

Wed

REGULAR MEETING IMMEDIATELY
FOLLOWING THE WORK SESSION

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

AGENDA REGULAR MEETING

TUESDAY May 4, 2021 Meeting

DOCK HEARING – Channel Marine

11713 Paradise Drive (cont. from 4/20)
11817 Paradise Drive

ORDINANCE 1587 Cannabis 2nd, 3rd and final (1) Krafczek

ORDINANCE 1588 Cap Bank 2nd 3rd and final (2) Krafczek

HEARING ON THE 2021 BUDGET

OPEN

CLOSE

RESOLUTION – Adopt 2021 Budget (3) Krafczek

RESOLUTION – Refund of Construction Permit (4) Parzych

RESOLUTION – Authorize Disposal of Surplus (5) Dallahan

**RESOLUTION – Authorize Private Handicap Parking Space – Deegan (6)
Casper**

RESOLUTION – Refund Various Performance/Surety Monies (7) Gensemer

**RESOLUTION – Change Order No. 4 2019 Utility & Road Program Asphalt
(8) Moore**

**RESOLUTION- Proposal for Additional Services Resurfacing 94th Parking
Lot-DeBlasio Engineering Cost (9) Parzych**

**RESOLUTION- Proposal for Additional Services Resurfacing Various
Streets-DeBlasio Engineering Cost (10) Moore**

**RESOLUTION – Change Order #1 – Prime and Paint exterior of water tank
(11) Moore**

**RESOLUTION – Engineering Services – Repainting of Water Tank (12)
Gensemer**

RESOLUTION – AFSME Contract -- (13) Parzych

RESOLUTION – Beach Concession Bid – (14) Gensemer

MOTION

Approve Turtle Trot May 30th
Approve The Little Mermaid Musical July 29th-Aug 1st
Approve Garden Club Community Yard Sale May 15th
Approve Shore Softball Classic July 24th

MOTION To direct Adm and CFO to undertake certain actions and
studies concerning budget and fiscal policy within the Borough

DISCUSSION:

Free



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF LAND USE REGULATION
Mail Code 501-02A, P.O. Box 420, Trenton, New Jersey 08625-0420
Telephone: (609) 777-0454 or Fax: (609) 777-3656
www.nj.gov/dep/landuse

11713 Paradise



PERMIT

<p>In accordance with the laws and regulations of the State of New Jersey, the Department of Environmental Protection hereby grants this permit to perform the activities described below. This permit is revocable with due cause and is subject to the terms, conditions, and limitations listed below and on the attached pages. For the purpose of this document, "permit" means approval, certification, registration, authorization, waiver, etc. Violation of any term, condition, or limitation of this permit is a violation of the implementing rules and may subject the permittee to enforcement action.</p>		<p>Approval Date: MAR 13 2020</p> <p>Expiration Date: MAR 12 2025</p>
<p>Permit Number(s): 0510-02-0001.1 LUP190002</p>	<p>Type of Approval(s): WFD Individual Permit-SFH/Duplex(Waterward) Water Quality Certificate SPGP19</p>	<p>Enabling Statute(s): N.J.S.A. 12:5-3 et seq. NJSA 58:10A WPCA</p>
<p>Permittee: William S. Pepe Trust FBO Trisha Laudén UAD 12/2/2016 1708 White Acre Drive Bethlehem, PA 18015</p>	<p>Site Location: Block(s) & Lot(s): [208, 3] [208, 4] Municipality: Stone Harbor Borough County: Cape May 11713 Paradise Drive</p>	
<p>Description of Authorized Activities:</p> <p>This document legalizes the existing bulkhead and authorizes the removal of existing structures located below the mean high water line and authorizes the construction of a 4-foot wide by 8-foot long pier to a 3-foot wide ramp to a 6-foot wide by 20-foot long floating dock with a 4-foot wide by 8-foot long extension, to a 6-foot wide by 18-foot long floating dock to a 3-foot wide by 19-foot long floating dock with two (2) 3-foot wide by 12.5-foot long jet ski floats. All approved work is shown on the plan referenced on page 5 of this permit.</p> <p>Prior to construction, the permittee shall remove all existing structures located below the mean high water line.</p> <p>This authorization includes a Water Quality Certificate for the approved activities.</p> <p>This permit is authorized under and in compliance with the Rules on Coastal Zone Management, N.J.A.C. 7:7-1.1 et seq., as amended through February 20, 2020.</p>		
<p>Prepared by: <i>Carlene Purzycki</i> Carlene Purzycki</p>	<p>Received and/or Recorded by County Clerk:</p>	
<p>If the permittee undertakes any regulated activity, project, or development authorized under this permit, such action shall constitute the permittee's acceptance of the permit in its entirety as well as the permittee's agreement to abide by the requirements of the permit and all conditions therein.</p>		
<p>This permit is not valid unless authorizing signature appears on the last page.</p>		

STATEMENT OF AUTHORIZED IMPACTS:

The authorized activities allow for the permittee to undertake impacts to regulated areas as described herein. Additional impacts to regulated areas without prior Department approval shall constitute a violation of the rules under which this document is issued and may subject the permittee and/or property owner to enforcement action, pursuant to N.J.A.C. 7:7-2.1(a).

PRE-CONSTRUCTION CONDITIONS:

1. Prior to construction, the permittee shall remove all existing structures located below the mean high water line.

SPECIAL CONDITIONS:

1. The permit issued is subject to the conditions of the attached Army Corps of Engineers Permit CENAP-OP-R-NJ-SPGP19.
2. This permit does not authorize dredging activities. If dredging is required in the future, a new Waterfront Development application showing compliance with 7:7-12.9 New Dredging will be required to be submitted to this Division.
3. Manufacturer's recommendations shall be followed for the field patching of all cuts, drilled holes, or any tears in the surface of the structural members used for dock construction.
4. Consistent with Assembly Bill, No. 2804, P.L. 2007, CHAPTER 113, the use of creosote treated material (or other descriptive term from the law) in the construction of the permitted structure(s) is prohibited.
5. The width of the structure(s) shall not exceed twice the clearance between the structure(s) and the surface of the ground below or the water surface at mean high tide (measured from the bottom of the stringers). Floating docks are not subject to the height requirement however, the floating dock shall be constructed such that it does not rest on the bottom of the waterbody during the low tide event.
6. Spacing between horizontal planking of the dock shall be maximized and the width of the horizontal planking shall be minimized. Under normal circumstances, a minimum of 3/8 inch, 1/2 inch, 3/4 inch, or one inch space shall be provided for four inch, six inch, eight to 10 inch, or 12 inch wide planks on the dock, respectively.
7. The structures are not to exceed the dimensions as specified on the approve plans. No more than four (4) vessels may be moored at any time. All structures and mooring areas shall be located as depicted on the approve plans and within the permittee's property line extension and/or limit of a Tidelands instrument.
8. This permit does not authorize construction on the upland portion of the subject property, nor does this permit legalize any existing upland structures.

STANDARD CONDITIONS:

1. The issuance of a permit shall in no way expose the State of New Jersey or the Department to liability for the sufficiency or correctness of the design of any construction or structure(s). Neither the State nor the Department shall, in any way, be liable for any loss of life or property that may occur by virtue of the activity or project conducted as authorized under a permit.
2. The issuance of a permit does not convey any property rights or any exclusive privilege.
3. The permittee shall obtain all applicable Federal, State, and local approvals prior to commencement of regulated activities authorized under a permit.
4. A permittee conducting an activity involving soil disturbance, the creation of drainage structures, or changes in natural contours shall obtain any required approvals from the Soil Conservation District or designee having jurisdiction over the site.
5. The permittee shall take all reasonable steps to prevent, minimize, or correct any adverse impact on the environment resulting from activities conducted pursuant to the permit, or from noncompliance with the permit.
6. The permittee shall immediately inform the Department of any unanticipated adverse effects on the environment not described in the application or in the conditions of the permit. The Department may, upon discovery of such unanticipated adverse effects, and upon the failure of the permittee to submit a report thereon, notify the permittee of its intent to suspend the permit.
7. The permittee shall immediately inform the Department by telephone at (877) 927-6337 (WARN DEP hotline) of any noncompliance that may endanger public health, safety, and welfare, or the environment. The permittee shall inform the Division of Land Use Regulation by telephone at (609) 777-0454 of any other noncompliance within two working days of the time the permittee becomes aware of the noncompliance, and in writing within five working days of the time the permittee becomes aware of the noncompliance. Such notice shall not, however, serve as a defense to enforcement action if the project is found to be in violation of this chapter. The written notice shall include:
 - i. A description of the noncompliance and its cause;
 - ii. The period of noncompliance, including exact dates and times;
 - iii. If the noncompliance has not been corrected, the anticipated length of time it is expected to continue; and
 - iv. The steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
8. Any noncompliance with a permit constitutes a violation of this chapter and is grounds for enforcement action, as well as, in the appropriate case, suspension and/or termination of the permit.
9. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the authorized activity in order to maintain compliance with the conditions of the permit.

10. The permittee shall employ appropriate measures to minimize noise where necessary during construction, as specified in N.J.S.A. 13:1G-1 et seq. and N.J.A.C. 7:29.
11. The issuance of a permit does not relinquish the State's tidelands ownership or claim to any portion of the subject property or adjacent properties.
12. The issuance of a permit does not relinquish public rights to access and use tidal waterways and their shores.
13. The permittee shall allow an authorized representative of the Department, upon the presentation of credentials, to:
 - i. Enter upon the permittee's premises where a regulated activity, project, or development is located or conducted, or where records must be kept under the conditions of this permit;
 - ii. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit; and
 - iii. Inspect, at reasonable times, any facilities, equipment, practices, or operations regulated or required under the permit. Failure to allow reasonable access under this paragraph shall be considered a violation of this chapter and subject the permittee to enforcement action.
14. The permittee shall not cause or allow any unreasonable interference with the free flow of a regulated water by placing or dumping any materials, equipment, debris or structures within or adjacent to the channel while the regulated activity, project, or development is being undertaken. Upon completion of the regulated activity, project, or development, the permittee shall remove and dispose of in a lawful manner all excess materials, debris, equipment, and silt fences and other temporary soil erosion and sediment control devices from all regulated areas.
15. The permittee and its contractors and subcontractors shall comply with all conditions, site plans, and supporting documents approved by the permit.
16. All conditions, site plans, and supporting documents approved by a permit shall remain in full force and effect, so long as the regulated activity, project, or development, or any portion thereof, is in existence, unless the permit is modified pursuant to the rules governing the herein approved permits.
17. The permittee shall perform any mitigation required under the permit in accordance with the rules governing the herein approved permits.
18. If any condition or permit is determined to be legally unenforceable, modifications and additional conditions may be imposed by the Department as necessary to protect public health, safety, and welfare, or the environment.
19. Any permit condition that does not establish a specific timeframe within which the condition must be satisfied (for example, prior to commencement of construction) shall be satisfied within six months of the effective date of the permit.
20. A copy of the permit and all approved site plans and supporting documents shall be maintained at the site at all times and made available to Department representatives or their designated agents immediately upon request.

21. The permittee shall provide monitoring results to the Department at the intervals specified in the permit.
22. A permit shall be transferred to another person only in accordance with the rules governing the herein approved permits.
23. A permit can be modified, suspended, or terminated by the Department for cause.
24. The submittal of a request to modify a permit by the permittee, or a notification of planned changes or anticipated noncompliance, does not stay any condition of a permit.
25. Where the permittee becomes aware that it failed to submit any relevant facts in an application, or submitted incorrect information in an application or in any report to the Department, it shall promptly submit such facts or information.
26. The permittee shall submit written notification to the Bureau of Coastal and Land Use Compliance and Enforcement, 401 East State Street, 4th Floor, PO Box 420, Mail Code 401-04C, Trenton, NJ 08625, at least three working days prior to the commencement of regulated activities.
27. The permittee shall record the permit, including all conditions listed therein, with the Office of the County Clerk (the Registrar of Deeds and Mortgages, if applicable) of each county in which the site is located. The permit shall be recorded within 30 calendar days of receipt by the permittee, unless the permit authorizes activities within two or more counties, in which case the permit shall be recorded within 90 calendar days of receipt. Upon completion of all recording, a copy of the recorded permit shall be forwarded to the Division of Land Use Regulation at the address listed on page one of this permit.

APPROVED PLAN:

The drawing hereby approved consists of one (1) sheet prepared by Andrew C. Shawl, P.E., dated December 13, 2019, last revised March 12, 2020, and entitled:

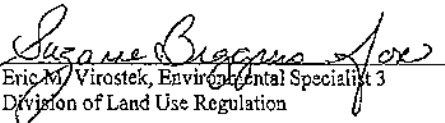
"PROJECT, 11713 PARADISE DRIVE, BLOCK 208 -- LOTS 3 and 4, BOROUGH of STONE HARBOR, CAPE MAY COUNTY, NJ, DWG. TITLE, NJDEP PERMIT PLAN"

APPEAL OF DECISION:

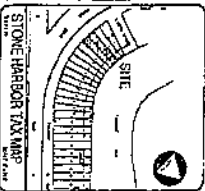
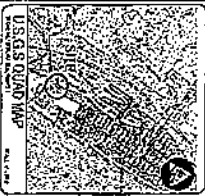
Any person who is aggrieved by this decision may submit an adjudicatory hearing request within 30 calendar days after public notice of the decision is published in the DEP Bulletin (available at www.nj.gov/dep/bulletin). If a person submits the hearing request after this time, the Department shall deny the request. The hearing request must include a completed copy of the Administrative Hearing Request Checklist (available at www.nj.gov/dep/landuse/forms.html). A person requesting an adjudicatory hearing shall submit the original hearing request to: NJDEP Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, Mail Code 401-04L, P.O. Box 402, 401 East State Street, 7th Floor, Trenton, NJ 08625-0402. Additionally, a copy of the hearing request shall be submitted to the Director of the Division of Land Use Regulation at the address listed on page one of this permit. In addition to your hearing request, you may file a request with the Office of Dispute Resolution to engage in alternative dispute resolution. Please see www.nj.gov/dep/odr for more information on this process.

If you need clarification on any section of this permit or conditions, please contact the Division of Land Use Regulation's Technical Support Call Center at (609) 777-0454.

Approved By:

 3/13/2020
Eric M. Virostek, Environmental Specialist 3
Division of Land Use Regulation

c: Municipal Clerk, Stone Harbor Borough
Municipal Construction Official, Stone Harbor Borough
Agent (original) – Bryan Schuler



GENERAL NOTES

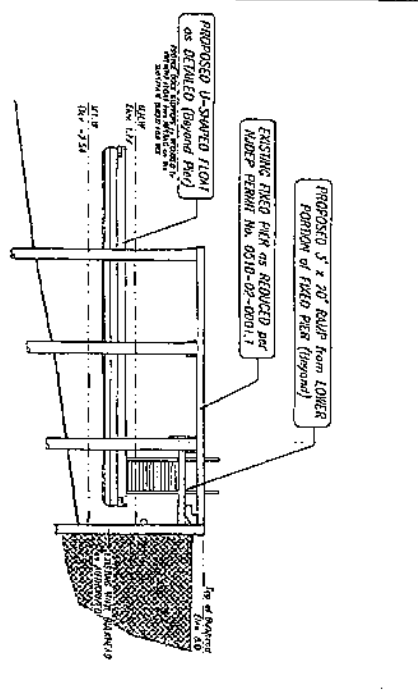
1. THE PLAN IS FOR THE PROPOSED 5' x 20' RAUP FROM LOWER PORTION OF FIXED PIER (HYPOTH).
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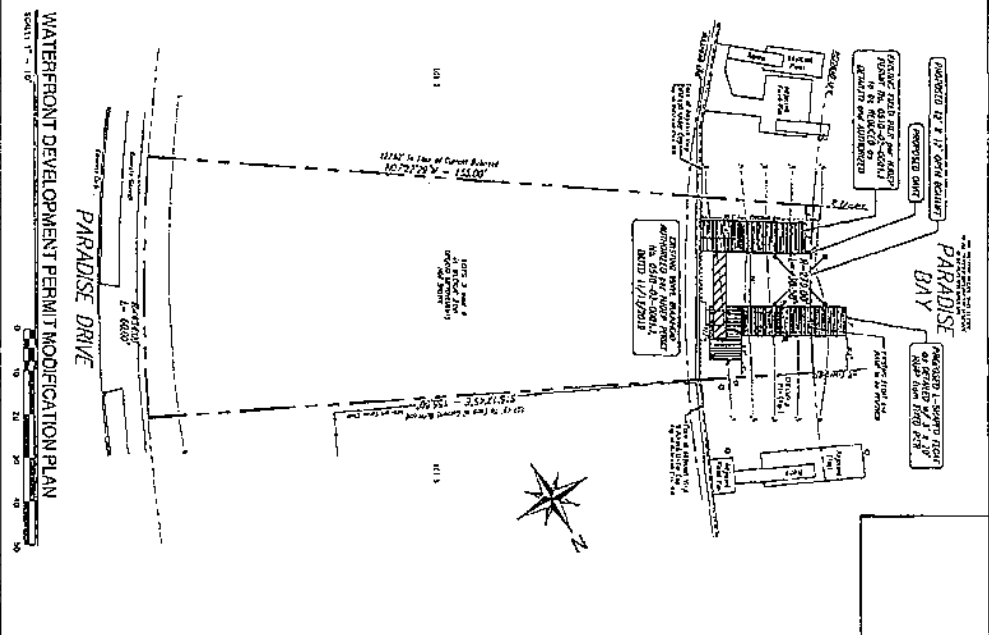
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SECTION THRU BULKHEAD, FIXED PIER, FLOAT and RAUP

Scale: 1" = 10'



11713 PARADISE DRIVE
BLOCK 208 - LOTS 3 and 4
BOROUGH of STONE HARBOR, CAPE MAY COUNTY, NJ

NJDEP PERMIT PLAN

ANDREW C. SHAWL, P.E., LLC.
8 LAKE CORSON LANE
HARRINGTON, N.J. 08043
(609) 444-3970 FAX (609) 247-5813
ANDREW C. SHAWL, P.E. R/A PROFESSIONAL ENGINEER
License No. 24000-0312903

Approved Plan

File



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF LAND USE REGULATION
Mail Code 501-02A, P.O. Box 420, Trenton, New Jersey 08625-0420
Telephone: (609) 777-0454 or Fax: (609) 777-3656
www.nj.gov/dep/landuse



*11817
Paradise*

PERMIT

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		Expiration Date MAR 12 2025
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Permittee: William S. Pepe Trust FBO Trisha Lauden UAD 12/2/2016 1708 White Acre Drive Bethlehem, PA 18015		Site Location: Block(s) & Lot(s): [208, 3] [208, 4] Municipality: Stone Harbor Borough County: Cape May 11713 Paradise Drive
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Prepared by: Carlene Purzycki		Received and/or Recorded by County Clerk:
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APPROVED PLAN:

The drawing hereby approved consists of one (1) sheet prepared by Andrew C. Shawl, P.E., dated December 13, 2019, last revised March 12, 2020, and entitled:

"PROJECT, 11713 PARADISE DRIVE, BLOCK 208 - LOTS 3 and 4, BOROUGH of STONE HARBOR, CAPE MAY COUNTY, NJ, DWG. TITLE, NJDEP PERMIT PLAN"

APPEAL OF DECISION:

Any person who is aggrieved by this decision may submit an adjudicatory hearing request within 30 calendar days after public notice of the decision is published in the DEP Bulletin (available at www.nj.gov/dep/bulletin). If a person submits the hearing request after this time, the Department shall deny the request. The hearing request must include a completed copy of the Administrative Hearing Request Checklist (available at www.nj.gov/dep/landuse/forms.html). A person requesting an adjudicatory hearing shall submit the original hearing request to: NJDEP Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, Mail Code 401-04L, P.O. Box 402, 401 East State Street, 7th Floor, Trenton, NJ 08625-0402. Additionally, a copy of the hearing request shall be submitted to the Director of the Division of Land Use Regulation at the address listed on page one of this permit. In addition to your hearing request, you may file a request with the Office of Dispute Resolution to engage in alternative dispute resolution. Please see www.nj.gov/dep/odr for more information on this process.

If you need clarification on any section of this permit or conditions, please contact the Division of Land Use Regulation's Technical Support Call Center at (609) 777-0454.

Approved By:

Suzanne Baggins for 3/13/2020
Eric M. Virotek, Environmental Specialist 3
Division of Land Use Regulation

c: Municipal Clerk, Stone Harbor Borough
Municipal Construction Official, Stone Harbor Borough
Agent (original) – Bryan Schuler

(1)

**BOROUGH OF STONE HARBOR
NEW JERSEY**

ORDINANCE NO. 1587

**AN ORDINANCE TO AMEND THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF STONE HARBOR
ESTABLISHING BOROUGHWIDE STANDARDS TO PROHIBIT THE SALE AND/OR
OPERATION OF ANY AND ALL MARIJUANA MANUFACTURING, CULTIVATION,
PROCESSING, DISTRIBUTION, AND DISPENSARIES; PROHIBIT SMOKING AND
INGESTING OF CANNABIS IN PUBLIC PLACES; AND REGULATE AND LICENSE
THE DELIVERY OF CANNABIS WITHIN ITS GEOGRAPHICAL BOUNDARIES**

WHEREAS, pursuant to N.J.S.A. 40:48-2, a municipality may make, amend, repeal and enforce ordinances not contrary to the laws of this State or of the United States, as it may deem necessary and proper for order and protection of persons and property, and for the preservation of the public health, safety, and welfare of the municipality and its inhabitants; and

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called "cannabis" for adults at least 21 years of age; and

WHEREAS, the Borough of Stone Harbor considers the cultivation, manufacturing, testing, sale, or distribution of medicinal and recreational marijuana and/or the paraphernalia that facilitates the use of such marijuana within the Borough to be detrimental to the public health, safety and welfare of the Borough; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (the "Act"), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from one licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, a cannabis retailer, a cannabis

distributors or a cannabis delivery services) allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors; and

WHEREAS, section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

WHEREAS, pursuant to section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

WHEREAS, the Administration of the Borough of Stone Harbor has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on the Borough of Stone Harbor in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Borough of Stone Harbor's residents and members of the public who visit, travel, or conduct business in the Borough of Stone Harbor, to amend the Borough of Stone Harbor's zoning regulations to prohibit all manner of marijuana-related land use and development within the geographic boundaries of the Borough of Stone Harbor; and

WHEREAS, officials from two prominent non-profit organizations that have been established for the purpose of advising New Jersey municipalities on legal matters have been presented by the Act (those organizations being the New Jersey State League of Municipalities and the New Jersey Institute of Local Government Attorneys) have strongly urged that, due to the complexity and novelty of the Act; the many areas of municipal law that are or may be implicated in decisions as to whether or to what extent cannabis or medical cannabis should be permitted for land use purposes or otherwise regulated in any particular municipality; and the relatively short duration in which the Act would allow such decisions to be made before imposing an automatic authorization of such uses in specified zoning districts subject to unspecified conditions, the most prudent course of action for all municipalities, whether or not generally in favor of cannabis or medical cannabis land development and uses, would be to prohibit all such uses within the Act's 180-day period in order to ensure sufficient time to carefully review all aspects of the Act and its impacts; and

WHEREAS, the Borough of Stone Harbor is of the opinion that the General Ordinances should be amended in order to clarify and reaffirm that the Borough has determined that the cultivation, manufacturing, testing, sale, or distribution of medicinal and recreational marijuana and/or the paraphernalia that facilitates the use of such marijuana is prohibited within the Borough and that such prohibition shall be continued in the future; and

WHEREAS, the Borough of Stone Harbor is of the opinion that the General Ordinances should be amended in order to clarify and reaffirm that the Borough has prohibited the consumption of marijuana on public property, including but not limited to beaches, parks, rights-of-way, streets, etc.; and

WHEREAS, the Borough of Stone Harbor is of the opinion that the Municipal Zoning Ordinance should be amended in order to clarify and reaffirm that the Borough has determined that the cultivation, manufacturing, wholesale, retail, testing or distribution of medicinal and recreational marijuana and/or the paraphernalia that facilitates the use of such marijuana is prohibited within the Borough and that such prohibition shall be continued in the future.

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

Section 1. Chapter 139.9 of the Revised General Ordinances of the Borough of Stone Harbor, entitled "Consumption in public; permit required" is hereby amended to add the following section, letter "C" in its entirety as follows:

ADDED SECTION:

134-9. Consumption in public; permit required.

C. No person shall possess cannabis of any type or kind, including but not limited to any or all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin or separated resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin, including the separated resin, whether crude or purified obtained from cannabis, except from an approved dispensary. No person shall ingest, consume, make visible, use/smoke, sell, barter, gift or giveaway cannabis of any type or kind in Borough-owned facilities or public places, including, but not limited to, public rights-of-way, public streets, beaches, parks, any public place, public area, public parking lot(s), or public building of the Borough, including at public events sponsored by the Borough or events held on or partially upon Borough owned facilities or public places; nor in any motor vehicle, whether parked or moving; nor in any public place in the Borough. For the purpose of Borough Code marijuana and cannabis shall have the same meaning.

Section 2. Chapter 560-28 of the Revised General Ordinances of the Borough of Stone Harbor, entitled "Interpretation of permitted uses" is hereby amended to add the following paragraph in its entirety as a second paragraph as follows:

560-28 Interpretation of permitted uses.

Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all commercial nonmedicinal and medicinal cannabis uses, operations, and activities, including but not limited to, cultivation, dispensaries, distribution, deliveries, manufacturing, processing, microbusinesses, storing, laboratory testing, packaging, labeling and transportation facilities are prohibited uses anywhere within the Borough of Stone Harbor. This prohibition shall remain in effect until a review by the Planning Board of the Borough land use ordinances and recommendations by said Board on appropriate permitted commercial activity and locations for same.

Section 3. Chapter 487 of the Revised General Ordinances of the Borough of Stone Harbor, entitled "Taxicabs and Jitneys" is hereby amended to add the following section, Article III, in its entirety as follows:

DELETE TITLE:

487 Taxicabs and Jitneys

ADDED TITLE

487 Taxicabs, Jitneys and Cannabis

ADDED ARTICLE

Article III Cannabis

487-27. Regulation of Delivery Services of Cannabis products.

The delivery of any type or kind of cannabis shall be prohibited within the Borough except by a state approved dispensary delivery service and by employees of said dispensary delivery service provided all of the Borough licensing requirements are met. All deliveries of cannabis items and related supplies must be by a licensed, insured, and Borough-approved delivery service, shall be by pre-scheduled prepaid order, shall be transported to a private residence only, delivered only to the intended recipient and shall be delivered in unmarked vehicles only.

487-28. Licenses.

No person shall operate a cannabis delivery vehicle within the Borough unless the vehicle is owned by a state approved dispensary (a copy of written state approval shall be provided to the Borough Clerk), all of its occupants are employees of said delivery service (proof of employment shall be provided to the Borough Clerk) and that the owner, the driver, and all passengers of the cannabis delivery vehicle are licensed by the Borough under this Chapter.

There are hereby established three classes of cannabis delivery vehicle licenses to be known as a "Cannabis Delivery Vehicle Owner's License", "Cannabis Delivery Vehicle Driver's License", and "Cannabis Delivery Vehicle Passenger License". No driver or passenger of a cannabis delivery vehicle shall be permitted in a cannabis delivery vehicle, whether operating or not, within the Borough unless licensed by the Borough. Cannabis delivery vehicles shall be designated for single use only. A vehicle permitted as a cannabis delivery vehicle shall not be used as any other type of vehicle or for any other delivery/service such as but not limited to taxicab, shuttle, nonemergency medical transport, limousine, or as an executive sedan.

No application of any of the licenses will be approved by the Borough Clerk unless the following conditions for each application are satisfied:

1. Completion of all forms, checklists, and other submissions as may be required by the Borough Clerk's Office;
 2. Payment of all applicable local fees, including inspection and licensing fees;
 3. Demonstration that all applicable State licenses have been obtained;
 4. Passage of all applicable State and local inspections required to be completed prior to the beginning of operations and/or renewal of any State and/or local license; and
 5. Emergency contact information to be utilized by police, fire, and EMT personnel in the event of an on-site emergency.
- a. Cannabis Owner's License. A cannabis owner's license shall entitle a state approved/permitted cannabis delivery service (must provide a copy of state issued approval/permit to the Borough Clerk prior to issuance of license) a license to operate an unmarked/logo free vehicle within the Borough for the purpose of delivering cannabis to customers that have previously ordered and paid for said cannabis by a driver that is an employee of said service, duly licensed hereunder, by the New Jersey Motor Vehicle Commission and in accordance with the laws of the State of New Jersey until the license is expired, surrendered, suspended or revoked, and it shall not be transferable. All licensed owners must be an owner of a state approved/permitted cannabis delivery service. The number of cannabis delivery vehicle licenses under this section to be issued and outstanding in any one year shall be five (5).
 - b. Cannabis Delivery Vehicle Driver's License. A cannabis delivery vehicle driver's license shall entitle the person named therein to operate within the Borough any cannabis delivery vehicle duly licensed hereunder, by the New Jersey Motor Vehicle Commission, and in accordance with the laws of the State of New Jersey until the license is expired, surrendered, suspended or revoked, and it shall not be transferable. All licensed drivers must be an employee of a Borough licensed and state approved/permitted cannabis delivery service. The number of cannabis delivery vehicle driver's licenses under this section to be issued and outstanding in any one year shall be three (3) per company.
 - c. Cannabis Delivery Vehicle Passenger's License. A cannabis delivery vehicle passenger's license shall entitle the passenger named therein to be a passenger in a cannabis delivery vehicle operated within the Borough duly licensed hereunder, by the New Jersey Motor Vehicle Commission, and in accordance with the laws of the State of New Jersey statutes until the license is expired, surrendered, suspended or revoked, and it shall not be transferable. All licensed passengers must be an employee of a Borough licensed and state approved/permitted

cannabis delivery service. The number of cannabis delivery vehicle passenger's licenses under this section to be issued and outstanding in any one year shall be three (3) per company.

d. **487-29. Application Procedures and Requirements.**

All applications for cannabis delivery vehicle owner's license, cannabis delivery vehicle driver's license, and cannabis delivery vehicle passenger's license shall be in writing, in duplicate, shall contain all required information and shall be completed in their entirety and filed with the Borough Clerk. Any application which is deemed incomplete by the Borough Clerk, or their designee, shall be rejected. The Borough Clerk, or their designee, shall be satisfied that the applicant is at least 21 years of age. If the applicant is a corporation, the corporation must be organized and existing under the laws of the State of New Jersey and must present proof thereof or, if organized and existing under the laws of another State, be officially authorized to do business in the State of New Jersey and must supply the name and address of the New Jersey registered agent for the corporation.

No application will be approved by the Borough Clerk unless it is accompanied by appropriate forms and contains all of the information required in the application.

a. **Cannabis Delivery Vehicle Owner's License; Application.**

1. All applications for cannabis delivery vehicle owner's licenses or renewal license shall be in writing, in duplicate, and shall contain the following:

- Any business duly licensed by the State of New Jersey to conduct legal adult use marijuana operations, as defined by State law, may deliver pre-order/pre-scheduled cannabis within the Borough so long as the entity maintains its State license in good standing and the entity otherwise remains in full compliance with the laws and regulations established by the State of New Jersey and the applicable Agency, Authority, and/or Department governing the licensed activity, as may be amended.
- Submission of a full copy of the Application for State Licensure, via hard copy or digitally, with pages prominently marked "CONFIDENTIAL" as appropriate for purposes of compliance with New Jersey's Open Public Records Act (NOTE: pages not marked as confidential will be disclosed in response to an applicable OPRA request).
- Full name, date of birth, address, telephone number, cell phone number, website and email address of all owners holding 5% interest or more;
- Vehicle serial number, vehicle state registration number; type, color, year, make, number of doors, number of persons the vehicle can carry as passengers and the total weight the vehicle can transport;
- Schedule indicating dates and hours vehicle will operate;
- The vehicle identification number, New Jersey vehicle registration number, vehicle insurance policy particulars, vehicle type, color, year, make, number of doors, number of persons the vehicle can carry as passengers, and total cargo the vehicle can transport for all vehicles that shall enter the Borough.
- Name, age, address, date of birth and phone number of all drivers and passengers that will occupy said vehicle.

No cannabis delivery vehicle owner's licenses to operate within the Borough of Stone Harbor shall be granted or renewed without such evidence as may be required by the Borough Clerk's Office to determine that the entity maintains all valid State and/or Departmental licenses and approvals, and that all such licenses and/or approvals remain in good standing at the time of registration.

2. All applicants shall provide such information as the Borough Clerk requires, including, but not limited to, full fingerprinting and a criminal record check. The Stone Harbor Chief of Police or his/her designee, or investigating agency, shall be responsible for conducting an investigation into each applicant for a cannabis delivery vehicle owner's license hereunder.
3. Each applicant shall provide a drivers' abstract issued by the New Jersey Motor Vehicle Commission and criminal background check as obtained from the New Jersey State Police, after obtaining the requisite form from the Stone Harbor Police Department, for each individual owning more than 5% of the equity of the applicant, as well as for each operator and passenger to be employed or otherwise hired by the applicant at the time the application is submitted. Each initial owner's application for license applicant will be required to undergo a full fingerprint background and criminal check. A renewal cannabis owner's license may be issued upon the applicant completing and filing a renewal application and verifying by oath or affirmation that there have been no changes in the information contained in the issuance of the initial applications and that they have continued to comply with all laws of the State of New Jersey relating to the operation of state approved/permitted cannabis delivery service and is not in violations of any provisions of this article.
4. If the applicant is a corporation, limited liability company or partnership, then the following individuals shall be subject to a background check:
 - In the event that the applicant is a corporation, the background investigation shall include all officers of the corporation and, if practical, the shareholders.
 - In the event that the applicant is a limited liability company, such investigation shall include all officers of the limited liability and, if practical, the members.
 - In the event that the applicant is a partnership, such investigation shall be required of each partner, whether full or limited partners.
5. The investigation shall concern all matters stated in the application and shall determine whether the applicant for such license has any criminal record and, if so, the circumstances of such record, including the date and results of such investigation, which, together with recommendations by the Stone Harbor Chief of Police as to whether such license should be granted or denied, supported by the reason(s) for such recommendation, shall be forwarded to the Borough Clerk. The Borough Clerk shall in turn make such report available to the individual members of Borough Council. A copy of the report shall also be sent to the applicant.
6. The Borough of Stone Harbor will be utilizing the State-Police-coordinated, non-criminal-justice fingerprinting process known as "Live Scan." The State of New Jersey has contracted with a vendor to perform this service. The company has established permanent sites throughout the State as well as several mobile units available to meet its contractual agreement. The vendor charges a fee for the fingerprinting, for which the applicant will be responsible. There will be an additional fee of \$20, payable to the Borough of Stone Harbor, for the processing of the fingerprint documentation required by the vendor.
7. It shall be unlawful for any owner of any cannabis delivery vehicle, as defined in this Section, to operate or to permit a driver or a passenger of same to be within an operated vehicle on the streets of the Borough until a valid license has been obtained therefor, as the case may be, as herein provided.
8. The licensed applicant shall affirm that the cannabis delivery vehicle business and/or license shall not be used and operated for unlawful purposes and shall comply with applicable laws.
9. The applicant of an owner's license shall promptly notify the Borough Clerk and provide additional drivers' and passengers' abstracts and criminal background check as and when other individuals acquire up to a 5% equity interest in the applicant and/or additional operators and passengers are employed or hired during any license term. The additional operators shall be

permitted to operate a cannabis delivery vehicle for the applicant on a temporary basis (not to exceed 60 days) upon the submission of a completed application for an operator's and/or passenger's license and satisfaction with all other requirements of this chapter.

b. Cannabis Delivery Vehicle Driver's License; Application.

1. All applications for cannabis delivery vehicle driver's licenses or renewal license shall be in writing, in duplicate, and shall contain the following:
 - Driver's full name, date of birth, address, telephone number, cell phone number and email address;
 - Full name of employer (cannabis delivery service), address, telephone number, website and email address;
 - Schedule indicating dates and hours of each day said driver will operate delivery vehicle; The vehicle identification number, New Jersey vehicle registration number, vehicle insurance policy particulars, vehicle type, color, year, make, number of doors, number of persons the vehicle can carry as passengers, and total cargo the vehicle can transport.
2. Each applicant for a cannabis delivery vehicle driver's license shall, in addition to the requirements of any law of the State of New Jersey, establish to the satisfaction of the Borough Clerk that the applicant holds a valid New Jersey driver's license (provide copy of license to Borough Clerk), is licensed by the New Jersey Motor Vehicle Commission and that the applicant is at least 21 years of age.
3. Each applicant for a cannabis delivery vehicle driver's license shall submit his/her certification of any traffic violations over the preceding five years and that the applicant has sufficient knowledge of the Borough traffic regulations. Also, the applicant cannot have been convicted of a driving while intoxicated (DWI) offense.
4. All applicants shall provide such information as the Borough Clerk requires, including, but not limited to, full fingerprinting and a criminal record check. The Stone Harbor Chief of Police or his/her designee, or investigating agency, shall be responsible for conducting an investigation into each applicant for a cannabis delivery vehicle driver's license hereunder.
5. The applicant for a cannabis delivery vehicle driver's license shall provide a drivers' abstract issued by the New Jersey Motor Vehicle Commission and criminal background check as obtained from the New Jersey State Police, after obtaining the requested form from the Stone Harbor Police Department. Initial driver's application for license applicant will be required to undergo a full fingerprint background and criminal check. A renewal cannabis driver's license may be issued upon the applicant completing and filing a renewal application and verifying by oath or affirmation that there have been no changes in the information contained in the issuance of the initial applications and that they have continued to comply with all laws of the State of New Jersey relating to the operation of state approved/permitted cannabis delivery service and is not in violations of any provisions of this article.
6. The investigation shall concern all matters stated in the application and shall determine whether the applicant for such license has any criminal record and, if so, the circumstances of such record, including the date and results of such investigation, which, together with recommendations by the Stone Harbor Chief of Police as to whether such license should be granted or denied, supported by the reason(s) for such recommendation, shall be forwarded to the Borough Clerk. The Borough Clerk shall in turn make such report available to the individual members of Borough Council. A copy of the report shall also be sent to the applicant.

7. The Borough of Stone Harbor will be utilizing the State-Police-coordinated, non-criminal-justice fingerprinting process known as "Live Scan." The State of New Jersey has contracted with a vendor to perform this service. The company has established permanent sites throughout the State as well as several mobile units available to meet its contractual agreement. The vendor charges a fee for the fingerprinting, for which the applicant will be responsible. There will be an additional fee of \$20, payable to the Borough of Stone Harbor, for the processing of the fingerprint documentation required by the vendor.
 8. It shall be unlawful for any driver of any cannabis delivery vehicle, as defined in this section, to operate or to permit the same to be operated on the streets of the Borough until a valid license has been obtained therefor, as the case may be, as herein provided.
 9. Any change of residence of the holder of the license shall be reported to the Borough Clerk within five business days of the date of the change.
- c. Cannabis Delivery Vehicle Passenger's License; Application.
1. All applications for cannabis delivery vehicle passenger's licenses or renewal license shall be in writing, in duplicate, and shall contain the following:
 - Passenger's full name, date of birth, address, telephone number, cell phone number and email address;
 - Full name of employer (cannabis delivery service), address, telephone number, website and email address;
 - Schedule indicating dates and hours of each day said passenger will occupy the delivery vehicle;
 - The vehicle identification number, New Jersey vehicle registration number, vehicle insurance policy particulars, vehicle type, color, year, make, number of doors, number of persons the vehicle can carry as passengers and total cargo the vehicle can transport.
 2. Each applicant for a cannabis delivery vehicle passenger's license shall, in addition to the requirements of any law of the State of New Jersey, establish to the satisfaction of the Borough Clerk that the applicant must have a valid New Jersey driver's license/government issued identification and that the applicant is at least 21 years of age.
 3. Each applicant for a passenger's license shall submit his/her certification of any traffic violations over the preceding five years and that the applicant has sufficient knowledge of the Borough traffic regulations. Also, the applicant cannot have been convicted of a driving while intoxicated (DWI) offense.
 4. It shall be unlawful for any passenger of any cannabis delivery vehicle, as defined in this section, to operate or occupy the vehicle on the streets of the Borough until a valid license has been obtained therefor, as the case may be, as herein provided.
 5. All applicants shall provide such information as the Borough Clerk requires, including, but not limited to, full fingerprinting and a criminal record check. The Stone Harbor Chief of Police or his/her designee, or investigating agency, shall be responsible for conducting an investigation into each applicant for a cannabis delivery vehicle driver's license hereunder.
 6. The applicant for a cannabis delivery vehicle passenger's license shall provide a drivers' abstract issued by the New Jersey Motor Vehicle Commission and criminal background check as obtained from the New Jersey State Police, after obtaining the requested form from the Stone Harbor Police Department. Initial passenger's application for license applicant will be required to undergo a full fingerprint background and criminal check. A renewal cannabis passenger's license may be issued upon the applicant completing and filing a renewal application and verifying by oath or affirmation that there have been no

changes in the information contained in the issuance of the initial applications and that they have continued to comply with all laws of the State of New Jersey relating to the operation of state approved/permitted cannabis delivery service and is not in violations of any provisions of this article.

7. The investigation shall concern all matters stated in the application and shall determine whether the applicant for such license has any criminal record and, if so, the circumstances of such record, including the date and results of such investigation, which, together with recommendations by the Stone Harbor Chief of Police as to whether such license should be granted or denied, supported by the reason(s) for such recommendation, shall be forwarded to the Borough Clerk. The Borough Clerk shall in turn make such report available to the individual members of Borough Council. A copy of the report shall also be sent to the applicant.
8. The Borough of Stone Harbor will be utilizing the State-Police-coordinated, non-criminal-justice fingerprinting process known as "Live Scan." The State of New Jersey has contracted with a vendor to perform this service. The company has established permanent sites throughout the State as well as several mobile units available to meet its contractual agreement. The vendor charges a fee for the fingerprinting, for which the applicant will be responsible. There will be an additional fee of \$20, payable to the Borough of Stone Harbor, for the processing of the fingerprint documentation required by the vendor.
9. Any change of residence of the holder of the license shall be reported to the Borough Clerk within five business days of the date of the change.

487-30. Borough Clerk's Authority.

- a. No cannabis license, owner, driver and passenger, shall be recommended or awarded to an applicant by the Borough Clerk if it appears:
 1. That the insurance policy required by law has not been furnished and approved, or the same is insufficient in form or substance to properly safeguard the public interest and safety, or that the policy of insurance is not operative for at least one year; or
 2. That the applicant has not complied with all the terms and conditions of this section and of the State of New Jersey relevant to such cases, or the applicant is not a person entitled to be licensed hereunder.
- b. The license to own, operate or occupy a cannabis delivery vehicle may be revoked by the Borough Clerk for a violation of any of the provisions of this section or any ordinance of the Borough relating to traffic, use of streets or for the violation of any State law relating to traffic or use of streets, or for failure to pay any judgment for personal damages arising from the unlawful or negligent operation of a cannabis delivery vehicle for which the license was issued, or for failure to pay any franchise taxes provided by law and, thereupon, all rights and privileges under the license shall terminate.
- c. Before any license shall be revoked, the holder thereof shall have been notified in writing of the reasons for revocation, and shall be given a public hearing, at which the licensee may be represented by counsel. In addition, the licensee shall be given 10 days' notice of the time and place of such hearing. The notice provided hereby shall be served personally or by certified mail, to the address last filed by the person licensed as shown in the office of the Borough Clerk. It will also be within the discretion of the Borough Clerk to levy a fine and/or suspension should he/she deem revocation too severe a penalty.
- d. It shall further be the duty of the Borough Clerk to take all reasonable and prudent steps to assure that the terms and conditions of this section are fulfilled.
- e. Where a licensee has been convicted of a crime in any Municipality, County, State or Federal court, upon conviction, the Borough Clerk may revoke the license of the cannabis delivery vehicle passenger, driver and/or owner, upon notice and hearing.

- f. The Borough Clerk and Chief of Police or their designee shall take official cognizance of any and all misconduct, deceit, fraud, subterfuge or actions of any cannabis delivery vehicle licensee which are against the best interest of the public or the cannabis industry itself, regardless of whether or not such actions are specifically covered in this section. It shall also be the direct responsibility of all departments to bring such actions to the notice of the Borough Clerk.

487-31. Vehicle Substitution; Replacement; Unsafe.

- a. The holder of any license shall not substitute or replace any licensed and approved vehicle without the written approval of the Stone Harbor Business Administrator unless the substituted vehicle had already received such approval.
- b. The use of any cannabis delivery vehicle which may be found by the Stone Harbor Chief of Police to be unsafe or not in condition to properly operate shall be discontinued from service until such time as it is repaired, made safe or put in good condition before being again used.
- c. Any cannabis delivery vehicle that is out of service for any reason is not entitled to any prorated fee reimbursement.

487-32. False Statements.

It shall be unlawful for any person making application for any license to willfully make any false statement as to any of the matters required to be stated in such application. False statements are grounds to deny or revoke a license.

487-33. Passengers.

It shall be unlawful to drive or operate any cannabis delivery vehicle while that cannabis delivery vehicle is carrying more than allowable passengers or product. Repeated complaints against owner's, drivers or passengers will be grounds for disciplinary action initiated by the Administrator.

487-34. General Rules.

- a. Only licensed cannabis delivery vehicle owners or their employees can drive an authorized vehicle.
- b. Only a licensed cannabis delivery vehicle can be used.
- c. Unsanitary, inadequate, unclean, or unsafe cannabis delivery vehicles will not be permitted to operate.
- d. It shall be illegal to use profanity or engage in physical violence either in cannabis delivery vehicles or in areas on or near delivery locations.
- e. All accidents must be reported to the Stone Harbor Police Department as soon as possible after the occurrence. Any accident involving damage over \$500 or personal injury must be reported immediately to the Police Department.
- f. Cannabis delivery vehicle owners must notify the Stone Harbor Police Department immediately when a change of license number or registration number occurs.
- g. All licensed vehicles and the state approved/permitted cannabis delivery service must provide the Borough Police Department with access to security footage immediately upon request by the Department.
- h. No flags, banners or advertising of any kind is permitted on cannabis delivery vehicles.

- i. No loud noise shall be permitted to come from the vehicle during delivery or any time during the operation of the vehicle within the Borough.
- j. No lights shall be permitted to come from the vehicle other than lights required to be on a vehicle such as headlights and taillights during delivery or any time during the operation of the vehicle within the Borough.
- k. No odors, such as but not limited to, odors of cannabis shall be permitted to come from the vehicle during delivery or any time during the operation of the vehicle within the Borough.
- l. Driver shall check ID prior to any exchange of cannabis to confirm that the recipient is at least 21 years of age and is the intended recipient.
- m. Only state approved/permitted cannabis delivery service employees are permitted to make deliveries.
- n. This section is cumulative of all other applicable laws and ordinances.

487-35. Insurance and Vehicle Requirements.

- a. Each application for a cannabis delivery vehicle owner's license shall be accompanied by a policy of insurance, with the premium prepaid thereon, written by an insurance company duly licensed to transact business under the insurance laws of the State of New Jersey, which shall be submitted to the Borough Clerk and to the Borough Attorney for approval as to form and sufficiency. A certificate of insurance must be submitted to the Borough Clerk prior to a license being approved. Prior to the issuance of a license under this chapter, and at all times while the license is in effect, the licensee shall maintain on file with the Borough Clerk proof of the issuance required hereunder.
- b. If the insurance policies issued to the licensee pursuant to this chapter are canceled for any reason, the license issued under this chapter is automatically suspended. In order to reinstate the license, the licensee shall file a new certificate of insurance and provide proof of such to the Borough Clerk.
- c. The policy shall be conditioned for payment of a sum required to satisfy all claims for damage by reason of bodily injury to or the death of all persons or property damage as follows:
 - 1. All cannabis delivery vehicles licensed hereunder shall have, exhibit, and provide to the Clerk of the Borough of Stone Harbor a copy of a general liability insurance policy with limits of not less than \$300,000 in the event of bodily injury or death to any one person, and not less than \$1,000,000 in the event of bodily injury or death to any number of persons in any one accident, and with limits not less than \$50,000 for property damage.
- d. The policy shall provide coverage for every driver and passenger of each vehicle listed in the policy, and the acceptance of the policy by the Borough and the issuance of the license by the Borough shall constitute an agreement by and between the applicant and the Borough that the applicant holds and saves harmless the Borough from any and all claims from damages arising out of personal injury and/or property damage made by third parties as the result of the issuance of the license and the operation of a cannabis delivery vehicle.
- e. Consent shall only continue to be effective and such operation be permitted only so long as such insurance to the full and collectible amount shall remain in force, during the entire term of the policy. The insurance policy, or an accompanying document, shall obligate the liability insurer to notify the Clerk of the Borough of Stone Harbor if any change occurs in the policy or if the policy is terminated or canceled for any reason. At such time all licenses shall be revoked immediately.

- f. Each cannabis delivery vehicle licensed to make deliveries in the Borough shall be equipped with GPS tracking and a lockbox. The Chief of Police, or designee, shall inspect the GPS tracking and lockbox upon initial license and for each renewal license.

487-36. Power of Attorney.

No cannabis delivery vehicle owner's, driver's, or passenger's license shall be issued until the applicant therefor shall have delivered to the Borough Clerk, concurrently with the filing of the application and insurance policy referred to herein, a power of attorney executed by the applicant wherein and whereby the applicant shall appoint the Borough Clerk for the Borough as his, her or its true and lawful attorney for the purpose of acknowledging service of any process out of a Court of competent jurisdiction to be served against the insured by virtue of the indemnity granted under the insurance policy filed.

487-37. Issuance of License.

The Borough, in its discretion, may refuse to issue or renew or, after notice and hearing, may revoke or suspend any license issued under the provisions of this section if the licensee or applicant:

- a. Has been convicted of any crime, disorderly persons offense or petty disorderly offense in this State or in any other state or territory;
- b. Has been convicted of a violation under Title 39, Motor Vehicles and Traffic Regulations of the New Jersey Statutes Annotated;
- c. Violates any provision of this section;
- d. Has any judgment unsatisfied or record arising out of an automobile accident;
- e. Has made false answers in the application for the license or any renewal thereof;
- f. Has failed or fails to render reasonable prompt, safe and adequate cannabis delivery services;
- g. Has not complied fully with all requirements of this section for such class of licensure;
- h. Has in any degree contributed to any injury to person or damage to property arising out of the negligent operation of a motor vehicle;
- i. As to any cannabis delivery vehicle owner's license, if the motor vehicle licensed or to be licensed by reason of unsafe or unsanitary conditions is dangerous to the safety or health of the occupants and others;
- j. If the policy of insurance required herein has once lapsed or such coverage is not maintained at all times; or
- k. If a cannabis delivery vehicle, at any time, carries more passengers than permitted, travels to or delivers to an unscheduled location, carries more cannabis than it is permitted to carry by the laws of the State of New Jersey and/or and the term of this section;
- l. For any reason stated in this ordinance or for any good cause as determined by the Borough.

487-38. Limit on Number of Passengers and Cannabis.

No cannabis delivery vehicle shall at any time carry more than two passengers and shall not carry an amount of cannabis larger than the amount of cannabis permitted under the laws of the State of New Jersey.

487-39. Records to Be Maintained.

Every holder of any owner's license shall require the driver of the cannabis delivery vehicle to keep a daily record identified by the vehicle number of the delivery vehicle used and the license number of the cannabis delivery driver, which record shall include the time, full name, exact location of delivery address, when and where an order was accepted, as well as the time and place of discharge of cannabis order and names of all passengers. These records shall be kept for at least one year and shall be open, at all times, for inspection by any duly authorized law enforcement officer and shall be provided immediately upon request.

487-40. Identification.

- a. There shall be affixed in every cannabis delivery vehicle, in such manner that the same can be conveniently read by any person, a card at least three inches in height by at least five inches in length, containing the name of the owner, the license number of the vehicle, and the year of issuance. The card shall also contain a photograph of the cannabis delivery vehicle driver with the name of the driver and his/her license number.
- b. Every cannabis delivery vehicle so licensed shall have no identification, logo, paint, or any marking of any kind on the outside of the vehicle that would identify the vehicle as a cannabis delivery vehicle.

487-41. Operation of Cannabis Delivery Vehicles.

Drivers of cannabis delivery vehicle shall not receive or discharge persons, passengers or cannabis products in the roadways or on any public property but shall take place only on private property. The vehicle shall pull up to a private driveway or a legal parking space as near as possible to the delivery location. The driver and/or passenger shall make the delivery and return to the vehicle as timely as possible.

487-42. Appearance; Safety, Inspection.

- a. The owner of each cannabis delivery vehicle shall have each delivery vehicle presented to the Chief of Police or other designated Police Officer prior to issuance or renewal of the cannabis delivery vehicle owner's license and thereafter upon the request of the Chief of Police or other Police Officer so that it may be inspected to determine whether it complies with the provisions of this section.

487-43. Restrictions, Solicitation.

A cannabis delivery vehicle shall only be permitted to deliver to a pre-scheduled prepaid recipient. The complete order information, such as but not limited to, full name, exact address, order details and any other information said requester deems appropriate shall be made available immediately upon request by any law enforcement agent or authorized Borough employee. No owner, driver, or passenger of any cannabis delivery vehicle shall knowingly misinform or mislead any such person as to time and place of arrival, deceive any person or make false representations to any person, shall not make any solicitation to exchange in any manner cannabis to any individual that has not made a pre-scheduled preorder, convey any delivery to any other place or over any street other than that to which the driver was instructed to go. No driver or passenger of a cannabis delivery vehicle shall be permitted to "gift" cannabis, in any amount to any individual. Every owner and/or driver shall be responsible to see to it that all products are carried in a safe and responsible manner and by using a reasonable and direct route from point of origin to point of destination with no additional or unscheduled stops permitted.

487-44. Fees.

- a. The annual cannabis delivery vehicle owner's license shall be as prescribed in this chapter. The license shall be effective for a period from January 1 to December 31 of each year and shall be renewed prior to expiration. No cannabis delivery vehicle shall be operated within the Borough if the renewal license is not granted by the expiration of the existing license. All applications for license renewal shall be made in writing and filed with the Borough Clerk. The fee for a cannabis delivery vehicle owner's license shall be \$150.00. All licenses are nontransferable.
- b. For the issuance of a cannabis delivery service owner's license for a vehicle replacing that originally licensed, the fee shall be \$25.
- c. The annual cannabis delivery driver's and passenger's license shall be \$10. The license shall be effective for the period from January 1 to December 31 of each year and shall be renewed prior to expiration. No cannabis delivery vehicle shall be operated within the Borough if the renewal license is not granted by the expiration of the existing license. All applications for license renewal shall be made in writing and filed with the Borough Clerk. All licenses are nontransferable.

487-45. Construal of Provisions.

Nothing in this section shall be construed to exempt any person, firm or corporation owning or operating a cannabis delivery vehicle from complying with the laws relating to the ownership, regulation and operation of automobiles in the State of New Jersey.

487-46. Violations and Penalties.

Every person or persons, firm or corporation found guilty in the Municipal Court of competent jurisdiction of violating any of the provisions of this section shall be liable, upon conviction, to the penalty stated in Chapter 1.

The Stone Harbor Police Department is empowered and authorized to seize and impound any vehicle when probable cause exists to believe that such vehicle is engaging in operations without the required operating or vehicle license, in violation of this section. Vehicles seized in accordance with this section shall be removed to a designated secured facility until such time as the vehicle is in compliance with this section. The owner of said vehicle shall be responsible for any and all costs associated herein. Probable cause shall mean the existence of a reasonable ground to believe that facts exist to justify the impoundment of the vehicle.

The Department of Police shall seize and impound any electronic radio or data communication device possessed or used by a driver, when probable cause exists to believe that such communication device is being used in operations without the required operating or vehicle license, in violation of this section. An electronic, radio or data communication device seized in accordance with this section shall be removed to a designated secured facility. Probable cause shall mean the existence of reasonable ground to believe that facts exist to justify the impoundment of the communication device.

Section 4. All Ordinances or parts of Ordinances inconsistent with this Ordinance, to the extent of such inconsistencies only, be and the same are hereby repealed.

Section 5. This Ordinance shall take effect twenty (20) days after final passage and publication as provided by law.

APPROVED

Judith M. Davies-Dunhour

ATTEST:

Suzanne C. Stanford, Borough Clerk

(2)

**BOROUGH OF STONE HARBOR
COUNTY OF CAPE MAY
ORDINANCE NO. 1588**

**CALENDAR YEAR 2021
MODEL ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 1.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Stone Harbor in the County of Cape May finds it advisable and necessary to increase its CY 2021 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 2.5 % increase in the budget for said year, amounting to \$275,654.78 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Stone Harbor, in the County of Cape May, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2021 budget year, the final appropriations of the Borough of Stone Harbor shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$385,916.69, and that the CY 2021 municipal budget for the Borough of Stone Harbor be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

APPROVED:

Judith M. Davies-Dunhour, Mayor

ATTEST:

Suzanne C. Stanford, Borough Clerk

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

(3)

ADOPT THE BUDGET - 2021

BE IT RESOLVED by the Mayor and Council of the Borough of Stone Harbor, County of Cape May, on this 4th day of May, 2021 that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of

\$14,362,000

· raised by taxation for Municipal Purposes.

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

(4)

AUTHORIZING REFUND OF CONSTRUCTION PERMIT PAID TWICE

WHEREAS, Edward Kennedy, 468 Loucroft Road, Haddonfield, N.J. 08033 paid \$438.00 for a construction permit for the property at 130 108th Street, Permit #20-422; and

WHEREAS, the Zoning Officer has discovered that the permit has been paid for twice and has requested that the second payment be refunded:

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough Stone Harbor in the County of Cape May, State of New Jersey, duly assembled in public session this 4th day of May, 2021 that, the preamble of this Resolution is hereby incorporated by reference as if set forth at length;

BE IT FURTHER RESOLVED that, the Chief Financial Officer and all other necessary Borough employees at his direction, are hereby authorized to effectuate a refund in the amount of \$ 438.00 to Edward Kennedy for the purposes stated hereinabove.

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

(5)

Authorizing Disposal of Surplus Property

WHEREAS, the Borough of Stone Harbor is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Borough is desirous of selling said surplus property in an "as is" condition without express or implied warranties.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stone Harbor, Cape May County, on this 4th day of May, 2021 as follows:

(1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-70967/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com and also available from the Public Works Department of the Borough.

(2) The sale will be conducted online and the address of the auction site is govdeals.com.

(3) The sale is being conducted pursuant to Local Finance Notice 2008-9.

(4) A list of the surplus property to be sold is attached.

(5) The surplus property as identified shall be sold in an "as-is" condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.

(6) The Borough of Stone Harbor reserves the right to accept or reject any bid submitted.

List Attached: May 4, 2021

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

(6)

RESOLUTION

A Resolution Authorizing a Private, Handicapped Parking Space

WHEREAS, under RGO 520-29, as authorized by New Jersey state statute 39:4-197.6, the Borough of Stone Harbor is empowered to designate private, handicapped parking spaces for drivers who have obtained the proper documentation allowing for access to such parking spaces; and

WHEREAS, Charles Deegan, with a property located at 10307 Sunrise Drive, located on the west side of Sunrise Drive, has applied for such a parking spot; and

WHEREAS, Mr. Charles Deegan holds a valid handicapped placard; and

WHEREAS, New Jersey statute 39:4-204.7, calls for New Jersey municipalities allowing private, handicapped parking spaces to grant reciprocity to valid out-of-state placards;

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, duly assembled in public session this 4th day of May, 2021, that a private, handicapped parking space be and hereby is approved for installation and designated for the use of Mr. Charles Deegan on the west side of the 10300 block of Sunrise Drive where main access to 10307 Sunrise Drive is located, in Stone Harbor.

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

(1)

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Borough of Stone Harbor on this 4th
day of May, 2021 that the fees be reimbursed as follows:

1. Brandywine Developers
PO Box 373, Avalon, NJ 08202
Block 102.02 Lot 31 a/k/a 10205 First Avenue
Amount \$ 2,080
2. Brandywine Developers
PO Box 373, Avalon, NJ 08202
Block 119.02 Lot 104 a/k/a 115 - 119th Street
Amount: \$ 6,200
3. Brandywine Developers
PO Box 373, Avalon, NJ 08202
Block 200.03 Lot 503 a/k/a 10023 Sunrise Drive
Amount \$ 2,400
4. Brandywine Developers
PO Box 373, Avalon, NJ 08202
Block 110.01 Lot 11.02 a/k/a 8 - 111th Street
Amount \$ 2,400
5. Brandywine Developers
PO Box 373, Avalon, NJ 08202
Block 107.01 Lot 10 a/k/a 1 - 107th Street
Amount \$ 2,520
6. Jersey Shore Developers LLC
3481 Finland Road, Pennsburg, PA 18073
Block 85.03 Lot 104 a/k/a 257 - 85th Street
Amount: \$ 2,320
7. Scull Woodworking
5 Enterprise Drive, Suite 101, Cape May Court House, NJ 08210
Block 121.02 Lot 104 a/k/a 115 - 121st Street
Amount \$ 1,400
8. DiPalantino Contractors
114 Stagecoach Drive, Cape May Court House, NJ 08210
Block 88.03 Lot 112 a/k/a 281 - 88th Street
Amount \$ 880
9. 281 92nd Street LLC
6 Deerpath Road, Chalfont, PA 18914-2011
Block 92.03 Lot 108 a/k/a 281 - 92nd Street
Amount \$ 1,600

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

10. J. Craig Otton
8310 Sunset Drive, Stone Harbor, NJ 08247
Block 90.91 Lot 22 a/k/a 9000 First Avenue
Amount \$ 1,720
11. Joan Trees
7 Accent Circle, Camp Hill, PA 17011
Block 82.03 Lot 95 a/k/a 258 – 83rd Street (Rear)
Amount: \$ 600
12. Ann Hoffman
27 Tulip Drive, Malvern, PA 19355
Block 82.03 Lot 95 a/k/a 258 – 83rd Street (Front)
Amount \$ 600
13. JF Builders
4601 Landis Avenue, Sea Isle City, NJ 08243
Block 83.04 Lot 137.01 a/k/a 8318 Sunset Drive
Amount \$ 800
14. Samples Construction Company
22 Dartmouth Lane, Haverford, PA 19041-1020
Block 102.02 Lot 36 a/k/a 111 – 102nd Street
Amount \$ 3,600
15. Albert Juliano Builders, LLC
2827 West Avenue, Ocean City, NJ 08226
Block 110.03 Lot 22 a/k/a 221 – 110th Street
Amount: \$ 1,960

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

(8)

RESOLUTION

WHEREAS, the Borough of Stone Harbor is currently under contract with Asphalt Paving Systems Inc., P.O. Box 530, Hammonton, N.J. 08037 for 2019 Utility and Road Program File D&A Project #: SH-C-012; and

WHEREAS, it is the recommendation of the Borough's Engineer, Marc DeBlasio, of DeBlasio & Associates to authorize Change Order No. 4.

1. Additional Paving at Various Locations requested by the Borough

WHEREAS, Change Order No. 4 – will result in an increase of \$ 127,869.72 to the amended contract amount of \$ \$4,134,485.00 for a revised contract amount of \$4,262,354.72.

NOW, THEREFORE, BE IT RESOLVED, this 4th day of May, 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. 4 is hereby authorized;

BE IT FURTHER RESOLVED that the Mayor and the Borough Clerk be and hereby are authorized to execute Change Order No. 4 to increase the original price by \$127,869.72.

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

(9)

**Approve Proposal for Engineering & Construction Phase
94th Street Sanitary Sewer Pump Station Installation-Underground Utility
Portion- Additional Services Resurfacing of 94th Street and Second Avenue Parking
Lot**

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 services Engineering and Construction Phase Cost which tasks include:

Engineering and Construction Phase Cost for the additional services D&A Project # SH-C-015:

Engineering & Construction Phase Cost:	\$ 9,000.00
o Design Plans and Specifications	
o Contract Administration	
o Part Time Construction Observation	

Total Estimated Project Costs	\$9,000.00
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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 94th Street Sanitary Sewer Pump Station Installation-Underground Utility Portion Additional Services Resurfacing of 94th Street and Second Avenue Parking Lot as presented on this 4th day of May, 2021

Offered by Secended 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

(10)

Approve Proposal for Engineering & Construction Phase 2019 Utility & Road Program Additional Services-Resurfacing of Various Streets-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 services Engineering and Construction Phase Cost which tasks include:

Additional services for scope of work, professional service fee and estimated construction cost for D&A Project # SH-C-012:

Engineering & Construction Phase Cost:	\$ 5,500.00
o Contract Administration	
o Part Time Construction Observation	

Total Estimated Project Costs	\$ 5,500.00
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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 2019 Utility & Road Program Additional Services-Resurfacing of Various Streets as presented on this 4th day of May, 2021

Offered by Secended 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)

WHEREAS, the Borough of Stone Harbor is currently under contract with Allied Painting 95th Street Water Tank Improvements SH-C-028, and

WHEREAS, it is the recommendation of the Borough's Engineer, Marc DeBlasio to authorize Change Order No. 1 – Prime and Paint Entire Exterior of Water Tank; and

WHEREAS, Change Order No. 1 will result in an increase of \$40,440.00 to the original \$272,900.00 for a revised contract amount of \$313,340.00

NOW, THEREFORE, BE IT RESOLVED, this 4th day of May, 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

.....
Borough Clerk

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

.....
Mayor

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

(12)

**Approve Proposal for Engineering & Construction Phase Services 95th Street
Water Tank – Additional Services-Repainting of Entire Water Tank Exterior
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 services Engineering and Construction Phase Cost which tasks include:

Additional services for scope of work, professional service fee and estimated construction cost for D&A Project # SH-C-028:

Engineering & Construction Phase Cost:	\$ 6,000.00
o Contract Administration	
o Part Time Construction Observation	

Total Estimated Project Costs	\$ 6,000.00
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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 Repainting of Entire Water Tank Exterior as presented on this 4th day of May, 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

(13)

WHEREAS, the Borough of Stone Harbor (Borough) and AFSCME Local 3379D (AFCME Local 71) are parties to a collective negotiations agreement covering the period January , 2017 through December 31, 2020; and

WHEREAS, the Borough and AFSCME have preliminarily discussed terms for a successor agreement; and

WHEREAS, one of those terms is the increase in the wages by \$5.00 per hour for all union titles and positions; and

WHEREAS, the Borough and AFSCME both recognize that several positions with the Public Works Department need to be filled; and

WHEREAS, the parties are in agreement that it is necessary to advertise for and fill these positions as quickly as possible in light of the summer season approaching; and

WHEREAS, the parties wish to advertise for these positions at the higher rate in an effort to attract applicants to fill the positions; and

WHEREAS, the parties will incorporate this increase in a final Memorandum of Agreement for a successor collective negotiations agreement; and

WHEREAS, the parties will continue negotiations on other open items.

NOW, THEREFORE, the parties agree as follows:

1. The Statements in the preamble are hereby repeated as if set forth in full herein
2. The Borough shall advertise consistent with the term contained herein.
3. The parties shall continue negotiation for a successor agreement incorporating this and other agreed upon terms in a full Memorandum of Agreement to be considered by both the Borough and AFSCME.

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

(14)

RESOLUTION

AWARDING A CONTRACT FOR BEACH CONCESSION STANDS

WHEREAS, one (3) bids were received by the Stone Harbor Municipal Clerk on March 24, 2021, on the Borough's request for proposals for the aforementioned project in accordance with the specifications prepared by the Borough of Stone Harbor, which specifications are hereby incorporated herein and made a part hereof by reference, all in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.*; and

WHEREAS, William G. Kelly Jr. of Southwind Ice Cream LLC of 6205 New Jersey Avenue, Wildwood Crest, N.J. 08260, submitted the highest responsible and conforming bid in the amount of \$ 105,000 for the year 2021 and \$106,000 for the year 2022.

WHEREAS, the Borough Administrator and the Borough CFO have recommended that the contract be awarded to Southwind Ice Cream, LLC, and the bid has been found to be responsible and in conformity by the Borough Solicitor; and

WHEREAS, pursuant to the bid specifications, the total due for Year 2021 is \$ 105,000; 10% due with bid (\$10,500) where (2) checks totaling \$16,000 were received, 30% of the total 2021 bid by 24th of May, 2021, 30% due by 18th of June, 2021 and 30% due by 16th of July, 2021. Total due for the year 2022 is \$106,000, 20% of the total 2022 bid by 22nd of February, 2022, 20% due by 20th of May, 2022, 30% due by 17th of June, 2022 and 30% due by 15th of July, 2022.

WHEREAS, this Resolution, and the incorporated proposal shall constitute a contract and that the Mayor and Clerk be and are hereby authorized and directed to execute said contract on behalf of the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Stone Harbor, County of Cape May, State of New Jersey, duly assembled in public session this 4th day of May, 2021 as follows;

1. That the preamble of this Resolution is hereby incorporated herein by reference;
2. That a contract for the aforementioned project be and the same is hereby awarded to Southwind Ice Cream, LLC, in the amount of \$ \$105,000 for year 2021 and \$106,000 for the year 2022.
3. That the Mayor and Clerk are hereby authorized and directed to execute the contract for same in accordance with the bid submitted and incorporated herein as stated above.
4. That the Borough Administrator is hereby directed and authorized to issue an appropriate Notice of Award and Notice to Proceed as called for within the contract.
5. That the Borough Clerk is authorized to return the bonds of the unsuccessful bidders.

For Concessionaire

Borough of Stone Harbor

William G. Kelly, Jr.

Judith M. Davies-Dunhour, Mayor

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

Concession Stand – Evaluation Worksheet

Assign a number to each category from 0 to 5, with 0 the lowest score and 5 the highest

Category	Weight	Bidder 1	Bidder 2	Bidder 3
Organizational and Management Structure: Experience owning, managing/operating				
Financial capability				
Conceptual site plan, graphics and narrative of Concession				
Security plan of the Concession Stand during non-business hours				
Proposal to resupply the Concession stand during operation hours				
Payment to Stone Harbor				
Total Points				

Carrie Bosacco

From: Jenny Olson
Sent: Monday, April 26, 2021 11:02 AM
To: Carrie Bosacco
Subject: motions for special events

Here is the list of special events that need motions for approval for next week's meeting:

- Garden Club Community Yard Sale – May 15
- Turtle Trot – May 30
- Shore Softball Tournament – July 24
- The Little Mermaid Jr – July 29 – Aug 1

JENNY OLSON | Director of Tourism and Public Information | Borough of Stone Harbor
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