

Web

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

AGENDA REGULAR MEETING

TUESDAY **May 5, 2020**

ORDINANCE 1568 – Outdoor Dining INTRO (1) Krafczek

Ordinance 1566 – Bond Ordinance Various Improvements 2nd 3rd and final
(2) Krafczek

Ordinance 1567 – Bond Ordinance Water & Sewer 2nd 3rd and final (3)
Moore

Resolution – Approval to submit grant application NJDOT 83rd Street (4) Moore

Resolution – Approve proposal Shore Counseling LLC (5) Rich

Resolution – Refund Art & Craft Festival Site Fee – Marlene Book (6) Gensemer

Resolution – Refund Fitness Retreat Event Fee – Erica Sehar (7) Gensemer

Resolution – Approve Flood Insurance Promotion Activity – Program for
Public Information (8) Rich

Resolution – Refund Surety Maintenance (9) Krafczek

Resolution – Law Enforcement Records Management – County Dispatch LERMS
(10) Dallahan

Resolution – Extend Grace Period for Second Quarterly Tax Installment (11)
Parzych

Resolution – Authorize Permitting & Design Phase – 111th & 114th Street Outfall
Elimination (12) Moore

Resolution – Change in Dates – purchase of pre-season Tags (13)

Motion – Approve Phila Whitemarsh Rugby (14) Gensemer

DISCUSSION

Report – Mayor Davies-Dunhour

Report – Office of Emergency Management

(1)

BOROUGH OF STONE HARBOR
COUNTY OF CAPE MAY
STATE OF NEW JERSEY
ORDINANCE NO. 1568,

AN ORDINANCE OF THE BOROUGH OF STONE HARBOR, COUNTY OF CAPE MAY, NEW JERSEY ESTABLISHING THE REGULATIONS AND PROCESS FOR OBTAINING AN OUTDOOR DINING LICENSE WITHIN THE BOROUGH OF STONE HARBOR

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

Section 1a. Section 380 is created as follows:

§ 380 Outdoor Dining.

§ 380 - 1 Intent and purpose.

The intent and purpose of this chapter is to promote sidewalk dining in the downtown business district to create a vibrant streetscape consistent with the surrounding landscapes and to provide unique dining experiences in the Borough. This chapter will outline the process for obtaining a license and standards with which to operate. Restaurants licensed in the Borough will be permitted to apply for an additional license to provide additional tables, chairs, and service in areas directly adjacent to the restaurant including portions of the right-of-way.

Sidewalk dining with or without the service of or consumption of alcoholic beverages is permitted for businesses licensed to serve food in the downtown business district.

§ 380 - 2 Permitted Subject to Approval.

Sidewalk dining shall be permitted provided that the dining establishment has complied with this section, obtained all appropriate licenses for service of food, and other approvals as may be required by the Borough Planning Board, Zoning Board, Zoning Official, Code Enforcement, Health Inspector, or any other Borough Official.

Should the dining establishment be adjacent to the County right-of-way then in addition to Borough approvals, all County approvals and requirements must be met prior to application for a license to the Zoning Officer pursuant to this chapter.

§ 380 - 3 No Grant of Property Rights.

The Borough reserves the right to amend, terminate, or repeal this chapter and accordingly no property rights are granted to any person, persons, or entities by virtue of this chapter. All persons or entities seeking to comply with this section are hereby given express notice that any expenditures of funds, or other costs in reliance on the provisions of this chapter shall be at their own expense. All persons or entities seeking to comply with this chapter are hereby given express notice that they bear the sole risk of loss for any expenditures and costs in the event this section is amended, terminated, or repealed. The foregoing reservations apply to the use of the County right-of-way.

§ 380 - 4 Sidewalk Dining Design Standards.

Sidewalk dining areas shall be designed and regulated as follows:

- A. The design of outdoor table, chairs, umbrellas, and all other outdoor personnel property of the dining establishment shall be aesthetically consistent with the surrounding architecture. Tables, chairs, and umbrellas shall be of sufficient weight and material so as to not be affected by wind and weather.

- B. Additional signage or advertisements will not be permitted in the outdoor dining area. Signage previously approved shall remain unaffected.
- C. No table shall be greater thirty (30") inches by sixty (60") inches and shall seat no more than six (6) patrons at a sitting.
- D. The design and layout of the outdoor dining areas shall not cause any damage to Borough or County property, including any landscaping.
- E. The dining establishment will be responsible for maintaining the area surrounding the tables to the highest standards of cleanliness. No trash, bus trays, or other refuse will be permitted to be stored in the outdoor dining area.
- F. Dining establishments may begin seating patrons at 7:00 a.m. and continue until 10:00 p.m. All tables and chairs must be cleaned up and stored out of view of the public no later than 12:00 pm. And not returned until 7:00 am.
- G. Alcohol is permitted to be consumed at tables whether served by the establishment or brought by the patrons where alcohol has been previously approved and consistent with the restaurant's approvals. Loitering in the dining area while consuming alcohol is not permitted.
- H. Dining establishments licensed to serve alcohol by the New Jersey Division of Alcoholic Beverage Control that are seeking to provide and allow for the consumption of alcohol in the sidewalk dining area must strictly comply with this chapter and all other applicable laws of the Borough and State of New Jersey.
- I. Dining establishments not licensed to serve alcohol by the New Jersey Division of Alcoholic Beverage Control, that are seeking to allow patrons to consume alcoholic beverages in the sidewalk dining area must strictly comply with this chapter and all other applicable laws of the Borough and State of New Jersey. In addition, no one visibly intoxicated shall be permitted to consume alcohol.
- J. Music is permitted provided noise levels are consistent with § 374-9 F, the Borough's noise ordinance.
- K. No additional outdoor lighting is permitted, with the exception of small candles or table lights, other than previously approved signs and light fixtures.
- L. Barriers, whether permanent or temporary, are not permitted without site plan approval pursuant to § 345.
- M. Food shall be purchased inside the establishment or through wait staff served at tables. Outside sales will not be permitted.
- N. The layout of outdoor tables, chairs, umbrellas and all other property shall not in any way interfere with pedestrian or vehicular safety, or with necessary access by fire, police, and ambulance personnel. A six foot (6') clear sidewalk must be maintained at all times in an area where the cross slope of the sidewalk does not exceed 2% or is consistent with the pedestrian path. Umbrellas must provide a clear seven foot (7') beneath the surrounding edge of the umbrella.
- O. The layout of the sidewalk dining area, and all items therein, shall be arranged in a manner providing no less than six (6) feet of unobstructed paved passageway for pedestrians walking through the sidewalk dining area. The purpose of this section is to provide pedestrians a minimum of six (6) feet of free passage at all times and under all conditions on paved areas. The minimum six (6) foot passageway shall be completely free of obstructions, including but not limited to trash and recycling receptacles, benches, trees, poles, and any other sidewalk installations.
- P. The sidewalk dining area shall be permitted between the curb and building adjacent to the dining establishment. In no event shall the dining area or pedestrian passageway enter or cross a Borough or County street.

§ 380 - 5 Borough Approval of Sidewalk Dining License.

Any dining establishment seeking a license for sidewalk dining pursuant to this section shall apply to the Zoning Officer of the Borough annually in conjunction with the submission of an application for mercantile license. Approval must be obtained from the Zoning Officer and all requirements for consumption of alcohol at the sidewalk dining areas must also be obtained, when applicable, before the dining establishment may begin to set up any sidewalk dining areas.

§ 380 - 6 Application and Information to be Provided.

The application for sidewalk dining area license shall be on Borough forms, filled out completely, and submitted to the Zoning Officer of the Borough in accordance with the schedule set by the Borough. The following items and information shall be provided:

- A. Scaled layout of the proposed tables, chairs, and any other items necessary for outdoor dining. The plan shall include dimensions of the tables and chairs along with the pedestrian pathway and any other Borough owned facilities within the dining area, including but not limited to: light poles, benches, trash/recycling receptacles, trees, planters, and any other Borough owned property.
- B. Whether the dining establishment seeks to allow for the consumption of alcoholic beverages in the sidewalk dining area, and if so, whether the dining establishment is licensed and approved by the New Jersey Division of Alcoholic Beverage Control to serve alcohol in the sidewalk dining area.
- C. A detailed narrative, supported by a plan of relevant information, describing the method of serving tables, the proposed hours of outdoor service, where alcohol will be consumed at the sidewalk dining area and how it will be served, and the method of outdoor litter control and trash/recycling handling.
- D. Specifications for tables and chairs that include the style, color, size, and material to be used in the outdoor dining area.
- E. A description of the adjacent buildings/businesses and how they will be affected by the outdoor dining area.
- F. A non-refundable two hundred (200) dollar application fee paid to the Borough at the time the application is being made.
- G. Proof that the County has approved the outdoor dining area in the County right-of-way, where applicable.
- H. Proof of approval from the New Jersey Division of Alcoholic Beverage Control, when applicable.

§ 380 - 7 Processing Criteria for Review of Application and Continued use of License.

Applications for sidewalk dining shall be reviewed by the Zoning Officer of the Borough on a case by case basis. Where necessary the Zoning Officer shall confer with the Police, Fire Department, Construction Official, City Clerk, or Borough Engineer should the application warrant it. The following factors shall be used to determine approval for or continued licensure:

- A. Pedestrian safety.
- B. Level of pedestrian traffic in the area.
- C. Vehicular safety.
- D. Level of vehicular traffic in the area.
- E. Public safety
- F. Management plan for clean-up, litter control, and trash/recycling handling.
- G. Impact on existing landscape.
- H. Potential interference with police or fire safety.
- I. Interference with use and impact on adjacent property owners.
- J. Present and past deviation from compliance with the terms of this section and other provisions pertaining to sidewalk dining areas.
- K. Adequacy of the design plan submitted pursuant to this chapter.
- L. Compliance with County and State requirements.

§ 380 - 8 Insurance and Hold Harmless Agreement.

No sidewalk dining license shall be issued before the Borough receives proof of the following requirements.

- A. **Insurance.** Each applicant must supply the Borough with a certificate of insurance to hold harmless the Borough, showing the limits of not less than one million (\$1,000,000) dollars bodily injury and property damage, combined single limit of liability; and for any establishments that are permitted to allow or sell alcoholic beverages, the applicant shall also provide for liquor liability insurance with not less than two million (\$2,000,000) dollars bodily injury and property damage, combined single limit of liability. The Borough shall be added to the liability insurance policy of the permit applicant as an additional insured. The policy or policies of insurance must be with a company or companies authorized to do business in the State of New Jersey and shall be delivered to the Borough, with evidence of payment of premiums thereafter. If the dining establishment abuts a County right-of-way, in addition to the above, the County shall be added as an additional insured. The Borough shall be designated by the applicant to be notified by the insurance company in the event of cancellation of insurance for any reason.
- B. **Hold Harmless.** Permit applicants shall agree to save, hold, and keep harmless and indemnify the Borough from and for any and all payments, expenses, costs, attorney fees and from any and all claims and liability for losses or damage to property or injuries to persons occasioned wholly or in part by or resulting from any acts or omissions by the permit applicant or the permit applicant's agents, employees, guests, licensees, invitees, assignees, or successors; or for any cause or reason whatsoever arising out of or by reason of the use by the permit applicant and the conduct of the permit applicant's business within that portion of the sidewalk dining area for which a permit was issued to the respective applicant. An application by a permit applicant pursuant to this section shall be deemed conclusive evidence of the permit applicant's agreement to indemnify the Borough as aforesaid. However, in addition, the applicant shall execute a hold harmless agreement in a form supplied by the Borough. If the dining establishment abuts the County right-of-way, in addition to the above, an application by a permit applicant pursuant to this section shall be deemed conclusive evidence of the permit applicant's agreement to also indemnify the County. Further, the applicant shall also execute a hold harmless agreement in a form supplied by the Borough indemnifying the Borough and the County.

§ 380 - 9 Revocation of License.

The Borough reserves the right to revoke the dining establishment's license if it is determined that the establishment has failed to meet the requirements of this chapter or the conditions of their approval. In addition, if it is determined by the Police or Fire Department that there is an issue concerning public safety that is not immediately addressed, the license may also be revoked.

§ 380 - 10 Amendments.

Borough Council may amend this ordinance, periodically, in the future by resolution.

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.

APPROVED:

Judith Davies-Dunhour, Mayor

ATTEST:

Suzanne C. Stanford, Borough Clerk

Borough of Stone Harbor
County of Cape May, New Jersey

ORDINANCE 1566

(2)

**BOND ORDINANCE APPROPRIATING \$10,267,000, AND
AUTHORIZING THE ISSUANCE OF \$9,753,650 BONDS OR
NOTES OF THE BOROUGH, FOR VARIOUS
IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE
UNDERTAKEN BY THE BOROUGH OF STONE HARBOR,
IN THE COUNTY OF CAPE MAY, NEW JERSEY.**

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH
OF STONE HARBOR, IN THE COUNTY OF CAPE MAY, NEW JERSEY** (not less than
two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by The Borough of Stone Harbor, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefor and amounting in the aggregate to \$10,267,000 including the aggregate sum of \$513,350 as the several down payments for said improvements or purposes required by law and more particularly described in said Section 3 and now available therefor by virtue of provision in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

Section 2. For the financing of said improvements or purposes and to meet the part of said \$10,267,000 appropriations not provided for by application hereunder of said down payments, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$9,753,650 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$9,753,650 are hereby

authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. The improvements hereby authorized and the several purposes for the financing of which said obligations are to be issued, the appropriation made for and estimated cost of each such purpose, and the estimated maximum amount of bonds or notes to be issued for each such purpose, are respectively as follows:

<u>IMPROVEMENT OR PURPOSE</u>	<u>APPROPRIATION AND ESTIMATED COST</u>	<u>ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES</u>
(a) Acquisition by purchase of new and additional vehicular equipment, including one (1) dump truck and one (1) solid waste packer with plow for use by the Department of Public Works of the Borough, together with all equipment, attachments and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved	\$263,000	\$249,850
(b) Improvement of the storm water drainage facilities in and by the Borough, including the improvement of the removal of storm and flood water in and along Third Avenue and west along the Great Channel, harbors, bays, basins and covers, and the removal of remaining outfalls from the beach, together with all equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved	4,000,000	3,800,000
(c) Acquisition by purchase and installation, as necessary, of new and additional equipment, including one (1) modular restroom, one (1) generator, fencing and security equipment for use by the Department of Public Works of the Borough, together with for all the aforesaid all attachments, accessories, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved	285,000	270,750

(d) Construction of a new beach patrol headquarters building and public restrooms at 95th Street and Beach in and by the Borough, said buildings being at least equal in useful life or durability to a building of Class B construction (as such term is used or referred to in Section 40A:2-22 of said Local Bond Law), including all parking, landscaping, signage, site work, structures, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved

4,100,000 3,895,000

(e) Improvement of various roads and locations in and by the Borough by the construction, reconstruction, surfacing or resurfacing thereof to provide roadway pavements at least equal in useful life or durability to a roadway pavement of Class B construction (as used or referred to in Section 40A:2-22 of said Local Bond Law), including, without limitation, the 200 block of 106th Street, 108th Street and 102nd Street, the beach block of 106th Street, 99th Street, 103rd Street and 104th Street, and the 100 block of 101st Street and including also the reconstruction of sidewalks, together with all curbing, sidewalks, paving, striping, engineering, drainage improvements, structures, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved

1,619,000 1,538,050

Totals \$10,267,000 \$9,753,650

The excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the said down payment for said purpose.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purposes described in Section 3 of this bond ordinance are not current expenses and each is a property or improvement which the Borough may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of the said obligations

authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 28.26 years.

(c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$9,753,650, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) Amounts not exceeding \$1,500,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of said Local Bond Law may be included as part of the costs of said improvements and are included in the foregoing estimate thereof.

Section 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer, acting chief financial officer or treasurer of the Borough (the "Chief Financial Officer"), provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale at not less than par and to deliver them

to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 6. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 7. The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

Section 8. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

(3)

Borough of Stone Harbor
County of Cape May, New Jersey
ORDINANCE #1567

**BOND ORDINANCE APPROPRIATING \$4,356,000, AND
AUTHORIZING THE ISSUANCE OF \$4,356,000 BONDS OR
NOTES OF THE BOROUGH, FOR VARIOUS WATER AND
SEWERAGE SYSTEM IMPROVEMENTS OR PURPOSES
AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH
OF STONE HARBOR, IN THE COUNTY OF CAPE MAY,
NEW JERSEY.**

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH
OF STONE HARBOR, IN THE COUNTY OF CAPE MAY, NEW JERSEY** (not less than
two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be made or acquired by The Borough of Stone Harbor, New Jersey. For the said improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefor.

Section 2. For the financing of said improvement or purpose and to meet said \$4,356,000 appropriations, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$4,356,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Borough in a principal amount not exceeding \$4,356,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. The improvements hereby authorized and the several purposes for the financing of which said obligations are to be issued, the appropriation made for and estimated

cost of each such purpose, and the estimated maximum amount of bonds or notes to be issued for each such purpose, are respectively as follows:

<u>IMPROVEMENT OR PURPOSE</u>	<u>APPROPRIATION AND ESTIMATED COST</u>	<u>ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES</u>
(a) Improvement of the water and sewerage system in and by the Borough by the upgrade of the infrastructure located at the beach block and the 200 block of 106 th Street, the 200 block of 108 th Street, and 102 nd Street, the 100 Block of 101 st Street, and the beach block of 99 th Street, 103 rd Street and 104 th Street, together with all engineering, equipment, structures, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved	\$2,316,000	\$2,316,000
(b) Improvement of the water and sewerage system in and by the Borough by the upgrade of the water meters, and the installation of new pipes, together with all equipment, structures, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved	1,200,000	1,200,000
(c) Improvement of the water tower and reservoir in and by the Borough, including the rehabilitation and renovation thereof, together with all equipment, structures, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved.	450,000	450,000
(d) Improvement of water wells and the water plant, including the rehabilitation and renovation thereof, together with all structures, equipment, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved	140,000	140,000
(e) Improvement of the outfall structures system in and by the Borough by the upgrade of the valves, together with all infrastructure, equipment, structures, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved	<u>250,000</u>	<u>250,000</u>
Totals	\$4,356,000	\$4,356,000

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purposes described in Section 3 of this bond ordinance are not current expenses and each is a property or improvement which the Borough may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purpose within the limitations of said Local Bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is forty (40) years.

(c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that, while the net debt of the Borough determined as provided in said Local Bond Law is not increased by this bond ordinance, the gross debt of the Borough as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$4,356,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) Amounts not exceeding \$450,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of said Local Bond Law may be included as part of the cost of said improvements and are included in the foregoing estimates thereof.

(e) This bond ordinance authorizes obligations of the Borough solely for a purpose described in subsection (h) of section 40A:2-7 of said Local Bond Law, and the said obligations authorized by this bond ordinance are to be issued for a purpose which is “self-liquidating” within the meaning and limitations of section 40A:2-45 of said Local Bond Law and are deductible, pursuant to subsection (c) of section 40A:2-44 of said Local Bond Law, from gross debt of the Borough.

Section 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer, acting chief financial officer or treasurer of the Borough (the “Chief Financial Officer”), provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer’s signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale at not less than par and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 6. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond

ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and, unless paid from the revenues of the water and sewerage system of the Borough, the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 7. The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

Section 8. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

(4)

RESOLUTION

Resolution No. MA-2021-Reconstruction of 83rd Street – 00020

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Reconstruction of 83rd Street project.

NOW, THEREFORE, BE IT RESOLVED that 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-2021-Reconstruction of 83rd Street-00020 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 5th day of May, 2020

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, 2020

Borough Clerk

The above resolution approved this day of, 2020

Mayor

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT WITH SHORE COUNSELING SERVICES

WHEREAS, the Borough of Stone Harbor is given authority by N.J.S.A. 40A:11 *et seq.* to enter into contracts for "Professional Services" without competitive bidding, where the need arises and so long as the award of such contract is made public by a Resolution of the Governing Body ; and

WHEREAS, the Borough, like many other municipalities, offers an Employee Assistance Program (EAP) to provide confidential counseling; and

WHEREAS, Shore Counseling Service, LLC are experienced mental health counselors and possess knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction; and

WHEREAS, the total amount of the contract for the EAP is \$2781.00, as referenced in the attached contract which is incorporated herein by reference and made a part hereof, which amount is below the bid threshold and below the pay-to-play threshold; the contract timing being from June 1, 2020 to May 31, 2021; and

WHEREAS, funds are available as evidenced by the Chief Financial Officer's Certification attached hereto;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Stone Harbor, County of Cape May, State of New Jersey, duly assembled in public session this 5th day of May, 2020, as follows:

1. That the preamble of this Resolution is hereby incorporated by reference as if set forth here at length;
2. That the Mayor and Clerk are directed to forthwith execute on behalf of the Borough of Stone Harbor the attached contract which is incorporated herein by reference and made a part hereof;
3. That the aforementioned contract is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law;
4. That the aforementioned contract is entered into under and subject to the equal opportunity, anti-discrimination and affirmative action laws and regulations of the State of New Jersey, which are hereby incorporated by reference and the contractor shall execute a copy of the required language which shall become part of the contract;
5. That a notice of the letting of this Professional Services Contract be published in accordance with law within ten (10) days of its passage in an official paper of the Borough as designated in accordance with 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 2020

.....
Borough Clerk

The above resolution approved this day of....., 2020

.....
Mayor

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

(6)

WHEREAS, Marlene Book 150 Sage Drive, Sinking Spring, Pa. 19608 .paid \$400.00 for a site in the 2020 Art & Craft Show; and

WHEREAS, she has notified the Borough that she will not be able to attend due to concerns about the COVID-19 virus; and

WHEREAS, the Tourism Director has requested a refund of \$ 400.00 to be sent to Marlene Book.

NOW, THEREFORE, BE IT RESOLVED, on this 5th day of May, 2020, by the Mayor and Council of the Borough of Stone Harbor, in the County of Cape May that \$ 400.00 be refunded to Marlene Book and that the proper officers make the proper adjustments in the 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, 2020

The above resolution approved this day of....., 2020

Borough Clerk

.....
Mayor

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

(1)

WHEREAS, Erica Sehar of 371 Fort Stewart Drive, Harrisburg, Pa. 17112 Marlene Book 150 Sage Drive, Sinking Spring, Pa. 19608 paid \$600 for 2 Fitness Retreat Events, one on May 16, 2020 and one on October 9, 2020; and

WHEREAS, the Borough has notified her that the event on May 16, 2020 has been cancelled due to gathering restrictions due to the COVID – 19 Pandemic; and

WHEREAS, the Erica Sehar has requested a refund of \$ 250.00 (Event Fee only) for the May 16, 2020 event.

NOW, THEREFORE, BE IT RESOLVED, on this 5th day of May, 2020, by the Mayor and Council of the Borough of Stone Harbor, in the County of Cape May that \$ 250.00 be refunded to Marlene Book and that the proper officers make the proper adjustments in the 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, 2020

.....
Borough Clerk

The above resolution approved this day of....., 2020

.....
Mayor

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

(8)

RE: APPROVING FLOOD INSURANCE PROMOTION ACTIVITY WITH THE ATLANTIC-CAPE MULTI-JURISDICTIONAL PROGRAM FOR PUBLIC INFORMATION

WHEREAS, as an active participant in FEMA's Community Rating System (CRS) program, the Borough of Stone Harbor has determined that it is necessary to participate in the New Jersey Coastal Coalition's Atlantic-Cape Multi-Jurisdictional Public Information (MJPI), consisting of municipal officials and community stakeholders, to assist in evaluating existing public information disseminated by the Borough, other Municipalities and regional stakeholders regarding floodplain management, and to develop new public information needs; and

WHEREAS, the MJPI will coordinate all of the flood-related public information in the community and the surrounding areas, both public and private; and

WHEREAS, the MJPI is being expanded to include the Flood Insurance Promotion CRS activity; and

WHEREAS, the Borough of Stone Harbor will distribute a letter from the governing body to the residents in the Special Flood Hazard Zone and participate in a community outreach meeting to help promote flood insurance; and

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, as follows:

1. The allegations of the preamble are incorporated herein by this reference.
2. The Borough of Stone Harbor hereby formally supports participation in the Flood Insurance Promotion CRS activity as proposed by the updated MJPI.
3. All Borough officials, officers and employees are empowered to take such action as may be necessary or advisable in order to carry out the intent and purpose of this Resolution.

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, 2020

.....
Borough Clerk

The above resolution approved this day of....., 2020

.....
Mayor

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

(9)

WHEREAS, the following submitted Performance/ Surety Monies for a street opening;
and

WHEREAS, none of the \$3,400.00 fee was used in conjunction with the project, and

WHEREAS, the Zoning Officer has requested and approved the return of the fee.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Stone Harbor on this 5th
day of May, 2020 that the \$3,400.00 fee be reimbursed as follows:

Jersey Shore Properties, LO
10514 Ballentine Street
Overland Park, KS 66214-3047
For 10921 First Avenue B. 109.02 L. 18

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, 2020

The above resolution approved this day of....., 2020

Borough Clerk

.....
Mayor

(10)

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 *et seq.* (the "Act"), authorizes local units of this State to enter into agreements with any other local unit or units to provide or receive any shared service that each local unit participating in the agreement is empowered to provide or receive in its own jurisdiction; and

WHEREAS, the Borough of Stone Harbor and Cape May County are constantly evaluating programs and methods to enhance public safety within their respective jurisdictions, as well as identifying those areas that would benefit from agencies working together to pool resources and create conditions for more efficient and enhanced use of resources and information sharing; and

WHEREAS, the County of Cape May has created the Cape May County Law Enforcement Records Management System "LERMS" as a resource to pool information within which parties to the Shared Services Agreement can query another agency's law enforcement records management system while still maintaining a separate and distinct system that is deployed independently; and

WHEREAS, the objective of this program is to establish a long-term working relationship to enhance public safety in Cape May County and foster resource sharing and cooperation between law enforcement agencies; and

WHEREAS, the Borough of Stone Harbor and Cape May County recognize additional municipalities and law enforcement agencies will subsequently enter into this Shared Services Agreement to join the LERMS and agree it is in the best interest of our residents and will further enhance public safety to have other municipalities participating; and

WHEREAS, the Borough of Stone Harbor and the County of Cape May in the spirit of Interlocal cooperation, and in furtherance of the principles underlying the Uniform Shared Services and Consolidation Act, have negotiated and agreed upon the terms and conditions of such an agreement that is hereby deemed necessary and proper to for the benefit of local and county taxpayers, and to promote public health, safety and welfare; and

WHEREAS, a written agreement memorializing and specifying those terms and conditions, has been prepared and has been reviewed, which agreement is attached hereto; and

WHEREAS, the Borough Council of the Borough of Stone Harbor is desirous of ratifying this agreement and authorizing its execution on this 5th day of May, 2020.

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 as follows:

1. The above recital paragraphs are incorporated herein as if set forth at length.
2. The Mayor and Borough Clerk are hereby authorized, empowered and directed to execute the Shared Services Agreement with the County of Cape May to participate in the Cape May County Law Enforcement Records Management System "LERMS", which is attached hereto as Exhibit "A".
3. The Agreement shall take effect upon the adoption of resolutions by all parties thereto, and execution of the Agreement by the authorized persons as set forth in the resolutions.

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, 2020

The above resolution approved this day of, 2020

Borough Clerk

Mayor

(11)

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

**RESOLUTION TO EXTEND GRACE PERIOD FOR SECOND
QUARTERLY TAX INSTALLMENT**

PURSUANT TO EXECUTIVE ORDER 130

WHEREAS, in accordance with N.J.S.A 54:4-67 and Resolution 2020-S-16, property taxes shall be due and payable quarterly on Feb 1, May 1, Aug 1, and Nov 1 of each year with a ten-day grace period, after which dates, if unpaid shall become delinquent, with interest charged and reverting back to the due date on any quarterly installment of taxes; and,

WHEREAS, pursuant to Executive Order 130 enacted by Governor Phillip Murphy on April 28, 2020, subsequent to Executive Order 103, the Novel Coronavirus COVID-19 Pandemic and State of Emergency, orders and directs the governing body of a municipality with a calendar year budget cycle to adopt a resolution instituting a grace period concluding on a date no later than June 1, 2020 for the payment of second-quarterly property taxes.

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 grace period for the 2nd quarterly installment of current year taxes is extended to June 1, 2020.

BE IT FURTHERED RESOLVED that the Tax Collector makes the proper adjustments 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 the day of, 2020

The above resolution approved this day of, 2020

Borough Clerk

.....
Mayor

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

(12)

Approve Proposal for Permitting & Design Phase – 111th Street and 114th Street Beach Outfall Elimination - Borough of Stone Harbor

WHEREAS, DeBlasio & Associates, Borough Engineer, 4701 New Jersey Avenue, Wildwood, N.J. 08260 has prepared a Proposal (Scope of Work and Professional Service Fee - copy attached) to provide Permitting and Design Phase for 111th Street and 114th Street Outfall Elimination (D&A Project # SH-C-021) which tasks include:

- 1.0 - Scope of Work
- 2.0 - Scope of Services
- A. NJDEP Land Use Approval – CAFRA
 - 1. Topographic Survey
 - 2. Site and Capital Improvement Plans
 - 3. NJDEP Permit Application
- B. Design Development
 - 1. Site Engineering
- C. Preparation of Construction Documents
- D. Schedule and Fee
 - 1. NJDEP Land Use Approval – CAFRA \$20,000
 - 2. Design Development \$60,000
 - 3. Preparation of Construction Documents \$10,000
- TOTAL \$90,000

WHEREAS, it is the intention of Council to approve this proposal as presented, upon final approval of Borough Solicitor, CFO 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 Proposal for Permitting & Design Phase for the 111th and 114th Street Beach Outfall Elimination as presented on this 5th day of May, 2020.

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, 2020

Borough Clerk

The above resolution approved this day of....., 2020

Mayor

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

(13)

RESOLUTION

WHEREAS, the Borough Council of the Borough of Stone Harbor in the County of Cape May and the State of New Jersey has ordained that certain fees may be established from time-to-time by Resolution of the Borough Council; and

WHEREAS, the Administration and Finance Committee of Borough Council has recommended that certain fees be established by Resolution, which was approved on the 17th day of December, 2019; and

NOW, THEREFORE, BE IT RESOLVED by Borough Council of the Borough of Stone Harbor, in the County of Cape May, duly assembled in public session this 5th day of May, 2020, that due to the COVID 19 Pandemic the following date change be made for the pre-season tags for the year 2020:

- Beach Fees	\$25.00 pre-season
	\$30.00 after May 31 , <u>June 30</u> , 2020
	\$13.00 weekly
	\$ 6.00 daily

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, 2020

The above resolution approved this day of, 2020

Borough Clerk

Mayor

(14)



Date of Application 3/29/20

Borough of Stone Harbor 2020 Special Events Application

Name of Event: PHILA-WAITEMARSH RUGBY TOURNAMENTS
Date of Event: JULY 11, 2020 OR AUGUST 15, 2020 Time of Event: 7AM TO 5PM
Type of Event: ☐ Festival ☐ 1K/5K/Athletic/Bike Race/Marathon ☒ Other RUGBY TOURNAMENTS
SEE NOTE PAGE 6

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 policies. Borough Council retains 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 90 Days of event
☐ \$100 if filed prior to 60 Days of event
☐ \$250 if filed prior to 30 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.

2020 EVENT FEES

5k: \$150 (0-250 Participants) 10k or Triathlons \$500
(Designated Route Only) \$250 (250-500 Participants)
\$500 (500 Participants or More)
All applicants for 5k, 10k or Triathlons must submit a 501C3 form with application.
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 per sport (No Application Review Fee)
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
Stone Harbor Men's Softball League \$250 per season