

WJD

**REGULAR MEETING IMMEDIATELY
FOLLOWING THE WORK SESSION**

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

AGENDA REGULAR MEETING

TUESDAY March 2, 2021 Meeting

**ORDINANCE 1582 Vacate Land – Villa Maria 2nd, 3rd and final (1) Parzych
ORDINANCE 1583 Liaison 2nd 3rd and final (2) Moore**

**Resolution – Approve Amendment -Settlement Agreement COAH (3)
Krafczek**

**Resolution – Designated Protected Beaches (4) Dallahan
Resolution – Authorize RFP’s for Competitive Contracting- Recreation (5)
Gensemer**

**Resolution – Fire Company Handbook Update (6) Dallahan
Resolution – Sale of Beach Tags - Jersey Cape (need agreement) (7) Gensemer
Resolution – Approve Dune Vegetation Management Plans (8) Casper
Senior
Vogel
Christofferson**

**Resolution- Approve Proposal – Borough Engineer - Lifeguard Building (9)
Dallahan
Resolution - Easement – 10315 Sunrise Drive (10) Gensemer**

**Motion – Beach Sheds – Out to Bid Advertise March 8, 2021 (11) Dallahan
Accept Bids March 24, 2021 10:00 am
Award April 6, 2021**

**Beach Concession Stands Advertise March 8, 2021
Accept Bids March 24, 2021 10:30
Award April 6, 2021**

**Motion
Approve Beach Sweeps Dates Sat, April 17 (12) Casper
Sat, October 23 – 9am-12:30 pm**

DISCUSSION:

W220

(1)

**BOROUGH OF STONE HARBOR
CAPE MAY COUNTY
ORDINANCE NO. 1582**

**AN ORDINANCE VACATING A PORTION OF 1ST AVENUE
AND RESCINDING ORDINANCE No. 504**

WHEREAS, the Borough Council of the Borough of Stone Harbor, Cape May County, New Jersey has determined that it is in the best interest of the Borough to vacate the portion of 1st Avenue, a paper street, located between 111th Street and 112th Street, in connection with the redevelopment of Villa Maria By the Sea; and

WHEREAS, vacation of a public street, or part thereof, may be authorized by the Municipal Governing Body by Ordinance pursuant to N.J.S.A. 40:67-1-, et seq., in the discretion of the Governing Body to accommodate public uses or when there is no longer any need for the use of said area by the public; and

WHEREAS, pursuant to N.J.S.A. 40:67-1, et seq. and the holdings in Hous. Auth. of City of Newark v. Norfolk Realty Co., 71 N.J. 314, 322 (1976) and Wolff v. Veterans of Foreign Wars, 5 N.J. 143, 147 (1950), upon the vacation of a public street, title to one half of the road bed lies in the abutting property owner subject to whatever public right or easement may exist; and

WHEREAS, the Sisters of the Immaculate Heart of Mary, which owns and operates the Villa Maria by the Sea, are the owners of the property adjacent to said paper street to be vacated, those adjacent lots being identified as Block 111.01, Lots 19 and 20 and Block 111.02, Lots 21 and 22 on the official tax map of the Borough of Stone Harbor; and

WHEREAS, the Governing Body, having reviewed the matter extensively and having determined that, subject to the conditions herein, there is no longer any need for the use of said paper street by the public;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Stone Harbor, Cape May County and State of New Jersey, duly assembled in public session, as follows:

1. The averments set forth above are incorporated herein as if set forth at length;
2. The portion of the paper street known as 1st Avenue, located between 111th Street and 112th Street, as described in Exhibit "A" hereto, as shown on the official tax map of the Borough of Stone Harbor, a legal description prepared by DeBlasio and Associates, dated February 1, 2021, is hereby vacated and the underlying fee simple interest to said vacated portion, as reflected in the chain of title of said portion, shall be vested to the Sisters of the Immaculate Heart of Mary in accordance with law subject to the reservations herein;
3. All rights and privileges possessed by public utilities, as defined by R.S. 48:2-13, and by any cable television company, as defined in the "Cable Television Act," N.J.S.A. 48:5A-1 et seq., to maintain, repair and replace facilities, in, adjacent to, over or under the vacated portion of 1st Avenue, are hereby expressly reserved from vacation;
4. The Borough hereby expressly reserves, from vacation, all rights and privileges to install and maintain, repair and replace storm drainage facilities, water main improvements and any other improvements as may be deemed necessary by the Borough in the sub-surface portion. It is an express condition of this Vacation Ordinance that the adjacent property owners, the Sisters of the Immaculate Heart of Mary, shall execute a formal easement agreement, which shall be recorded in the office of the Clerk of the County of Cape May permitting such installation and maintenance in form acceptable to the Municipal Solicitor of the Borough of Stone Harbor.
5. Additionally, on July 3, 1978, the Borough of Stone Harbor adopted Ordinance No. 504, entitled "An Ordinance Repealing Ordinance 494 and Providing for the Vacation, Releasing and Extinguishment of the Public Rights in and to a Portion of First Avenue in the Borough of Stone Harbor, New Jersey", which rescinded prior Ordinance No. 494 entitled: "An

Ordinance Providing for Vacating, Releasing and Extinguishment of the Public Rights in and to a Portion of First Avenue in the Borough of Stone Harbor, New Jersey.”

As a result, the status of said 1978 Street Vacation is clouded, remains a disputed matter and is potentially the subject of litigation and judicial review. To avoid such dispute, the Borough of Stone Harbor has reached a resolution of this matter with the Sisters of the Immaculate Heart of Mary, who are also the adjoining owners of the property abutting the 1978 “Vacation Area” in dispute, to wit: Block 112.02, Lot 22, pursuant to the 1978 Ordinances.

Accordingly, the Borough of Stone Harbor and the Sisters of the Immaculate Heart of Mary have agreed that the Borough shall, rescind Ordinance No. 504. As a result, in accordance with prior Ordinance No. 494, title to the vacated property on the westerly portion of the roadbed shall be vested in the Sisters of the Immaculate Heart of Mary and title to the easterly portion of the roadbed shall be vested in the Borough of Stone Harbor.

The Sisters of the Immaculate Heart of Mary shall tender to the Borough of Stone Harbor the sum of Two Million (\$2,000,000.00) Dollars to be paid over a period of eighteen (18) months from the proceeds of the closings of the thirteen (13) lots created by the subdivision, which is facilitated by this Vacation Ordinance. Such payment is an express condition subsequent of this Ordinance and shall be further articulated in a separate agreement between the Borough and the Sisters of the Immaculate Heart of Mary, which is also an express condition subsequent of this Ordinance.

A portion of said proceeds shall be applied by the Borough of Stone Harbor to satisfy, in full, all of the Mount Laurel obligation generated by Villa Maria Subdivision and renovation project. It is contemplated that the balance shall be utilized to partially fund the construction of the new Borough Lifeguard Station in order to continue to provide beach protection to the residents, property owners and visitors of the Borough of Stone Harbor.

6. Accordingly, Ordinance number 504, adopted on July 3, 1978 and referenced above is hereby rescinded.
7. The adoption of the within Ordinance is expressly contingent upon the subsequent execution and performance of the easement and payment agreements, as referenced above, which are conditions subsequent to this adoption, and this Ordinance shall be subject to rescission in the absence of the Borough’s receipt of fully executed copies, and appropriate performance, of the same.
8. The Municipal Clerk shall publish this Ordinance, after being introduced and having passed a first reading, at least once not less than ten (10) days instead of one (1) week prior to the time fixed for further consideration for final passage, pursuant to N.J.S.A. 40:49-6.
9. The Municipal Clerk shall, at least one (1) week prior to the time fixed for final passage of such Ordinance, mail a copy thereof, together with a notice of the introduction thereof and the time and place when and where the ordinance will be further considered for final passage, to every person whose lands may be affected by the Ordinance or any assessment which may be made in pursuance thereof, pursuant to N.J.S.A. 40:49-6.
10. The Municipal Clerk shall, within sixty (60) days after such Ordinance becomes effective, file a certified copy of the ordinance vacating the streets with the office of the County Clerk in a special book set aside for dedications and vacations, pursuant to N.J.S.A. 40:67-21.
11. This Ordinance shall take effect after final passage and publication according to law.
12. Upon final adoption, this Ordinance shall be transmitted to the Tax Assessor by the Borough Clerk who, with the assistance of the Borough Engineer, shall determine the appropriate tax map designation for said vacated portion.

13. All Ordinances or parts of ordinances which are inconsistent with this ordinance are repealed as to their inconsistencies only.

This Ordinance shall take effect twenty (20) days after publication of final adoption.

APPROVED:

Judith Davies-Dunhour, Mayor

ATTEST:

Suzanne C. Stanford, Borough Clerk

INSERT SCHEDULE "A"
DESCRIPTION OF LANDS

INSERT SCHEDULE "B"
EASEMENT PLANS

(2)

BOROUGH OF STONE HARBOR
COUNTY OF CAPE MAY, NEW JERSEY
ORDINANCE 1583

AN ORDINANCE AMENDING CHAPTER 10-9 POWERS OF COUNCIL BY ADDING "L"

BE IT ORDAINED by the Members of Council of the Borough of Stone Harbor, in the County of Cape May and State of New Jersey as follows:

10-9 Powers of Council

The Borough Council shall be the legislative body of the Borough and shall have all the powers designated by the general law of boroughs, including but not limited to those contained in N.J. S.A. 40A:60-1 et seq. and shall include, to the extent not inconsistent with said laws, the following powers: (L. shall be added)

L. May, as individual members of Borough Council, act as liaisons to Stone Harbor Property Owners Association, the Stone Harbor Museum and the Stone Harbor Chamber of Commerce, for the purpose of facilitating communications between the Borough Council and these enumerated organizations.

APPROVED:

Judith M. Davies-Dunhour, Mayor

ATTEST:

Suzanne C. Stanford, Borough Clerk

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

(3)

RESOLUTION

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF STONE HARBOR AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE SETTLEMENT AGREEMENT WITH FAIR SHARE HOUSING CENTER

WHEREAS, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015)(Mount Laurel IV), on June 13, 2015, the Borough of Stone Harbor (hereinafter "Stone Harbor" or the "Borough") filed a Declaratory Judgment Complaint in the Superior Court, Law Division seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan (hereinafter "Fair Share Plan"), to be amended as necessary, satisfies its "fair share" of the regional need for low and moderate income housing pursuant to the "Mount Laurel doctrine;" and

WHEREAS, the Borough simultaneously sought, and ultimately secured, a protective order providing Stone Harbor Borough immunity from all exclusionary zoning lawsuits while it pursues approval of its Fair Share Plan, which is still in full force and effect; and

WHEREAS, with assistance from the Court Master, the Borough and Fair Share Housing Center (hereinafter "FSHC") engaged in good faith negotiations, which resulted in the entering into of a Settlement Agreement between the Borough and FSHC on December 6, 2017 (hereinafter "FSHC Settlement Agreement"); and

WHEREAS, a Fairness Hearing was held on January 3, 2018 during which the FSHC Settlement Agreement was approved, and said approval was memorialized by an Order entered by the Court on January 23, 2018; and

WHEREAS, the Borough adopted and endorsed a Housing Element and Fair Share Plan that implemented the 2018 FSHC Settlement Agreement; and

WHEREAS, the 2020 application for subdivision before the Zoning Board of Adjustment of the Borough of Stone Harbor by the Sisters, Servants of the Immaculate Heart of Mary, Stone Harbor Retreat Center, Villa Maria by the Sea ("Villa Maria"), located at 11101 1st Avenue, Stone Harbor, for the rebuilding of its retreat center and conversion of 2.2 acres of its parcel into thirteen (13) lots for single-family, detached units has impacted the Borough's Realistic Development Potential, due to lack of vacant, developable land with which to satisfy its affordable housing obligation; and

WHEREAS, due to this change in circumstance, the FSHC Settlement Agreement needs to be amended to reflect the Borough's satisfaction of its recalculated RDP; and

WHEREAS, FSHC and the Borough's professionals have negotiated and finalized an Amendment to the FSHC Settlement Agreement to implement the aforementioned changes, which is attached hereto as Exhibit A; and

WHEREAS, in light of the above, the Borough Council finds that it is in the best interest of Stone Harbor Borough to execute the attached Amendment to the FSHC Settlement Agreement, and to take various other actions delineated below, which will ultimately result in approval of the Borough's Fair Share Plan which, in turn, will maintain the Borough's immunity from all Mount Laurel lawsuits through July 2, 2025.

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED on this 2nd day of March, 2021, by the Council of the Borough of Stone Harbor, County of Cape May, State of New Jersey, as follows:

1. The Borough Council hereby authorizes and directs the Mayor of Stone Harbor Borough to execute the Amendment to the FSHC Settlement Agreement attached hereto as Exhibit A.

2. The Borough hereby directs its Affordable Housing Counsel to file the fully-executed Amendment to the FSHC Settlement Agreement with the Court, along with the original FSHC Settlement Agreement, which is the only exhibit to the Amendment, for review and approval at a duly-noticed combined Fairness and Compliance Hearing.

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Council of the Borough of Stone Harbor Borough at a regular meeting held on the 2nd day of March, 2021, a quorum being present and voting in the majority.

Hon. Judith Davies-Dunhour
Mayor of Stone Harbor

Suzanne Stanford
Borough Clerk

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

DESIGNATED PROTECTED BATHING BEACHES – 2021

WHEREAS, the Borough of Stone Harbor periodically receives reports from its Borough Beach Patrol Captain and Borough lifeguards relating to the proper location of bathing beaches in the Borough of Stone Harbor; and

WHEREAS, the information submitted to Mayor and Council for the year 2009 is that some changes to the distribution of bathing beaches should be made.

NOW, THEREFORE, BE IT RESOLVED, by the Members of Council of the Borough of Stone Harbor, in the County of Cape May and State of New Jersey that pursuant to Section 156-5 (B) of the Revised General Ordinances 2005 of the Borough of Stone Harbor, protected beaches shall be located at 81st Street, 83rd Street, 86th Street, 87th Street, 90th Street, 93rd Street, 94th Street, 95th Street, 96th Street, 100th Street, 102nd Street, 103rd Street, 105th Street, 108th Street, 110th Street, 112th Street, 113th Street, 116th Street, 117th Street, 120th Street and 122nd Street. Additionally, the lifeguard captain, or his designated assistant, shall have the right during operations on a daily basis to move each bathing beach up to one-half block in either direction in order to take advantage of the best local conditions at the beach site. The lifeguard captain or his designated assistant, may also close a beach due to adverse weather conditions or lack of personnel, or for any other appropriate reason.

BE IT FURTHER RESOLVED that the use of surfboards (with leashes attached) shall be permitted at the beaches at 81st Street (no swimming) and 110th Street (no swimming) only, and all surfers shall be required to comply with the directions of the lifeguards based upon local conditions at the time. Also, the use of stand up paddleboards (with leashes attached) shall be permitted at 81st street only, and all users of stand up paddle boards shall be required to comply with the directions of the lifeguards based upon local conditions at the time. Kayaks and NJ Registered Catamarans will be permitted at 122nd Street through 126th Street only, and life jackets must be worn at all times while in the water.

BE IT FURTHER RESOLVED that rafts and body boards (not surfboards) shall be permitted at all protected beaches, except 81st, 86th, 110th, 112th and 122nd Streets.

BE IT FURTHER RESOLVED that selected protected beaches shall begin to open on the Saturday of Memorial Day week-end and shall be open through the Monday of Labor Day week-end. Post-season protected beaches will be open only if qualified personnel are available.

BE IT FURTHER RESOLVED that beach tags shall be required for all beaches commencing on the Saturday of Memorial Day week-end thru the Monday of Labor Day week-end.

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

(5)

RESOLUTION

**RESOLUTION PURSUANT TO N.J.S.A. 40A:11-4.3 AUTHORIZING
THE USE OF COMPETITIVE CONTRACTING FOR THE
DEPARTMENT OF RECREATION AND ADMINISTRATION
BOROUGH OF STONE HARBOR**

WHEREAS, the Borough of Stone Harbor desires to contract with vendors to provide Recreation Services and procure Beach Concessions; and

WHEREAS, pursuant to N.J.S.A. 40A:11-4.1 et seq., the Borough may use Competitive Contracting in lieu of public bidding for procurement of specialized goods and services and beach concessions, the price of which exceeds the bid threshold; and

WHEREAS, under the competitive contracting process, the contract for Recreation Services and Beach Concessions will be awarded to that entity submitting a proposal that, when evaluated, most successfully meets the stated criteria and, therefore, achieves the highest ranking, rather than based solely on the lowest or highest (in the case of Concessions) price; and

WHEREAS, the Borough desires to conduct the procurement process for the aforesaid goods and services pursuant to the competitive contracting process as set forth by N.J.S.A. 40A:11-4.1 et seq.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Stone Harbor, County of Cape May, State of New Jersey, that the Borough Administrator is hereby authorized to utilize and administer the competitive contracting process as set forth in N.J.S.A. 40A:11-4.1 et seq., to procure a contract with a vendor to provide Recreation Services and Concessions, pursuant to the rules governing the competitive contracting process.

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

(6)

RESOLUTION

A RESOLUTION
APPROVING AN AMENDMENT TO FIRE DEPARTMENT EMPLOYEE MANUAL

WHEREAS, the attached Manual contains information about policies and procedures and an overview of Firefighter benefits; and

WHEREAS, this Manual is attached hereto and incorporated herein by reference;

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 16th day of February, 2021 that the attached amended page 5 of the Fire Department Employee Manual be and is hereby approved and adopted.

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

(1)

RESOLUTION

AUTHORIZING JERSEY CAPE DIAGNOSTIC, TRAINING, AND OPPORTUNITY CENTER, INC. TO SELL SEASONAL BEACH TAGS VIA ITS WEBSITE

WHEREAS, the Borough of Stone Harbor contracts with Jersey Cape Diagnostic, Training, and Opportunity Center, Inc. (hereafter "Jersey Cape Diagnostic") each year for the manufacture of its beach tags; and

WHEREAS, Jersey Cape Diagnostic has created a new training/work opportunity program that would enable them to sell the Borough's seasonal beach tags through their website; and

WHEREAS, the cost of seasonal beach tags through the website will be the same as those purchased directly through the Borough; and

WHEREAS, individuals purchasing beach tags through the website will pay to Jersey Cape Diagnostic the cost of the beach tag, a convenience fee per tag, and a shipping fee determined by Jersey Cape Diagnostic; and

WHEREAS, the Borough finds it would be beneficial to sell seasonal beach tags through Jersey Cape Diagnostic, Training, and Opportunity Center, Inc.'s website; according to the attached AGREEMENT.

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

1. Jersey Cape Diagnostic, Training, and Opportunity Center, Inc. is hereby authorized to sell Borough of Stone Harbor seasonal beach tags through its website www.jerseycapetags.com/stoneharborbeachtags following the Borough's standard fee schedule.
2. Jersey Cape Diagnostic, Training, and Opportunity Center, Inc. will remit payment for beach tags it sells on a weekly basis.
3. Jersey Cape Diagnostic, Training, and Opportunity Center, Inc. will keep any third-party convenience and shipping fees collected for providing the aforementioned service.

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

(8)

Approve Conditions for 10318 First Avenue Street Dune Vegetation Management Project Regarding Maintenance Pruning

WHEREAS, the Lomax Consulting Group has prepared guidelines for the implementation of the Dune Vegetation Management Plan; and

WHEREAS, a request for maintenance pruning was submitted to Borough Council at the March 2, 2021 meeting for 10318 First Avenue (Diane and David Senior), Dune Vegetation Management Plan Project which are attached hereto; and

WHEREAS, The Borough Council of the Borough of Stone Harbor hereby approves the conditions as discussed for this project of the DVMP.

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 Conditions for the 10318 First Avenue DVMP Project on this 2nd day of March, 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

Approve Conditions for 101 – 113th Street Dune Vegetation Management Project Regarding Maintenance Pruning

WHEREAS, the Lomax Consulting Group has prepared guidelines for the implementation of the Dune Vegetation Management Plan; and

WHEREAS, a request for maintenance pruning was submitted to Borough Council at the March 2, 2021 meeting for 101 – 113th Street (Robert A. Vogel, Jr.), Dune Vegetation Management Plan Project which are attached hereto; and

WHEREAS, The Borough Council of the Borough of Stone Harbor hereby approves the conditions as discussed for this project of the DVMP.

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 Conditions for the 101 – 113th Street DVMP Project on this 2nd day of March, 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

Approve Conditions for 2 – 87th Street Dune Vegetation Management Project Regarding Maintenance Pruning

WHEREAS, the Lomax Consulting Group has prepared guidelines for the implementation of the Dune Vegetation Management Plan; and

WHEREAS, a request for maintenance pruning was submitted to Borough Council at the March 2, 2021 meeting for 2 – 87th Street (Judy & Randy Christofferson), Dune Vegetation Management Plan Project which are attached hereto; and

WHEREAS, The Borough Council of the Borough of Stone Harbor hereby approves the conditions as discussed for this project of the DVMP.

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 Conditions for the 2 – 87th Street DVMP Project on this 2nd day of March, 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

(9)

Approve Proposal for Beach Patrol Building – Design and Construction Phase (proposal #2)

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

- 1. Scope of Work
- 2. Scope of Services

A. NJDEP Land Use Approval – CAFRA – completed	
B. Geotechnical Engineering Services	\$ 5,000
C. Design Development	\$115,000
D. Preparation of Construction Documents	\$ 30,000
E. Bidding and Award	\$ 10,000
F. Construction Phase Services, Contract Administration Services and Periodic Construction Observation Services	\$130,000
Total	\$ 290,000

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 Beach Patrol Building – Design and Construction Phase (proposal #2) as presented on this 2nd day of March, 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

(10)

RESOLUTION

A RESOLUTION AUTHORIZING THE EXECUTION OF AN EASEMENT AGREEMENT BETWEEN THE BOROUGH OF STONE HARBOR AND CHARLES STREET DEVELOPERS, LLC

WHEREAS, for the purposes of public safety, the Borough of Stone Harbor requires a storm sewer outfall line to be forthwith installed over lands owned by Charles Street Developers, LLC (hereinafter Grantor) known and identified as Lot TBA, Block 200.03 in the Borough of Stone Harbor, a/k/a

Tax Map Reference. (N.J.S.A. 46:15-1.1.a. Section 6(c)) Municipality of Stone Harbor Block No. **200.03** Old Lot No. 534; and

WHEREAS, the land affected by the easement is more formally described on the annexed easement document and Exhibit "A" (appended thereto and made a part thereof) entitled "Easement Description" prepared by Scott D. Brown, NJPLS 38250 and also as shown on "Minor Subdivision Plan" of Block 200.03, Lots 531, 532, 533 & 534, Borough of Stone Harbor, CapeMay County, New Jersey, dated _____, 2020, prepared by Scott D. Brown, NJPLS 38250, also made a part thereof and attached thereto as Exhibit "B"; and

WHEREAS, the Borough of Stone Harbor acknowledges that the conveyance of this easement is a condition of the variance and subdivision plan approval pursuant to Stone Harbor Planning Board Resolution No. 2020-003, dated March 9, 2020: and

WHEREAS, the Borough of Stone Harbor acknowledges that although no consideration for easement acquisition will be required should the approval stand, fair market consideration may be required for the acquisition of said easement should such approval be overturned as a result of pending litigation; and

WHEREAS, Charles Street Developers, LLC and the Borough of Stone Harbor have reached an agreement relative to the terms of said easement, which agreement is appended hereto;

NOW THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL, the governing body of the Borough of Stone Harbor that the Mayor and Municipal Clerk are hereby authorized to execute the Easement Agreement and annexed hereto.

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