

**MINUTES OF THE MEETING OF MAYOR AND COUNCIL OF
THE BOROUGH OF STONE HARBOR HELD IN THE MUNICIPAL BUILDING**

June 18, 2024

The meeting was called to order by Mayor Judith M. Davies-Dunhour at 5:10PM.

ROLL CALL

Judith M. Davies-Dunhour, Mayor
Emily Dillon, Borough Clerk
Manny Parada, Business Administrator

PRESENT

Councilmembers
Frank Dallahan
Victor Foschini-Absent
Bunny Parzych
Robin Casper
Jennifer Gensemer
Tim Carney

Mayor Davies-Dunhour announced that the meeting was now open. 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.

For the record this Council Meeting was held via Video/Telephone Conference in a Zoom format.

SALUTE TO THE FLAG

Mayor Davies-Dunhour acknowledges the passing of resident Bob Scott as well as George Williams Jr., a Public Works Employee and sends her condolences to their families and friends. Mayor Davies-Dunhour requests a moment of silence.

Proclamation: Father William Kelly

Mayor Davies-Dunhour reads the proclamation in full into the record, the proclamation is on file in the Clerk's office.

COMMUNICATIONS

There are no communications.

Public Comment:

Judith Hammerschmidt, 180 113th Street- Ms. Hammerschmidt comments on the staffing in the construction office and states there is no one of authority to stop violations of the building code if the construction official is not there and urges Council to consider this in staffing. Ms. Hammerschmidt comments on the recently held SHPOA meeting and states it is not appropriate for SHPOA to be presenting and commenting on Borough business. Ms. Hammerschmidt states the Borough needs to address residents and taxpayers regarding the discussed stormwater utility before making the decision to implement it. Ms. Hammerschmidt comments on the increased number of lawsuits against the Borough and states the public should be receiving updates throughout the process. Ms. Hammerschmidt questions if the solicitor is responding efficiently and timely regarding the lawsuits and if discovery has begun in any of the cases. Borough Solicitor Anthony Bocchi responds stating it is not appropriate to discuss pending litigation publicly and in most instances with lawsuits against a town there is coverage through the JIF, but is decided on a case by case basis. Mr. Bocchi states the Borough has been given a representative through the JIF and he is also overseeing all litigations. Mr. Bocchi clarifies no discovery has been made in the Sweet case but expects that will be upcoming. Mr. Bocchi states in respect to the Smith v. Borough of Stone Harbor case, the Borough has filed a motion to dismiss the breach of contract case and anticipates discovery starting regarding the CEPA claim. Mr. Bocchi states that the Brown v. Borough of Stone Harbor and Stevenson v. Borough of Stone Harbor lawsuits have just been filed and there has been response or discovery as of yet.

Mary Hayden, 9401 Sunset Drive- Ms. Hayden thanks Mayor and Council for approving the angled parking on 94th Street and Councilmember Carney for expediting the process.

Kara Sweet, 23 Stone Court- Ms. Sweet comments on her pending litigation and states she made efforts to resolve this case and did have a Whispering Woods Hearing and the Zoning Board voted not to resolve the case. Ms. Sweet states the discovery for the case is due June 30, 2024, for all parties and then she and her representation will have 30 days to respond to that and she is also awaiting to hear about scheduling for mediation. Ms. Sweet mentions the Council has recently changed the zoning regulations for Linden Lane, but has not done the same for the Courts.. Ms. Sweet mentions the lots on Linden Lane are smaller in size than those of the Courts and feels there is no basis for the obligation to allowing the same rights granted to Linden Lane as the Courts. Ms. Sweet explains the Zoning

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Board has given approval to many variances requesting relief from zoning regulations, but will not grant relief to the Courts and urges Council to grant this relief.

Barbara Johnston, 344 94th Street- Ms. Johnston states she has spent generations in Stone Harbor and thanks Council for all they do for the town. Ms. Johnston states the implementation of pickle ball into the recreation department has been a huge benefit to the town and received a lot of interest. Ms. Johnston mentions due to the increased fees last year and this year it has upset residents and they are now utilizing the Courts in Avalon at a lesser fee. Ms. Johnston mentions the state of the pickleball courts is concerning and feels Council is making a mistake increasing the recreation fees as it is driving people away.

Brett Denafu, 261 96th Street- Mr. Denafu states he has major concerns regarding the current state of the Borough. Mr. Denafu states he agrees with the comments regarding the pickle ball courts and feels Council should not overcharge people as it turns the public away. Mr. Denafu mentions his business, along with other local businesses have stated that their revenues are down 20% compared to previous years. Mr. Denafu recommends raising the parking permit fees as a source of revenue and urges Council to consider other revenue options rather than up-pricing the fees for residents and visitors.

Borough Solicitor Bocchi refers to a public comment made at a previous Council meeting announcing a candidacy in the upcoming election. Mr. Bocchi states he received questions if this is appropriate for public comment during a meeting and states after reviewing the New Jersey Election Rules it is stated that no candidate can solicit campaign contributions directly or indirectly on property owned by state or local entities. Mr Bocchi states meetings of the Governing Body should be focused on Borough issues and recommends refraining on commenting on election related topics.

OLD BUSINESS

ORDINANCES FOR SECOND READING AND CONSIDERATION FOR ADOPTION

1666 An Ordinance Amending the Salary Ordinance for the Borough of Stone Harbor

PUBLIC HEARING: None.

Motion: Gensemer **Second:** Dallahan

Dallahan: Yes **Foschini:** Absent **Parzych:** Yes **Casper:** Yes **Gensemer:** Yes **Carney:** Yes

NEW BUSINESS

ORDINANCES FOR FIRST READING AND INTRODUCTION

1669 An Ordinance Amending Chapter 520-13 “Angle Parking” of the Municipal Code and Ordinance 1540 of the Borough of Stone Harbor Specifically Adding Angled Parking on the 400 Block of 94th Street

Motion: Carney **Second:** Parzych

Dallahan: Yes **Foschini:** Absent **Parzych:** Yes **Casper:** Yes **Gensemer:** Yes **Carney:** Yes

CONSENT AGENDA

Council is in agreement to table the minutes until the next meeting. Councilmember Casper requests to remove resolution 2024-S-124 from the 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
- Work Session, Regular, and Closed Session Meeting Minutes dated June 4, 2024

Resolutions

2024-S-122 Resolution to Award Bid 2024-01 for Information Technology Services- Barber Consulting Services, LLC

2024-S-123 Resolution Authorizing an Award of Contract for Grant Management Services Under the “Nonfair and Open” Process- James M. Rutala Associates, LLC

Motion is made to table the minutes and approve the consent agenda.

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Motion: Parzych **Second:** Gensemer

Dallahan: Yes **Foschini:** Absent **Parzych:** Yes **Casper:** Yes **Gensemer:** Yes **Carney:** Yes

REGULAR AGENDA

2024-S-124 Resolution Authorizing the Fireworks Display 2024

Motion: Gensemer **Second:** Parzych

Dallahan: No **Foschini:** Absent **Parzych:** Yes **Casper:** No **Gensemer:** Yes **Carney:** Yes

2024-S-125 Resolution Authorizing Payment of Approved Payrolls and Bills

Motion: Dallahan **Second:** Carney

Dallahan: Yes **Foschini:** Absent **Parzych:** Yes **Casper:** Yes **Gensemer:** Yes **Carney:** Yes

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 Litigation**

Motion: Parzych **Second:** Casper

Dallahan: Yes **Foschini:** Yes **Parzych:** Yes **Casper:** Yes **Gensemer:** Yes **Carney:** Yes

Time into Closed Session: 6:02PM.

Time returned from Closed Session: 6:25PM.

Public Comment: None.

Adjournment


Motion to adjourn.

Motion: Parzych **Second:** Dallahan

Dallahan: Yes **Foschini:** Absent **Parzych:** Yes **Casper:** Yes **Gensemer:** Yes **Carney:** Yes

The Regular Meeting of Mayor and Council was adjourned at 6:28 PM.

APPROVED: July 16, 2024

 _____, Mayor
Judith M. Davies-Dunhour

 _____, Borough Clerk
Emily Dillon

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