

MEETING AT MUNICIPAL BUILDING, 9508 SECOND AVENUE
PRELIMINARY AGENDA FOR COUNCILMEMBERS
SUBJECT TO CHANGE

AGENDA

Regular Meeting

Tuesday, August 16, 2016

4:30 PM

PRESENTATION – Water Supply Co. - Lane

REVERTER HEARING

- a. **Resolution – Reverter (1) Mastrangelo**
- b. **Resolution – Hobie Cat Changes & Fees (2) Gallagher**
- c. **Resolution – RFP Professionals (3) Lane**
- d. **Resolution – Set up and advertise Work Sessions (4) Davies-Dunhour**
- e. **Resolution – Authorize Utility Overpayment Credit (5) Lane**

DISCUSSION

Area at Borough Marina for storage of boats/trailers (5) Mastrangelo

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

RESOLUTION RELEASING REVERTER CLAUSES ON
BLOCK 120.02, LOT 108 AND BLOCK 120.02, LOT 109
IN THE BOROUGH OF STONE HARBOR

WHEREAS, the Borough of Stone Harbor in the County of Cape May and State of New Jersey, placed certain reverter clauses into deeds to properties that were sold at auction over the course of several decades culminating in the 1980's; and

WHEREAS, the reverter clauses called for the reversion of ownership back to the Borough if such lots were increased or reduced in size; and

WHEREAS, the Borough Council has found that the legislative record is absent any statement of the intention for these clauses and that the Borough does not wish to interfere with property rights with regard to these properties nor produce results that would likely lead to litigation over the language and intent of the clauses and further has found that modern zoning capabilities were not well established at the time of the auctions and utilization of the modern Municipal Land Use Law will allow for any concerns to be addressed moving forward; and

WHEREAS, these lots were sold by the Borough in the South End from approximately 113th Street to 122nd Street; and

WHEREAS, the Borough Council has determined to release these reverter clauses and leave any planning or zoning concerns to the appropriate land use board; and

WHEREAS, the Borough is in the process of creating a definitive listing of all properties so situated and move forward with a blanket removal of said clauses in the near term; and

WHEREAS, in the interim there has been a request for the removal of two such clauses by the owners of Block 120.02, Lot 108 and Block 120.02, Lot 109 which were recorded in deeds with the Cape May County Clerk's Office in Deed Book 1295, page 380 and Deed Book 1294, page 588; and

WHEREAS, the clauses in the deeds of conveyance related to these properties state: *This lot shall be considered as one entire parcel of land which may be used only for such use purposes as specified by the Borough's Zoning Ordinance provisions applicable to the zone wherein the land is situated, The lot shall not be increased or decreased in size; and, no license, easement, right of way or other uses shall be permitted or created by the purchaser and any subsequent owners. Any conveyance which would increase or decrease the size of a lot shall automatically cause the title to the entire lot to revert to the Borough;* and

WHEREAS, N.J.S.A. 40:60-51.2, states: *Any municipality is authorized....to waive, release, modify or subordinate any ...reverters imposed in sales and conveyances of lands...but only after public hearing held before such governing body describing the lands in question...and the reverters to be waived...shall first have been given by advertisement published once each week for two weeks in a newspaper published in said municipalityhowever, that the power herein granted shall not be exercised to impair any vested or contractual rights of third parties.;* and

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

WHEREAS, the Borough Clerk has duly advertised a notice of hearing on the removal application in accordance with the statute, on July 30 and August 6, 2016 proof of which is on file with the Borough Clerk's Office; and

WHEREAS, on August 16, 2016, the Borough Council of the Borough of Stone Harbor conducted a hearing on the application to remove these reverters and the applicants were represented by Jon Batistini, Esquire, who appeared on their behalf and the matter was opened to any persons wishing to speak in favor of or against the application; and

WHEREAS, the Borough Council considered the application as well as any comments for or against at the time of said hearing; and

WHEREAS, there appears to be no third party or parties whose vested or contractual rights would be impaired by the release of these reverter clauses; and

WHEREAS, the Borough Council has determined to release these and similar reverter clauses upon the aforementioned lots auctioned by the Borough several decades ago;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Stone Harbor duly assembled in public session this 21st day of April, 2015, as follows:

1. That the preamble of this Resolution is hereby incorporated by reference and adopted as the finding-of-fact of the Borough Council:
2. That, in accordance with N.J.S.A. 40:60-51.2, the Borough of Stone Harbor hereby releases the aforementioned reverter clauses on Block 120.02, Lot 108 and Block 120.02, Lot 109 which were recorded in deeds with the Cape May County Clerk's Office in Deed Book 1295, page 380 and Deed Book 1294, page 588.
3. That recordation of this Resolution by the applicant is hereby authorized.

Offered by Seconded by.....

The above resolution was duly adopted by the Borough Council of the Borough of Stone Harbor, New Jersey, at a meeting of said Council duly held on theday of, 2016

Borough Clerk

The above resolution approved this day of....., 2016

Mayor

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

(2)

RESOLUTION

WHEREAS, Ordinance 626 - RGO 170-20 Storage and Use Rules and Regulations up the Borough's Hobie Cat Beach to be between 122nd and 127th street groin and allowed them to be stored on those beaches: and

WHEREAS, the winter storms which affected the Stone Harbor beaches and left the above area with not enough beach to safely store Hobie Cats for this season; and

WHEREAS, the Borough Council decided on April 5, 2016 (Resolution 2016-S-77) that boats were not allowed to remain on the beach for the Summer of 2016 and to refund fees paid for 2016; and

WHEREAS, the Borough Council approved on May 17, 2016 (Resolution 2016-S-103) Rules for the Summer of 2016 Only, for sailing on the Hobie Cat beach; and

WHEREAS, the Borough Council at the Council Meeting of August 2, 2016 voted to allow Hobie Cats back on the beach since it was decided that the beach had recovered from the Spring storms enough to maintain the Hobie Cat boats; and

WHEREAS, the Borough Council voted to place 30 spots on the beach, south of the 122 street beach ramp, pro-rating the fee structure and charging \$80.00 for the months of August and September and allow Stone Harbor property owners to apply for permits for the first week, then open up to all boat owners.

NOW, THEREFORE, BE IT RESOLVED, on this 16th day of August, 2016 by the Mayor and Council of the Borough of Stone Harbor, in the County of Cape May that Resolution 2016-S-103 approved on May 17, 2016 with new rules for the Summer of 2016 is hereby rescinded and replaced by this Resolution approved for the remainder of the Summer of 2016.

Offered by Seconded by.....

The above resolution was duly adopted by the Borough Council of the Borough of Stone Harbor, New Jersey, at a meeting of said Council duly held on theday of, 2016

Borough Clerk

The above resolution approved this day of....., 2016

Mayor

(3)

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

ESTABLISHING: 1. FAIR AND OPEN PROCESS FOR CONTRACTS 2. CRITERIA TO BE CONSIDERED IN AWARDING CONTRACTS; AND 3. POSITIONS WHICH PROPOSALS SHALL BE SOLICITED

WHEREAS, N.J.S.A. 19:44A-20.4 et, seq requires that contract with a value exceeding \$17,500 be awarded pursuant to a "fair and open" or non-fair and open" process; and

WHEREAS, the Borough Council feel the best interest of the residents of Stone Harbor would be best served by the Borough requesting proposals and qualification, and considering and awarding contracts by use of a Fair and Open process; and

WHEREAS, the Borough Council desires to establish the Fair and Open process; and

WHEREAS, the Borough Council desires to establish the criteria for consideration of proposals and qualifications, and the award of contracts submitted in accordance with the Fair and Open process; and

WHEREAS, the Borough Council desires to establish the positions which for the year 2017 shall be subject to the Fair and Open Process and also where stated below additional criteria for certain position; and

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Stone Harbor, County of Cape May, State of New Jersey, that:

1. THE FAIR AND OPEN PROCESS

A. The Borough Council of the Borough of Stone Harbor has determined that the following procedure constitutes a fair and open process and shall be the manner in which requests for proposals and qualifications are sought, accepted and awarded:

1. Request for proposals and qualifications shall be publicly advertised on the Borough of Stone Harbor internet website beginning September 9th, 2016. Said request will also be advertised in the Press of Atlantic City Newspaper on September 9, 2016 and September 16th, 2016.
2. The Borough shall accept proposals until 11:00am on November 3rd, 2016.
3. Proposals shall be in a sealed envelope addressed to:
Suzanne Stanford, Borough Clerk
Borough of Stone Harbor
9508 Second Avenue
Stone Harbor NJ 08247

The envelope shall also state the name of the person or entity submitting the proposal and the position for which the proposal is submitted.

4. The envelope shall contain one original and one copy scanned as a PDF File and submitted on a CD or USB Drive.
5. The proposal shall include (**this is mandatory**) at a minimum, a statement of the following:
 - A. Qualifications and experience of person or entity specifically with regard to the position sought
 - B. Scope of Services proposed to be provided
 - C. Contact information, including name, address, phone number, email address
 - D. Fee Proposal including a "**Not to Exceed**" Amount
 - E. Office Staffing Plan and Resources

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- F. Location of Office from which services shall be provided
 - G. References
 - H. Potential Conflicts
 - I. The Applicant should provide a proposal which includes a statement of licensing, other in his/her office who will provide services, a fee schedule which lists names, titles and fees for each person and for each of these services, and any other information deemed of importance by the Applicant.
6. On November 3rd, 2016 at 11:30am the Borough Clerk or Representative shall open each of the proposals and shall announce the proposals received by name of person or entity submitting proposal and the position for which the proposal is submitted.
 7. The Proposals shall be submitted to the Borough Council for consideration at its reorganization meeting., at which time Borough Council may award a contract by approving a resolution, or, it may choose to award at the next regularly scheduled Borough Council meeting, If a majority votes to seek interviews, interviews may be held between Borough Council and the person or entity that submitted proposals. Borough Council may send proposals to Borough Boards or Agency's for consideration and approval as is appropriate.

2. CRITERIA BY WHICH REQUESTS FOR PROPOSALS AND QUALIFICATIONS SHALL BE EVALUATED

- A. The Borough of Stone Harbor hereby discloses in writing that all of the submissions in response to the Requests for Proposals and Qualifications submitted through the fair and open process described above, will be evaluated by the Borough Council of the Borough of Stone Harbor and awarded or rejected on the basis of the following criteria. Proposals will be evaluated by the Borough Council of the Borough of Stone Harbor on the basis of the most advantageous, price and other factors considered.

The evaluation will consider:

1. Experience and Reputation in the field
 2. Knowledge of the Borough of Stone Harbor and the subject matter to be addressed under the contract
 3. Availability to accommodate any required meeting of the agency
 4. Compensation proposal
 5. Other factors if demonstrated to be in the best interest of the Borough of Stone Harbor
- B. The following criteria, found under the competitive contracting rules at N.J.A.C. 5:34-4-2, if determined to be of assistance, may also be considered by the Borough Council. These criteria are not intended to be limiting or all-inclusive and they may be adapted or supplemented in order to meet the Borough Council's needs. No criteria will unfairly or illegally discriminate or exclude otherwise capable vendors.

I. Technical Criteria:

- a. Proposed methodology:
 - i. Does the vendor's proposal demonstrate a clear understanding of the scope of work and related objectives?

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- ii. Is the vendor's proposal complete and responsive to the specific RFP Requirements?
- iii. Has the past performance of the vendor's proposed methodology been documented?
- iv. Does the Vendor's proposal use innovative technology and techniques?
- v. Are sound environmental practices such as recycling, energy efficiency, and waste reduction used?

II. Management Criteria:

- a. Project Management:
 - i. How well does the proposed scheduling timeline meet the agency's needs?
 - ii. Is there a project management plan?
- b. History and Experience in performing the work:
 - i. Does the vendor document a record of reliability of timely delivery and on-time and on-budget implementation?
 - ii. Does the vendor demonstrate a track record of service as evidenced by on-time, on-budget, and contract compliance performance?
 - iii. Does the vendor document industry and program experience?
 - iv. Does the vendor have a record of moral integrity?
- c. Availability of personnel, facilities, equipment and other resources:
 - i. To what extent does the vendor rely on in-house resources vs. contracted resources?
 - ii. Are the availability of in-house and contract resources documented?
- d. Qualification and Experience of Personnel:
 - i. Documentation of experience in performing similar work by employees and when appropriate, sub-contractors?
 - ii. Does the vendor make use of capabilities or initiatives that involve women, the disadvantaged, small and/or minority owned business establishments?
 - iii. Does the vendor demonstrate cultural sensitivity in hiring and training staff?

III. Cost Criteria:

- a. Cost of goods to be provided or services to be performed:
 - i. Relative cost: How does the cost compare to other similar proposals?
 - ii. Full Explanation: Is the price and its component charges, fees, etc., adequately explained or documented?
- b. Assurance of performance:
 - i. If required, are suitable bonds, warranties, or guarantees provided?
 - ii. Does the proposal include quality control and assurance programs?
- c. Vendor's Financial stability and strength:
 - i. Does the vendor have sufficient financial resources to meet its obligations?

3. REQUEST FOR PROPOSALS AND QUALIFICATIONS ARE SOUGHT FOR THE FOLLOWING POSITIONS

A. Municipal Solicitor – Legal Advisor to the Borough Council and Administrative Staff. Includes all litigation; draft and review ordinances, resolutions and any and all matters regarding the Borough's legal issues. Also solicitor to Sewer and Water Department. Borough Council meets twice a month in the late afternoon; there are frequent daytime meetings. The Solicitor is required to be available in the Borough hall at least one day a week to meet with department heads and employees. The Solicitor is expected to be immediately available to Borough Council members and the Administrator; at least one full time staff member is to be assigned to do Borough work.

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- B. **Labor Attorney** – Legal Advisor to the Borough Council and Administrative Staff on labor law issues, including disciplinary matters, hiring and firing of employees, assist in any grievance procedures and negotiating contracts.
- C. **Tax Appeal Attorney** – Licensed Attorney in the State of New Jersey that handles all tax appeals (residential and commercial at both the County Board of Taxation and the New Jersey Tax Court for the Borough of Stone Harbor. Legal Advisor on Tax Appeals, Tax Assessment, Bankruptcy notifications and other related matters. Assists Tax Assessor in all legal Tax Assessment matters.
- D. **Municipal Auditor** – The auditor performs annual audit of Borough Finances, assists with preparation of annual budget, Union Contract negotiations and is always immediately available to discuss compliance with the Borough Administrator and CFO.
- E. **Municipal Prosecutor** – Prosecutes the Borough's Municipal Court. Court meets every Monday and any special session as set forth by the Municipal Court Administrator.
- F. **Municipal Public Defender** – Represents defendants who qualify for public defender in municipal court. Court meets every Monday and any special session as set forth by the Municipal Court Administrator.
- G. **Zoning Board of Adjustment Solicitor** – Attorney representing the Zoning Board of Adjustment. The Zoning Board meets one evening a month
- H. **Planning Board Solicitor** – Attorney representing the Planning Board. The Planning Board meets two evenings a month.
- I. **Bond Counsel** - Legal advisor to the Borough Council and Administrative Staff on issues regarding bond financing and refinancing. Includes compliance with any and all necessary laws, state and federal, in the marketing and selling of the Borough's bonds of any sort, including bond anticipation notes.
- J. **COAH Counsel** – Legal advisor to the Borough Council and Administrative Staff on issues regarding its obligations mandated by The Council on Affordable Housing and assorted state statutes and regulations, Minimum qualifications are at least five years' experience in the COAH Field.
- K. **Risk Management Consultant** – The consultant shall assist the Municipality in identifying its insurable exposures and to recommend professional methods to reduce, assume, or transfer the risk from the Atlantic County Municipal Joint Insurance Fund, review with the municipality any additional coverage's the consultant feels should be carried but are not available from the Fund and subject to the Municipality's authorization place such coverage outside of the fund. Shall further assist in the preparation of applications, statements of values and similar documents requested by the Fund, review the municipalities' assessment as prepared by the Fund and assist the municipalities' preparation of its annual insurance budget. Review the loss and engineering reports and generally assist the safety committee in its loss containment objectives. Attends Borough Safety Committee meetings. Assist where involvement does not include the work normally done by a public adjuster. And any other services as required.

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- L. **Planning Consultant** – Provide professional planning services and advise the Borough Council, Planning and Zoning Boards, on the master plan, housing plan, zoning and land use matters, plan endorsement, environmental studies, and other related planning services that may be deemed necessary to the Borough.
- M. **Health Insurance Consultant/Broker** – Responsible for negotiating annual renewal of coverage from carriers for Hospital, Medical/Surgical, Major Medical, Prescription Drug and Dental coverage. Seek competitive quotes from other health benefit carriers and provide advice and recommendations for consideration. Preparation of all necessary bid specifications, evaluation of bids, coverage and premium analysis, and recommendation of carrier.
Review policies and endorsements for accuracy and conformance with the negotiated coverage. Insure the timely issuance of policies and endorsements to the Borough. Analyze and review all health benefit carrier proposed settlements, claims history, group utilization, reserves, claims processing, and other plan costs and expenses to provide information and recommendation to the Borough.
Assist the Borough employees in setting claims or grievances relating to health benefit issues. Assist the Borough with health benefit plan administration and provide advice and guidance on new laws, regulations and procedures in the area of health benefit administration.
Assist the Borough's personnel in processing of enrollments, terminations, changes, COBRA notification processes and applications, and other forms for administration and claims. Provide the Borough administration with reasonable preliminary renewal figures during the budget process.
Attend on request Borough meetings, budget meetings, and union negotiation meetings, whenever necessary.
Assist the Borough's Personnel Office with required employee presentations.
The Respondents ultimately selected through this RFP will be responsible for assisting the Borough with all aspects of its health insurance consulting/brokerage services and for the administration and management of all aspects of the Borough's health and welfare insurance programs; this includes but is not limited to Medical, Prescription, Dental and Vision programs.
- N. **Environmental Consulting Engineer/Alternate Engineer** – Provide professional engineering services and advise the Borough Council and Borough Administrator on Beach and Bay projects and improvements.
- O. **Municipal Architect** – Provides general architectural services relative to Borough projects as determined by the Borough Council and Borough Administrator.

I, Suzanne Stanford, Borough Clerk of the Borough of Stone Harbor, Cape May County, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Borough Council at a meeting of said Borough of Stone Harbor Council, held on _____ And said Resolution was adopted by not less than two-thirds vote of the members of the Borough Council.

Offered by Seconded by.....

The above resolution was duly adopted by the Borough Council of the Borough of Stone Harbor, New Jersey, at a meeting of said Council duly held on theday of, 2016

.....
Borough Clerk

The above resolution approved this day of....., 2016

.....
Mayor

(4)

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

A RESOLUTION ESTABLISHING THE ADDTION OF WORK SESSIONS TO PREVIOUSLY PUBLISHED MEETING DAYS IN THE BOROUGH OF STONE HARBOR FOR THE MAYOR AND MEMBERS OF COUNCIL

BE IT RESOLVED by the Mayor and Council of the Borough of Stone Harbor, New Jersey, that the following dates and times have been established as meeting dates for the governing body during the year 2016. Work Sessions from 3-4 pm will be added starting in September. Legal action will be taken at the Regular published meetings.

September 6 th	Regular Meeting at 4:30 pm Work Session from 3-4 pm
September 20 th	Regular Meeting at 4:30 pm Work Session from 3-4 pm
October 4 th	Regular Meeting at 4:30 pm Work Session from 3-4 pm
October 18 th	Regular Meeting at 4:30 pm Work Session from 3-4 pm
November 1 st	Regular Meeting at 4:30 pm Work Session from 3-4 pm
November 14 th	(Monday) Regular Meeting at 4:30 pm Work Session from 3-4 pm
December 6 th	Regular Meeting at 4:30 pm Work Session from 3-4 pm
December 20 th	Regular Meeting at 4:30 pm Work Session from 3-4 pm
January 3, 2017	Organization Meeting 4:30 pm

BE IT FURTHER RESOLVED that a complete list of these dates and times to be published in the newspaper and posted according to law.

Offered by Seconded by.....

The above resolution was duly adopted by the Borough Council of the Borough of Stone Harbor, New Jersey, at a meeting of said Council duly held on the day of, 2016

Borough Clerk

The above resolution approved this day of....., 2016

.....
Mayor

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

(5)

RESOLUTION

AUTHORIZING UTILITY OVERPAYMENT CREDIT

WHEREAS, Stephen & April Hladczuk, owner of record, Utilities account #15800, a/k/a Block 104.02 Lot 66.02, located at 10416 Second Avenue overpaid irrigation meter base rate charges in the amount of \$849.00; and

WHEREAS, the Utilities Collector has requested a credit be issued to the Utilities Account.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough Stone Harbor in the County of Cape May, State of New Jersey, duly assembled in public session this 16th day of August, 2016 that, the preamble of this Resolution is hereby incorporated by reference as if set forth at length;

BE IT FURTHER RESOLVED that, the Utilities Collector made the proper adjustment in her records.

Offered by Seconded by.....

The above resolution was duly adopted by the Borough Council of the Borough of Stone Harbor, New Jersey, at a meeting of said Council duly held on theday of, 2016

.....
Borough Clerk

The above resolution approved this day of....., 2016

.....
Mayor