

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

**TUESDAY**

**April 2, 2013**

4:30 p.m.

**HEARING – LIQUOR LICENSE PLACE TO PLACE**

**Resolution – Liquor License – Place to Place (1)**

**PRESENTATION 2013 BUDGET**

**HEARING ON 2013 BUDGET**

**Resolution – Self Exam Budget (2)**

**Resolution – Adopt the Budget (3)**

**OLD BUSINESS:**

**ORDINANCE 1418 Bond Utility 2<sup>nd</sup> 3<sup>rd</sup> and final Lane (4)**

**ORDINANCE 1419 COLA 2<sup>nd</sup> 3<sup>rd</sup> and final Mastrangelo (5)**

**ORDINANCE 1420 Single Stream Recycling 2<sup>nd</sup> 3<sup>rd</sup> and final Kramar (6)**

**ORDINANCE 1421 Smart System 2<sup>nd</sup> 3<sup>rd</sup> and final Lane (7)**

**NEW BUSINESS:**

**ORDINANCE – Street Opening Changes INTRO (8)**

**Resolution – SLEO II Summer Officers (Carusi) (9)**

**Resolution – Refund Overpayment Utility (Lane) (10)**

**Resolution – Award Beach Concession Bid (Davies-Dunhour) (11)**

**Resolution – Authorize Mayor to Sign CMC Department of Health Shared Services Agreement (12)**

**Motion- Museum Tent application to Zoning Board**

**Motion- St. Mary's Church Services on Pavilion**

**DISCUSSION**

**Resolution – Executive Session (13)**

(2)

**BOROUGH OF STONE HARBOR**

CAPE MAY COUNTY, NEW JERSEY

**RESOLUTION**

**SELF EXAMINATION OF THE BUDGET 2013**

WHEREAS, N.J.S.A 40A: 4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1979; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Borough of Stone Harbor has been declared eligible to participate in the program by the Division of Local Government Services, and Chief Finance Officer has determined that the local government meets the necessary conditions to participate in the program for the 2013 budget year.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stone Harbor that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officers certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met (complies with the "Cap" law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate and correctly stated.
  - b. Items of appropriation are properly set forth
  - c. In itemization, form arrangement and content the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised, and in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOVLED, that a copy of this Resolution be forwarded to the Director of the Division of Local Government Services.

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 ....., 2013

Borough Clerk

The above resolution approved this ..... day of....., 2013

.....  
Mayor

**BOROUGH OF STONE HARBOR**

CAPE MAY COUNTY, NEW JERSEY

(3)

**RESOLUTION**

**ADOPT THE BUDGET - 2013**

BE IT RESOLVED by the Mayor and Council of the Borough of Stone Harbor, County of Cape May, 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

\$9,882,620.00

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 the .....day of ....., 2013

Borough Clerk

The above resolution approved this ..... day of....., 2013

Mayor

2/15/13

(4)

**BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF THE WATER AND SEWERAGE SYSTEM IN AND OF THE BOROUGH OF STONE HARBOR, IN THE COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING \$1,650,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,571,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION.**

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

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by The Borough of Stone Harbor, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$1,650,000 said sum being inclusive of all appropriations heretofore made therefor, including the aggregate sum of \$79,000 as the down payment for said improvement or purpose required by law and more particularly described in said Section 3 and now available therefor by virtue of provision in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes and excluding the sum of \$18,030 heretofore appropriated therefor by prior ordinances of the Borough.

Section 2. For the financing of said improvement or purpose and to meet said \$1,650,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$1,571,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the

Borough in a principal amount not exceeding \$1,571,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which said obligations are to be issued is the improvement of the water and sewerage system in and of the Borough, including by the construction of a new South End well, the upgrade of the dewatering system, the removal of outfall pipes, the installation of new water and sewer mains and pipes in and along First Avenue from 80<sup>th</sup> Street to 89<sup>th</sup> Street, 83<sup>rd</sup> Street, 84<sup>th</sup> Street, 85<sup>th</sup> Street, 86<sup>th</sup> Street, 87<sup>th</sup> Street, 88<sup>th</sup> Street and 89<sup>th</sup> Street from First Avenue to the Bulkhead and 82<sup>nd</sup> Street from First Avenue to Third Avenue, together with all roadway reconstruction, concrete curbs, gutters, structures, site work, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved.

(b) The estimated maximum amount of bonds or notes to be issued for said purpose pursuant to this bond ordinance is \$1,571,000.

(c) The estimated cost of said purpose is \$1,650,000.

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

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

(b) The period of usefulness of said purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is forty (40) years.

(c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that, while the net debt of the Borough determined as provided in said Local Bond Law is not increased by this bond ordinance, the gross debt of the Borough as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$1,650,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$160,000 for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of said Local Bond Law may be included as part of the cost of said improvement and is included in the foregoing estimate thereof.

Section 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or

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

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

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

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

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

**ORDINANCE 1419**

**CALENDAR YEAR 2013  
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 to 2.0% 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 2013 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 3.5 % increase in the budget for said year, amounting to \$336,589.75 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 2013 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 \$336,589.75, and that the CY 2013 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:

\_\_\_\_\_  
Suzanne M. Walters, Mayor

ATTEST:

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

(6)

**BOROUGH OF STONE HARBOR  
COUNTY OF CAPE MAY**

**ORDINANCE 1420**

**AN ORDINANCE ESTABLISHING A SOURCE SEPARATION AND  
RECYCLING POLICY FOR THE BOROUGH OF STONE HARBOR**

Whereas, the New Jersey Statewide Mandatory Source Separation and Recycling Act establishes a goal of 50% reduction of Municipal Solid Waste and a 60% reduction of all solid waste through source separation and recycling by residential, commercial and institutional establishments in all New Jersey municipalities; and

Whereas, the Cape May County Solid Waste Management Plan designates the list, included herein, of mandatory recyclables to be source separated for recycling in all sectors of the community; and

Whereas, recycling will reduce the municipality's expense of solid waste disposal, conserve energy and valuable resources, extend the life of Cape May County's only landfill and has the potential to produce revenues from the sale of such recyclable materials.

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

**SECTION 1 – SHORT TITLE**

This chapter shall be known and may be cited as the "Borough of Stone Harbor Recycling Program Ordinance."

**SECTION 2 – DEFINITIONS**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

"Designated Recyclable Materials – means those materials designated within the Cape May County Solid Waste Management Plan to be Source Separated for the purpose of recycling by residential, commercial, institutional and industrial sectors. The recycling of these materials is mandatory; they cannot be disposed of as solid waste. The Source Separation Recyclable Materials that are mandated for recycling are organized into the following two categories, which include but are not limited to:

Category 1: Designated Recyclable Materials to Be Set Out At Rear Yard:

- (a) The following Source Separated Recyclable Materials shall be mixed together and set out at rear yard for collection; this set out and collection system shall be known as "Single Stream Collection". The following items are included as "Single Stream Recyclable Materials":

Paper Products – Newspaper with inserts, magazines, office paper, junk mail including shredded paper, telephone and paperback books, corrugated cardboard, brown paper bags, non-foil wrapping paper and chipboard packaging including but not limited to dry food boxes (cereal, rice, pasta, cookie and cracker), gift, shoe and tissue boxes, powdered detergent boxes, paper towel rolls, clean pizza boxes (no food debris) and cardboard beverage carriers. Remove and throw away all liner bags, food contaminated paper and waxed-coated cardboard boxes. Shredded paper may be placed in a clear plastic bag.

Glass, Food and Beverage Containers – Clear, green and brown food and beverage bottles and jars, excluding however, blue bottles, window glass and light bulbs. All food and liquid residue shall be removed from containers.

Metal Food and Beverage Containers – Aluminum and steel food and beverage containers 5 gallons or less in size, including empty aerosol cans. No paint cans. All food and liquid residue shall be removed from containers.

Plastic Containers – Plastic containers imprinted with 1 (PETE), 2 (HDPE) 3 (PVC) 4(LDPE) 5 (PP) 6 (PS) or 7 (Other) on the bottom, 5 gallons or less in size, including bottles, jugs, jars and other rigid plastic containers. Plastic containers from food, beverage, health, beauty and cleaning products are included. Examples include, but are not limited to: margarine tubs, microwave trays, yogurt containers, plastic buckets and landscape pots. No Styrofoam packaging. No polystyrene egg cartons. No beverage cups. No PVC pipe. No plastic film. No plastics which contained chemicals or hazardous products, such as motor oil or pesticide containers. All food and liquid residue shall be removed from containers.

- (b) Designated Materials To Be Recycled BUT Materials "SHALL NOT" Be Mixed With Single Stream Recyclable Materials – Set Out At Rear Yard:

(1) Christmas Trees – Free of decorations, tree stands and plastic bags; (Curb Side)

(2) Leaves – Comprised mainly of tree and plant leaves and not contaminated with brush or other material; and

(3) Grass - Lawn grass clippings.

(4) Brush, Tree Branches– All parts of vegetative growth from trees, and vegetative materials generated during land clearing.

Category 2: Designated Materials To Be Recycled By The Individual Generator

(a) Ferrous and Non-Ferrous Scrap – Metals, such as copper, iron, sheet metal, aluminum, radiators, structural steel, metal pipe and “white goods” including, but not limited to, appliances containing “CFC’s” or Freon;

(b) Computers and Consumer Electronics – shall mean a computer central processing unit and associated hardware including keyboards, modems, printers, scanners and fax machines, cathode ray tubes, cathode ray tube devices, flat panel displays or similar video display devices with a screen that is greater than 4 inches measured diagonally and that contains one or more circuit boards including, but not limited to, televisions and cell phones. Also includes VCR’s, radios and landline telephones;

(c) Motor Oil / Kerosene / # 2 Heating Oil - Crank-case oil and similar oils, kerosene fuel and #2 home heating oil which are used to fuel heating equipment;

(d) Wood Pallets and Crates – Clean untreated, unpainted pallets and crates only;

(e) Batteries - Lead Acid Batteries – Used SLA (sealed lead acid) batteries generated from motor vehicles, aviation and marine equipment;

(f) Propane Tanks – Empty 20 to 30 lb BBQ type tanks;

(g) Contaminated Soil – If classified as ID27, all fuel contaminated soil, dewatered soil, and stone from septic beds and similar materials which are allowed to be recycled in accordance with the regulations of the New Jersey Department of Environmental Protection;

(h) Commercial Cooking Grease – Grease and oil generated from food preparation by commercial sources only;

(i) Asphalt and Concrete – Asphalt and concrete materials from construction and demolition projects;

(j) Auto and Truck Bodies – All junk automobiles, trucks and parts;

(k) Tires -- Worn truck and passenger car tires;

(l) Used Oil Filters – Used filters that are generated from changing crankcase oil in automobiles, trucks and other vehicles;

(m) Anti-freeze – Used antifreeze generated from automobiles, trucks and other vehicles/sources; and

(n) Consumer Rechargeable NiCad (Nickel-Cadmium) and Small Sealed Lead Acid Batteries – Small sealed batteries generated from use of electronic equipment.

Municipal Recycling Coordinator - means the person or persons appointed by the municipal governing body and who shall be authorized to enforce the provisions of this Ordinance, and any rules and regulations which may be promulgated hereunder. This appointee shall also be responsible to assure that all materials recycled in the municipality are properly reported and recorded. The New Jersey Mandatory Source Separation and Recycling Act requires that each municipality appoint at least one individual as Municipal Recycling Coordinator who has successfully completed all requirements mandated by the State of New Jersey to be designated as a New Jersey Certified Recycling Professional;

Municipal Solid Waste (MSW) Stream - means all solid waste generated at residential, commercial and institutional establishments within the boundaries of the municipality of Borough of Stone Harbor;

Recyclable Material - means those materials which would otherwise become solid waste, and which may be collected, separated, or processed and returned to the economic mainstream in the form of raw materials or products;

Source Separation - means the process by which recyclable materials are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling;

Source Separated Recyclable Materials - means recyclable materials which are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

### **SECTION 3 - APPLICABILITY OF MANDATORY SOURCE SEPARATION AND RECYCLING REQUIREMENTS**

A. Mandatory Source Separation: It shall be mandatory for all persons who are owners, lessees, tenants or occupants of residential and non-residential premises, including but not limited to retail and commercial locations, government, schools and other institutional locations within the municipality of Borough of Stone Harbor to separate Designated Recyclable Materials from all solid waste.

- 1) **Category 1** Designated Recyclable Materials shall be placed separately at rear yard in a manner and on such days and times as may be hereinafter established by the Borough of Stone Harbor.
- 2) When municipal rear yard collection is not provided for Designated Recyclable Materials, as is the case for those recyclables included in **Category 2**, it shall be the obligation of the generator to deliver or arrange for the delivery of such materials to the Cape May County Municipal Utilities Authority (CMCMUA) recycling facilities located at the Sanitary Landfill and/or Transfer Station as applicable, or to a private sector market for recycling.

#### **SECTION 4 - COLLECTION OF RECYCLABLE MATERIALS**

The collection of Source Separated Recyclable Materials shall be in the manner prescribed as follows:

A. It is the responsibility of the property owner or occupant of the building to provide adequate size, (32 GALLON – 75 POUNDS MAXIMUM) and number of containers for the placement of recyclables for rear yard collections as follows: Single Stream Recyclable Materials as defined in Category 1 (a) shall be mixed together in one container. More than one container may be used for Single Stream Recyclable Materials; however, each container used should be marked or labeled to identify its contents as Single Stream Recyclable Materials. All set out containers which contain Single Stream Recyclable Materials shall be placed, prior to collection, rear yard, where such containers shall be readily accessible to the collector without providing obstruction to pedestrians. The owner or occupant of the premises shall keep all containers, receptacles or dumpsters clean and in safe handling condition. The collection of recyclable materials shall be supervised by the Mayor and Council which shall have the power to establish the time, method and routes of service.

B. The following materials must be Source Separated and recycled through the municipal recycling program in the following manner:

- 1) Leaves and Grass will be collected by rear yard pickup as time permits. The owner or occupant of the building shall call Public Works with the address..
- 2) Christmas Trees – Will be collected curb side free of decorations, tree stands and plastic bags from December 26<sup>th</sup> through January 31<sup>st</sup>.
- 3) Brush and Tree Branches will be collected by rear yard pickup as time permits. The owner or occupant of the building shall call Public Works with the address.

C. The following materials must be Source Separated and recycled by the generator at authorized CMCMUA recycling facilities or any NJDEP approved recycling center:

- 1) Wood Pallets and Crates
- 2) Propane Tanks
- 3) Computers and Consumer Electronics
- 4) Tires
- 5) Antifreeze
- 6) Batteries
- 7) Used Motor Oil
- 8) Kerosene / #2 Heating Oil
- 9) Asphalt and Concrete
- 10) Auto and Truck Bodies
- 11) Contaminated Soil
- 12) Cooking Grease
- 13) Consumer Rechargeable NiCad and Small Sealed Lead Acid Batteries
- 14) White Goods

## 15) Ferrous and Non-Ferrous Scrap

### **Subsection 4.1 - Residential Dwelling Compliance Requirements**

1. All recyclable materials, as described herein, shall be and become the property of the Borough of Stone Harbor from the time they are placed for collection at the curb, whether collection is to be by the Borough or by its authorized contractor. It shall be a violation of this chapter for any person unauthorized by the Borough of Stone Harbor to collect or pickup, or cause to be collected or picked up, any such items. Each and every such collection in violation hereof from one or more residences constitutes a separate and distinct offense punishable as hereinafter provided.
2. The owner of each property shall be responsible for compliance with this Ordinance. For multifamily units, including but not limited to condominium complexes and seasonal hotel/motels and guest houses, the management or owner is responsible for setting up and maintaining the recycling system, including collection of Source Separated Recyclable Materials, except for those Designated Recyclable Materials for which municipal collection service is provided to multifamily units. Violations and penalty notices will be directed to the owner or management, in those instances where the violator is not easily identifiable. The owner or management shall issue notification and collection rules regarding recycling requirements to all new tenants when they arrive and with a reminder a minimum of every 6 months during their occupancy.

### **Subsection 4.2 - Commercial Establishment Compliance Requirements**

- A. All commercial, business or industrial facilities shall be required to comply with the provisions of this Ordinance.
- B. The arrangement for collection of all categories of Designated Mandatory Recyclables hereunder shall be the responsibility of the commercial, institutional or industrial property owner or their designee, except for those specific Designated Recyclable Materials that are collected by the municipality from that property. All commercial, institutional or industrial properties at which litter is generated by employees, or the public shall provide litter and recycling receptacles. These properties shall provide for separate recycling collection services for the contents of the recycling receptacles.
- C. Every business, institution or industrial facility shall report on a quarterly basis to the Municipal Recycling Coordinator, on such forms as may be prescribed, regarding recycling activities at their premises, including the amount and type of recycled material not placed curbside for municipal collection. If material is removed from the premises by a hauler, recycler or

paper shredder, the quantity and final disposition of the material is to be reported on the form.

- D. All food service establishments, as defined in the Health Code, shall, in addition to compliance with all other recycling requirements, be required to recycle grease and/or cooking oil created in the processing of food or food products, and maintain such records as may be prescribed, for inspection by any code enforcement officer.

**Subsection 4.3 - New Developments of Multi-Family Residential Units or Commercial, Institutional or Industrial Properties**

- A. Any application to the planning board of the municipality of Borough of Stone Harbor, for subdivision or site plan approval for the construction of multi-family dwellings of three or more units, single family developments of 3 or more units or any commercial, institutional or industrial development of 1,000 square feet or more, must include a recycling plan. This plan shall contain, at a minimum, the following:
  - 1) A detailed analysis of the expected composition and amounts of solid waste and recyclables generated at the proposed development; and
  - 2) Locations documented on the application's site plan that provide for convenient recycling opportunities for all owners, tenants, and occupants. The recycling area shall be of sufficient size, convenient location and contain other attributes (signage, lighting, fencing, etc.) as may be determined by the Municipal Recycling Coordinator.
- B. Prior to the issuance of a Certificate of Occupancy by the municipality of Borough of Stone Harbor, the owner of any new multi-family housing or commercial, institutional or industrial development must supply a copy of a duly executed contract with a hauling company for the purposes of collection and recycling of Source Separated Designated Recyclable Materials for those locations or properties where the municipality does not otherwise provide this service.

**SECTION 5 - PROHIBITION OF THE COLLECTION OF WASTE MIXED WITH RECYCLABLE MATERIALS**

- A. It shall be unlawful for solid waste collectors to collect solid waste that is mixed with, or contains visible signs of, Designated Recyclable Materials. It is also unlawful for solid waste collectors to remove for disposal those bags or containers of solid waste which visibly display a warning notice sticker or some other device indicating that the load of solid waste contains Designated Recyclable Materials.

- B. It shall be the responsibility of the owner or occupant to properly segregate the uncollected waste for proper disposal and/or recycling. Allowing such unseparated solid waste and recyclables to accumulate at rear yard beyond 7:00 p.m. on the day of collection will be considered a violation of this ordinance and the local sanitary code.
- C. Once placed in the location identified by this Ordinance, or any rules or regulations promulgated pursuant to this Ordinance, no person, other than any personnel authorized by the municipality or the owner or occupant responsible for placement of the Designated Recyclable Materials for collection, shall tamper with, collect, remove, or otherwise handle Designated Recyclable Materials. Upon placement of such Designated Recyclable Material, it shall become property of the municipality or its authorized agent. It shall be a violation of this ordinance for any person not duly authorized to collect or pick up or cause to be collected or picked up any Recyclable Materials that are the property of the municipality as provided for above.

## **SECTION 6 - CONSTRUCTION, RENOVATION AND DEMOLITION DEBRIS RECOVERY PLAN**

For all activities that require municipal approval such as construction, demolition or public event permits, a Designated Recyclable Materials plan shall be filed along with all other required permit conditions. The plan shall include provisions for the recovery of all Designated Recyclable Materials generated during construction, renovation and demolition activities, as well as, public events.

### **Subsection 6.1 - Compliance with Diversion Requirement**

The Municipal Recycling Coordinator shall review the information submitted pursuant to this Section of the Ordinance and determine, prior to the issuance of the municipal approval or permit, whether the plan submitted by the owner of the entity carrying out the covered activity will comply or fail to comply with the recycling requirements set forth herein. The determination regarding compliance will be provided to the Municipal Public Works Director/Supervisor and the owner of the entity carrying out the covered project in writing. When such plan is deemed not compliant, the Municipal Recycling Coordinator shall include specific conditions to be implemented by the permit holder to achieve compliance. It shall be a violation of this Ordinance for any owner or permit holder to fail to comply with the recycling requirements set forth herein.

## **SECTION 7 – ENFORCEMENT OFFICERS**

The following designated persons shall be designated as authorized persons to sign complaints and otherwise enforce the provisions of Chapter 466:

- A. Trash and Recycling Enforcement Officer.
- B. Recycle Coordinator

- C. Any sanitary inspector or designated agent of the Cape May County Department of Health.
- D. Any member of the Stone Harbor Police Department

#### **SECTION 8 – SEVERABILITY AND EFFECTIVE DATE**

If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by a Court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

This Ordinance shall take effect immediately upon enactment by the governing body of the municipality.

#### **SECTION 9 – RULES AND REGULATIONS**

The governing body is hereby authorized to promulgate, from time to time, additional rules and regulations relating to the Source Separation, preparation, placement and collection of Recyclable Materials pursuant to the provisions of this program and subchapter; provided, however, that such rules and regulations shall not be inconsistent with terms and provisions of this subchapter and shall be approved by the governing body. Such rules and regulations shall be duly promulgated subsequent to publication so that the public has had notice thereof.

#### **SECTION 10 – VIOLATIONS AND PENALTIES**

Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I). Any person, firm or association of persons who violates or neglects to comply with any provisions of this article, or any regulation promulgated pursuant hereto, shall upon conviction thereof, be subject to the

penalties set forth in Charter 1, Article III, Penalty, of the Borough of Stone Harbor Code, with a minimum fine of \$100 for the first offense; and for a conviction of subsequent offenses, be subject to the penalties set forth in Charter 1, Article III, Penalty, of the Borough of Stone Harbor Code, with a minimum fine of at least \$200. With respect to any conviction, the municipal judge may, instead of a fine, or in addition to such fines, penalize the violator with a requirement that such violator performs up to two weeks community service work assisting with the municipal recycling program.

**SECTION 11 – INCOMPATIBILITY WITH OTHER SECTIONS.**

The requirements for recycling and the placement of materials for recycling shall be governed and controlled by this article. To the extent that other sections of this chapter are inconsistent herewith, they shall be inapplicable to recycling.

APPROVED:

\_\_\_\_\_  
Suzanne M. Walters, Mayor

ATTEST:

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

(1)

BOROUGH OF STONE HARBOR  
COUNTY OF CAPE MAY, NEW JERSEY

ORDINANCE 1421

AN ORDINANCE AMENDING CHAPTER 542 OF THE REVISED GENERAL  
ORDINANCE OF THE BOROUGH OF STONE HARBOR 2005  
(Requiring installation of smart irrigation systems)

Section 1. [New Section – existing Section 542-25 to be renumbered as 542-26]

§542-25 Smart Irrigation Systems

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

- a. During periods of rainfall, rainfall or moisture sensing devices shall be used to avoid operation of all irrigation systems associated with new construction or where an existing structure on the property is being renovated, restored or otherwise substantially altered. Substantial alteration occurs when 50% or more of the total sum of floor and roof areas of the principal structure is proposed to be structurally altered within a 12 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 50% of the value of the original structure's fair market value prior to the alteration.
- b. Rainfall 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 pre-set quantity.
- c. 1. 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 50% or more of the total sum of floor and roof areas of the principal structure is proposed to be structurally altered within a 12 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 50% of the value of the original structure's fair market value prior to the alteration.

2. "Evapotranspiration-based (ET) controller" means a controller that calculates soil moisture from known weather and related inputs. An ET-based controller:

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

Calculates or determines the amount of moisture input to and moisture lost from the soil and plants; and

Automatically creates or adjusts the irrigation schedule to apply only the amount of water that is necessary to maintain adequate soil moisture.

(2) Applicability.

This section shall apply to all licensed contractors 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.

- a. 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.
- b. A licensed contractor 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 insure that each is operating properly before completing other work on the system.
- c. 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 thirty days from the time non-compliance is noted.

(3) Violations and penalties.

- a. 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 sufficient moisture is guilty of a violation of this section, and shall be subject to a fine of \$50.00 for a first offense, \$100.00 for a second offense, and \$250.00 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.
- b. 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 ordinance, and to further water conservation activities.

Section 2. Severability

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict.

All other ordinances of the Borough of Stone Harbor, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification.

This Ordinance shall be codified and made part of the Official Code of Ordinances of the Borough of Stone Harbor.

Section 5.     Effective Date.

This Ordinance shall take effect immediately upon its passage and approval,  
as provided by law.

APPROVED:

\_\_\_\_\_  
Suzanne M. Walters, Mayor

ATTEST:

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

**BOROUGH OF STONE HARBOR**

CAPE MAY COUNTY, NEW JERSEY

(9)

**RESOLUTION**

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 following be appointed as SLEO II Officers, with the Stone Harbor Police Department

effective from April 2, 2013 to September 30, 2013.

CLASS II

Justin Glass  
Dustin Tancredi  
Richard Boyle

effective from May 2, 2013 to September 30, 2013.

CLASS II

Max Schmierer  
Joseph Horton  
Christopher Ford  
Andrew Millard  
Jessica Lettieri  
Joseph Marano

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 ....., 2013

.....  
Borough Clerk

The above resolution approved this ..... day of....., 2013

.....  
Mayor

**BOROUGH OF STONE HARBOR**

CAPE MAY COUNTY, NEW JERSEY

**RESOLUTION**

(10)

**AUTHORIZING REFUND OF OVERPAID UTILITY FEES**

WHEREAS, on 2/8/13 a \$175.00 emergency turn off fee was received on account #02540, Block 85.21 Lot 67.02 a/k/a 8501 Pennsylvania Avenue ; and

WHEREAS, on 2/20/13 payment towards the 1<sup>st</sup> quarter water/sewer charges plus emergency turn off fee was received and applied and the owner was sent notification on 2/20/13 indicating overpayment; and

WHEREAS, settlement occurred on 2/21/13 and charges were not adjusted at settlement and a request for a refund has been received from the Executrix of the Estate and approved by the Utility Collector .

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 2<sup>nd</sup> day of April, 2013, 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 \$ \$175.00 to the Estate of Donald A. Swartz, 2672 Fairway Drive, York , Pa. 17402.

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 ....., 2013

Borough Clerk

The above resolution approved this ..... day of....., 2013

Mayor

# BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

(11)

## RESOLUTION

### AWARDING A CONTRACT FOR BEACH CONCESSION STANDS - READVERTISED

**WHEREAS**, two (2) bids were received by the Stone Harbor Municipal Clerk on March 26, 2013, on the Borough's request for proposals for the aforementioned project in accordance with the specifications prepared by Remington, Vernick & Walberg, the Borough Engineer, bearing project number 05-10-T-133, 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**, Atlantic Ice Cream, LLC, 6205 New Jersey Avenue, Wildwood, New Jersey, submitted the highest responsible and conforming bid in the amount of \$124,464.00 for a two (2) year total contract; and

**WHEREAS**, the Borough Engineer has recommended that the two (2) year contract be awarded to Atlantic 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 One (2013) of the Contract is \$61,132.00; and

**WHEREAS**, pursuant to the bid specifications, the total due for Year Two (2014) of the contract is \$63,332.00, and

**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 2<sup>nd</sup> day of April, 2013, as follows;

1. That the preamble of this Resolution is hereby incorporated herein by reference;
2. That the two (2) year contract for the aforementioned project bearing Remington and Vernick project number 05-10-T-133 be and the same is hereby awarded to Atlantic Ice Cream, LLC, in the amount of \$124,464.00 (\$61,132.00 in 2013 and \$63,332.00 in 2014);
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 Engineer 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

\_\_\_\_\_  
Suzanne M. Walters, 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 ....., 2013

.....  
Borough Clerk

The above resolution approved this ..... day of....., 2013

.....  
Mayor

**BOROUGH OF STONE HARBOR**

CAPE MAY COUNTY, NEW JERSEY

(12)

**RESOLUTION**

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SHARED SERVICES AGREEMENT – CAPE MAY COUNTY DEPARTMENT OF HEALTH

WHEREAS the Borough of Stone Harbor in the County of Cape May and State of New Jersey acknowledges that the CMC Department of Health provides public health services to the residents of Stone Harbor; and

WHEREAS the CMC Department of Health has submitted the attached Shared Services Agreement containing a schedule of public health services they provide and will continue to provide to the Borough of Stone Harbor; and

WHEREAS, the Shared Services Agreement has been approved by Council and requires the signature of the Mayor.

NOW, THEREFORE, BE IT RESOLVED that the Mayor be and is hereby authorized and directed to sign the aforementioned Shared Services Agreement with the Cape May County Department of Health.

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 ....., 2013

.....

Borough Clerk

The above resolution approved this ..... day of....., 2013

.....  
Mayor