorney as stated.
- c) That the Mayor and Municipal Clerk are hereby authorized and directed to sign said Resolution;
- d) That all appropriate municipal officials and employees are hereby empowered to undertake the necessary actions to further the execution of said agreement.

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 April 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							

Emily Dillon, Borough Clerk

Judith Davies- Dunhour, Mayor

BOROUGH OF STONE HARBOR

Cape May County, New Jersey

RESOLUTION No. 2024-S-76

**RESOLUTION AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES
CONTRACT FOR CONFLICT LABOR COUNSEL**

WHEREAS, the Borough of Stone Harbor has determined the need to conduct an investigation in response to certain employment complaints and allegations raised; and

WHEREAS, the scope of the investigation would normally fall within the purview of the Professional Services Contract for Borough's Labor Counsel, William G. Blaney, Esquire of the law firm of Blaney, Donohue, & Weinberg, P.C., ("Labor Counsel") but a conflict has been identified that precludes the same; and

WHEREAS, Labor Counsel has identified another law firm, Shant H. Zakarian ("Conflict Labor Counsel"), competent to handle the subject investigation and solicited a proposal and Agreement to provide Legal Services from Conflict Labor Counsel, the terms of which are incorporated by reference herein; and

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

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 2nd day of April 2024, as follows:

That the provisions of the above preamble of this resolution are hereby incorporated herein, by this reference, as if set forth at length.

That the Borough Council, the governing body of the Borough of Stone Harbor, hereby authorizes the award of a Professional Services Contract to Shant H. Zakarian in an amount not to exceed \$17,500.

That the Mayor and Municipal Clerk are hereby authorized and directed to sign said resolution.

That all appropriate municipal officials and employees are hereby empowered to undertake the necessary actions to further the execution of said agreement.

That notice of this resolution shall be published according to law.

I HEREBY CERTIFY THAT the foregoing resolution was duly adopted by the Borough Council of the Borough of Stone Harbor, New Jersey at the Regular Meeting held on April 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							

Emily Dillon, Borough Clerk

Judith Davies-Dunhour, Mayor

BOROUGH OF STONE HARBOR
Cape May County, New Jersey

RESOLUTION

2024-S-77

RESOLUTION TO AWARD A CONTRACT FOR THE STORMWATER SYSTEM GIS MAPPING

WHEREAS, DeBlasio and Associates, Borough Engineer, 4701 New Jersey Avenue, Wildwood, NJ 08260 has provided a proposal dated March 15, 2024 to provide Professional Engineering Services including the Municipal Tier A Grant Application to the NJDEP and the related requirement for mapping of the Borough’s Stormwater system; and

WHEREAS, the Borough wishes to engage DeBlasio and Associates to provide all GIS Mapping Services and Grant application; and

WHEREAS, the Borough Engineer has provided a detailed scope of service proposal dated March 15, 2024 to be billed on a time and material basis in accordance with the contractual hourly rate schedule not to exceed Twenty Five Thousand Dollars (\$25,000); 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 2nd day of April 2024, that the proposal dated March 15, 2023 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 April 2, 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							

Emily Dillon, Borough Clerk

Judith Davies-Dunhour, Mayor

BOROUGH OF STONE HARBOR

Cape May County, New Jersey

RESOLUTION

2024-S-78

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**

X (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.- **CFO Position**

_____ (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 April 2, 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 April 2, 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							

Emily Dillon, Borough Clerk

Judith Davies-Dunhour, Mayor