

Wed

**REGULAR MEETING IMMEDIATELY  
FOLLOWING THE WORK SESSION**

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

**AGENDA REGULAR MEETING**

**Tuesday**

**April 19, 2022**

Dock Hearing – 8916 Sunset Drive (1)

Ordinance 1606 – Outdoor Dining – 2<sup>nd</sup> 3<sup>rd</sup> and final (2) Krafczek

Ordinance 1607 – Water & Sewer Changes – 2<sup>nd</sup> 3<sup>rd</sup> and final (3) Parzych

Resolution – Refund Overpayment for permit Construction & Restoration (4)  
Gensemer

Resolution – Emergency Sewer Collapse - 103-104 and Third Avenue (5) Parzych

Resolution – Refund Direct Debit Tax & Utility Payments (6) Krafczek

Resolution – Renew Triad Contract (7) Moore

Resolution – Change Order - Repair & Resurfacing Tennis & Pickle Ball Courts  
– 82<sup>nd</sup> Street (9) Gensemer

**Suzanne Stanford**

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**From:** Lauren Plasket <lauren@channelmarineconstruction.com>  
**Sent:** Friday, March 25, 2022 10:42 AM  
**To:** Suzanne Stanford  
**Subject:** Council Meeting Agenda Request - Grimes

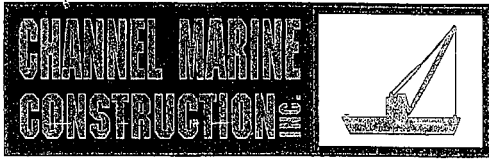
Good morning Suzanne,

I would like to request to be placed on the council meeting agenda for April 19<sup>th</sup> please. The construction office has notified me that I need to go before council for new dock installation at 8916 Sunset Drive.

Please confirm. Thank you.

Kind Regards,  
*Lauren Plasket*  
Channel Marine Construction, Inc.  
31 Clermont Drive  
Clermont, NJ 08210  
Office: 609-967-5600  
Fax: 609-624-1225  
[Email Me](#) | [Visit our Website](#) | [Like us on Facebook](#)

*April 19, 2022*  




*Clermont*

31 Clermont Drive  
Clermont, NJ 08210  
Phone: 609-967-5600  
Fax: 609-624-1225

March 30, 2022

To Whom It May Concern:

Per ordinance No. 1530: 199-1, this letter is to provide you with notification that Tom Grimes of 8916 Sunset Drive, Stone Harbor, NJ has submitted a request to Stone Harbor Construction and Zoning for approval for new Dock, and Ramp installation.

The Mayor and Council meeting is scheduled for April 19, 2022, at 4:30 pm at the Municipal Building, 9508 Second Avenue, Stone Harbor, NJ 08247.

Sincerely,

A handwritten signature in black ink, appearing to be "Frank Bowen", is written over a horizontal line.

Frank Bowen  
President

FB/Jg



STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
WATERSHED & LAND MANAGEMENT  
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



## 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>		Approval Date <b>September 16, 2021</b>
		Expiration Date <b>September 15, 2026</b>
Permit Number(s): 0510-21-0005.1 LUP210001	Type of Approval(s): WFD Individual Permit- SFH/Duplex(Waterward)	Governing Rule(s): N.J.A.C. 7:7-1.1(a)
Permittee: Thomas & Jeanne Grimes 307 Rhoads Ave Haddonfield, NJ 08033	Site Location: Block(s) & Lot(s): [90.91, 182] [90.91, 184] Municipality: Stone Harbor Borough County: Cape May	
<b>Description of Authorized Activities:</b> <p>This document authorizes the reconstruction of 64 linear feet of an existing bulkhead in-line with the bulkhead line as described with an existing Tidelands Grant but extending slightly waterward no more than 24-inches for approximately 30 linear feet at the location of an existing free-standing garage, and the legalized of an existing 8-foot by 16-foot dock, a 4-foot wide ramp connecting to a 5-foot by 5-foot landing, an 8-foot by 28-foot dock, and an 8-foot by 12-foot dock on the parcel(s) referenced above.</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 July 8, 2021.</p> <p>This permit is subject to the permittee obtaining the pending Tideland's Instrument (File No. 1338-08-0002.1 TDI200001). Issuance of this permit in no way relinquishes and shall not be construed as a relinquishment by the State of New Jersey of any tidelands right, title, ownership/interest in the subject property or in any land surrounding same.</p> <p>The Department has determined that the herein approved activities meet the requirements of the (FHACA/CZM) rules. This approval does not obviate the local Floodplain Administrator's responsibility to ensure all development occurring within their community's Special Flood Hazard Area is compliant with the local Flood Damage Prevention Ordinance, and minimum NFIP standards, regardless of any state-issued permits. FEMA requires communities to review and permit all proposed construction or other development within their SFHA in order to participate in the NFIP.</p>		
Prepared by: Christopher Jones		Received and/or Recorded by County Clerk:
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.		
<b>This permit is not valid unless authorizing signature appears on the last page.</b>		

**PRE CONSTRUCTION CONDITIONS:**

1. This permit is not valid until such time as you have obtained a Department of Army authorization, as applicable. You are advised to contact the Philadelphia District at 215-656-6729.
2. Prior to commencing the authorized reconstruction of the existing onsite bulkhead, the permittee shall obtain any applicable Tidelands Conveyance Instrument from the Department of Environmental Protection, Division of Tidelands Management.

**SPECIAL CONDITIONS:**

1. This permit does not authorize construction on the upland portion of the subject property, nor does this permit legalize any existing upland structures.
2. This authorization for a Waterfront Development Individual Permit is valid for a term not to exceed five years from the date of this letter. If the permittee wishes to continue an activity covered by the permit after the expiration date of the permit, the permittee must apply for and obtain a permit extension or a new permit, prior to the permit's expiration. If the term of the authorization exceeds the expiration date of the individual permit issued by rule, and the permit upon which the authorization is based is modified by rule to include more stringent standards or conditions, or is not reissued, the applicant must comply with the requirements of the new regulations by applying for a new Waterfront Development Individual Permit.
3. The replacement bulkhead must be reconstructed no more than 24 inches outshore of the existing structure, as measured from the waterward face of the toe of the original alignment of the existing timber bulkhead sheathing to the waterward face of the new vinyl bulkhead sheathing, starting at the southeastern property line to the center of the property.
4. Bulkhead backfill material shall be obtained from an upland source. Dredging to obtain backfill material is prohibited.
5. All future bulkheads must be constructed in place of the existing bulkhead alignment as shown on the approved plan.
6. The structures are not to exceed the dimensions as specified on the approved plans. No more than four (4) vessels may be moored at any time. All structures and mooring area shall be located as depicted on the approved plans and within the permittee's property line extension.
7. The boatlifts must be open style. No decking or planking shall be installed on the lift.
8. 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 authorized structure(s) is prohibited.
9. Space between horizontal planking is maximized and width of horizontal planking is minimized to the maximum extent practicable. Under normal circumstances, a minimum of 3/8-inch, 1/2-inch, 3/4-inch, or one-inch space is to be provided for 4-inch, 6-inch, 8 to 10-inch, or 12-inch plus wide planks, respectively.

10. The width of the dock or pier shall not exceed twice the clearance between the structure and the surface of the ground below or the water surface at mean high water (measured from the bottom of the stringers). Floating docks are not subject to the height requirement, however the floating docks shall be constructed such that it does not rest on the bottom of the waterbody during the low tide event.
11. This permit does not authorize dredging activities. If dredging is required in the future, a new Waterfront Development application showing compliance with 7:7-12.7 New Dredging will be required to be submitted to this Division.
12. All debris, wood, trash, and other loose materials shall be discarded and legally disposed of offsite. The applicant shall take special care that no debris enters or remains in the water.
13. 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.

**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 Watershed & Land Management 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 the 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.

**APPROVED PLAN(S):**

The drawing(s) hereby approved consist of one sheet prepared by John E. Halbruner, P.E., dated July 20, 2021, unrevised, and entitled:

“GRIMES RESIDENCE 8916 SUNSET DRIVE BLOCK 90.90, LOTS 182 & 184 BOROUGH OF STONE HARBOR, CAPE MAY COUNTY, NEW JERSEY”

**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](http://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](http://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 Watershed & Land Management 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](http://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 Watershed & Land Management's Technical Support Call Center at (609) 777-0454.

Approved By:

**Colleen Keller** Digitally signed by Colleen Keller  
Date: 2021.09.16 15:47:30 -04'00'

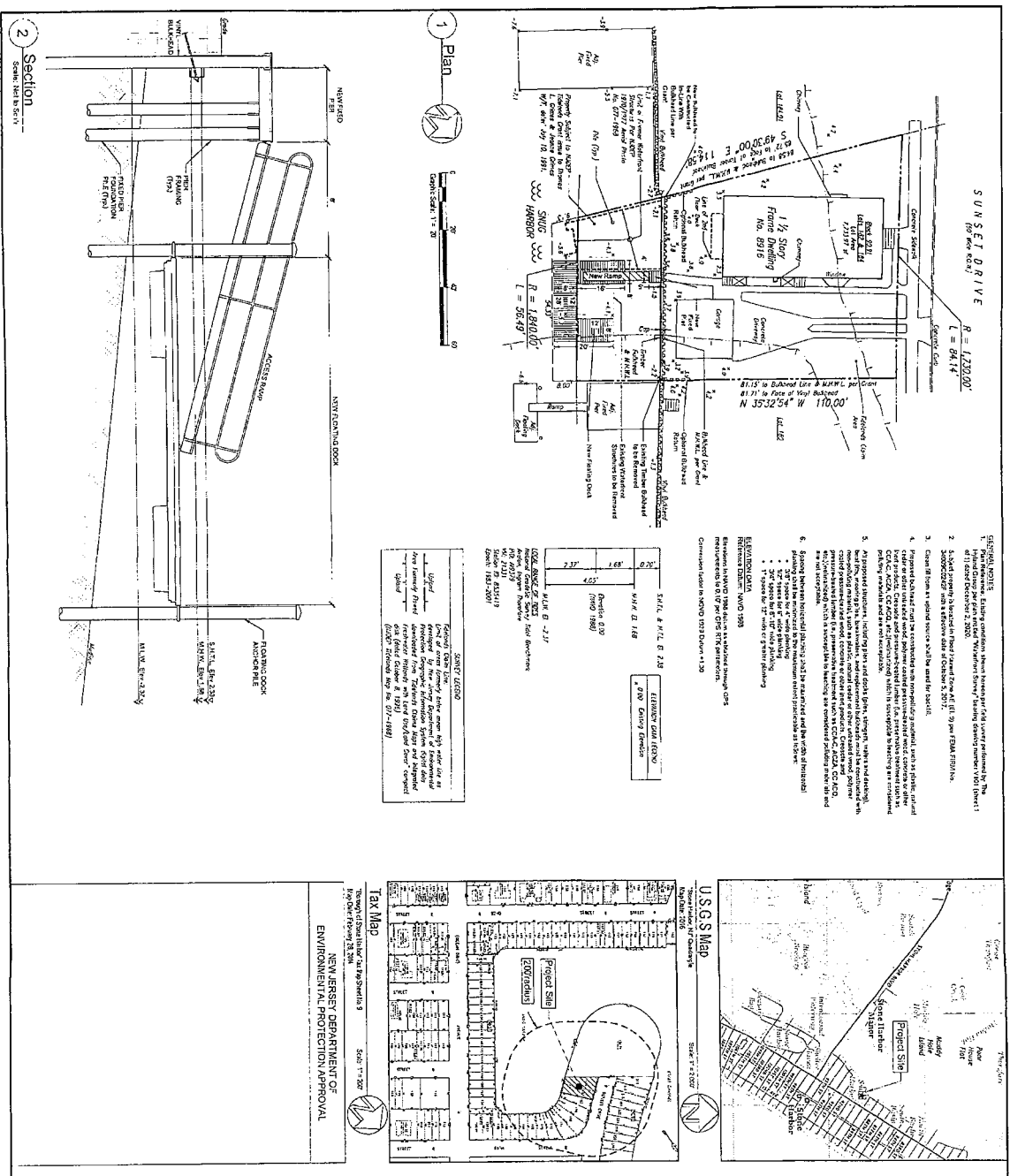
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Colleen Keller, Assistant Director  
Division of Land Resource Protection  
Watershed & Land Management

c: Municipal Clerk, Stone Harbor Borough  
Municipal Construction Official, Stone Harbor Borough

Agent (original) – Faith Midgarden

Melissa Miller, Bureau of Tidelands Management



**HYLAND GROUP**

**ai hde**

**John E. Halbruner**

**James Residence**

**New Waterfront Development**

**6916 Sunset Drive**

**Block 90, Lot 181 & 184**

**Borough of Stone Harbor**

**Cape**

**New Jersey**

**Thomas & Jeanne Grimes**

**30061.02**

**GE101**

**Sheet 01 of 01**



(2)

BOROUGH OF STONE HARBOR  
COUNTY OF CAPE MAY  
STATE OF NEW JERSEY

ORDINANCE NO. 1606

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

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

**Section 1a.** Section 380 – 4 is amended as follows:

**§ 380 - 4 Outdoor Dining Design Standards.**

Outdoor dining areas shall be designed and regulated as follows:

- A. The design of outdoor table, chairs, umbrellas, and all other outdoor personal property of the dining establishment shall be aesthetically consistent with the surrounding architecture. Tables, chairs, and umbrellas shall be of sufficient weight and material so as to not be affected by wind and weather.
- B. Additional signage or advertisements will not be permitted in the outdoor dining area. Signage previously approved shall remain unaffected.
- C. No table shall be greater than thirty (30") inches by sixty (60") inches and shall seat no more than six (6) patrons at a sitting.
- D. The design and layout of the outdoor dining areas shall not cause any damage to Borough or County property, including any landscaping.
- E. The dining establishment will be responsible for maintaining the area surrounding the tables to the highest standards of cleanliness. No trash, bus trays, or other refuse will be permitted to be stored in the outdoor dining area.
- F. Dining establishments may begin seating patrons at 7:00 a.m. and continue until 10:00 p.m. All tables and chairs must be cleaned up no later than 12:00 midnight.
- G. Alcohol is permitted to be consumed at tables whether served by the establishment or brought by the patrons where alcohol has been previously approved and consistent with the restaurant's approvals. Loitering in the dining area while consuming alcohol is not permitted.
- H. Dining establishments licensed to serve alcohol by the New Jersey Division of Alcoholic Beverage Control that are seeking to provide and allow for the consumption of alcohol in the outdoor dining area must strictly comply with this chapter and all other applicable laws of the Borough and State of New Jersey.
- I. Dining establishments not licensed to serve alcohol by the New Jersey Division of Alcoholic Beverage Control, that are seeking to allow patrons to consume alcoholic beverages in the outdoor dining area must strictly comply with this chapter and all other applicable laws of the Borough and State of New Jersey. In addition, no one visibly intoxicated shall be permitted to consume alcohol.
- J. Music is permitted provided noise levels are consistent with § 374-9 F, the Borough's noise ordinance.
- K. No additional outdoor lighting is permitted, with the exception of small candles or table lights, other than previously approved signs and light fixtures.
- L. Barriers, whether permanent or temporary, are not permitted without site plan approval pursuant to § 345.

M. Food shall be purchased inside the establishment or through wait staff served at tables. Outside sales will not be permitted.

N. The layout of outdoor tables, chairs, umbrellas and all other property shall not in any way interfere with pedestrian or vehicular safety, or with necessary access by fire, police, and ambulance personnel. Any seating areas contained within 96<sup>th</sup> Street and Third Avenue must maintain a six foot (6') clear sidewalk at all times in an area where the cross slope of the sidewalk does not exceed 2% or is consistent with the pedestrian path. All other areas of the Borough adjacent to restaurants must maintain a three foot (3') clear sidewalk at all times in an area where the cross slope of the sidewalk does not exceed 2% or is consistent with the pedestrian path. Umbrellas must provide a clear seven foot (7') beneath the surrounding edge of the umbrella.

Any dining establishment providing outdoor dining area sidewalk passage of less than 5 feet in width where the sidewalk passage is 200 feet or longer shall provide passing spaces at intervals of 200 feet maximum. The minimum dimension of pedestrian passage at passing spaces shall be 5 feet wide for a distance of 5 feet.

O. The layout of the outdoor dining area, and all items therein, shall be arranged in a manner providing no less than six (6') feet within 96<sup>th</sup> Street and Third Avenue and three (3') feet in all other areas of unobstructed paved passageway for pedestrians walking through the outdoor dining area. The purpose of this section is to provide pedestrians a minimum of six (6') feet within 96<sup>th</sup> Street and Third Avenue and three (3') feet in all other areas of free passage at all times and under all conditions on paved areas. The minimum six (6') foot within 96<sup>th</sup> Street and Third Avenue and three (3') feet in all other areas of passageway shall be completely free of obstructions, including but not limited to trash and recycling receptacles, benches, trees, poles, and any other sidewalk installations.

P. The outdoor dining area shall be permitted between the curb and building adjacent to the dining establishment. In no event shall the dining area or pedestrian passageway enter or cross a Borough or County street.

Section 2. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 3. This ordinance shall take effect after final adoption and publication as required by law.

APPROVED:

\_\_\_\_\_

Judith Davies-Dunhour, Mayor

ATTEST:

\_\_\_\_\_

Suzanne C. Stanford, Borough Clerk

(3)

**BOROUGH OF STONE HARBOR  
COUNTY OF CAPE MAY, NEW JERSEY**

**ORDINANCE 1607**

**AN ORDINANCE AMENDING CHAPTER 542 (WATER AND SEWERS) OF CODE  
THE BOROUGH OF STONE HARBOR**

**WHEREAS** Section 542-25 of the Code of the Borough of Stone Harbor and entitled "SMART IRRIGATION SYSTEMS" and Section 542.25.1 entitled "IRRIGATION SCHEDULES; EXEMPT SYSTEMS; ENFORCEMENT" are comprised of various Ordinances adopted by the Stone Harbor Borough Council, the governing body of Stone Harbor over a period of approximately 10 years; and

**WHEREAS** the Borough Council deems it to be in the best interest of the Borough to amend said sections in their entirety as set forth herein.

**NOW, THEREFORE**, be it Ordained as follows:

**Section 1.** The averments above are incorporated herein as if set forth at length.

**Section 2.** The Existing Sections 542-25 of the Code of the Borough of Stone Harbor and entitled "SMART IRRIGATION SYSTEMS" and 542.25.1 entitled "IRRIGATION SCHEDULES; EXEMPT SYSTEMS; ENFORCEMENT" are hereby stricken in their entirety.

**Section 3.** The following sections are substituted in their place:

**Chapter 542. Water and Sewers**

**§ 542-25. Smart irrigation systems.**

Upon the effective date of this section, all persons installing irrigation systems, and all existing irrigation systems under and subject to the requirements of this section, shall require the installation and use of smart irrigation technologies as hereinafter stated.

A. Rainfall-sensing or moisture-sensing devices shall be installed and used to avoid the unnecessary operation of all irrigation systems during periods of rainfall. This section shall apply to all new construction or where an existing structure on the property is being renovated, restored or otherwise substantially altered. Substantial alteration occurs when 40% or more of the total sum of floor and roof areas of the principal structure is proposed to be structurally altered within a twelve-month period, or in the case of any structural alteration to a principal structure, when the fair market value of the structural addition equals or exceeds 40% of the value of the original structure's fair market value prior to the alteration.

B. Rainfall-sensing or moisture-sensing devices include soil moisture sensors that assess the available plant soil moisture in order to minimize the unnecessary use of water and/or rain sensors placed in the irrigation system designed to restrict operation of a sprinkler controller when precipitation has reached a preset quantity.

C. Evapotranspiration-based (ET) controllers are required on any automatic landscape irrigation system installed subsequent to April 30, 2013. In addition said systems are required on automatic irrigation systems when any principal structure on a property in the Borough is substantially altered. Substantial alteration occurs when 40% or more of the total sum of floor and roof areas of the principal structure is proposed to be structurally altered within a twelve-month period or, in the case of any structural alteration to a principal structure, when the fair market value of the structural addition equals or exceeds 40% of the value of the original structure's fair market

value prior to the alteration. "Evapotranspiration-based (ET) controller" means a controller that calculates soil moisture from known weather and related inputs. An ET-based controller:

- (1) Receives and monitors weather data or on-site environmental conditions, including, but not limited to, solar radiation, wind speed, temperature, relative humidity, rainfall and soil moisture; and
- (2) Calculates or determines the amount of moisture input to and moisture lost from the soil and plants; and
- (3) Automatically creates or adjusts the irrigation schedule to apply only the amount of water that is necessary to maintain adequate soil moisture.

D. Applicability. This section shall apply to all registered landscapers, as defined herein, and property owners within the jurisdiction of the Borough of Stone Harbor who install or perform work on automatic irrigation systems and to any person or entity which purchases or installs an automatic landscape irrigation system on their property.

(1) Any person who purchases or installs an automatic landscape irrigation system on their property must properly install, maintain, and operate the system in accordance with manufacturer specifications, technology that inhibits or interrupts operation of the system during periods of insufficient moisture, and otherwise comply with the provisions of this section.

(2) A registered landscaper, and/or property owner who installs or performs work on an automatic landscape irrigation system must test for the correct operation of each inhibiting or interrupting device or switch on the system. If such devices are not installed, or are functioning improperly, the contractor must install new devices or repair the existing ones and ensure that each is operating properly before completing other work on the system.

a. For the purposes of this chapter, "Registered Landscaper" shall be defined as: A person or persons doing business with residential or commercial customers for the purpose of planting, maintaining, watering, cutting, cleaning, raking or performing similar activities on property within the Borough of Stone Harbor who is required to be registered pursuant to § 205B-2

(3) Regular maintenance and replacement of worn or broken moisture-sensing equipment, such as soil moisture or rain sensors, is not a violation of this section, if such repairs are made within 30 days from the time noncompliance is noted.

E. Violations and penalties.

(1) Failure of any person who purchases or installs an automatic landscape irrigation system on their property, or property managed by them, to properly install, maintain, and operate technology that inhibits or interrupts operation of the system during periods of insufficient moisture is guilty of a violation of this section, and shall be subject to a fine of \$50 for a first offense, \$100 for a second offense, and \$250 for a third or subsequent offense. A person in violation of this section may be cited for each day the system fails to be in compliance with this section.

(2) Funds generated by penalties imposed under this section shall be used by the Borough for the administration and enforcement of this section, and the corresponding sections of this section, and to further water conservation activities.

#### **§542-25.1. Watering restrictions; irrigation schedules; exemptions; enforcement.**

A. This section only regulates installed irrigation systems or other mechanically assisted watering, whether automated or not. Hand watering of plants, shrubbery or other vegetation is unrestricted.

Watering restrictions. Effective January 1, 2023, the grass, trees, or landscape beds located between the curb and the sidewalk may only be watered by systems utilizing drip and/or trickle irrigation.

B. Irrigation Schedules. The watering of lawns and/or plant beds by way of any irrigation system, including smart irrigation systems, is hereby restricted to the following mandatory schedule:

(1) All properties on which the last digit of the house number is an odd number may irrigate on odd-numbered calendar days beginning no earlier than April 1<sup>st</sup> of each year and ending no later than November 15<sup>th</sup> of each year.

(2) All properties on which the last digit of the house number is an even number may irrigate on even-numbered calendar days beginning no earlier than April 2<sup>nd</sup> of each year and ending no later than November 16<sup>th</sup> of each year.

(3) All such watering may only occur after the hour of 3:00 a.m. prevailing time or before the hour of 9:00 a.m. prevailing time on each day watering is allowed. Every system utilized for irrigation shall be restricted to these times and durations.

(4) All such watering shall be limited to once per day, no more than 30 minutes per zone within each system.

C. Exemptions.

The following shall be exempt from the above schedule:

(1) Flower boxes may be watered every day within the April through November irrigation schedule established in § 542-25.1B. All such watering of flower boxes is limited to a maximum of 10 minutes per zone.

(2) Newly installed lawns and/or landscape beds may water as needed for the first 21 days following installation, but the increased watering schedule may occur only within the particular zone(s) in which the new lawns and/or landscape beds are planted. After 21 days, such zones shall be subject to the restrictions of § 542-25.1A (B) thereafter.

(3) All irrigation systems will be exempt from the odd/even day irrigation schedule established in § 542-25.1B on the following dates: May 31st, July 31st, August 31st, and October 31<sup>st</sup>.

D. Enforcement and penalties. This section may be enforced by the Utilities Collector, an employee of the Utilities Department or Public Works, Code Enforcement Officer or any officer of the Stone Harbor Police Department. The enforcement and penalty provisions of § 542-26, as well as the general penalty provisions of the Revised General Ordinances of the Borough of Stone Harbor, current edition, shall apply to this section as well, except that, on a first offense, the property owner shall be given a warning and a copy of § 542-25.1 in lieu of a complaint/summons. For a second offense (after a first offense warning hereunder), a fine of \$100 shall be imposed. For a third offense, a minimum fine of \$250 shall be imposed; for any subsequent offense, a minimum fine of \$350 to a maximum of \$1,250.

**Section 4.** If any portion of this ordinance is determined to be invalid by a Court of competent jurisdiction, that determination shall have no effect upon the remainder of this Ordinance, which shall remain valid and operable.

**Section 5.** All Ordinances or parts of Ordinances inconsistent with this Ordinance, to the extent of such inconsistencies only, are hereby repealed.

**Section 6.** This Ordinance shall take effect immediately upon final passage and publication as provided by law.

APPROVED:

\_\_\_\_\_  
Judith Davies Dunhour - Mayor

ATTEST:

\_\_\_\_\_  
Suzanne C. Stanford, Borough Clerk

# BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

(4)

## RESOLUTION

### REFUND CONSTRUCTION FEE OVERPAYMENT

**WHEREAS**, Construction & Restoration LLC 2 Briarwood Ct. Medford, N.J. 08055 paid \$258.00 for an electrical permit fee in the Construction Office; and

**WHEREAS**, the fee for the permit was \$248.00 and Construction and Restoration has requested a refund be issued to them; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Stone Harbor, in the County of Cape May and State of New Jersey that a refund check in the amount of \$ 10.00 be issued to them ; and

**BE IT FURTHER RESOLVED** that the Construction Office make the proper adjustment in their records.

Offered by ..... Seconded by.....

The above resolution was duly adopted by the Borough Council of the Borough of Stone Harbor, New Jersey, at a meeting of said Council duly held on the .....day of ....., 2022

The above resolution approved this ..... day of ....., 2022

Borough Clerk

Mayor

(5)

**BOROUGH OF STONE HARBOR**

CAPE MAY COUNTY, NEW JERSEY

**RESOLUTION**

**RESOLUTION AUTHORIZING A SPECIAL EMERGENCY CONTRACT PURSUANT  
TO N.J.S.A 40A:4-6 FOR AN EMERGENCY SEWER COLLAPSE – 103<sup>RD</sup> – 104<sup>TH</sup> AND  
THIRD AVENUE**

WHEREAS, it has been found necessary to make authorize and Emergency Contract to meet for the repair of a sewer collapse – 103<sup>rd</sup> and 104<sup>th</sup> street and Third Avenue; and,

WHEREAS, the Borough Engineer and the Interim Director of Public Work have reviewed the situation and are in agreement with this emergency contract.

NOW, THEREFORE BE IT RESOLVED, (by not less than two-thirds of all governing body members affirmatively concurring) that in accordance with the provisions of NJS 40A:4-6:

1. An emergency contract is hereby awarded to Asphalt Paving System for repair of a sewer collapse at 103<sup>rd</sup> and 104<sup>th</sup> Street and Third Avenue in the total amount of \$ 134,680.00.

Offered by ..... Seconded by.....

The above resolution was duly adopted by the Borough Council of the Borough of Stone Harbor, New Jersey, at a meeting of said Council  
duly held on the .....day of ....., 2022

.....  
Borough Clerk

The above resolution approved this ..... day of....., 2022

.....  
Mayor

(6)

**BOROUGH OF STONE HARBOR**

CAPE MAY COUNTY, NEW JERSEY

**RESOLUTION**

*Council Meeting – April 19, 2022*

**REFUND DIRECT DEBIT TAX and UTILITIES PAYMENTS**

**WHEREAS**, Diane Bruckner, AKA Deb Bay LLC, former owner of record of Block 96.04 Lot 164 Qualifiers C0001, C0002, C0003, C0004, sold her 4 unit condominium located at 365 96<sup>th</sup> Street in August 2021 and neglected to cancel her Direct Debit payments for property taxes and utilities; and

**WHEREAS**, upon discovering the withdrawals from her bank statement Ms. Bruckner requested a refund for the 4<sup>th</sup> quarter 2021 property taxes in the amount of \$4,142.49, and 4<sup>th</sup> quarter 2021 and 1<sup>st</sup> quarter 2022 utilities payments in the amount of \$928.75; and,

**WHEREAS, NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Stone Harbor, in the County of Cape May and State of New Jersey that a refund check in the amount of \$5,071.24 be issued to Diane Bruckner, 804 Pembroke Ln, Wayne PA 19087; and

**BE IT FURTHER RESOLVED** that the Tax Collector make the proper adjustment in her records.

Offered by ..... Seconded by.....

The above resolution was duly adopted by the Borough Council of the Borough of Stone Harbor, New Jersey, at a meeting of said Council duly held on the .....day of ....., 2022

The above resolution approved this ..... day of....., 2022

.....  
Borough Clerk

.....  
Mayor

# BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

(1)

## RESOLUTION

### Approve Professional Services Agreement Triad Associates

#### Consultant – Borough of Stone Harbor AA2021 For Rent & HR Program

**WHEREAS**, Triad Associates 1301 W. Forest Grove Road, Vineland, N.J. 08360 has prepared a Professional Services Contract (copy attached) to provide Stone Harbor AA2021 For Rent & HR Program , Administrative Agent Services to the Borough in accordance with the provisions of the Fair Housing Act and Uniform Housing Affordability Control Regulations ; and

**WHEREAS**, tasks include but are not limited to Administrative Agent Services for Rental Units, Housing Rehabilitation Implementation for Owner-Occupied and Rental Units, and

**WHEREAS**, the complete Professional Services Agreement was presented to Council on April 19, 2022 and was approved, all of which are key components to the process, and all of which are attached hereto; and

**WHEREAS**, it is the intention of Council to approve this Professional Services Agreement 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 Professional Services Contract as presented on this 19<sup>th</sup> day of April, 2022.

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 ....., 2022

The above resolution approved this ..... day of ....., 2022

Borough Clerk

.....  
Mayor

# BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

(9)

## RESOLUTION

**WHEREAS**, the Borough of Stone Harbor is currently under contract with Fred M. Schiavone Construction P.O. Box 416, Malaga, N.J. 08328 for the 2021 Utility and Road Program; and

**WHEREAS**, it is the recommendation of the Borough's Engineer, Marc DeBlasio to authorize Change Order No. 2 – Repair and resurfacing of the Tennis & Pickle Ball Courts at 82<sup>nd</sup> Street; and

**WHEREAS**, Change Order No. 2 will result in an increase of \$ \$75,000 to the previously amended contract amount of \$2,693,010.25 for an amended contract amount of \$2,768,010.25.

**NOW, THEREFORE, BE IT RESOLVED**, this 19<sup>th</sup> day of April by the Borough Council of the Borough of Stone Harbor, in the County of Cape May, and the State of New Jersey, that the preamble of this Resolution is hereby incorporated by reference and that the aforementioned Change Order No. 2 be and hereby is authorized;

**BE IT FURTHER RESOLVED** that the Mayor and the Borough Clerk be and hereby are authorized to execute Change Order No. 2 .

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 ....., 2022

.....  
Borough Clerk

The above resolution approved this ..... day of....., 2022

.....  
Mayor