

MEETING AT MUNICIPAL BUILDING, 9508 SECOND AVENUE

AGENDA REGULAR MEETING

TUESDAY

September 4, 2018

4:30 p.m.

ORDINANCE – Utility Changes INTRO (1) Krafczek

Resolution – Change Order #2 – Police Building – increase original price by \$18,191.52 (2) Parzych

Resolution – 2019 NJDOT Local Aid Grant- 300 block of 88th Street (3) Kramar

Resolution – Policy set up refunds – Recreation (4) Gallagher

Resolution – Renewal of Club License – 222 – 81st Street LLC (5) Parzych

Resolution – Cancel Unexpended Grant Fund – Open Space (6) Lane

Resolution – Award 82nd Street Recreation Facility Tennis Court Building (7) Gallagher

Resolution – Civil Rights Policy – JIF (8) Rich

Motion – Special Event - Beat the Clock (9) Gallagher

Motion – Out to Bid Valve Exercising Trailer (10) Krafczek

Resolution – Closed Session – Personnel – (11) Gallagher

(May be done during Work Session if time allows)

BOROUGH OF STONE HARBOR
COUNTY OF CAPE MAY, NEW JERSEY
ORDINANCE NO. 1529

AN ORDINANCE AMENDING CHAPTER 542 (Water and Sewers)
OF THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF STONE HARBOR 2005

Chapter 542. Water and Sewers

§ 542-7. Owner's responsibility for water services.

A.

The water service line from the meter pit to all outlets in the premises is the sole responsibility of the owner of the premises, and shall be kept in repair or replaced at the owner's expense. *All repairs to the water service line from the-meter pit including meter pit equipment to the water main, where negligence is not a factor, shall be the responsibility of the Borough. Application to upgrade Meters, meter boxes, fittings and pipes will be subject to the applicable charges found in § 542-5 and/or § 542-6 hereof.*

§ 542-11 Turnoff charges; final reading charges.

[Amended 3-15-2005 by Ord. No. 1226; 9-2-2008 by Ord. No. 1321; 8-20-2013 by Ord. No. 1431]

A.

A turnoff charge of \$250 will be made if the Utilities Department has effected a temporary turnoff of the water service, either at the request of the customer or because of an emergency, or because the Utilities Department turned off the water service by reason of a violation of any of the sections of this chapter. Each subsequent turnoff will result in the imposition by the Borough of a charge of \$500. Service may only be restored by a licensed New Jersey plumber.

[Amended 2-16-2016 by Ord. No. 1471] Such penalty, if unpaid within thirty days, may be enforced as a fine in the Stone Harbor Municipal Court. The time period for calculation of subsequent offenses shall reset on a calendar year basis.

542-13 Schedule of Water Rates & Fees

A.

(3)

An annual maintenance fee of \$10.00 per meter will be added to the water service bill. This fee will offset any necessary repairs and/or mandatory upgrades to the water service infrastructure within the Borough

§ 542-16 Owner's responsibility for sanitary collection system.

It shall be the sole responsibility of the owner to maintain the entire building sewer in proper operating condition. Restrictions in the building sewer causing limited flow, blockage or discharge of sewage onto any property, into the street, highway or within an easement area, shall be eliminated through arrangements between the property owner and a registered plumber. *If the Utilities Department is dispatched to a property and it is determined that the restriction is not within the sewer lateral from the curb to the main a charge of \$250.00 will be imposed upon the property owner.* It is illegal for any vent system to discharge sewage onto any property, whether public or private. If such discharges do occur, the cause must be promptly eliminated. Tardy elimination or frequently repeated occasions of such incidences or failure to clean up after such instances shall be a violation of this chapter and shall be reason for the Stone Harbor Board of Health or the Stone Harbor Plumbing Inspector to cause discontinuance of water service and to proceed with necessary arrangements for clean up, etc., and assess the user accordingly.

Chapter 542-19 Illicit Connection Prohibited

E.

Penalties. Any person(s) who is found to be in violation of the provisions of this section shall be subject to a *minimum fine of \$500* not to exceed \$1,250.
[Amended 8-20-2013 by Ord. No. 1431]

§ 542-20 **Improper disposal of waste.**

[Added 9-6-2005 by Ord. No. 1245]

F.

Penalty. Any person(s) who continues to be in violation of the provisions of this section, after being duly warned on one occasion, shall be subject to a *minimum fine of \$500* not to exceed \$1,250.

§ 542-26 **Enforcement; violations and penalties.**

C.

Penalty. Any person found guilty of any violation of this chapter, shall, upon conviction thereof, be subject to a *minimum fine of \$500* not to exceed \$1,250.
[Amended 3-7-2006 by Ord. No. 1251]

APPROVED:

Judith M. Davies-Dunhour, Mayor

ATTEST:

Suzanne C. Stanford, Borough Clerk

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

(2)

RESOLUTION

WHEREAS, the Borough of Stone Harbor is currently under contract with Aliano Brothers General Construction, Inc. 2560 Industrial Way, Vineland, N.J. 08360 for Stone Harbor Police Station Expansion Project Number 0510U072; and

WHEREAS, it is the recommendation of the Remington & Vernick Engineers, to authorize Change Order No. 2 – Extras - \$28,265.81, Reductions - \$10,074.29; and

Original Contract Amount	\$3,999,600.00
Previous Adjusted Contract Amount	\$3,988,326.64
Extra	\$ 28,265.81
Reduction	\$ (\$10,074.29)
Adjustment Amount	\$4,006,518.16

WHEREAS, Change Order No. 2 will increase the adjusted contract price amount of \$3,988,326.64 to \$4,006,518.16.

NOW, THEREFORE, BE IT RESOLVED, this 4th day of September, 2018 by the Borough Council of the Borough of Stone Harbor, in the County of Cape May, and the State of New Jersey, that the preamble of this Resolution is hereby incorporated by reference and that the aforementioned Change Order No. 2 be and hereby is authorized;

BE IT FURTHER RESOLVED that the Mayor and the Borough Clerk be and hereby are authorized to execute Change Order No. 2 to increase the original price by \$ 18,191.52.

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

(3)

RESOLUTION

Borough of Stone Harbor
Resolution No. MA-2019-Reconstruction of 88th Street-00112

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Reconstruction of 88th Street project.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Borough of Stone Harbor formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2019-Reconstruction of 88th Street-00112 to the New Jersey Department of Transportation on behalf of the Borough of Stone Harbor.

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

Certified as a true copy of the Resolution adopted by the Council
On this 4th day of September, 2018.

Clerk

My Signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL _____
(Clerk) (Presiding Officer)

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, 2018

.....
Borough Clerk

The above resolution approved this day of....., 2018

.....
Mayor

(4)

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

RE: ESTABLISHING A UNIFORM POLICY WITH RESPECT TO REFUNDS OF CERTAIN RECREATION FEES

WHEREAS, from time to time, the Borough receives a request for a refund of recreation fees; and

WHEREAS, presently all such requests are submitted to Borough Council for consideration and approval; and

WHEREAS, the Borough Council has determined that it would be more expedient to establish a general policy with respect to such matters, which is consistent with other Borough policies regarding refunds or adjustments;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Stone Harbor, in the County of Cape May and State of New Jersey on this 4th day of September, 2018 as follows:

1. The allegations of the preamble are incorporated herein by this reference.
2. The following policy is hereby established with respect to requests for a refund of a prepaid recreation fee:
 - (A) Any request for a refund of any fee for a recreation event must be made prior to the scheduled start date for the event. No refund request shall be considered once the event has commenced nor at anytime thereafter.
 - (B) The refund request shall be submitted to the Recreation Director for initial review and determination. If the Recreation Director is satisfied that good cause exists for the refund, the Recreation Director shall submit his determination and recommendation to the Borough Administrator and the Director of Revenue and Finance for their review and concurrence.
 - (C) If all three officials, the Recreation Director, Borough Administrator and Director of Revenue and Finance, concur, then the applicant shall be requested to execute a voucher and follow such other procedures as may be established and upon proper execution, with a copy of the receipt attached, the voucher will be submitted for approval for payment at a regular meeting of Borough Council.
 - (D) A report of all recreation refunds shall be filed with the Borough Clerk at the end of each calendar quarter. Such report shall include the names, addresses, activity registered for, and the amount of refund, together with any additional information that may be requested by Borough Council.

The determination of the Business Administrator, Director of Revenue and Finance and the Recreation Director shall be final and no appeal from that determination shall be taken to the Borough Council.

This Resolution does not apply to beach tags or beach fees, nor is it intended to apply to any event where Borough Ordinance prohibits refunds.

This Resolution shall take effect immediately and shall remain in full force and effect until such time as it may be modified or rescinded by the adoption of a subsequent Resolution.

(5)

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

**A RESOLUTION AUTHORIZING THE RENEWAL OF A CLUB LICENSE
TO: 222 – 81st STREET, LLC**

Whereas, 222 – 81st Street LLC #0510-31-006-001 has made a renewal application to the Mayor and Council of the Borough of Stone Harbor, New Jersey, for the Club License for the year beginning July 1, 2018 to June 30, 2019; and,

Whereas the Issuing Authority has found that:

- a) The submitted application forms for renewal are complete in all respects;
- b) The applicants are qualified to be licensed according to all statutory, regulatory and local governmental ABC laws and regulations; and,
- c) The applicants have disclosed and the Issuing Authority has reviewed any additional financing obtained in the previous license term for use in the licensed businesses and there was none; and,

Whereas, no objections have been filed with the Borough Clerk and this body is of the opinion that said application should be granted and a license issued; and,

Whereas, all legal requirements have been complied with and a check in the amount of \$188.00 for the Club License has been attached to the application.

Whereas, the following conditions shall apply:

- 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 5:30 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 shall open no earlier than Memorial Day and close no later than the Sunday before Labor Day.
- H. The Licensee shall comply with all Borough Regulations and Ordinances.
- I. Any violation of the above may result in a suspension or termination of the license at the discretion of the governing body.

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 a Club License for the sale of alcoholic beverages shall be signed, issued and delivered to 222 – 81st Street, LLC. That said license shall become effective on July 1, 2018 and be for the one year from said date expiring at the close of business on June 30, 2019 and that said license shall be delivered by the Borough Clerk who is designated as the proper person to sign all licenses on behalf of the Borough Council under Revised General Ordinances 2005, Borough of Stone Harbor, New Jersey.

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, 2018

Borough Clerk

The above resolution approved this day of....., 2018

Mayor

(6)

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

CANCELLATION OF UNEXPENDED GRANT FUND RECEIVABLE AND APPROPRIATION BALANCES OF THE CAPE MAY COUNTY, OPEN SPACE GRANT – CHELSEA PARK

WHEREAS, It is necessary to cancel the unexpended grant fund receivable and appropriation balance of the Cape May County, Open Space Grant, Chelsea Park and it is the desire of the Borough Council to cancel these balances at this time.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Stone Harbor on this 4th day of September, 2018 that the unexpended grant fund receivable and appropriation balances be canceled as follows:

Receivable:		
	Cape May County, Open Space Grant, Chelsea Park	\$45,525.00
Appropriation:		
	Cape May County, Open Space Grant, Chelsea Park	\$45,525.00

BE IT FURTHER RESOLVED that the proper officials be and are hereby authorized to do all things necessary to carry out the intent of this resolution.

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

(1)

RESOLUTION

**AWARDING A CONTRACT
FOR 82ND SREET RECREATION FACILITY TENNIS COURT BUILDING**

WHEREAS, three (3) bids were received by the Stone Harbor Municipal Clerk on August 29, 2018, on the Borough's Notice to Bidders for the aforementioned project in accordance with the specifications prepared by DeBlasio & Associates, the Borough Engineer, bearing project number D & A Project #: SH-C-005, which specifications are hereby incorporated herein and made a part hereof by reference, all in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.*; and

WHEREAS, Aliano Brothers General Contractors, Inc., 2560 Industrial Way, Vineland, N.J. 08360 submitted the lowest responsible and conforming bid in the amount of \$ 484,620.00; and note that item #1 in the amount of \$ 135,480.00 is attributable to sanitary sewer, storm sewer and potable water site improvements.

WHEREAS, the Borough Engineer has recommended that the contract be awarded to Aliano Brothers General Contractor, Inc. and the bid has been found to be responsible and in conformity by the Borough Solicitor; and

WHEREAS, the Chief Financial Officer has determined that sufficient funds are available as evidenced by the Chief Financial Officer's Certification attached hereto.

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 September, 2018, as follows;

1. That the preamble of this Resolution is hereby incorporated herein by reference;
2. That the contract for the aforementioned project bearing DeBlasio & Associates project number D & A Project #: SH-C-005 be and the same is hereby awarded to R. Maxwell Construction Company, Inc. in the amount of \$ 484,620.00;
3. That the Mayor and Clerk are hereby authorized and directed to execute the contract for same in accordance with the bid submitted and incorporated herein as stated above.
4. That the Borough Engineer is hereby directed and authorized to issue an appropriate Notice of Award and Notice to Proceed as called for within the contract.
5. That the Borough Clerk is authorized to return the bonds of the unsuccessful bidders.

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, 2018

.....
Borough Clerk

The above resolution approved this day of....., 2018

.....
Mayor

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

A RESOLUTION TO AFFIRM THE BOROUGH OF STONE HARBOR'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS

WHEREAS, it is the policy of the Borough of Stone Harbor to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law Against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act; and

WHEREAS, the governing body of the Borough of Stone Harbor has determined that certain procedures need to be established to accomplish this policy.

NOW, THEREFORE BE IT ADOPTED on this 4th day of September, 2018 by the Borough Council of the Borough of Stone Harbor that:

Section 1: No official, employee, appointee or volunteer of the Borough of Stone Harbor by whatever title known, or any entity that is in any way a part of the Borough of Stone Harbor shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Borough of Stone Harbor's business or using the facilities or property of the Borough of Stone Harbor.

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough of Stone Harbor to provide services that otherwise could be performed by the Borough.

Section 3: Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Borough Administrator shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

Section 6: The Borough Administrator shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough of Stone Harbor as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Borough Administrator shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

Section 8: At least annually, the Borough Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Borough's web site.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the Borough of Stone Harbor in order for the public to be made aware of this policy and the Borough's commitment to the implementation and enforcement of this policy.

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, 2018

.....
Borough Clerk

The above resolution approved this day of....., 2018

.....
Mayor

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Sept 2018 (9)

Date of Application 1/27/18



Borough of Stone Harbor 2018 Special Events Application

Name of Event: 16th Annual Beat the Clock Against Breast Cancer 5K Run
Date of Event: Saturday, September 29, 2018 Time of Event: Registration 8:15 AM
2-mile walk
Race 9:00 AM
Type of Event: Festival 1K 5K Athletic / Bike Race / Marathon Other _____

The Borough of Stone Harbor requires all organizations, corporations, and/or individuals planning to stage an event to file an official application with the Clerk's Office. No Person shall conduct a special event on public lands owned or leased by the Borough of Stone Harbor unless authorized to do so by the Borough of Stone Harbor Municipal Code: Chapter 275. A non-refundable application review fee shall be paid to the Borough Clerk when the application is filed. There shall be a fee charged to each organization operating a special event. A contract will then be executed stating the terms and conditions in which both parties will adhere to. Sanction of the event is contingent upon approval from the Borough and its officials. Special events sponsored solely by the Borough of Stone Harbor are exempt from the payment of the fee for special event permit. Such special events shall be governed by applicable Borough polices. Borough Council retain the discretion to waive any provision of this chapter where deemed appropriate in the sole discretion of the Borough Council.

APPLICATION REVIEW FEES

- \$50 if filed prior to 60 Days of event
- \$75 if filed prior to 30 Days of event
- \$125 if filed prior to 15 Days of event

Organization is responsible for the non-refundable application review fee. If organization paid the non-refundable deposit with their *Letter of Commitment*, it will be reflected in the event contract following Borough Council approval. Additional event and public land fees may apply. You will be notified of any applicable fees following the review of your application.

2018 EVENT FEES

5k: \$150 (0-250 Participants) 10k or Triathlons\$500
(Designated Route Only) \$250 (250-500 Participants)
\$500 (500 Participants or More)

Event Fees.....\$250 Per Day (1000 Participants and Under) / \$500 Per Day (1000 Participants and Over)

Seasonal use of facilities by Local Schools\$1500 per season / \$750 per season for each additional sport
(No Application Review Fee is required)

Use of 80th St. Fields\$250 per day (Before Friday of Memorial Day and after Labor Day)

Use of 80th St. Fields\$500 per day (first two days) / \$250 per each additional day (Memorial Weekend-Labor Day Weekend)

Use of Recreation Support Building (82nd & Second Avenue).....\$300

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY



RESOLUTION

**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 of Stone Harbor 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 Relating to an employee, the relevant employee having been properly notified in accordance with law.*

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Stone Harbor, assembled in public session on September 4, 2018, that an Executive Session closed to the public shall be held on September 4, 2018 at or about 4:30 P.M. in the Borough Hall of the Borough of Stone Harbor, 9508 Second Avenue, Stone Harbor, New Jersey, for the discussion of matters relating to the specific items designated above.

Official action may be taken as a result of said executive session.

It is anticipated that, in accordance with law and in a timely manner, the deliberations conducted in closed session may be disclosed to the public upon the determination of the Borough Council that the public interest will no longer be served by such confidentiality.

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, 2018

.....
Borough Clerk

The above resolution approved this day of....., 2018

.....
Mayor