

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

AGENDA Regular Meeting
Tuesday March 15, 2011 4:30 pm

DOCK HEARING – 9911 Sunrise Drive – Kara M. Bennett (1)

OLD BUSINESS:

NEW BUSINESS:

- A. Ordinance -- To Exceed the Municipal Budget appropriation Limits and to Establish a Cap Bank INTRO (2)
- B. Ordinance – Vacate Land (Section of 95th Street) INTRO (3)
- C. Ordinance – Home Occupation INTRO (4)
- D. Resolution – Defer School Tax (5)
- E. Resolution – Introduce 2011 Budget (6)
- F. Resolution – Taxi License (7)
- G. Resolution – Refund Tax Overpayment (8)
- H. Motion – Special Event – Wings n’ Water (9)
- I. Motion – Prepare Specifications – 114th Street Generator

DISCUSSION



STONE HARBOR SURVEYORS

THOMAS R. DENEKA, P.L.S. SAM DENEKA, P.E., L.S.
9809 THIRD AVENUE P.O. BOX 511 STONE HARBOR, NEW JERSEY 08247
(609) 368-7451 FAX (609) 368-3147
SHSURVEYOR@COMCAST.NET

(1)

Date: February 17, 2011
Job #: 10657

Mrs. Susan Stanford
Borough Clerk
9508 2nd Ave.
Stone Harbor, NJ 08247

RE: Mayor & Council Meeting
Lot: 492, 493, 494 Block: 200.03
Address: 9911 Sunrise Drive
Owner: Bennett, Kara M.

Dear Mrs. Stanford:

Inasmuch, as Ms. Bennett has been denied Permits by the Zoning Officer and Construction Official to construct 80' of vinyl bulkhead, legalize a 14.7'x13.7' fixed pier reducing it to 9.7'x 9', a 15'x16' floating dock and access ramp, and an 8'x 20' floating dock and access ramp, we hereby request appearance before the Mayor and Council at their 4:30pm, March 15, 2011, meeting to request their approval.

Respectfully,

Thomas R. Deneka
NJPLS# 35828

c: Kara Bennett

(2)

BOROUGH OF STONE HARBOR
COUNTY OF CAPE MAY

ORDINANCE NO.

CALENDAR YEAR 2011
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 2011 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 \$ 327,577.53 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 2011 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 \$327,577.53, and that the CY 2011 municipal budget for the Borough of Stone Harbor be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, 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

(3)

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

AN ORDINANCE VACATING A PORTION OF PORTION OF 95TH STREET

WHEREAS, the Borough Council of the Borough of Stone Harbor, Cape May County, New Jersey has determined that it is in the best interest of the Borough to vacate a portion of 95th Street in connection with the construction of a Free Public Library by the County of Cape May;

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

WHEREAS, the Borough is the owner of all property adjacent to the area to be vacated and will not be relinquishing such ownership or title by way of the vacation of the street area.

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

1. Pursuant to N.J.S.A. 40:67-1, et seq., all public right and interest in the portion of 95th Street particularly described on Schedule "A" attached hereto is hereby vacated, abandoned, and released as follows:
2. Pursuant to law, inasmuch as the Borough is the owner of all contiguous lands, the vacated area shall revert to the Borough. The Mayor, Solicitor and Clerk shall be and hereby are authorized to take all steps necessary to record all required documents to effectuate this vacation.
3. All rights and privileges now possessed by any public utility or cable television company, to maintain, repair and/or replace their existing facilities in, adjacent, over or under the vacated area of 95th Street are hereby expressly reserved and excepted from this vacation.
4. All ordinances or parts of ordinances which are inconsistent with this ordinance are repealed as to their inconsistencies only.
5. The Borough Clerk shall, within sixty (60) days of the effective date of this Ordinance, file a copy hereof, certified by the Clerk, under seal of the Borough, to be a true and exact copy of the Ordinance, together with a copy of the proof of publication thereof, in the Office of the Cape May County Clerk for recordation in the County's Book of "Vacations," pursuant to N.J.S.A. 40:67-21. This ordinance being one of special and limited application shall not be required to be recorded in the Revised General Ordinances book of the Borough of Stone Harbor.

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

APPROVED:

Suzanne M. Walters, Mayor

ATTEST:

Suzanne C. Stanford, Borough Clerk

SCHEDULE A

**DESCRIPTION
PORTION OF NINETY-FIFTH STREET
TO BE VACATED
LOCATED IN THE BOROUGH OF STONE HARBOR**

ALL that certain lot tract or parcel of land and premises situate, lying and being in the Borough of Stone Harbor, County of Cape May and State of New Jersey. Being more particularly bounded and described as follows:

BEGINNING at the intersection of the southeasterly line of First Avenue (70 feet wide) with the northeasterly line of Ninety-Fifth Street (presently 60 feet wide) as shown in plan entitled "Existing Conditions, Lots 9, 11 & 13, Block 94.01, Proposed Library Site, Stone Harbor, Cape May County, New Jersey" as prepared by the Office Of The Cape May County Engineer on 11/02/07 and revised to 03/01/11 (copy attached). From said point of beginning;

- 1) South, 56 degrees, 38 minutes and 00 seconds East, along the present and aforementioned northeasterly line of Ninety-Fifth Street, two-hundred and thirty-five and zero one-hundredths (235.00) feet to a point in the northwesterly line of a 10 feet wide Bulkhead Right of Way as shown on said plan, thence;
- 2) South, 33 degrees, 22 minutes and 00 seconds West, at right angles to the previous course, and along the northwesterly line of the aforesaid 10 feet wide Bulkhead Right of Way, fifteen and zero one-hundredths (15.00) feet to a point, thence;
- 3) North, 56 degrees, 38 minutes and 00 seconds West, parallel with and fifteen (15) feet distant from the first course herein when measured at right angles thereto and parallel with and fifteen (15) feet northeast of the centerline of the said Ninety-Fifth Street when measured at right angles thereto, two-hundred and thirty-five and zero one-hundredths (235.00) feet to the aforementioned southeasterly line of First Avenue, thence;
- 4) North, 33 degrees, 22 minutes and 00 seconds East, at right angles to the previous course and along the said southeasterly line of First Avenue, fifteen and zero one-hundredths (15.00) feet to the point and place of beginning.

Containing within the above described premises 3,525 square feet more or less.

Being the northeasterly fifteen (15) feet portion of Ninety-Fifth Street extending from the southeasterly line of First Avenue to the northwesterly line of a ten feet wide Bulkhead Right of Way in the Borough of Stone Harbor, Cape May County, New Jersey.

Prepared by the Office of the Cape May County Engineer, March 1, 2011.

William C. Burkett, Jr., PLS, PP
N.J. Lic. No. 24GS02719400

(5)

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

WHEREAS, by statute, when a municipality raises school taxes on a school year basis, an amount of not more than 50% of the levy may be deferred to the following year; and

WHEREAS, 50% of the school tax levy of the Borough of Stone Harbor School District is \$1,107,551.50;

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Borough of Stone Harbor desires to defer school taxes to the year 2011 in the amount of \$1,107,550.50.

Offered by Seconded by.....

The above resolution was duly adopted by the Borough Council of the Borough of Stone Harbor, New Jersey, at a meeting of said Council duly held on theday of, 2011

.....
Borough Clerk

The above resolution approved this day of....., 2011

.....
Mayor

(6)

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

BE IT RESOLVED that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2011.

1. Appropriations within "CAPS"		
a. Municipal Purposes		\$ 9,715,861.00
2. Appropriations excluded from "CAPS"		\$ 2,760,595.25
3. Reserve for Uncollected Taxes		\$ 401,736.00
4. Total General Appropriations		\$12,878,192.25
5. Less:	Anticipated Revenues Other than current property tax	\$ 3,959,183.25
6. Amount to be raised by Taxes for support of Municipal Budget		
a. Local Tax for Municipal purposes including Reserve for uncollected taxes		\$ 8,919,009.00

BE IT FURTHER RESOLVED that said Budget be published in the Press of Atlantic City in the issue of March 19, 2011. The Governing Body of the Borough of Stone Harbor does hereby approve the Budget for the year 2011.

NOTICE is hereby given that the Budget and Tax Resolution was approved by the Mayor and Council of the Borough of Stone Harbor, County of Cape May, on March 15, 2011.

A Hearing on the Budget and Tax Resolution will be held at Council Chambers on April 19, 2011 at 4:30 p.m. at which time and place objections to said Budget and Tax Resolution for the year 2011 may be presented by taxpayers and other interested persons.

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, 2011

.....
Borough Clerk

The above resolution approved this day of....., 2011

.....
Mayor

(M)

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

GRANTING TAXICAB LICENSES

WHEREAS, Robert White DBA #1 Taxi of 459 Shunpike Road, Cape May Court House, 08210 has applied to the Borough of Stone Harbor for two (2) taxicab licenses for the year 2011; and

WHEREAS, the vehicles have been inspected by the Stone Harbor Police Department and the applicant has paid the applicable fee, supplied a copy of proof of insurance and a copy of the rates to be charged within the Borough, to the Borough Clerk, all as required by Chapter 487 of the Revised General Ordinances of the Borough of Stone Harbor 2005.

NOW, THEREFORE, BE IT RESOLVED by the Members of Council of the Borough of Stone Harbor, in the County of Cape May and State of New Jersey that two (2) taxicab licenses are hereby approved to be issued by the Borough Clerk to Robert White DBA #1 Taxi for a 1999 Plymouth Grand Voyager SE and a 2000 Dodge Caravan Mini Van.

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, 2011

.....
Borough Clerk

The above resolution approved this day of....., 2011

.....
Mayor

(8)

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

REFUND TAX OVERPAYMENT

WHEREAS, a tax overpayment was received causing an overpayment in the amount of \$ 857.86 for the 1st quarter 2011 taxes on Block 87.02, Lot 39, a/k/a 148 – 88th Street; and

WHEREAS, the Tax Collector has requested that a refund be issued.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stone Harbor, in the County of Cape May and State of New Jersey that a refund check in the amount of \$ 857.86 be issued to Donald & Katherine A. Seidman, owner of record; and

BE IT FURTHER RESOLVED that the CFO and Tax Collector make the proper adjustments in their records.

Offered by Seconded by.....

The above resolution was duly adopted by the Borough Council of the Borough of Stone Harbor, New Jersey, at a meeting of said Council duly held on theday of, 2011

.....
Borough Clerk

The above resolution approved this day of....., 2011

.....
Mayor

cc: Cliff Rogan
Greg Mary

(9)

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: January 24, 2011 FEE PAID: \$ 60.00 Rec'd 1/27/11
Should be filed 60 Days Before the Date of Event
TYPE OF EVENT: Wings 'n Water Festival Boat Cruises
Please Describe
DATE(S)/TIME(S) OF EVENT: 9/17/11 and 9/18/11 9am to 4pm
Please Describe
LOCATION OF EVENT: Borough Marina ADMISSION FEE (If Any): \$ 20.00
REGISTRATION FEE TO PARTICIPATE IN EVENT (If Any): \$ 10 / Festival Ticket

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

SPONSOR'S NAME: The Wetlands Institute PHONE#: 368-1211
Please Print Name of Person, Association, Corporation, Firm, etc.
SPONSOR'S ADDRESS: 1075 SH Blvd. Stone Harbor NJ 08247
Street Address PO Box No. City State Zip Code
CONTACT PERSON: Patrice Davis / Cindy O'Connor
CONTACT PERSON'S PHONE #: 609-368-1211 ext. 12 / ext. 17
ESTIMATE OF DAILY CROWD EXPECTED: 20/cruise - 60 total/day
SECURITY MEASURES TO BE INSTITUTED BY SPONSOR FOR CROWD AND TRAFFIC CONTROL:
N/A

	Fees.
- Application Filing Fee	\$60.00 per event
- Seasonal Use by Local Schools	\$1,500.00 per season \$750.00 per season for second sport
- Charity Organizations	\$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.