

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

<u>AGENDA</u>	September 17, 2011	Regular Meeting
SATURDAY		8:30 a.m.

COMBINED WITH ROA MEETING, SATURDAY
ROA MEETING AT 8:30 A.M. – COUNCIL MEETING AT 9:45 A.M.

OLD BUSINESS:

ORDINANCE 1386 (Pay to Play) 2nd, 3rd and Final (1)
ORDINANCE 1387 (Require Council Courses on Basic Responsibilities) 2nd, 3rd,
and Final (2)

NEW BUSINESS:

- a. **ORDINANCE 1390** – Bond Improvement of Water & Sewer (General Capital) INTRO (3)
- b. **ORDINANCE 1391** – Bond Improvement of Water & Sewer (Water & Sewer Utility) INTRO (4)
- c. **Resolution** – Application to Local Finance Board – NJEIT Phase II (5)
- d. **Motion** – Special Event – Stone Harbor Yacht Regional Championship Regatta – September 30 and October 1 & 2 (6)
- e. **Motion** – Out to Bid (contingent upon NJEIT Authorization to Advertise) – Advertise on September 28th – Open Bids on October 14th – Possibly Award Contract on October 18th

DISCUSSION

BOROUGH OF STONE HARBOR

COUNTY OF CAPE MAY

ORDINANCE 1386

**An Ordinance Establishing That A Business Entity Which Makes
Political Contributions To Municipal Candidates And Municipal
And County Political Parties In Excess Of Certain Thresholds Shall
Be Limited In Its Ability To Receive Public Contracts From The
Borough of Stone Harbor, Cape May County**

(CONTRACTOR PAY-TO-PLAY REFORM ORDINANCE)

The Mayor and Council of the Borough of Stone Harbor does hereby Ordain:

WHEREAS, large political contributions from those seeking or performing contracts with a municipality raise reasonable concerns on the part of taxpayers and residents as to their trust in government and its business practices; and,

WHEREAS, pursuant to N.J.S.A. 40:48-2, a municipality is authorized to adopt such ordinances, regulations, rules and by-laws as necessary and proper for good government, as well as the public health, safety and welfare; and,

WHEREAS, pursuant to P.L.2005, c.271 (codified at N.J.S.A. 40A:11-51) a municipality is authorized to adopt by ordinance, measures limiting the awarding of public contracts to business entities that have made political contributions, and limiting the contributions that the recipient of such a contract can make during the term of a contract; and,

WHEREAS, in the interest of good government, the people and the government of the Borough of Stone Harbor desire to establish a policy that will avoid the perception of improper influence in public contracting and local elections;

NOW, THEREFORE, BE IT RESOLVED, it shall be the policy of the Borough of Stone Harbor to create such a regulation which states that a Business Entity which makes political contributions to municipal candidates and municipal and county political parties in excess of certain thresholds shall be limited in its ability to receive public contracts from the Borough of Stone Harbor; and,

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

DEFINITIONS

As used in this ordinance:

(a) "Campaign Committee" means (i) every candidate for Borough of Stone

Harbor elective municipal office; (ii) every candidate committee established by or for the benefit of a candidate for the Borough of Stone Harbor elective municipal office; (iii) every joint candidate committee established in whole or in part by or for the benefit of a candidate for the Borough of Stone Harbor elective municipal office; (iv) every political party committee of the Borough of Stone Harbor; (v) every political party committee of the Borough of Stone Harbor and (vi) every political committee, continuing political committee, or other form of association or organization that regularly engages in the support of candidates for the Borough of Stone Harbor municipal or Cape May County elective offices or Borough of Stone Harbor municipal or Cape May County political parties or political party committees. The terms in the foregoing paragraph have the meaning prescribed in N.J.A.C. 19:25-1.7.

- (b) "Contribution" has the meaning prescribed in N.J.A.C. 19:25-1.7. By way of illustration, and not limitation, this definition includes pledges, loans, and in-kind contributions.
- (c) A "contract for professional or extraordinary services" means all contracts for "professional services" and "extraordinary unspecifiable services" as such term is used in N.J.S.A. 40A:11-5.
- (d) For purposes of this Ordinance, a "Business Entity" whose contributions are regulated by this ordinance means: (i) an individual including the individual's spouse, and any child/children; (ii) a firm; corporation; professional corporation; partnership; limited liability company; organization; association; and any other manner and kind of business entity; (iii) any person who owns 10% or more of the equity or ownership or income interests in a person or entity as defined in sections (i) and (ii) above and their spouses and child/children; (iv) all partners or officers of such an entity, in the aggregate, and their spouses and child/children; (v) any person, subcontractor, subsidiary, corporation, firm, partnership, limited liability company, organization or association who has received or indefeasibly acquired the right to receive, from a person described in subparagraph (i) above, more than \$100,000.00 in compensation or income of any kind (including, by way of illustration, and not limitation: wages, salaries, sums paid to independent contractors, benefits, dividends, profit-sharing, pension contributions, deferred contributions, stock, stock options or gifts), in any twelve (12) month period prior to the award of, or during the term of, a contract subject to this ordinance; and (vi) all persons who are an "affiliate" of a Business Entity as defined in sections (i), (ii) and (v) above, as such term is used in 11 U.S.C. 101(2).

SECTION 1 – PROHIBITION ON AWARDING PUBLIC CONTRACTS TO CERTAIN CONTRIBUTORS

- (a) To the extent that it is not inconsistent with state or federal law, the Borough of Stone Harbor and any of its departments, instrumentalities or purchasing agents shall not enter into any agreement or otherwise contract to procure "professional services" as such term is defined at N.J.S.A. 40A:11-2(6) and used at N.J.S.A. 40A:11-5(1)(a)(i) and/or banking, insurance or other consulting service (hereinafter "Professional Services"), nor "extraordinary unspecified services" as such term is defined at N.J.S.A. 40A:11-2(7) and used at N.J.S.A. 40A:11-5(1)(a)(ii) and/or media, public relations, lobbying, parking garage management or other consulting and/or management service (hereinafter "Extraordinary Unspecified Services") from any Business Entity if such Business Entity has solicited or made any Contribution to (i) a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in the Borough of Stone Harbor or a holder of public office having ultimate responsibility for the award of a contract, or (ii) to any Borough of Stone Harbor or Cape May County political committee or political party committee, or (iii) to any continuing political committee or political action committee that regularly engages in the support of Borough of Stone Harbor municipal or Cape May County elections and/or Borough of Stone Harbor municipal or Cape May County candidates, candidate committees, joint candidate committees, political committees, political parties, political party committees, (hereinafter "PAC"), in excess of the thresholds specified in subsection (g) within one calendar year immediately preceding the date of the contract or agreement.
- (b) No Business Entity who submits a proposal for, enters into negotiations for, or agrees to any contract or agreement with the Borough of Stone Harbor or any of its departments or instrumentalities, for the rendition of Professional Services or Extraordinary Unspecified Services shall knowingly solicit or make any Contribution, to (i) a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in the Borough of Stone Harbor, or a holder of public office having ultimate responsibility for the award of a contract, or (ii) to any Borough of Stone Harbor or Cape May County political committee or political party committee, or (iii) any PAC between the time of first communication between that Business Entity and the municipality regarding a specific agreement for Professional Services or Extraordinary Unspecified Services, and the later of the termination of negotiations or rejection of any proposal, or the completion of the performance or specified time period of that contract or agreement.

(c) The monetary thresholds of this Ordinance are: (i) a maximum of \$300 per calendar year each for any purpose to any candidate or candidate committee for mayor or governing body, or \$500 per calendar year to any joint candidates committee for mayor or governing body, or \$300 per calendar year to a political committee or political party committee of the Borough of Stone Harbor; (ii) \$500 maximum per calendar year to a Cape May County political committee or political party committee; and (iii) \$500 maximum per calendar year to any PAC. However, for each Business Entity party to a contract for Professional or Extraordinary Unspecified Services as defined in subparagraph (a), or engaged in negotiations for a contract defined in subparagraph (a), when such Business Entity's Contribution is aggregated with all "persons" defined in subparagraph (d) of "Definitions" above, by virtue of their affiliation to that Business Entity party, a maximum of \$2,500 to all Borough of Stone Harbor candidates, candidate committees, joint candidate committees, and holders of public office having ultimate responsibility for the award of a contract, all Borough of Stone Harbor or Cape May County political committees and political party committees as described herein combined, without violating subsection (a) of this section.

(d) For purposes of this section, the office that is considered to have ultimate responsibility for the award of the contract shall be (i) the Borough of Stone Harbor Mayor or Governing body, if the contract requires approval or appropriation from the Mayor or Governing body, or (ii) the Mayor of the Borough of Stone Harbor, if the contract requires approval of the Mayor, or if a public officer who is responsible for the award of a contract is appointed by the Mayor.

(e) Rules regarding subcontractors. No person may be awarded a subcontract to perform under a contract subject to this Ordinance, if the subcontractor would be disqualified by paragraph (a) from receiving the contract at the time that the subcontract is awarded. Nor may any person who would be disqualified by paragraph (a) from receiving the contract perform substantially all of obligations described in a contract for professional or extraordinary services that is subject to this ordinance.

SECTION 2 - CONTRIBUTIONS MADE PRIOR TO THE EFFECTIVE DATE

No Contribution or solicitation of contributions made prior to the effective date of this Ordinance shall be deemed to give rise to a violation of this Ordinance.

SECTION 3 - CONTRACT RENEWAL

No contract subject to this ordinance may be renewed, extended, or materially modified unless the resulting renewal, extension, or modification would be

allowable under the provisions of this ordinance if it were an initial contract.

SECTION 4 - CONTRIBUTION STATEMENT BY BUSINESS ENTITY

- (a) Prior to awarding any contract or agreement to procure Professional Services" or Extraordinary Unspecified Services" from any Business Entity, the Borough of Stone Harbor or its purchasing agents and departments, as the case may be, shall receive a sworn statement from said Business Entity which is the intended recipient of said contract that he/she/it has not made a Contribution in violation of Section 1 of this Ordinance. The Borough of Stone Harbor, its purchasing agents and departments shall be responsible for informing the Mayor and Council of the Borough of Stone Harbor that the aforementioned sworn statement has been received and that the Business Entity is not in violation of this ordinance, prior to awarding the contract or agreement.
- (b) A Business Entity shall have a continuing duty to report to the Borough of Stone Harbor any Contributions that constitute a violation of this act that are made during the negotiation, proposal process or the duration of a contract. The Borough of Stone Harbor, its purchasing agents and departments shall be responsible for informing the governing body within ten (10) business days after receipt of said report from the Business Entity, or at the next Borough of Stone Harbor Council meeting following receipt of said report from the Business Entity, or whichever comes first.
- (c) The certification required under this subsection shall be made prior to entry into the contract or agreement with the Borough of Stone Harbor, or prior to the provision of services or goods, as the case may be, and shall be in addition to any other certifications that may be required by any other provision of law.

SECTION 5 - RETURN OF EXCESS CONTRIBUTIONS

A Business Entity that is a party to a contract for Professional Services or Extraordinary Unspecified Services may cure a violation of Section 1 of this Ordinance, if, within 30 days after the date on which the applicable ELEC report is published, said Business Entity notifies the municipality in writing and seeks and receives reimbursement of the Contribution from the recipient of such Contribution.

SECTION 6 - EXEMPTIONS

The contribution limitations prior to entering into a contract in Section 1(a) do not apply to contracts which (i) are awarded to the lowest responsible bidder after public advertising for bids and bidding therefore within the meaning of

N.J.S.A. 40A:11-4, or (ii) are awarded in the case of emergency under N.J.S.A. 40A:11-6. There is no exemption for contracts awarded pursuant to a "Fair and Open Process" under N.J.S.A. 19:44A-20 et seq.

SECTION 7 - PENALTY

- (a) It shall be a material breach of the terms of a Borough of Stone Harbor agreement or contract for Professional Services or Extraordinary Unspecified Services when a Business Entity that is a party to such agreement or contract has: (i) made or solicited a Contribution in violation of this Ordinance; (ii) knowingly concealed or misrepresented a Contribution given or received; (iii) made or solicited Contributions through intermediaries for the purpose of concealing or misrepresenting the source of the Contribution; (iv) made or solicited any Contribution on the condition or with the agreement that it will be re-contributed to a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in the Borough of Stone Harbor, or a holder of public office having ultimate responsibility for the award of a contract, or any Borough of Stone Harbor or Cape May County political committee or political party committee, or any PAC; (v) engaged or employed a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any Contribution, which if made or solicited by the professional Business Entity itself, would subject that entity to the restrictions of this Ordinance; (vi) funded contributions made by third parties, including consultants, attorneys, family members, and employees; (vii) engaged in any exchange of Contributions to circumvent the intent of this Ordinance; or (viii) directly or indirectly, through or by any other person or means, done any act which if done directly would subject that entity to the restrictions of this Ordinance.
- (b) Furthermore, any Business Entity that violates Section 7 (a) (i-viii) shall be disqualified from eligibility for future Borough of Stone Harbor contracts for a period of four (4) calendar years from the date of the violation.
- (c) Any person who knowingly, purposely, or recklessly violates any provision of this ordinance, or who conspires with another person to violate any provision of this ordinance, or who, with the purpose of promoting or facilitating a violation of this ordinance, solicits another person to commit it, or aids or agrees, or attempts to aid another person in planning or committing it, shall be subject to punishment including fines and/or imprisonment as fixed by law for violations of the ordinances of the Borough of Stone Harbor.

SECTION 8 - CITIZENS PRIVATE RIGHT OF ACTION

In addition to any rights that were heretofore available, or which may hereafter be available, to citizens, taxpayers, or associations, to challenge violations of this ordinance, every person aggrieved by a violation of the ordinance, or any taxpayer or resident of the Borough of Stone Harbor has the right, consistent with the Rules of Court, to file charges in a court of competent jurisdiction, and/or to pursue a civil action for a violation of this ordinance in a court of competent jurisdiction, and to seek and obtain declaratory, injunctive, or other legal or equitable relief, including but not limited to, attorneys fees and costs, arising from or related to a violation of this ordinance.

SECTION 9 - SEVERABILITY

If any provision of this Ordinance, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this Ordinance to the extent it can be given effect, or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby, and to this extent the provisions of this Ordinance are severable.

SECTION 10 - INDEXING

The monetary thresholds of "Definitions" Section (d) and Section 1(c) of this ordinance shall be increased effective March 1 of each calendar year by the percentage increase, in the prior calendar year, of the consumer price index for all urban consumers (CPI-U) for the Philadelphia region, rounded to the nearest \$10.00. The Clerk of the Borough of Stone Harbor shall, by no later than April 1 of each calendar year, prepare and publish the revised thresholds on the official municipal website and in an official municipal newspaper.

SECTION 11 - REPEALER

All ordinances or parts of ordinances which are inconsistent with any provisions of this Ordinance are hereby repealed as to the extent of such inconsistencies.

SECTION 12 - EFFECTIVE DATE

This Ordinance shall become effective twenty (20) days following the final adoption thereof by the Mayor and Council of the Borough of Stone Harbor and shall be published as required by law.

APPROVED:

Suzanne M. Walters

ATTEST:

Suzanne C. Stanford

(2)

BOROUGH OF STONE HARBOR
COUNTY OF CAPE MAY
ORDINANCE 1387

AN ORDINANCE AMENDING CHAPTER 10 OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF STONE HARBOR 2005
(ESTABLISHING ATTENDANCE IN BASIC COURSES ON RESPONSIBILITIES
AND OBLIGATIONS IN LOCAL GOVERNMENT)

Section 1. Chapter 10 is hereby amended as follows:

**§ 10-4 Resignation and Vacancies, Attendance of Mayor and Council and
Appointed Member of Various Municipal Boards and Committees: Ethics
Training Requirements and Attendance in Basic Courses on
Responsibilities and Obligations in Local Government**

[A, B, C, D no change]
[new section, E]

C. Attendance Requirements

It is resolved by the Mayor and Council of the Borough of Stone Harbor, County of Cape May, and State of New Jersey that an Attendance Policy is hereby adopted in the Borough of Stone Harbor applicable to all elected officials and appointed members of any municipally created board or committee.

1. Attendance at meetings required; removal

In the event that any elected and/or appointed member shall fail to attend three consecutive, regular, scheduled meetings, then a motion to remove that member(s) shall be automatically placed on the agenda for the next regular meeting without further notice, and should the vote be to remove the member, the member's seat shall become vacant until a replacement is appointed as required by state or local law.

2. Percentage of meetings required.

In the event that any member shall fail to attend to at least 70% of the annually scheduled regular meetings in a given year, then that member(s) shall be automatically removed at the end of the calendar year (i.e., December 31) without further notice, and the member's seat shall become vacant until a replacement is appointed as required by state or local law.

3. Medical absences exempted.

Only significant medical absences/hospitalization for the member or an immediate family member shall be accepted in lieu of attendance on regular meeting dates. Such absences shall not be considered in a determination for removal as outlined above.

D. Ethics training required

The elected officials subject to this article shall within six months of their election and on at least a bi-annual basis thereafter participate in ethics training. Such training courses shall be arranged through the Borough Administrator.

[new section, E]

The elected officials subject to this article shall within six months of their election attend basic courses on responsibilities and obligations in local government. Such training courses shall be arranged through the Borough Administrator.

Section 2. 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 3. All Ordinances or parts of Ordinances inconsistent with this Ordinance, to the extent of such inconsistencies only, be and the same are hereby repealed.

Section 4. This Ordinance shall take effect immediately upon final passage and publication as provided by law.

APPROVED:

Suzanne M. Walters, Mayor

ATTEST:

Suzanne C. Stanford, Borough Clerk

9/8/11

ORDINANCE #

(3)

BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF THE WATER AND SEWERAGE SYSTEM IN AND BY THE BOROUGH OF STONE HARBOR, IN THE COUNTY OF CAPE MAY, NEW JERSEY, APPROPRIATING \$2,600,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,600,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION (GENERAL CAPITAL).

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 \$2,600,000, said sum being inclusive of all appropriations heretofore made therefor except for an appropriation in the amount of \$2,145,000 made for said improvement by a water and sewer utility bond ordinance of the Borough adopted simultaneously herewith (the "Other Bond Ordinance").

Section 2. For the financing of said improvement or purpose and to meet the said \$2,600,000 appropriation, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$2,600,000 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 \$2,600,000 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 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 the installation of new water and sewer mains in and along First Avenue from 92nd Street to 98th Street, 97th Street from Shelter Haven to First Avenue, and the 93rd Street, 94th Street, 95th Street, 97th Street and 98th Street ends from First Avenue to the ocean side bulkheads, 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 \$2,600,000, said amount being exclusive of the \$2,145,000 amount of bonds authorized to be issued for said purposes pursuant to the Other Bond Ordinance.

(c) The estimated cost of said purpose is \$4,745,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the amount of \$2,145,000 appropriated for said purpose by the Other Bond Ordinance.

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 benefitted 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).

(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 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 \$2,600,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An amount not exceeding \$500,000 for interest on said obligations, costs of issuing said obligations 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.

(e) This bond ordinance authorized obligations of the Borough solely for purposes described in paragraph (d) of section 40A:2-7 of said Local Bond Law; and said purposes are in the public interest and are for the health, welfare, convenience or betterment of the inhabitants of the Borough and the amounts to be expended for said purposes pursuant to this bond ordinance are not unreasonable or exorbitant and the issuance of the said obligations authorized by this bond ordinance will not materially impair the credit of the Borough or

substantially reduce its ability to pay punctually the principal of and interest on its debts and supply other essential public improvements and services, and the Local Finance Board in the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey has heretofore made a determination to this effect and caused its consent to be endorsed upon a certified copy of this bond ordinance as passed upon first reading.

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, 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.

9/8/11

(4)

ORDINANCE # 1371

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 \$2,145,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,145,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION (WATER AND SEWER UTILITY).

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 \$2,145,000, said sum being inclusive of all appropriations heretofore made therefor except for an appropriation in the amount of \$2,600,000 made for said improvement by a general capital bond ordinance of the Borough adopted simultaneously herewith (the "Other Bond Ordinance").

Section 2. For the financing of said improvement or purpose and to meet the said \$2,145,000 appropriation, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$2,145,000 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 \$2,145,000 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 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 the installation of new water and sewer mains in and along First Avenue from 92nd Street to 98th Street, 97th Street from Shelter Haven to First Avenue, and the 93rd Street, 94th Street, 96th Street, 97th Street and 98th Street ends from First Avenue to the ocean side bulkheads, 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 \$2,145,000, said amount being exclusive of the \$2,600,000 of bonds authorized to be issued for said purposes pursuant to the Other Bond Ordinance.

(c) The estimated cost of said purpose is \$4,745,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the amount of \$2,600,000 appropriated for said purpose by the Other Bond Ordinance.

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 benefitted 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).

(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 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 \$2,145,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An amount not exceeding \$500,000 for interest on said obligations, costs of issuing said obligations 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.

(e) This bond ordinance authorized obligations of the Borough solely for purposes described in paragraph (d) of section 40A:2-7 of said Local Bond Law; and said purposes are in the public interest and are for the health, welfare, convenience or betterment of the inhabitants of the Borough and the amounts to be expended for said purposes pursuant to this bond ordinance are not unreasonable or exorbitant and the issuance of the said obligations authorized by this bond ordinance will not materially impair the credit of the Borough or

substantially reduce its ability to pay punctually the principal of and interest on its debts and supply other essential public improvements and services, and the Local Finance Board in the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey has heretofore made a determination to this effect and caused its consent to be endorsed upon a certified copy of this bond ordinance as passed upon first reading.

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.

(5)

RESOLUTION OF THE **BOROUGH OF STONE HARBOR**
MAKING APPLICATION TO THE LOCAL FINANCE BOARD
PURSUANT TO N.J.S.A. **40A:2-7, 40A:2-26(e) AND 58:11B-9(a)**

WHEREAS, THE **Borough of Stone Harbor** desires to make application to the Local Finance Board for its review and/or approval of a proposed **nonconforming maturity schedule in connection with a water supply and distribution system and sanitary sewerage system project to be financed through the New Jersey Environmental Infrastructure Trust financing program.**

WHEREAS, the **Borough of Stone Harbor** believes:

- (a) It is in the public interest to accomplish such purpose;
- (b) said purpose or improvements are for the health, wealth, convenience or betterment of the inhabitants of the local unit or units;
- (c) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant;
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the local unit or units and will not create an undue financial burden to be placed upon the local unit or units;

NOW THEREFORE, BE IT RESOLVED by the **Borough Council of the Borough of Stone Harbor** as follows:

Section 1. The application to the Local Finance Board is hereby approved, and the **Administrator, Chief Financial Officer, Auditor, Engineer**, Bond Counsel and financial advisor, along with other representatives of the **Borough**, are hereby authorized to prepare such application and to represent the **Borough** in matters pertaining thereto.

Section 2. The Clerk of the **Borough** is hereby directed to prepare and file a copy of the proposed bond ordinance and **nonconforming maturity schedule** with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute.

Recorded Vote

AYE

NO

ABSTAIN

ABSENT

The foregoing is a true copy of a resolution adopted by the governing body of the **Borough of Stone Harbor** on **September 17, 2011**

Suzanne C. Stanford
Borough Clerk

100. *Spec. Grant* (6)

BOROUGH OF STONE HARBOR

SPECIAL EVENTS ON PUBLIC LANDS

(No Person shall conduct a special event on public lands owned or leased by the Borough of Stone Harbor unless authorized to do so by the Borough Council pursuant to Chapter 275 of the Borough of Stone Harbor Municipal Code.)

LICENSE APPLICATION (Chapter 275)

\$60.00 For the Permit Application Fee.
All Permit Fees Shall Be Paid To Borough Clerk When Application Is Filed.
Application Should Be Filed At Least 60 Days Before The Date Set For The Special Event.
Attach Certificate of Insurance Naming the Borough of Stone Harbor as Certificate Holder and/or Additional Insured.

DATE OF APPLICATION: September 7, 2011 FEE PAID: \$ _____
Should be filed 60 Days Before the Date of Event

TYPE OF EVENT: Regional championship regatta
Please Describe

DATE(S)/TIME(S) OF EVENT: Sept 30, Oct 1 & 2, 2011
Please Describe

LOCATION OF EVENT: Yacht Club of Stone Harbor and the Great Sound ADMISSION FEE (If Any): \$ _____

REGISTRATION FEE TO PARTICIPATE IN EVENT (If Any): \$ \$130, includes meals _____

Applications must be complete, including contact information, in order to be considered filed.

SPONSOR'S NAME: Yacht Club of Stone Harbor PHONE#: 609 368-1201
Please Print Name of Person, Association, Corporation, Firm, etc.

SPONSOR'S ADDRESS: 9001 Sunset Stone Harbor NJ 08247
Street Address PO Box No. City State Zip Code

CONTACT PERSON: William Stump

CONTACT PERSON'S PHONE #: 609 368-2848

ESTIMATE OF DAILY CROWD EXPECTED: 100

SECURITY MEASURES TO BE INSTITUTED BY SPONSOR FOR CROWD AND TRAFFIC CONTROL:
SEE ATTACHED

	Fees.
- Application Filing Fee	\$60.00 per event
- Seasonal Use by Local Schools	\$1,500.00 per season
- Charity Organizations	\$750.00 per season for second sport
- Use of Fields	\$60.00 Application Fee (No other fees to be assessed)
- Use of Fields	\$500.00 per day (first two days) \$250.00 per day each additional day
- Use of Fields	\$250.00 per day if before Memorial Day and after Labor Day and if the event is hosted by an Organization headquartered in Cape May County with at least five members from Stone Harbor.
- Chamber of Commerce	\$60.00 application fee for all Events

Section 275-4. Exceptions.
A. Special Events sponsored solely by the Borough of Stone Harbor are exempt from the payment of the fee for a special event permit. Such special events shall be governed by applicable Borough policies. Additionally, Borough Council retains the discretion to waive any provision of this chapter where deemed appropriate in the sole discretion of the Borough Council.

Borough of Stone Harbor

Ladies and Gentlemen,

The Yacht Club of Stone Harbor is hosting a regional championship regatta for 19' Flying Scot Sailboats October 1-2, 2011. The YCSH will be the gathering and launching point for an estimated 40-50 boats which will race on both Saturday and Sunday in The Great Sound. Typically families will arrive on Friday afternoon or evening and depart Sunday afternoon, staying, eating and shopping at local borough businesses through the weekend. We hope this is the first of an annual event which will grow in popularity. We intend to store the visiting boats and trailers on the YCSH property from Friday through Sunday.

The purpose of this request is to provide space at YCSH to store and launch the boats. We request:

1. "No Parking" on Sunset between 89th and the Club Friday afternoon 9/30-afternoon Sunday 10/2. This will permit open access to the club for arriving boats and trailers plus parking for participants.
2. To utilize parking space at the 81st Marina at a location to be designated by the borough to temporarily store up to 15 and under 20 boats on trailers which are normally on YCSH premises. This is to free up space in the yacht club yard between 9/29 -10/4 to handle the visiting sailboats.
3. To utilize parking space at the 81st Marina 9/29-10/2 for overflow parking of cars and trailers if required.

Respectfully Submitted,

William J Stump
Secretary