

Borough of Stone Harbor
REGULAR MEETING AGENDA
Tuesday June 4, 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

- 1667** An Ordinance Amending Chapter 386.7 of the Municipal Code and Ordinance 1269, 1427, 1444 and 1501 of the Borough of Stone Harbor Specifically Adding a Parking Lot to the Available Lots to Permit Holders and Limiting the Number of Permits to be Sold
- 1668** An Ordinance Amending Chapter 560, Zoning of the Revised General Ordinances of the Borough of Stone Harbor Amending the Zoning Code for Clarification of Applicability of Residential Standards for Lots Situated in Two Zoning Districts

CONSENT AGENDA

Minutes

- Work Session, Regular, and Closed Session Meeting Minutes dated May 7, 2024
- Work Session, Regular, and Closed Session Meeting Minutes dated May 21, 2024

Resolutions

- 2024-S-111** Resolution Approving Raffle License-American Legion
- 2024-S-112** Resolution Approving Alcoholic Beverage Club License Renewals for the 2024-2025 License Year
- 2024-S-113** Resolution Approving Alcoholic Beverage License Renewals for the 2024-2024 License Year
- 2024-S-114** Resolution Approving Special Event Applications
- 2024-S-115** Resolution for the Appointment of Tax Collector and Deputy Chief Financial Officer
- 2024-S-116** Resolution Approving the Submission of Grant Application MA-2024-Reconstruction of 121st Street- 00124 (Third Avenue to Second Avenue)

And Executing the Grant Agreement with the New Jersey Department of Transportation

2024-S-117

Resolution to Amend the 2024 Budget for Addition of FEMA Grant

2024-S-118

Resolution to Approve Proposal for Flood Mitigation Improvements- 80th to 88th Street

2024-S-119

Resolution to Approve Proposal for Flood Mitigation Improvements- 89th Street to 99th Street

REGULAR AGENDA

2024-S-120

Resolution Authorizing Payment of Approved Payrolls and Bills

2024-S-121

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-

- **Matters Relating to the Employment Relationship**

Discussion

Public Comment

Adjournment

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

ORDINANCE No. 1667

**AN ORDINANCE AMENDING CHAPTER 386.7 OF THE MUNICIPAL
CODE AND ORDINANCES 1269, 1427, 1444 AND 1501 OF THE BOROUGH
OF STONE HARBOR SPECIFICALLY ADDING A PARKING LOT TO THE
AVAILABLE LOTS TO PERMIT HOLDERS AND LIMITING THE
NUMBER OF PERMITS TO BE SOLD**

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 Municipal Code Chapter 386-7 and Ordinance No. 1269, 1427, 1444 and 1501 relative to the availability of parking permits and spaces;

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 that Chapter 386.7 be revised as follows:

A. Parking by permit upon the following **five** parking lots in the Borough is hereby authorized: the two parking lots east of Sunset Drive on the north side of 96th Street (Lots 238 through 245 and Lots 249 through 254 in Block 95.4), the parking lot west of Second Avenue on the south side of 97th Street (Lots 80, 82, 84, 86, 88, 90 and 92.1 in Block 97.3), Second Avenue on the west side between 93rd and 94th Street (Block 93.03, Lots 71 through 78) **and the parking lots east of First Avenue between 94th and 96th Streets commonly referred to as the “Beach Lots” (Lots 9, 11, 13, 15, 17, 19, 20, 21 and 22 of Block 94.01; and Lots 10, 12, 14, 16, 18, 19, 20, 21, 22, 23, 24, 25, and 26 of Block 95.01)**. The permit will authorize the permit holder to which the permit is issued to park on said parking lots, without putting any money into the parking **meter application** during the time periods for which the parking permit is issued.

[Amended 6-17-2014 by Ord. No. 1444; 7-18-2017 by Ord. No. 1501; **by Ord. No. 1667**]

B. The cost of a parking permit shall be as established from time to time by resolution of the governing body of the Borough of Stone Harbor, and each permit shall be

transferrable. **The maximum number of Parking Permits to be sold in any given year is 225 on a first come/first served basis.**

Amended 10-3-2006 by Ord. No. 1269; 7-16-2013 by Ord. No. 1427; **by Ord. 1667**

Section 1. The remainder of the Code Chapter shall remain in full force in effect as 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 2. All Ordinances or parts of Ordinances inconsistent with this Ordinance, to the extent of such inconsistencies only, are hereby repealed.

Section 3. 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 June 4, 2024, and will be considered for second reading and public hearing at the Regular Meeting held on July 2, 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: June 4, 2024

First Publication: June 11, 2024

2nd Reading & Public Hearing: July 2, 2024

Final Publication: July 12, 2024

Effective Date: July 22, 2024

Emily Dillon, Borough Clerk

Judith Davies-Dunhour, Mayor

**BOROUGH OF STONE HARBOR
CAPE MAY COUNTY, NEW JERSEY
ORDINANCE NO. 1668**

**AN ORDINANCE AMENDING CHAPTER 560, ZONING OF THE
REVISED GENERAL ORDINANCES OF THE BOROUGH OF STONE HARBOR
AMENDING THE ZONING CODE FOR CLARIFICATION OF APPLICABILITY OF
RESIDENTIAL STANDARDS FOR LOTS SITUATED IN TWO ZONING DISTRICTS**

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, at the request of the Zoning Board the Planning Board undertook a review of two Sections of the Zoning Code; and

WHEREAS, the Planning Board review focused on the addition of residential use standards into the business zone for any development that sought to develop residential uses in the commercial zone.

BE IT ORDINATED BY THE BOROUGH COUNCIL OF THE BOROUGH OF STONE HARBOR, COUNTY OF CAPE MAY, STATE OF NEW JERSEY, AS FOLLOWS:

Section 1. Section 560-36. Lots in two districts. Is amended (added text underlined and deleted text is ~~stricken~~) as follows:

For a lot located in two districts, the regulations of the more-restrictive district shall be applied to the entire lot; except in the case of a residential use in a business zone in which case the residential standards for the particular residential use shall apply.

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

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

	<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-111

RESOLUTION APPROVING RAFFLE LICENSE- AMERICAN LEGION

WHEREAS, the American Legion Stephen C. Ludlam Post 331 made application on January 11, 2024 for a Raffle License for a 50/50 raffle; and

WHEREAS, it is the desire of the Borough Council of the Borough of Stone Harbor to issue a Certificate of Approval to American Legion Stephen C. Ludlam Post 331 for holding of said Raffle (11/11/2024);

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Stone Harbor, in the County of Cape May, State of New Jersey this 6th day of June, 2024, as follows:

1. That the Borough Council issue to the American Legion Stephen C. Ludlam Post 331 a Certificate of Findings and Determination to be signed by the proper officer of said Borough Council for an application made by said American Legion Stephen C. Ludlam Post 331; and
2. That the Municipal Clerk of the Borough of Stone Harbor be, and she is hereby authorized, empowered and directed to cause the proper Raffle License to be issued to the American Legion Stephen C. Ludlam Post 331 in accordance with the application made therefor.

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 June 4, 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-112

RESOLUTION APPROVING ALCOHOLIC BEVERAGE CLUB LICENSE RENEWALS FOR THE 2024-2025 LICENSE YEAR

WHEREAS, pursuant to N.J.S.A. 33:1-12, a “Club License” is a liquor license that is issued by a municipality to a corporation, association or organization that is non-profit and operating for benevolent, charitable, fraternal, social, religious, recreational, athletic or similar purposes. The club license authorizes the club to sell and serve alcoholic beverages but only for immediate consumption on the licensed premises and only to bona fide club members and their guests. This means that all alcoholic beverages sold or served must be consumed on the licensed premises by actual club members and those who are truly their guests. The club must also comply with all conditions that the ABC director has established by rules and regulations; and,

WHEREAS, the following alcoholic beverage club licenses have applied for the renewal of their respective licenses for the year 2024-2025 and their applications are complete in all respects:

- Yacht Club of Stone Harbor 0510-31-005-002
- 222 81st Street LLC 0510-31-006-001

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stone Harbor, that the liquor licenses listed above are renewed for the period July 1, 2024 through June 30, 2025, subject to the individual conditions for each licensee set forth on Schedule A, which is attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that the Borough Clerk shall supply a copy of this resolution to the licensed establishment as well as to the State.

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 June 4, 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

Schedule A

WHEREAS, the following conditions shall apply to 222 81st Street LLC:

- a) Seating shall be reserved for members only and their guests;
 - b) There shall be a service bar only without adjacent seating. No seating shall be permitted at the bar and drinks shall only be served by waiters or waitresses.
 - c) The use shall be as a restaurant only with no catering functions. Accordingly, under no circumstances shall the premises be open for weddings or other "life celebratory" or catered events.
 - d) Music shall be limited to live background music only, utilizing small amplifiers of 15 Watts or less.
 - e) All live music shall terminate at 10 p.m. Further, any recorded music played through the sound system shall terminate no later than 11 p.m.
 - f) The first dinner seating shall occur no earlier than 5:00 p.m. And the last dinner seating shall occur no later than 9 p.m.
 - g) The premises shall be utilized as a restaurant seasonally and be open no earlier than the week-end before Memorial Day and close no later than the Sunday of the week-end after Labor Day.
 - i. During said time period, the club member may also utilize the premises for club member activities on Fridays, Saturdays and Sundays, during the hours of 9:00 am to 5:00 pm, so long as the club does not engage in the sale of alcohol during said time and the number of people attending the activity is limited to a maximum of 50 individuals.
 - ii. H. The Licensee shall comply with all Borough Regulations and Ordinances.
- a. Any violation of the above may result in a suspension or termination of the license at the discretion of the governing body.

BOROUGH OF STONE HARBOR

Cape May County, New Jersey

RESOLUTION

2024-S-113

RESOLUTION APPROVING ALCOHOLIC BEVERAGE LICENSE RENEWALS FOR THE 2024-2025 LICENSE YEAR

WHEREAS, the following Alcoholic Beverage Licenses have applied for the renewal of their respective licenses for the year 2024-2025 and their applications are complete in all respects:

- Quahogs Restaurant Inc 0510-32-004-011
- Shelter Haven Hospitality Inc 0510-33-003-008
- Freds Tavern & Liquor Store Inc 0510-32-002-001
- Stone Harbor Square License LLC 0510-33-001-015

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stone Harbor, that the liquor licenses listed above are renewed for the period July 1, 2024 through June 30, 2025, subject to the individual conditions for each licensee set forth on Schedule A, which is attached hereto and made a part hereof.

BE IT FURTHER RESOLVED that the Borough Clerk shall supply a copy of this resolution to the licensed establishment as well as to the State.

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 June 4, 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

Schedule A

WHEREAS, the following conditions shall apply to Shelter Haven Hospitality Inc:

- a) Alcoholic beverages shall be served upon outdoor areas newly licensed by this approval only by a server who obtains such beverages from an inside bar area.
- b) There shall be no portable or fixed bar located outside in the outdoor areas newly licensed by this approval.
- c) There shall be no live or recorded entertainment, including musicians, whether amplified or not, upon the outdoor areas newly licensed by this approval and no amplification of any indoor live or recorded entertainment, including musicians, onto the outdoor areas newly licensed by this approval.

WHEREAS, the following conditions shall apply to Stone Harbor Square License LLC:

- a) Approved according to the plan submitted by Thomas-Amey-Shaw Inc.6/10/14 marked "Plan of Existing Conditions" copy attached.
- b) Licensee is responsible for the removal and disposal of its trash on a daily basis during operations under the liquor license, in addition to the removal done by Borough employees, and in order to comply with the intent, shall supply four (4) 2 ½ yard dumpsters with tight fitting lids, to be located behind the Harbor Plaza for the storage of trash and garbage.

BOROUGH OF STONE HARBOR
Cape May County, New Jersey

RESOLUTION

2024-S-114

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

Special Event Applications for Approval:

- Stone Harbor Triathlon- June 3, 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 4th day of June, 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 June 4, 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-115

RESOLUTION APPOINTING A TAX COLLECTOR AND DEPUTY CHIEF FINANCIAL OFFICER

WHEREAS, the current tax collector will be retiring June 30, 2024 and a resignation in the Finance Office has recently occurred, the Borough has an immediate need to fill these positions; and

WHEREAS, pursuant to N.J.S.A. 40A:9-154, et seq., the Tax Collector shall be qualified and certified as required and shall be subject to tenure rights and removal procedures as set forth in said statutory provisions once the four year term has been completed and he/she is reappointed ; and

WHEREAS, the Deputy Chief Financial officer will be assisting the finance office in financial duties and responsibilities.

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 Robert Williams is hereby appointed and nominated by the Mayor per Borough Code Section 10-6 as Tax Collector and Deputy Chief Financial Officer for the Borough of Stone Harbor effective June 4, 2024 with his official four year term commencing January 1, 2025.

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 June 4, 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-116

**RESOLUTION AUTHORIZING APPROVAL TO SUBMIT A GRANT APPLICATION
MA-2025- RECONSTRUCTION OF 121ST STREET- 00124 (FROM THIRD AVENUE TO
SECOND AVENUE) AND EXECUTE GRANT AGREEMENT WITH THE NEW
JERSEY DEPARTMENT OF TRANSPORTATION**

WHEREAS, the New Jersey Department of Transportation accepts applications for the Municipal Aid Program; and

WHEREAS, this program is available to all counties and municipalities in the State of New Jersey; and

WHEREAS, subject to funding appropriation, the Municipal Aid Program is established to address specific focused local transportation issues throughout the State; and

WHEREAS, these projects are approved at the discretion of the Commissioner; and

WHEREAS, this grant program does not require a local match; and

WHEREAS, the Borough of Stone Harbor carefully considers grant programs that assist the Borough in achieving projects and programs that are priorities for the community; and

WHEREAS, the Borough of Stone Harbor wishes to apply for to the Municipal Aid Program for a grant for 121st Street from Third Avenue to Second Avenue for the FY2025 NJDOT Municipal AID Program (State Project # MA-2025- Reconstruction of 121st Street – 00124 from Third Avenue to Second Avenue); and

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of Stone Harbor formally approves a Municipal Aid Program grant application.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2025-Reconstruction of 121st Street – 00124 from Third Avenue to Second Avenue to the New Jersey Department of Transportation on behalf of Stone Harbor Borough.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Stone Harbor Borough and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant 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 June 4, 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-117

RESOLUTION TO AMEND THE 2024 BUDGET FOR ADDITION OF FEMA GRANT

WHEREAS, NJS 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of , and

WHEREAS, the Director may also approve the insertion of an appropriation for the equal amount;

SECTION I

NOW THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Stone Harbor, in the County of Cape May, New Jersey, hereby requests the Director of the Division of Local Government Service to approve the insertion of items of revenue in the budget of the year 2024:

Flood Mitigation Assistance Grant Program, \$157,500

SECTION II

BE IT FURTHER RESOLVED that a like sums are hereby appropriated; by the Borough Council of the Borough of Stone Harbor in the County of Cape May, duly assembled in public session this 4th day of June 2024, that this resolution be approved.

	<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-118

**RESOLUTION TO APPROVE PROPOSAL FOR FLOOD MITIGATION
 IMPROVEMENTS-80TH STREET TO 88TH STREET**

WHEREAS, DeBlasio & Associates, Borough Engineer, 4701 New Jersey Avenue, Wildwood, N.J. 08260 has prepared a Proposal (copy attached) to provide professional survey and engineering services for the FEMA Grant Application Flood Mitigation Improvements for 80th Street to 88th Street which tasks include:

1. Surveying and base mapping
2. Schematic Design/H & H Study/Design
3. Construction documents

WHEREAS, the professional service fee for the above reference scope of work is not to exceed \$200,000 and will be invoiced on a percent complete basis; and

WHEREAS, funds are available for such services as evidenced by the Chief Financial Officer of the Borough in the line item account attached; and

WHEREAS, it is the intention of Council to approve this proposal as presented, upon final approval of Borough Solicitor and Borough Administrator.

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 Borough Council approves the attached Engineering & Construction Phase Cost Proposal for the Additional Services on this 4th day of June, 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 June 4, 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

CERTIFICATION OF AVAILABILITY OF FUNDS

I, Cynthia Lindsay, Chief Finance Officer of the Borough of Stone Harbor, hereby certify that funds are available in the Grant Fund Account G-02-41-507-024 in the amount of \$157,500 and General Capital Fund Ordinance #1589-21 to authorize DeBlasio and Associates proposal for Survey and Engineering Services for Flood Mitigation Improvements to 80th St. through 88th Street for an amount not to exceed \$200,000.00.

I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose.

Dated: May 31, 2024

Signed: *Cynthia Lindsay*

Cynthia Lindsay
Chief Financial Officer

BOROUGH OF STONE HARBOR

Cape May County, New Jersey

RESOLUTION

2024-S-119

**RESOLUTION TO APPROVE PROPOSAL FOR FLOOD MITIGATION
IMPROVEMENTS-89TH STREET TO 99TH STREET**

WHEREAS, DeBlasio & Associates. Borough Engineer, 4701 New Jersey Avenue, Wildwood, N.J. 08260 has prepared a Proposal (copy attached) to provide professional survey and engineering services for the FEMA Grant Application Flood Mitigation Improvements for 89th Street to 99th Street which tasks include:

- 1. Surveying and base mapping
- 2. Schematic Design/H & H Study/Design
- 3. Construction documents

WHEREAS, the professional service fee for the above reference scope of work is not to exceed \$200,000 and will be invoiced on a percent complete basis; and

WHEREAS, funds are available for such services as evidenced by the Chief Financial Officer of the Borough in the line item account attached; and

WHEREAS, it is the intention of Council to approve this proposal as presented, upon final approval of Borough Solicitor and Borough Administrator.

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 Borough Council approves the attached Engineering & Construction Phase Cost Proposal for the Additional Services on this 4th day of June , 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 June 4, 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

CERTIFICATION OF AVAILABILITY OF FUNDS

I, Cynthia Lindsay, Chief Finance Officer of the Borough of Stone Harbor, hereby certify that funds are available in the Grant Fund Account G-02-41-506-024 in the amount of \$157,500 and General Capital Fund Ordinance #1589-21 to authorize DeBlasio and Associates proposal for Survey and Engineering Services for Flood Mitigation Improvements to 89th St. through 99th Street for an amount not to exceed \$200,000.00.

I further certify that this commitment together with all previously made commitments does not exceed the appropriation balance available for this purpose.

Dated: May 31, 2024

Signed: *Cynthia Lindsay*

Cynthia Lindsay
Chief Financial Officer

BOROUGH OF STONE HARBOR
Cape May County, New Jersey

RESOLUTION

2024-S-120

RESOLUTION AUTHORIZING PAYMENT OF APPROVED PAYROLLS AND BILLS

BE IT RESOLVED, by the Borough Council of the Borough of Stone Harbor, that all properly executed and approved payrolls and bills be paid, the bill list total being \$374,576.50.

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 June 4, 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-121

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.

_____ (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.

___**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.

_____ (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 June 4, 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 June 4, 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