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**REGULAR MEETING IMMEDIATELY
FOLLOWING THE WORK SESSION**

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

AGENDA REGULAR MEETING

TUESDAY **January 19, 2021**

American Legion presentation

Hardship Hearing 230 = 82nd Street South Jersey Gas Moratorium (1)

ORDINANCE – Affordable Housing Ordinance INTRO (2) Krafczek

**Resolution – Approve Agreement – Shared Services Rescue Task Force (3)
Dallahan**

Resolution – Application- Amusement License (4) Gensemer

**Resolution – Reimburse Surety & Maintenance Winfield Developers (5)
Casper**

Resolution - Change Order #1 – 2020 Utility & Road Program (6) Moore

Resolution – Release Closed Session minutes 2015-2018 (7) Krafczek

Resolution – Proposal 95th Street Water Tank Improvements (8) Moore

Resolution – Proposal 2021 Utility & Road Program (9) Parzych

Resolution – Proposal Third Avenue Watermain Improvements (10) Moore

Resolution – Transfer of Funds (11) Krafczek

Closed Session – possible – Administrator (12) Gensemer

(1)

J.F. BUILDERS, INC.

4601 LANDIS AVENUE
SEA ISLE CITY, NJ 08243
(609) 263-0066 • FAX (609) 263-3467

November 17, 2020

Suzanne Stanford, R.M.C
Stone Harbor Borough
9508 Second Avenue
Stone Harbor, NJ 08247

Re: 230-82nd Street, Permit # 20-230

Ms. Stanford:

We are currently building a single family dwelling at the 230-82nd Street and have been notified by South Jersey Gas that their road opening application has been denied due to a moratorium that is in effect until 1/1/22. We are ready for the gas installation and unfortunately not being able to complete the install creates a hardship for the property developer as well as our construction process. Looking for guidance on the next step to have this issue resolved. Thank you for your consideration.

Sincerely,



Joe Freda
JF Builders, Inc.

(2)

Borough of Stone Harbor
County of Cape May, State of New Jersey

AFFORDABLE HOUSING ORDINANCE
ORDINANCE NO. -2020

An Ordinance Repealing Chapter 560 (Affordable Housing) In The Code of the Borough of Stone Harbor In Its Entirety, And Replacing Same With A Chapter Entitled "Affordable Housing Regulations," Which Will Address The Requirements Of The Fair Housing Act And The Uniform Housing Affordability Controls (UHAC) Regarding Compliance With The Township's Affordable Housing Obligations.

NOW, THEREFORE, be it ordained by the Mayor and Council of the Borough of Stone Harbor, Cape May County, State of New Jersey, as follows:

Section 1. Chapter 560 (Affordable Housing) of the Code of the Borough of Stone Harbor is hereby repealed and replaced with the following:

§560-48 - Affordable Housing.

A. Affordable Housing Obligations

- 1) This section is intended to assure that very-low-, low-, and moderate-income units ("affordable units") are created with controls on affordability and that low- and moderate-income households shall occupy these units. This section shall apply except where inconsistent with applicable law.
- 2) The Borough of Stone Harbor Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan has been adopted by the Planning Board and endorsed by the governing body. The Fair Share Plan describes how Stone Harbor Borough shall address its fair share for low- and moderate-income housing as documented in the Housing Element and outlined in the terms of the settlement agreement between the Borough and Fair Share Housing Center (FSHC).
- 3) This section implements the Borough's Fair Share Plan, addresses the requirements of the Court and the terms of the settlement agreement, and also implements a Borough-wide requirement that all new multifamily residential development of five or more units shall have a mandatory affordable housing set aside for low- and moderate-income units, subject to certain enumerated conditions.
- 4) The Borough of Stone Harbor shall track the status of the implementation of the Housing Element and Fair Share Plan. Any plan evaluation report of the Housing Element and Fair Share Plan shall be available to the public at Borough Hall located on 9508 Second Avenue, Stone Harbor, NJ 08247.
 - a. For the midpoint realistic opportunity review due on July 2, 2020, as required pursuant to N.J.S.A. 52:27D-313, the Borough will post its report on its website, with notice to all interested parties on or before that date.
 - b. For the review of very low-income housing requirements required by N.J.S.A. 52:27D-329.1, the Borough will post its report on its website with notice to all interested parties within three years of the Fairness Order, entered by the Court on January 23, 2018.

(3)

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

A RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE COUNTY OF CAPE MAY PERTAINING TO A RESCUE TASK FORCE FOR A TERM OF FIVE (5) YEARS

WHEREAS, the County of Cape May ("County") and the Borough of Stone Harbor ("Municipality" or Stone Harbor) are authorized to enter into a shared services agreement ("SSA") pursuant to and in accordance with the provisions of the Uniform Shared Services and Consolidation Act ("USSCA"), N.J.S.A. 40A:65-1 to 35, as amended and supplemented from time to time; and

WHEREAS, the County and the Municipality deem it to be in the interest of public safety for members of the Municipal Rescue Squad/Emergency Medical Services ("EMS") or certain members thereof who have expressed an interest in doing so, to receive certain specialized training in order to respond to a mass casualty involving high risk/critical incidents including those incidents that are terroristic in nature; and

WHEREAS, in furtherance of such an objective, the County has applied for and received a grant from the New Jersey Office of Homeland Security ("NJ DHS") which has or will enable the County to purchase certain ballistic equipment that will be made available to participating Municipalities and their respective Emergency Medical Services ("EMS") which will be used solely by the Municipal Rescue Squad/EMS in responding to a mass casualty involving a high risk/critical incident (hereafter "mass casualty") and

WHEREAS, The Cape May County Association of Chiefs of Police has developed a policy known as Standard Operating Procedure No. 56 (hereafter "SOP 56") and approved by the Cape May County Prosecutor under date of September 25, 2020 which, in pertinent part, provides that a Rescue Task Force ("RTF") is the integrated response of local EMS and Fire elements in support of Law Enforcement to an Active Shooter/Hostile Incident ("ASHI") attack with the potential for incident escalation (i.g. CBRNE, hostage, mass casualty, etc.) The primary goal of RTF is the rapid wound stabilization and rapid extraction of victims as defined in said SOP 56: and

WHEREAS, when responding to a mass casualty in the municipal jurisdiction, or elsewhere, the RTF will operate under the direction of Law Enforcement in the person of the Municipal Chief of Police or the Chief's designee; and

WHEREAS, the County is procuring the highly specialized equipment from reputable manufactures and/or vendors and will provide training in the use of such equipment to be offered by third-party persons, firms or entities with acknowledged skill and expertise in such matters which may include the manufacturer and/ or vendor; and

WHEREAS, it is the expectation that such equipment will have a useful life of 5 years at which time it is to be returned to the County by the Municipality. The Municipality will then be expected to purchase replacement equipment at the Municipal's sole cost and expense; and

WHEREAS, the County has established a protocol for the use of such equipment and governing the response of RTF/EMS to a terrorist-related and mass causality incident, which protocol is known as SOP 56 which has been reviewed and approved by the Cape May County Chiefs' of Police Association, the Cape May County Prosecutor, the County Office of Emergency Management and other similar such entities or agencies; and

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

WHEREAS, the Municipality has expressed a desire to participate in a program as described herein and is willing to accept the specialized equipment subject to the terms and conditions set forth in the SSA;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council, the Governing Body 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 reference
2. A Shared Services Agreement with the County of Cape May for the purposes expressed herein and in the Shared Services Agreement (SSA) is hereby approved.
3. That Mayor and Borough Clerk are hereby authorized to execute such SSA on behalf of the Borough and all other Borough Officials and Officers are hereby authorized and directed to take such further action as may be necessary to carry out the intention 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 theday of, 2021

.....
Borough Clerk

The above resolution approved this day of....., 2021

.....
Mayor

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

(4)

RESOLUTION

A RESOLUTION APPROVING AN AMUSEMENT GAME LICENSE FOR RIGI'S ARCADE

WHEREAS, the Borough Clerk has issued permits to Rigi's Arcade for its operations in the 200 block of 96th Street; and

WHEREAS, at this time the State of New Jersey Legalized Games of Chance Control Commission requires the passage of a Resolution by Borough Council in connection with the Commission's oversight responsibilities for redemption activities at such operations; and

WHEREAS, Rigi's Arcade has submitted the proper application and paid the appropriate fee, under and subject to the rules and regulations established by the Commission; and

WHEREAS, the Borough of Stone Harbor is a seashore resort community and State law allows such redemption activities within such operations in such towns; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Stone Harbor, County of Cape May and State of New Jersey, duly assembled in public session this 19th day of January, 2021, that Rigi's Arcade be and is granted an Amusement License by and from the Borough of Stone Harbor for the period January 1, 2021 through December 31, 2021; that the Borough of Stone Harbor has no objection to the State of New Jersey licensing and/or regulating redemption activities at Rigi's Arcade, and that such licenses shall be kept on file for public review in the Borough Clerk's Office.

BE IT FURTHER RESOLVED that this Resolution shall be effective only upon the affirmative vote of not less than two-thirds of the members of 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, 2021

The above resolution approved this day of....., 2021

Borough Clerk

Mayor

(5)

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

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

WHEREAS, none of the fees were used in conjunction with the project, and

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

Winfield Developers
2162 Dune Drive
Avalon, N.J. 08202

154 – 106th Street
B.105.02 L.61
\$ 520.00

NOW, THEREFORE, BE IT RESOLVED by the Borough of Stone Harbor on this 19th
day of January, 2021 that this fee be reimbursed.

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, 2021

The above resolution approved this day of....., 2021

Borough Clerk

.....
Mayor

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

(6)

WHEREAS, the Borough of Stone Harbor is currently under contract with Fred M. Schiavone Construction P.O. Box 416, Malaga, N.J. 08328 for the 2020 Utility and Road Program; and

WHEREAS, it is the recommendation of the Borough’s Engineer, Marc DeBlasio to authorize Change Order No. 1 – Contract Time Extension; and

WHEREAS, Change Order No. 1 will result in an increase of 110 calendar days from the previous contract time of 267 calendar days to an amended contract time of 377 calendar days.

NOW, THEREFORE, BE IT RESOLVED, this 19th day of January, 2021 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. 1 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. 1 .

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, 2021

The above resolution approved this day of....., 2021

Borough Clerk

Mayor

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

(17)

RESOLUTION

RESOLUTION AUTHORIZING RELEASE OF EXECUTIVE SESSION MINUTES

WHEREAS, the Borough of Stone Harbor in the County of Cape May, State of New Jersey, has established a committee to review and recommend for release certain minutes of executive session minutes of the governing body; and

WHEREAS, the committee has met and recommends that the attached minutes be released and made subject to public inspection upon request in accordance with law; and

WHEREAS, all members of the Governing Body have had an opportunity to review said minutes.

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 19th day of January, 2021, that the attached minutes of executive sessions by and the same are hereby deemed released and removed from confidential status.

- 2015
- 2016
- 2017
- 2018

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, 2021

Borough Clerk

The above resolution approved this day of....., 2021

Mayor

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

(8)

**Approve Proposal for Engineering & Construction Phase
95th Street Water Tank Improvements**

WHEREAS, DeBlasio & Associates, Borough Engineer, 4701 New Jersey Avenue, Wildwood, N.J. 08260 has prepared a Proposal (copy attached) to provide Engineering and Construction Phase Cost which tasks include:

Engineering and Construction Phase Services for the 2021 Utility & Road Program

Estimated Construction Cost	\$ 410,000.00
Engineering and Design Phase Cost	\$ 22,000.00
Construction Phase Cost	\$ 18,000.00

Total Estimated Project Costs \$ 450,000.00

Professional Service Fee	
Engineering & Design Phase Services	\$ 22,000.00
Construction Phase Services	\$ 18,000.00
Total	\$ 40,000

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

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stone Harbor in the County of Cape May and State of New Jersey that the Borough Council approves the attached Engineering & Construction Phase Cost Proposal and Professional Service Fee for the 95th Street Water Tank Improvements as presented on this 2nd day of February, 2021

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, 2021

.....
Borough Clerk
The above resolution approved this day of....., 2021
.....
Mayor

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

(9)

**Approve Proposal for Engineering & Construction Phase
2021 Utility & Road Program - Borough of Stone Harbor**

WHEREAS, DeBlasio & Associates, Borough Engineer, 4701 New Jersey Avenue, Wildwood, N.J. 08260 has prepared a Proposal (copy attached) to provide Engineering and Construction Phase Cost which tasks include:

Engineering and Construction Phase Services for the 2021 Utility & Road Program

Estimated Construction Cost	\$3,500,000.00
Engineering and Design Phase Cost	\$ 225,000.00
Construction Phase Cost	\$ 165,000.00
 Total Estimated Project Costs	 \$3,890,000.00

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

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stone Harbor in the County of Cape May and State of New Jersey that the Borough Council approves the attached Engineering & Construction Phase Cost Proposal for the 2021 Utility & Road Program as presented on this 2nd day of February, 2021

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, 2021

The above resolution approved this day of, 2021

Borough Clerk

.....
Mayor

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

(10)

**Approve Proposal for Preliminary Sanitary Sewer Investigation and
Watermain Design Services
Third Avenue Sanitary Sewer and Watermain Improvements**

WHEREAS, DeBlasio & Associates, Borough Engineer, 4701 New Jersey Avenue, Wildwood, N.J. 08260 has prepared a Proposal (copy attached) to provide Preliminary Sanitary Sewer Investigation and Watermain Design Services tasks to include

- 1. Scope of Work
- 2. Scope of Services
 - Topographic Survey and Base Mapping
 - Watermain Design Services
 - Sanitary Sewer Preliminary Investigation Services
- 3. Schedule and Fee
 - \$45,000.00

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

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stone Harbor in the County of Cape May and State of New Jersey that the Borough Council approves the Watermain Improvements Proposal as presented on this 2nd day of February, 2021.

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, 2021

.....
Borough Clerk

The above resolution approved this day of....., 2021
.....
Mayor

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

(11)

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS

BE IT RESOLVED by the Mayor and Council of the Borough of Stone Harbor that the following transfers of 2020 appropriations reserves are hereby approved in accordance with N.J.S.A 40A:4-59, which allows appropriation transfers during first three months of succeeding year.

Current Fund:

From:

Tourism OE 0-01-30-432-020 \$14,500.00

To:

Engineering OE 0-01-20-165-218 \$11,000.00

Planning Board OE 0-01-21-180-225 \$3,500.00

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, 2021

.....
Borough Clerk
The above resolution approved this day of....., 2021

.....
Mayor

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

(12)

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. Contract/Agreement Negotiations/Attorney Client Privilege

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Stone Harbor, assembled in public session on January 19, 2021 that an Executive Session closed to the public shall be held on January 19, 2021 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 the day of, 2021

The above resolution approved this day of....., 2021

Borough Clerk

Mayor