

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

AGENDA Regular Meeting  
**TUESDAY** **May 15, 2012** 4:30 pm

**REPORTS OF COMMITTEES AND OFFICERS**

**Rob Hicks – Triathlon**

**OLD BUSINESS:**

- A. **ORDINANCE 1402** – Planning Board recommendations – Retractable Awnings 2<sup>nd</sup> 3<sup>rd</sup> and final
- B. **ORDINANCE 1403** - Planning Board recommendations Regulating the Residential C Zoning District 2<sup>nd</sup> 3<sup>rd</sup> and final

**NEW BUSINESS:**

- C. **ORDINANCE** – Handicapped Parking Spaces, American Legion  
INTRO
- D. **Resolution** – Release of Performance Bond Escrow – Verity Masonry
- E. **Resolution** – Release of fee – Drainage Plan Review – Samples
- F. **Resolution** – Refund Beach Tags - Attick -
- G. **Resolution** – Change Order No. 3-Final – 2010 NJEIT – Sanitary Sewer and Water Main Replacement Project (Decrease of \$60,461.51)
- H. **Resolution** -- Change Order No. 1 – 2012 NJEIT – Sanitary Sewer, Water Main, Storm Drainage and Beach Outfall Improvements Project (Decrease of \$18,319.00)
- I. **Resolution** – Authorize approval of Flexible Benefits Plan AFLAC
- J. **Resolution** – Adopting the Personnel Policy and Procedures Manual Updates
- K. **Resolution** – Refund Duplicate Tax Payment Shore Title (Block 94.03, Lot 108)
- L. **Resolution** -- Refund Duplicate Tax Payment Conley (99.05, Lot 163.01)
- M. **Resolution** -- Accept the Audit

**MOTIONS**

- N. Authorize Sign/Banner for ROA Across 96<sup>th</sup> Street on May 26<sup>th</sup> through June 9<sup>th</sup> and September 8<sup>th</sup> through September 22<sup>nd</sup>
- O. Special Event – Cape May County Historical and Genealogical Society Road Race on August 12, 2012
- P. Special Event – Sand Castle Building Lesson Sponsored by Harbaugh Developers on July 1, 2012 at 96<sup>th</sup> Street Beach

**DISCUSSION**

Natural Resources Committee  
Committee – Conservation Issues

cc: Cliff Joyce  
Dug Maw

# 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: 4/20/2012 FEE PAID: \$ 60.00  
Should be filed 60 Days Before the Date of Event

TYPE OF EVENT: 11<sup>th</sup> Annual Stone Harbor Triathlon  
Please Describe

DATE(S)/TIME(S) OF EVENT: July 15, 2012  
Please Describe

LOCATION OF EVENT: Stone Harbor Yacht Club ADMISSION FEE (If Any): \$ 90

REGISTRATION FEE TO PARTICIPATE IN EVENT (If Any): \$ \_\_\_\_\_

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

SPONSOR'S NAME: Stone Harbor Triathlon, LLC PHONE#: 856-465-7321  
Please Print Name of Person, Association, Corporation, Firm, etc.

SPONSOR'S ADDRESS: 1331 Peyton Ave. Haddonfield NJ 08033  
Street Address PO Box No. City State Zip Code

CONTACT PERSON: Rob Hicks

CONTACT PERSON'S PHONE #: 856-465-7321

ESTIMATE OF DAILY CROWD EXPECTED: 250

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

Use of Volunteers, signs, barricades, cones & Stone Harbor Borough Police

	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.

**Continuation- Special Event – page 2**

**PLEASE LIST ALL VENDOR'S (FOOD, NOVELTY, CONCESSION, ETC.) THAT WILL BE PROVIDING SERVICES AT THE EVENT:**

<u>NAME OF OPERATOR</u>	<u>OPERATOR'S ADDRESS/PHONE NUMBER</u>	<u>PROPOSED ACTIVITY</u>
<i>Peter Minor</i>	<i>Stone Harbor Yacht Club Mgr.</i>	<i>Breakfast Buffet</i>

**Food Festival Events – Cape May County Department of Health**

All food vendors are subject to regulation in Chapter XII N.J.A.C. 8:24-8 and 9 in order to operate. The filing fee for a Food Festival Event is \$25.00 and must be filed with the County Health Department at least fourteen (14) days before the event involving five (5) or fewer booths and thirty (30) days prior to an event involving more than five (5) booths. Applications are on file in the Borough Clerk's Office.

**Open Flame – Barbeque – Permit Fees**

The Uniform Fire Code States: Permits shall be required and obtained from the local enforcing agency for activities pursuant to N.J.A.C. 5:70-2.7(a). Applications for a permit are on file in the Borough Clerk's Office.

**PLEASE LIST ANY SPECIAL REQUEST YOU WOULD NEED FOR YOUR EVENT (Example: Police, Rescue Squad, Use of Standard Electric, Bathrooms, etc.):**

*Consistent with previous Municipal Support of  
Event history w/ support from Borough Police,  
Public Worker, Rescue Squad, etc.*

**Section 275-2 Regulations**

- A. No special event shall be held on public lands pursuant to this article without the approval of the governing body.
- B. No special event shall be held on public lands pursuant to this article until a special events permit has been issued by the Borough Clerk.
- C. No alcoholic beverages shall be sold or distributed on the public lands pursuant to this article.
- D. The applicant for a special events permit shall provide liability insurance in the amount of \$1,000,000.00, which covers the special event. The Borough of Stone Harbor shall be named as an additional insured under the policy of insurance. Proof of said insurance shall be filed with the Borough Clerk before the permits are issued. The governing body may lower or waive the insurance requirement by resolution approving the special event when the liability risks are minimal for the type of special event approved.
- E. The applicant must execute an indemnification agreement with the Borough of Stone Harbor which agrees to indemnify and save the Borough harmless from all liability related to the special event. The form of agreement is attached to this Application.
- F. The permittee shall comply with these regulations, all conditions imposed, and all applicable state and local laws and regulations.
- I. Except as otherwise provided herein, all persons shall comply with all applicable ordinances regulating the use of public lands including those regulations contained in Chapter 275 of the Code of the Borough of Stone Harbor.

**NOTICE TO APPLICANT'S SPONSORING**  
**SPECIAL EVENTS ON PUBLIC LANDS**

The completed Special Event Permit on Public Lands Application **Must** be received by the Borough Clerk's Office 60 days Prior to the Special Event.

Application will not be approved unless the following documentation is attached:

An Appropriate Certificate of Liability Insurance naming the Borough of Stone Harbor as Additionally Insured must be submitted from the Sponsor of the Special Event as follows in the amount as indicated below:

**Non-Alcohol Events**

\$ 1,000,000.00

The vendor application must include all the required documentation attached (written consent from Sponsor, State of New Jersey Tax Sale Certificate, Board of Health Certificate, copy of driver's license, copy of vehicle registration, etc.). In addition, each vendor must provide a Certificate of Liability Insurance naming the Borough of Stone Harbor as Additionally Insured in the amount as indicated above.

**INDEMNITY CLAUSE**  
**(Hold Harmless Agreement)**

To the fullest extent permitted by law, Stone Harbor Twp agrees to defend,  
(Name of Facility User)

pay on behalf of, indemnify, and hold harmless the Borough of Stone Harbor, its elected and appointed officials, its agents, employees and volunteers and others working on behalf of the Borough of Stone Harbor against any and all claims, demands, suits, or loss, including all costs connected therewith, and for any damages which may be asserted, claimed or recovered against or from the Borough of Stone Harbor, its elected and appointed officials, its agents, employees, volunteers or others working on behalf of the Borough of Stone Harbor, by reason of personal injury, including bodily injury or death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with the use of

the streets, sidewalk or bay waters of  
the Borough of Stone Harbor, NJ

SIGNATURE OF APPLICANT:

Robert [Signature]  
Signature

4/20/12  
Date

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

**ORDINANCE NO. 1402**

**AN ORDINANCE AMENDING CHAPTER 560 OF THE REVISED GENERAL  
ORDINANCES OF THE BOROUGH OF STONE HARBOR AND  
REGULATING WATERFRONT OUTDOOR DINING**

WHEREAS, the Borough of Stone Harbor (the "Borough") currently permits outdoor dining as a conditional use in the Borough's Business District and Waterfront Business District pursuant to Chapter 560 of the Borough's zoning ordinance (the "Zoning Ordinance"); and

WHEREAS, the Business District and Waterfront Business District include areas adjacent to the Shelter Haven Basin; and

WHEREAS, the Stone Harbor Master Plan adopted June 22, 2009 (the "Master Plan") provides "[the] Shelter Haven Basin is an underutilized scenic and recreational resource that can provide a unique environment for shopping, dining, and both passive and active recreation"; and

WHEREAS, the Stone Harbor Planning Board (the "Board") has determined that the Zoning Ordinance should be revised in order to promote the Shelter Haven Basin as a dining destination; and

WHEREAS, the Board has recommended revisions to the Zoning Ordinance as set forth below and has determined the implementation of those revisions is consistent with the Borough Master Plan and will promote the general welfare of the Borough and its residents; and

WHEREAS, the Borough Council desires to adopt and implement the recommendations of the Board, as set forth below.

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

**Section 1.** Section 560-18(C)(1) is amended as follows (insertions are underlined, deletions are ~~stricken~~):

(i) Bulkhead setback. With regard to bulkhead setbacks in general, refer to Section 560-38B. With regard to properties on back bay waters and lagoons, tables, and chairs ~~and umbrellas~~ used in connection with outdoor dining may be located up to the actual, physical bulkhead.

(j) Umbrellas and retractable awnings. Umbrellas and retractable awnings may be utilized in conjunction with outdoor dining areas adjacent to back bay waters and lagoons without the need for site plan review; provided that (i) umbrellas and retractable awnings shall be located within approved outdoor dining areas only; (ii) retractable awnings shall be made of fabric over a rigid frame; (iii) retractable awnings (including their supporting poles, stanchions and other means of support) shall be fully retracted during all times the outdoor dining area is not in use; (iv) no signage shall be permitted on umbrellas or retractable awnings; (v) retractable awnings shall not be enclosed with screens, curtains or other materials; (vi) retractable awnings shall maintain a minimum height (ground clearance) of seven (7') feet.

**Section 2.** Section 560-19(E)(1) is amended as follows (insertions are underlined, deletions are ~~stricken~~):

(i) Bulkhead setback. With regard to bulkhead setbacks in general, refer to Section 560-38B. With regard to properties on back bay waters and lagoons, tables, ~~and chairs and umbrellas~~ used in connection with outdoor dining may be located up to the actual, physical bulkhead.

(j) Umbrellas and retractable awnings. Umbrellas and retractable awnings may be utilized in conjunction with outdoor dining areas adjacent to back bay waters and lagoons without the need for site plan review; provided that (i) umbrellas and retractable awnings shall be located within approved outdoor dining areas only; (ii) retractable awnings shall be made of fabric over a rigid frame; (iii) retractable awnings (including their supporting poles, stanchions and other means of support) shall be fully retracted during all times the outdoor dining area is not in use; (iv) no signage shall be permitted on umbrellas or retractable awnings; (v) retractable awnings shall not be enclosed with screens, curtains or other materials; (vi) retractable awnings shall maintain a minimum height (ground clearance) of seven (7') feet.

**Section 3.** 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 4.** All Ordinances or parts of Ordinances inconsistent with this Ordinance, to the extent of such inconsistencies only, be and the same are hereby repealed.

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

APPROVED:

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

ATTEST:

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

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

**ORDINANCE NO. 1403**

**AN ORDINANCE AMENDING CHAPTER 560-16 OF THE REVISED GENERAL  
ORDINANCES OF THE BOROUGH OF STONE HARBOR  
REGULATING THE RESIDENTIAL C ZONING DISTRICT**

WHEREAS, Chapter 560-16 of the Borough's zoning ordinance (the "Zoning Ordinance") regulates development in the Residential C Zoning District (the "C-Zone") of the Borough of Stone Harbor (the "Borough"); and

WHEREAS, the C-Zone currently requires minimum lot area of 5,500 square feet and minimum lot frontage of 50 feet for a single family residence; and

WHEREAS, many lawfully existing lots located in the C-Zone do not meet the minimum lot area and frontage requirements for the zone, which lots may not be developed without variance relief from the Stone Harbor Zoning Board of Adjustment (the "Zoning Board"); and

WHEREAS, lawfully existing undersized lots often necessitate the granting of hardship variance relief from lot area and lot frontage requirements by the Zoning Board, such that the grant of those variances in the C-Zone have become routine; and

WHEREAS, the Stone Harbor Planning Board (the "Board") has recommended revisions to the Zoning Ordinance as set forth below and has determined the implementation of those revisions is consistent with the Borough Master Plan and will promote the general welfare of the Borough and its residents; and

WHEREAS, the Borough Council desires to adopt and implement the recommendations of the Board, as set forth below.

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

**Section 1.** A new Section 560-16(D)(3) is hereby adopted as follows:

(3) A single family dwelling may be constructed upon a lawfully existing isolated undersized lot without variance relief from the minimum lot area and lot frontage requirements in Section 560-16(B)(1); provided the lot shall have minimum lot area of two-thousand two hundred square feet (2,200 ft<sup>2</sup>) OR minimum lot frontage of forty feet (40').

**Section 3.** 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 4.** All Ordinances or parts of Ordinances inconsistent with this Ordinance, to the extent of such inconsistencies only, be and the same are hereby repealed.

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

APPROVED:

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

ATTEST:

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

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

**ORDINANCE NO.**

**AN ORDINANCE AMENDING CHAPTER 520  
OF THE REVISED GENERAL ORDINANCES  
OF THE BOROUGH OF STONE HARBOR 2005  
(ADDING TWO HANDICAPPED PARKING SPACES )**

**Section 1.** Chapter 520-29 (A) is hereby amended as follows:

[add the following language to the schedule of handicapped parking spaces ]

“Second Avenue American Legion Home 11617 Second Avenue	2 spaces, west side, beginning 87 feet north of 117 <sup>th</sup> northwest corner and extending 28 feet north thereof
--	--

**Section 3.** 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 4.** All Ordinances or parts of Ordinances inconsistent with this Ordinance, to the extent of such inconsistencies only, be and the same are hereby repealed.

**Section 5.** This Ordinance shall take effect immediately upon publication as provided by law.

# BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

## RESOLUTION

WHEREAS, Ray Verity Masonry LLC of 110 E. Woodland, Cape May Court House, N.J. 08210 submitted \$640.000 for Performance and Maintenance Surety for sidewalk replacement at 123 – 101<sup>st</sup> Street, Block 101.02, Lot 40.02, Stone Harbor

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

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

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

1. That the sum of \$ 640.00 be refunded to Ray Verity Masonry LLC.
2. That the Chief Financial Officer shall take any and all steps necessary to effectuate such refunds and shall make the proper adjustments to the financial records of the Borough.

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 ....., 2012

.....  
Borough Clerk

The above resolution approved this ..... day of....., 2012

.....  
Mayor

# BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

## RESOLUTION

WHEREAS, Samples Construction LLC of 22 Dartmouth Lane, Haverford, Pa. 19041 submitted \$ 500.000 for Drainage Plan Review for a property located at 161 – 89<sup>th</sup> Street Block 89.02, Lots 52, 54 and 56; and

WHEREAS, \$ 465.00 of the fee was used for Engineering Fees, leaving a balance of \$35.00, and

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

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

1. That the sum of \$ 35.00 be refunded to Samples Construction LLC.
2. That the Chief Financial Officer shall take any and all steps necessary to effectuate such refunds and shall make the proper adjustments to the financial records of the Borough.

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 ....., 2012

.....  
Borough Clerk

The above resolution approved this ..... day of....., 2012

.....  
Mayor

# BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

## RESOLUTION

WHEREAS, Mary Attick of 31 Edge Trail, Sugarloaf, Pa 18249 send a check in the amount of \$84.00 for 4 - 2012 pre-season beach tags ; and

WHEREAS, Ms Attick has since sold her property at 245 – 100<sup>th</sup> Street, Rear Unit and will not be using the tags; and

WHEREAS, a request for a refund was received before the June 30, deadline, according to Resolution 72 of 1979 and it has been requested and approved by the CFO;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Stone Harbor, in the County of Cape May that \$ 84.00 be refunded to Mary Attick and that the proper officers 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 the .....day of ....., 2012

.....  
Borough Clerk

The above resolution approved this ..... day of....., 2012

.....  
Mayor

**BOROUGH OF STONE HARBOR**

CAPE MAY COUNTY, NEW JERSEY

**RESOLUTION**

**WHEREAS**, the Borough of Stone Harbor is currently under contract with Asphalt Paving Systems, Inc. for the 2010 New Jersey Environmental Infrastructure Trust (NJEIT) Program for Sanitary Sewer and Water Main Replacement Project; and

**WHEREAS**, it is the recommendation of the Borough's Engineer, Remington, Vernick & Walberg Engineers, to authorize Change Order No. 3 (Final) – as built adjustment (copy attached hereto and made a part hereof by reference); and

**WHEREAS**, Change Order No. 3 will result in a \$60,461.51 decrease to the contract to the amended contract amount of \$2,138,435.72 for a new contract price of \$2,077,974.21; and

**NOW, THEREFORE, BE IT RESOLVED**, this 15<sup>th</sup> day of May, 2012 by the Borough Council of the Borough of Stone Harbor, in the County of Cape May, and the State of New Jersey, that the preamble of this Resolution is hereby incorporated by reference and that the aforementioned Change Order No. 3 be and hereby is authorized;

**BE IT FURTHER RESOLVED** that the Mayor and the Borough Clerk be and hereby are authorized to execute Change Order No. 3 in the amount of \$60,461.51 decrease for total amended contract of \$2,077,974.21.

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 ....., 2012

.....  
Borough Clerk

The above resolution approved this ..... day of....., 2012

.....  
Mayor

# REMINGTON & VERNICK ENGINEERS AND AFFILIATES

EDWARD VERNICK, PE, CME, President  
CRAIG F. REMINGTON, PLS, PP, Vice President

EXECUTIVE VICE PRESIDENTS  
Michael D. Vena, PE, PP, CME (deceased 2006)  
Edward J. Walberg, PE, PP, CME  
Thomas F. Beach, PE, CME  
Richard G. Arango, PE, CME

**DIRECTOR OF OPERATIONS  
CORPORATE SECRETARY**  
Bradley A. Blubaugh, BA, MPA

**SENIOR ASSOCIATES**  
John J. Cantwell, PE, PP, CME  
Alan Dittenhofer, PE, PP, CME  
Frank J. Seney, Jr., PE, PP, CME  
Terence Vogt, PE, PP, CME  
Dennis K. Yoder, PE, PP, CME, LEED  
Charles E. Adamson, PLS, AET  
Kim Wendell Bibbs, PE, CME  
Marc DeBlasio, PE, PP, CME  
Leonard A. Faiola, PE, CME  
Christopher J. Fazio, PE, CME  
Kenneth C. Ressler, PE, CME  
Gregory J. Sullivan, PE, PP, CME  
Richard B. Czekanski, PE, CME, BCEE

**Remington & Vernick Engineers**  
232 Kings Highway East  
Haddonfield, NJ 08033  
(856) 795-9595  
(856) 795-1882 (fax)

**Remington, Vernick  
& Vena Engineers**  
9 Allen Street  
Tomis River, NJ 08753  
(732) 286-9220  
(732) 505-8416 (fax)

3 Jocama Boulevard, Suite 300-400  
Old Bridge, NJ 08857  
(732) 955-8000  
(732) 591-2815 (fax)

**Remington, Vernick  
& Walberg Engineers**  
845 North Main Street  
Pleasantville, NJ 08232  
(609) 645-7110  
(609) 645-7076 (fax)

4907 New Jersey Avenue  
Wildwood City, NJ 08260  
(609) 522-5150  
(609) 522-5313 (fax)

**Remington, Vernick  
& Beach Engineers**  
922 Fayette Street  
Conshohocken, PA 19428  
(610) 940-1050  
(610) 940-1161 (fax)

5010 East Trindle Road, Suite 203  
Mechanicsburg, PA 17050  
(717) 766-1775  
(717) 766-0232 (fax)

U.S. Steel Tower  
600 Grant Street, Suite 1251  
Pittsburgh, PA 15219  
(412) 263-2200  
(412) 263-2210 (fax)

Univ. Office Plaza, Bellevue Building  
262 Chapman Road, Suite 105  
Newark, DE 19702  
(302) 266-0212  
(302) 266-6208 (fax)

**Remington, Vernick  
& Arango Engineers**  
The Presidential Center  
Lincoln Building, Suite 600  
101 Route 130  
Cinnaminson, NJ 08077  
(856) 303-1245  
(856) 303-1249 (fax)

300 Penhorn Avenue, 3rd Floor  
Secaucus, NJ 07098  
(201) 624-2137  
(201) 624-2136 (fax)

May 9, 2012

Ms. Suzanne Stanford, Clerk  
Borough of Stone Harbor  
9508 Second Avenue  
Stone Harbor, New Jersey 08247

**Re: Borough of Stone Harbor, Cape May County  
2010 New Jersey Environmental Infrastructure Trust (NJEIT) Program  
Combined Sanitary Sewer and Water Main In-Kind Replacement Project  
87<sup>th</sup> Street, 90<sup>th</sup> Street, 98<sup>th</sup> Street/Corinthian Drive/Sunset Drive, 107<sup>th</sup>  
Street, 117<sup>th</sup> Street, Pennsylvania Avenue  
NJDEP Project Nos. S340722-03 and 05100001-0004  
Change Order #3-Final  
Our File #: 05-10-U-035**

Dear Ms. Stanford:

Enclosed please find four (4) executed originals of **CHANGE ORDER NO. 3-Final** and **CONTRACT MODIFICATION PROPOSAL AND ACCEPTANCE NO. 3-Final** regarding the above referenced project for your review and approval. Upon execution, please return three (3) original signed copies to our Wildwood office for distribution.

Please note that this change order reflects the following items:

1. As-built quantity adjustments.

Please note that this change order will result in a decrease of \$60,461.51 to the amended contract amount of \$2,138,435.72 for a new contract price of \$2,077,974.21.

Should you have any questions or need further information, please contact me at our Wildwood office.

Very truly yours,  
**REMINGTON, VERNICK AND WALBERG ENGINEERS**

  
Marc A. DeBlasio, P.E., P.P., C.M.E.

MD:eb

Enclosure(s)

cc: Jill Gougher, Administrator (via email)  
Michael Donohue, Borough Solicitor (w/encl.)  
Asphalt Paving Systems, Inc. (w/encl.)  
Contract Administrator, (w/encl.)  
Russ Fetty, (w/encl.)

S:\Stone Harbor\05-10-U-035 FY2010 NJEIT Applications\Contract Administration\0510U035 12May9 CO3-Final cvr.doc

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**BOROUGH OF STONE HARBOR**

CAPE MAY COUNTY, NEW JERSEY

**RESOLUTION**

**THIS RESOLUTION AMENDS RESOLUTION 2012-S-82 PASSED ON APRIL 17,  
2012**

**WHEREAS**, the Borough of Stone Harbor is currently under contract with Asphalt Paving Systems, Inc. for the 2012 New Jersey Environmental Infrastructure Trust (NJEIT) Program for Sanitary Sewer, Water Main, Storm Drainage and Beach Outfall Improvements Project; and

**WHEREAS**, it is the recommendation of the Borough’s Engineer, Remington, Vernick & Walberg Engineers, to authorize Change Order No. 1—adjustmen for as-built quantities and installation of helical piles to stabilize the soil area adjacent to the Third Avenue/Bay Outfall storm sewer easement (copy attached hereto and made a part hereof by reference); and

**WHEREAS**, Change Order No. 1 will result in a \$18,319.00 decrease to the original contract amount of \$3,367,000.00 for an amended contract price of \$3,348,681.00; and

**NOW, THEREFORE, BE IT RESOLVED**, this 15<sup>th</sup> day of May, 2012 by the Borough Council of the Borough of Stone Harbor, in the County of Cape May, and the State of New Jersey, that the preamble of this Resolution is hereby incorporated by reference and that the aforementioned Change Order No. 1 be and hereby is authorized;

**BE IT FURTHER RESOLVED** that the Mayor and the Borough Clerk be and hereby are authorized to execute Change Order No. 1 in the amount of \$18,319.00 decrease for total amended contract of \$3,348,681.00.

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

The above resolution was duly adopted by the Borough Council of the Borough of Stone Harbor, New Jersey, at a meeting of said Council duly held on the .....day of ....., 2012

.....  
Borough Clerk

The above resolution approved this ..... day of....., 2012

.....  
Mayor

# REMINGTON & VERNICK ENGINEERS AND AFFILIATES

EDWARD VERNICK, PE, CME, President  
CRAIG F. REMINGTON, PLS, PP, Vice President

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Frank J. Seney, Jr., PE, PP, CME  
Terence Vogt, PE, PP, CME  
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May 9, 2012

Ms. Suzanne Stanford, Clerk  
Borough of Stone Harbor  
9508 Second Avenue  
Stone Harbor, New Jersey 08247

**Re: Borough of Stone Harbor, Cape May County  
2012 New Jersey Environmental Infrastructure Trust (NJEIT) Program  
Sanitary Sewer, Water Main, Storm Drainage & Beach Outfall Improvements  
Project – Phase 2  
Our File #: 05-10-U-040**

Dear Ms. Stanford:

Enclosed please find four (4) executed originals of **CHANGE ORDER NO. 1** and **CONTRACT MODIFICATION PROPOSAL AND ACCEPTANCE NO.1** regarding the above referenced project for your review and approval. Upon execution, please return three (3) original signed copies to our Wildwood office for distribution.

Please note that this change order reflects the following items:

1. Adjustment for as-built quantities and installation of helical piles to stabilize the soil area adjacent to the Third Avenue/Bay Outfall storm sewer easement.

Please note that this change order will result in a decrease of \$18,319.00 to the original contract amount of \$3,367,000.00 for an amended contract price of \$3,348,681.00.

Should you have any questions or need further information, please contact me at our Wildwood office.

Very truly yours,  
**REMINGTON, VERNICK AND WALBERG ENGINEERS**



Marc A. DeBlasio, P.E., P.P., C.M.E.

MD:eb

Enclosure(s)

cc: Councilwoman Karen Lane, Utilities Committee (via email)  
Councilwoman Joan Kramar, Public Works Committee (via email)  
Jill Gougher, Borough Administrator (w/encl.)  
Michael Donohue, Borough Solicitor (w/encl.)  
Asphalt Paving Systems, Inc. (w/encl.)  
Contract Administrator, (w/encl.)  
Russ Fetty, (w/encl.)

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**BOROUGH OF STONE HARBOR**

CAPE MAY COUNTY, NEW JERSEY

**RESOLUTION**

**A Resolution Authorizing the Approval of the Establishment of a Flexible Benefits Plan to Provide Employees with Certain Benefits, Including But Not Limited to, a Code Section 125 Plan to Provide for Pre-tax Treatment of Medical Payments Made Pursuant to P.L. 2010, c. 2 and P.L. 2011, c. 78**

**WHEREAS**, the Borough of Stone Harbor has an established cafeteria medical plan through AFLAC since March 6, 2001; and

**WHEREAS**, the Borough of Stone Harbor received a proposal from AFLAC to provide a "Flex One Plan" (i.e. flexible medical benefits spending plan) in order to augment and supplement the aforesaid cafeteria medical plan, as further required by P.L. 2011, c. 78; and

**WHEREAS**, the purpose of the alternative cafeteria medical plan was to provide eligible employees with the opportunity to choose from among the fringe benefits available under the Plan, which are substantially similar to, equal, or better than the current State Health Benefits Plan (SHBP) options; and

**WHEREAS**, the Plan qualifies as a cafeteria plan under the provisions of Code Section 125; and

**WHEREAS**, the Borough of Stone Harbor desires to authorize and approve the establishment of the AFLAC Flex One Plan with an effective date of January 1, 2012, for its eligible employees for the purpose of providing eligible employees a choice between specified benefits described in the Plan's information summary which includes, but is not limited to, allowing for pre-tax treatment of authorized medical payments made pursuant to P.L. 2010, c. 2 and 2011, c. 78.

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

1. The Borough of Stone Harbor hereby resolves to authorize and approve the Borough's enrollment in AFLAC's Flex One Plan, a flexible benefits spending plan effective January 1, 2012 .
2. The Borough understands that the Plan provides eligible employees a choice between specified medical benefits, described in the Plan's information summary – which plan has been supplemented and augmented to include a flexible medical benefits spending plan ("AFLAC Flex One Plan) for pre-tax treatment of authorized medical payments made pursuant to P.L. 2010, c. 2 and P.L. 2011, c. 78.
3. The Borough understands that the Medical Care Expense Reimbursement shall not exceed \$2,500.00 per Plan Year.
4. The Borough understands that a Code Section 125 plan is required under P.L. 2011, c. 78 and, with the establishment of Flex One Plan through AFLAC as a supplement to the alternative cafeteria medical plan, is now fully compliant with said public law.

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 ....., 2012

.....  
Borough Clerk

The above resolution approved this ..... day of....., 2012

.....  
Mayor

# BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

## RESOLUTION

2012-S-

**WHEREAS**, it is the policy of the Borough of Stone Harbor to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,) (the New Jersey Attorney General's guidelines with respect to Police Department personnel matters,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

**WHEREAS**, the Borough of Stone Harbor Council has determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

**NOW, THEREBY, BE IT RESOLVED** by the Borough of Stone Harbor Council that the Personnel Policies and Procedures Manual attached hereto (**Synopsis of Changes**) is hereby adopted.

**BE IT FURTHER RESOLVED** that these personnel policies and procedures shall apply to all the Borough of Stone Harbor officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

**BE IT FURTHER RESOLVED** that this manual is intended to provide guidelines covering public service by the Borough of Stone Harbor employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Borough of Stone Harbor Council.

**BE IT FURTHER RESOLVED** that to the maximum extent permitted by law, employment practices for the Borough of Stone Harbor shall operate under the legal doctrine known as "employment at will."

**BE IT FURTHER RESOLVED** that Lawrence Pepper, Esquire is hereby appointed as Employment Attorney to advise the Borough of Stone Harbor in personnel matters.

**BE IT FURTHER RESOLVED** that the Borough Administrator and all managerial/supervisory personnel are responsible for these employment practices. The Borough Administrator and the Lawrence Pepper, Esquire shall assist the Borough of Stone Harbor in the implementation of the policies and procedures in this manual.

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

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 15<sup>th</sup> day of May, 2012.

.....  
Suzanne Stanford, Borough Clerk

The above resolution approved this 15<sup>th</sup> day of May, 2012.

.....  
Suzanne M. Walters, Mayor

## **Synopsis of Changes to**

### **Municipal Excess Liability Joint Insurance Fund MODEL PERSONNEL POLICIES AND PROCEDURES MANUAL**

1. Americans with Disabilities Act Policy: Policy language has been replaced in its entirety to address revisions in the law.
2. E-Mail, Voice Mail, Computer and Internet Usage Policy: Language replaced in its entirety to address expanding issues raised with evolving technology.
3. Annual Vacation Time – added permanent part-time employees working 25 hours or more a week will earn vacation leave and vacation and personal leave time may be taken in one hour increments.
4. Access to Personnel Records. Language replaced in its entirety.
5. Flexibility Spending Account - Heading added to ensure that members address new requirement to address flexibility spending accounts.

## 11.0 AMERICANS WITH DISABILITIES ACT (ADA)

### 11.1 AMERICANS WITH DISABILITIES ACT (ADA)

~~Intent: To state and define procedures for compliance with the Americans With Disabilities Act of 1990 (ADA).~~

~~Policy: It is the policy of the Borough to comply with all Federal and State laws prohibiting job discrimination in employment against a qualified individual with a disability, because of that disability, all a more particularly described in Title I and Title II of the ADA.~~

Comment [LS1]: Deleted 5-2012

~~In compliance with the Americans with Disabilities Act and the New Jersey Law Against Discrimination, the Borough of Stone Harbor does not discriminate based on disability. The Borough will endeavor to make every work environment handicap accessible and all future construction and renovation of facilities will be in accordance with applicable barrier-free Federal and State regulations and the Americans with Disabilities Act Accessibility Guidelines.~~

~~It is the policy of the Borough to comply with all relevant and applicable provisions of the Americans with Disabilities Act and the New Jersey Law Against Discrimination. We will not discriminate against any qualified employee or job applicant with respect to any terms, conditions, or privileges of employment on the basis of a known disability. We will also make reasonable accommodations to known physical or mental limitations of all employees and applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose under hardship on the Borough.~~

Comment [LS2]: Deleted 5-2012

~~The Borough Administrator shall engage in initiate an interactive dialogue with disabled employees and prospective employees to identify reasonable accommodations. All decisions with regard to reasonable accommodation shall be made by the Borough Administrator. Employees who are assigned to a new position as a reasonable accommodation will receive the salary for their new position. The Americans with Disabilities Act does not require the Borough to offer permanent "light duty", relocate essential job functions, or provide personal use items such as eyeglasses, hearing aids, wheelchairs, etc.~~

**In compliance with the Americans with Disabilities Act, the ADA Amendments Act and the New Jersey Law Against Discrimination, the Borough of Stone Harbor does not discriminate based on disability. The Borough of Stone Harbor will endeavor to make every work environment handicap assessable and all future construction and renovation of facilities will be in accordance with applicable barrier-free Federal and State regulations and the Americans with Disabilities Act Accessibility Guidelines, as well as the ADA Amendments Act.**

**It is the policy of the Borough of Stone Harbor to comply with all relevant and applicable provisions of the Americans with Disabilities Act, the ADA Amendments Act and the New Jersey Law Against Discrimination. We will not discriminate against any employee or job applicant with respect to any terms, conditions, or privileges of employment on the basis of a known or perceived disability. We will also make reasonable accommodations to known physical or mental limitations of all employees and applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential functions of the job and**

Comment [LS3]: Added 5-2012

also provided that the accommodation does not impose undue hardship on the Borough of Stone Harbor.

The Borough Administrator shall engage in an interactive dialogue with disabled employees and prospective employees to identify reasonable accommodations. All decisions with regard to reasonable accommodations shall be made by the Borough Administrator. Employees who are assigned to a new position as a reasonable accommodation will receive the salary for their new position. The Americans with Disabilities Act does not require the Borough of Stone Harbor to offer permanent "light duty", relocate essential job functions, or provide personal use items such as eyeglasses, hearing aids, wheelchairs, etc.

Comment [LS4]: Added 5-2012

Employees should also offer assistance, to the extent possible, to any member of the public who requests or needs an accommodation when visiting the Borough of Stone Harbor facilities. Any questions concerning proper assistance should be directed to the Borough Administrator.

Notes:

1. A "qualified individual with a disability" is defined by the statute as "an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires".
2. Disabled as defined under the ADA is an individual with a disability as follows:
  - a. A physical or mental impairment that substantially limits one or more major life activities.
  - b. A record of such an impairment.
  - c. A person regarded as having such an impairment.
3. Factors to be considered in determining whether a person's impairment substantially limits a major life activity:
  - a. Nature and severity
  - b. How long it will last, or is expected to last.
  - c. Permanent or long term impact.
4. The determination of a "qualified individual with a disability" will be based upon the ability to perform the essential functions of the job with or without reasonable accommodation, to be considered in relation to any direct threat of harm to the employee or others.
5. Factors to be considered in determining whether an accommodation is reasonable shall include but not be limited to:
  - a. Education, work experience, training, skills, licenses, certificates; job related requirements such as good judgment, job descriptions, and ability to work with others.
  - b. Whether the accommodation is necessary to permit the person with a disability

- a. When answering the telephone, give the name of the Department and the identity of the speaker.
- b. If the person with whom the caller wishes to speak is on another line, ask the caller if he or she desires to be placed on hold.
- c. If a caller has been placed on hold, offer to have the call returned if the person with whom he or she wishes to speak is not available within a reasonable time.
- d. When a caller leaves a name, number, or message make sure it is recorded correctly and given to the individual.
- e. When using the telephone, all employees should take and place their own calls except for those employees whose calls are routinely received by a secretary, receptionist or switchboard operator.

#### 4.6 PERSONAL TELEPHONE CALLS, MAIL, INTERNET ACCESS AND E-MAIL

~~Intent: To define policy governing use of Borough services and equipment for personal use, personal mail and telephone calls.~~

~~Policy: The Borough of Stone Harbor's E-mail, voice mail and the Internet are for official business and use for non-business purposes is prohibited. All E-Mail, voice mail and Internet messages are official documents, public records subject to possible disclosure to the public pursuant to the provisions of the Open the provisions of the Access to Public Records Act.~~

Comment [LS1]: Deleted 5-2012

~~The Borough of Stone Harbor reserves the right to monitor, obtain, review and disclose all E-Mail messages, computer files, voice mail and Internet messages on the computer and communications systems of the Borough as deemed necessary and appropriate. By using Borough E-Mail, computer systems, voice mail and the Internet, each user agrees that the Borough has unrestricted access and the right to disclose all information communicated or stored on the E-Mail, computer systems, voice mail and the Internet for any security, health, employment or other legitimate business reasons. Legitimate reasons also include systems maintenance, message routing, retrieval of business information, trouble shooting hardware and software problems, preventing system misuse, protecting confidential proprietary information, insuring compliance with software license policies and complying with legal and regulatory requests for information. E-Mail shall not be used to harass, torment or disparage another party. Offensive and harassing communications are unacceptable and prohibited.~~

~~It is the policy of the Borough that telephone, computers and mail facilities shall be available during working hours for effective business communication. The Borough's facilities should not be used for personal mail, Internet access or e-mail except in cases of emergency. Personal telephone calls are permitted when necessary, provided the calls are brief, not a toll call, kept to a minimum number and length, and do not diminish the employee's performance of his or her duties.~~

Comment [LS2]: Deleted 5-2012

~~Except in emergency situations or as part of their officially assigned or regular or permitted duties, employees are prohibited from taking any photographs, pictures, digital images, or audio recordings of any crime scenes, traffic crashes, arrestees, detainees, people, or job related incident or occurrence with any personal analog or digital device, camera, imaging device, audio recorder or cellular telephone. This section also applies in off duty scenarios regarding any law enforcement related activities. Any photographs, images, or recordings~~

~~taken with any personal device pursuant to or in violation of this section are considered evidence and are subject to applicable laws, code guideline or directive concerning storage release, and disposal. Employees who have recorded any photographs, images or recordings with any personal device shall notify their supervisor as soon as practical. For the purposes of this section, an "emergency situation" involves a sudden and unforeseen combination of circumstances or the resulting state that calls for immediate action, assistance or relief, and may include accidents, crimes and flight from accidents or crimes.~~

Comment [LS3]: Deleted 5-2012

~~Employees are prohibited from releasing or disclosing any photographs, pictures, digital images of any crime scenes, traffic crashes, arrests, detainees, people, or job related incident or occurrence taken with a personal or agency analog or digital device, camera or cellular phone to any person, entity, business or media or Internet outlet whether on or off duty without the express written permission of the Borough Administrator.~~

~~Employees that maintain personal web pages and web sites, including but not limited to Facebook, YouTube, Myspace, Twitter, etc., shall not post information on such sites that would constitute a violation of the personnel policies of the Borough of Stone Harbor if expressed or published using any other medium or in any other manner. The posting of words, phrases, photographs, images or any kind of information on a personal web site may be grounds for the imposition of disciplinary action against the employee if the words, phrases, photographs, images or information adversely reflects on the employee's fitness for duty or constitutes a violation of the personnel policies of the Borough of Stone Harbor.~~

Note:

- ~~1. Use of the Borough's telephone lines should be confined to business calls. Personal telephone calls should be limited to those that are absolutely necessary and should be brief. This restriction also applies to unnecessary inter-office personal calls.~~
- ~~2. Incoming personal calls for employees should be discouraged.~~
- ~~3. When an employee must make a personal long distance call, the call shall be charged to the employee's home number, or placed collect, or utilize a personal prepaid telephone debit card or personal credit card.~~
- ~~4. Employees shall not use the Borough's address to receive personal mail.~~
- ~~5. Borough stationery should not be used for personal correspondence as it might be considered an official communication.~~
- ~~6. Borough computers, cell phones or Internet access shall not be used for personal purposes.~~

Comment [LS4]: Deleted 5-2012

### TELEPHONE USAGE POLICY

The Borough of Stone Harbor's telephones are for official business and employees may make a personal call only to inform their family of unexpected overtime. Charges for all other personal calls must be reimbursed to the Borough of Stone Harbor. The use of hand-held cell phones while driving Borough of Stone Harbor vehicles or while driving on Borough of Stone Harbor business is prohibited.

Comment [LS5]: Added 5-2012

### SYSTEMS PRIVACY\*

( included E-Mail, Voice Mail, Computer and Internet Usage Policy):\*

The Borough of Stone Harbor respects the individual privacy of its employees. However, e-mail, voicemail, Internet, township issued cellular devices and computer network are for official business, and use for non-business purposes is prohibited. All e-mail, voice mail and Internet message are public records subject to possible disclosure to the public pursuant to the provisions of the Open Public Records Act.

a. Management's Right to Access Information

E-mail, voicemail and computer network systems have been installed by the Borough of Stone Harbor to facilitate business communications. The contents of the systems are accessible at all times by the Borough of Stone Harbor. These systems should be treated like other shared filing systems.

Comment [LS6]: Added 5-2012

E-mail and voicemail messages, to the extent these systems are utilized, are the Borough of Stone Harbor's records. The Borough of Stone Harbor reserves the right to monitor, obtain, review and disclose all e-mail messages, computer files, voice mail and Internet message on the computer and communications systems of the Borough of Stone Harbor as deemed necessary and appropriate and without prior notice. By using the Borough of Stone Harbor's e-mail, computer systems, voice mail and the Internet, each user agrees that the Borough of Stone Harbor has unrestricted access and the right to disclose all information communicated or stored on the e-mail computer systems, voice mail and the Internet.

b. Care In Use of E-Mail, Voicemail, Internet and Computer Network Systems

Employees must exercise a greater degree of caution in transmitting the Borough of Stone Harbor's confidential information on the e-mail, voicemail, Internet and computer network systems than they take with other means of communicating information, because of the ease with which such information can be redistributed and the public access to such information through the Open Public Records Act. Please make sure that all addressees are appropriate recipients of the information to be distributed, via e-mail, voicemail, Internet, text message or other electronic forms of communication, especially when distributing information to a list of recipients.

Except in emergency situations or as part of their officially assigned or regular or permitted duties, employees are prohibited from taking any photographs, pictures, digital images or audio recordings of any crime scenes, traffic crashes, arrestees, detainees, people or job related incident or occurrence with any personal analog or digital device, camera, imaging device, audio recorder or cellular telephone. This section also applies in off duty scenarios regarding any law enforcement related activities. Any photographs, images or recordings taken with any personal device pursuant to or in violation of this section are considered evidence and are subject to applicable laws, code guideline or directive concerning storage release and disposal. Employees who have recorded any photographs, images or recordings with any personal device shall notify their supervisor as soon as practical. For the purposes of this section, an "emergency situation" involves a sudden and unforeseen combination of circumstances or the resulting state that calls for immediate action, assistance or relief, and may include accidents,

Comment [LS7]: Added 5-2012

crimes and flights from accidents or crimes.

Employees are prohibited from releasing or disclosing any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job related incident or occurrence taken with a personal or agency analog or digital device, camera or cellular phone to any person, entity, business or media or Internet outlet whether on or off duty without the express written permission of the Borough Administrator.

c. Personal Use of E-Mail, Voicemail, Internet and Computer Network Systems

Because the Borough of Stone Harbor provides e-mail, voicemail, Internet, cell phones, and computer network systems to assist employees in performing their jobs, employees should use them for official business. The Borough of Stone Harbor reserves the right to access and disclose as necessary all messages sent over its systems, without regard to content.

Since the contents of e-mail and voicemail may be accessed by the Borough of Stone Harbor without prior notice to employees, and since the Borough of Stone Harbor can monitor employees' use of its computer network systems, employees should not use any of the systems to transmit any messages they would not want to disclose to a third party. Employees that maintain personal web pages and web sites, including but not limited to Facebook, YouTube, Myspace, Twitter, etc., shall not post information on such sites that would constitute a violation of the personnel policies of the Borough of Stone Harbor if expressed or published using any other medium or in any other manner. The posting of words, phrases, photographs, images or any kind of information on a personal web site may be grounds for the imposition of disciplinary action against the employee if the words, phrases, photographs, images or information adversely reflects on the employee's fitness for duty or constitutes a violation of the personnel policies of the Borough of Stone Harbor. Moreover, employees should not use these systems for soliciting or proselytizing others for commercial ventures, religious or personal causes, outside organizations or other similar, non-job-related solicitations.

Comment [LS8]: Added 5-2012

d. Forbidden Content of E-Mail, Voicemail, Internet and Computer Network Systems Communications

Employees may not use the e-mail, voicemail, Internet computer network systems, or Borough Issued Cell Phone or any other Borough issued electronic device in any way that may be seen as insulting, defamatory, obscene, harassing, disruptive, or offensive by other persons or as harmful to morale. Examples of forbidden transmissions or downloads include sexually-explicit messages; unwelcome propositions; ethnic or racial slurs; or any other message that can be construed to be harassment or disparaging to others based on their actual or perceived sex, sexual orientation, gender, gender identity, transgender, race color, national origin, citizenship status, ancestry, age, marital status, medical condition, mental or physical disability, veteran status, religious or political beliefs, or any other characteristic protected by federal, state, or local law, ordinance or regulation.

Comment [LS9]: Added 5-2012

**Violations of the Borough of Stone Harbor's policy of the use of e-mail, voicemail, Internet, complete network systems and Borough Issued Cell Phone or any other Borough issued electronic device will subject the employee to discipline, up to and including immediate termination.**

**e. Unauthorized Access**

**Employees are prohibited from the unauthorized use of the password(s) of other employees to gain access to another employee's messages in the e-mail, voicemail, Internet or computer network systems including but not limited to all secured access software that employees may have access to.**

Comment [LS10]: Added 5-2012

**4.7 BULLETIN BOARD POLICY:**

The bulletin boards located in the Borough administrative building and other facilities are intended for official notices regarding policies, procedures, meetings and special events. Only personnel authorized by the Borough Administrator may post, remove, or alter any notice.

**4.8 ACCEPTANCE OF GIFTS**

Intent: To define policy covering an employee accepting gifts, favors, or gratuities.

Policy: **It is the Policy of the Borough for an employee offered a gratuity to politely refrain from acceptance as per N.J.S.A. 40A: 9-22.5. The acceptance of alcoholic beverages and cash are strictly prohibited.**

Note:

1. During the course of Borough employment, individuals or businesses may present an employee with a gift or other valued consideration in connection with or related to the performance of normal, job related duties. Employees are required to politely refuse such presents or offers.
2. If any such offer is made, employees shall notify their supervisor and/or Department Head.
3. Gifts of a *de minimis* nature (less than \$5 of value) such as a calendar, pen, homemade cookies, etc. are acceptable to keep as long as the acceptance of such a gift does not influence the employee in the performance of their position or duties.

**4.9 DISCIPLINE**

Intent: To define policy governing normal disciplinary procedures.

Policy: **The Borough expects that all employees, including appointed officials, supervisors and department heads, will perform their respective duties and responsibilities conscientiously, efficiently, and in the best interest of the Borough and its citizens. Any such employee who refuses, fails, or neglects to do so or violates any of the laws of the State of New Jersey or of the United States, or ordinances of the Borough, or who violates any directive, established policy, code of conduct, rule or regulation, or standards of job performance shall be subject to disciplinary action.**

## 6.0 ABSENCES FROM WORK

### 6.1 HOLIDAYS

**Policy:** The policy of the Borough is to observe holidays during each calendar year. Employees covered by a Collective Bargaining Agreement should refer to their contract.

**Note:**

1. The following official holidays, with pay shall be observed by the Borough for all regular permanent employees who are not covered by a collective bargaining agreement.

January 1, known as New Year's Day.

Martin Luther King Day.

The third Monday in February, known as President's Day.

The day known as Good Friday.

The last Monday in May, known as Memorial Day.

July 4, known as Independence Day.

The first Monday in September, known as Labor Day.

The second Monday in October, known as Columbus Day.

November 11, known as Veteran's Day.

Thanksgiving Day

Friday following Thanksgiving Day

December 25, known as Christmas Day.

\*\*\**(Modified May 5, 2009 by Resolution 2009-S-103)*

2. If any of these holidays falls on a Saturday, it shall be observed on the preceding Friday. If any of these holidays falls on a Sunday, it shall be observed on the following Monday.
3. In the event that an official holiday is observed during an employee's vacation, he/she shall not have that day charged against vacation time. In the event that an official holiday is observed while an employee is on sick leave, he/she shall not have the holiday charged against sick leave.
4. Employees who the Borough requires to work on the actual holidays noted above, shall receive compensatory straight time for that holiday.
5. For personal days see Section 6.3.

### 6.2 ANNUAL VACATION

**Policy:** The Borough provides vacation leave for permanent employees based upon their years of continuous full-time service with the Borough and permanent part time employees working 25 hours or more a week. Vacation leave shall be credited at the beginning of each year in anticipation of full year employment. Vacation for employees covered by a Collective Bargaining Agreement is governed by their contract.

Comment [LS1]: Added 5-2012

**Note:**

1. Employees hired **after December 31, 1991:**
  - a. During initial year of employment: employees shall earn one vacation day for each full month of employment. These vacation days may be taken only after being earned.
  - b. In the following years: On January 1<sup>st</sup> through the fifth year of employment – Twelve

- (12) vacation days per year
  - c. Sixth through tenth year of employment – Seventeen (17) vacation days per year
  - d. Eleventh through twentieth year – Twenty (20) vacation days per year
  - e. Twenty-first year and over – thirty (30) vacation days per year
- 2. Employees hired **before December 31, 1991:**
  - a. Second year through tenth year of employment – Seventeen (17) vacation days per year
  - b. Eleventh through twentieth year – Twenty (20) vacation days per year
  - c. Twenty-first year and over – thirty (30) vacation days per year
- 3. After the first calendar year, vacation allowances shall be available on the first day of each year (January 1).
- 4. Annual vacation leave with pay is earned on a pro-rated basis based upon an employee's service with the Borough. The entire amount of vacation is available on January 1<sup>st</sup> because it is assumed an employee will work the entire year. If an employee leaves his/her employment with the Borough before the end of the calendar year for any reason, then the employee's vacation time shall be pro-rated based upon time actually worked. An employee shall reimburse the Borough for paid vacation days used in excess of his/her pro-rated earned entitlement. An employee who leaves Borough employment that has unused pro-rated earned vacation leave shall be paid for this time.
- 5. Upon the death of an employee, unused but earned vacation time shall be paid to the employee's estate.
- 6. No vacation leave may be cashed-in except as described in 4. and 5. above.
- 7. Vacation carry-over to the following year will be permitted for employees not covered by collective bargaining agreements. A maximum of 50% of vacation time for one year may be carried forward and all carry-over vacation time must be used by the end of the third quarter of the following year. *\*\*\*modified 1/16/2007 Resolution 2007-S-28*
- 8. Employees must submit vacation leave requests to their Department Head for approval. Department Heads shall submit their vacation leave requests to the Borough Administrator for approval. Vacation leave approvals will be determined by the scheduling needs of the department. Vacation scheduling and the granting of vacation leave shall not be allowed to disrupt the maintenance of proper and sufficient services as required. Department Heads shall endeavor to create a vacation schedule by April 1<sup>st</sup> each year. Vacation leave requests should be made as far in advance as possible. Requests for vacation time must be submitted for supervisory approval at least 72 hours prior to the proposed start of the vacation. In those cases where conflicts arise, the allocation of available vacation time shall be granted upon the seniority of service in the department before April 1<sup>st</sup>. All vacation approvals must be copied to the payroll department. **All approved vacations must be sent to the payroll department as soon as the request is approved.**
- 9. Vacation leave must be taken in one hour increments.

Comment [LS2]: Added 5-2012

10. Paid vacation shall not accrue during a leave of absence without pay.
11. An employee who exhausts all paid vacation leave in any one year shall not be credited with additional paid vacation leave until the beginning of the next calendar year.
12. Seasonal/temporary employees are not eligible to earn vacation leave.

### 6.3 PERSONAL DAYS

**Policy:** It is the policy of the Borough to afford full-time employees personal time in each calendar year for personal business, emergencies, and religious observances. Employees covered by Collective Bargaining Units should use their contract.

Note:

1. Effective in 2009, permanent, full-time employees are entitled to two (2) Personal Days each year. Effective in 2010 and thereafter, each permanent, full-time employee is entitled to three (3) Personal Days each year. *\*\*\* (Modified May 5, 2009 by Resolution 2009-S-103)*
2. Requests for Personal time must be approved in advance by the employee's Department Head. Personal time off must be taken in one hour increments. Normally 48 hours will be required for requesting personal time, except in cases of emergencies.
3. The Department Head shall not unreasonably deny the use of a personal day, but shall consider the needs of the Department in making a determination. Request for personal time may be denied due to a scheduling conflict. A scheduling conflict shall mean anytime the Borough would have to compensate someone at premium time to give the employee the time off.
4. Personal leave time may be taken in conjunction with other types of paid leave.
5. Personal days must be used in the year in which they are earned and may not be carried over into succeeding years.

Comment [LS3]: Added 5-2012

### 6.4 SICK LEAVE

**Policy:** It is the policy of the Borough to grant sick leave to an employee for an occasional absence due to illness, injury, exposure to a contagious disease or employee's medical appointment. The Borough has the responsibility and authority to determine that the employee's illness is incapacitating and that other reasons for which sick leave are granted are true. Employees covered by Collective Bargaining Agreements should consult their contract.

Note:

1. Sick leave with pay is one of your most valuable benefits. It is a form of insurance and should only be used when necessary. Sick leave protects you against loss of salary when you suffer an illness or injury severe enough to prevent you from working. It is a privilege provided by the Borough for you in the event of actual illness or injury.
2. Sick leave shall be used for the employee's personal illness or injury. The use of sick leave for the care of dependent children is allowed under this section. The borough reserves the right to verify the dependent child's illness by a doctor's note. The use of sick leave for the care of other family members is not allowed. The employee may be allowed to take time off under other

5. Training shall be
  - a. Of direct value to the Borough
  - b. Relevant to the trainee's duties

#### 9.19 PERSONNEL FILES

~~Intent: To set forth Borough policy concerning the maintenance and accessibility of employee personnel files.~~

~~Policy: It is the policy of the Borough to maintain a centralized and confidential record of vital information on each employee. The official personnel files shall be maintained by the Borough Administrator and employee medical information will be maintained in a separate file. At least annually, the Borough Administrator will review files to make sure they are up to date and will follow up with the Department Heads as necessary.~~

~~Note:~~

- ~~1. The Borough Administrator may maintain a separate official personnel file for each employee; and, except as may otherwise be required by law, (i.e. medical records under the Americans With Disabilities Act) all records of such employee concerning qualification, permanent status, and discipline history. Accumulated vacation and sick leave, leave time and the like shall be maintained in the Department of Finance's payroll files. Employee medical information will be maintained in a separate file. At least annually, the Borough Administrator will review files to make sure they are up to date and will follow up with the Department Heads as necessary.~~

Comment [LS1]: Deleted 5-2012

~~2. The Official file may include at least the following:~~

- ~~• The original application signed by the employee;~~
- ~~• Notes from any pre-employment interview and reference check;~~
- ~~• The original letter detailing an offer of employment and any additional correspondence concerning the employee's hiring;~~
- ~~• A signed acknowledgement that the employee received a copy of the Employee Complaint Policy letter;~~
- ~~• A signed acknowledgement that the employee has received the Employee Handbook;~~
- ~~• A signed acknowledgement that the employee received the safety orientation;~~
- ~~• Annual written performance evaluations including documentation that the evaluation was reviewed with the employee;~~
- ~~• Counseling Action Plans;~~
- ~~• Records relating to on-the-job accidents;~~
- ~~• Disciplinary actions including an acknowledgement that the employee was notified of the proposed disciplinary action and was given an opportunity to respond;~~
- ~~• Records relating to any other employment actions including promotions, demotions, transfers, resignations, leaves, etc.;~~
- ~~• Educational transcripts; and~~
- ~~• Any other pertinent information.~~

Comment [LS2]: Deleted 5-2012

~~3. Information contained in this file may be reviewed when an employee is considered for a promotion, transfer or salary increase.~~

~~4. Information favorable to an employee such as certificates of training or educational courses may be inserted into the file at the employee's or Department Head's request.~~

~~5. An employee is permitted to examine the contents of his or her file upon a written request to the Borough Administrator. Tests and results may be reviewed but are not eligible for copying. Employees are not entitled to make copies of all or a portion of their personnel files.~~

Comment [LS3]: Deleted 5-2012

~~6. Other uses and requests for information regarding employee personnel files are governed by Section 2.1 of this manual and applicable law.~~

~~7. The official personnel file for each employee shall be maintained by the Borough Administrator. Personnel files are confidential records that must be secured in a locked cabinet and will only be available to authorized managerial and supervisory personnel on a need-to-know basis. Records relating to any medical condition will be maintained in a separate file. Electronic personnel and medical records must be protected from unauthorized access. Any employee may review their file in the presence of the Borough Administrator upon reasonable notice.~~

#### Access to Personnel Files Policy:

The official personnel file for each employee shall be maintained by the Borough Administrator. Personnel files are confidential records that must be secured in a locked cabinet and will only be available to authorized managerial and supervisory personnel on a need-to-know basis. Records relating to any medical condition will be maintained in a separate file. Electronic personnel and medical records must be protected from unauthorized access.

Upon request, employees may inspect their own personnel files at a mutually agreeable time on

the Borough of Stone Harbor premises in the presence of the Borough Administrator or a designated supervisor. The employee will be entitled to see any records used to determine his or her qualification for employment, promotion or wage increases and any records used for disciplinary purposes. Employees may not remove any papers from the file. Employees will be allowed to have a copy of any document they have signed relating to their obtaining employment. Employees may add to the file their versions of any disputed item.

Comment [LS4]: Added 5-2012

Personnel files do not contain confidential employee medical information. Any such information that the Borough of Stone Harbor may obtain will be maintained in separate files and treated at all times as confidential information. Any such medical information may be disclosed under very limited circumstances in accordance with any applicable legal requirements.

The Borough of Stone Harbor endeavors to maintain the privacy of personnel records. There are limited circumstances in which the Borough of Stone Harbor will release information contained in personnel or medical records to persons outside the Borough of Stone Harbor. These circumstances include:

- In response to a valid subpoena, court order or order of an authorized administrative agency;
- To an authorized governmental agency as part of an investigation of the Borough of Stone Harbor's compliance with applicable law;
- To the Borough of Stone Harbor's agents and attorneys, when necessary;
- In a lawsuit, administrative proceeding, grievance or arbitration in which the employee and the Borough of Stone Harbor are parties;
- In a workers' compensation proceeding;
- To administer benefit plans;
- To an authorized health care provider;
- To first aid or safety personnel, when necessary; and
- To a potential future employer or other person requesting a verification of your employment as described in the following section titled, "Requests for Employment Verification and Reference Procedure."

Comment [LS5]: Added 5-2012

#### 9.20 CHANGING VITAL INFORMATION

**Policy:** It is the policy of the Borough to maintain current records based upon information supplied by the employee.

**Note:**

1. It is the responsibility of each employee to notify the Department of Finance of all changes in vital information.
2. Failure to report changes may adversely affect an employee's status and/or benefits.
3. Changes which require reporting
  - a. Name
  - b. Address and/or telephone number
  - c. Marital status
  - d. Dependents (new, attaining the age of 18, attending post-secondary school, reaching the age of 21)
  - e. Insurance beneficiary
  - f. Tax withholding information
  - g. Person to be notified in case of emergency
  - h. Health benefits
  - i. Pension

## 7.16 FLEXIBLE SPENDING ACCOUNT

RESOLUTION

**A resolution authorizing the approval of the establishment of a Flexible Benefits Plan to provide employees with certain benefits, including but not limited to, a Code Section 125 Plan to provide for pre-tax treatment of medical payments made pursuant to P.L. 2010, c. 2 and P.L. 2011, c. 78**

2001

WHEREAS, the Borough of Wildwood Crest has previously established – through AFLAC, and thereafter made available to eligible borough employees, a cafeteria medical plan effective June 1, 2011; and

WHEREAS, the Borough of Wildwood Crest received a proposal from AFLAC to provide a “Flex One Plan” (i.e. flexible medical benefits spending plan) in order to augment and supplement the aforesaid cafeteria medical plan, as further required by P.L. 2011, c. 78; and

WHEREAS, the purpose of the alternative cafeteria medical plan was to provide eligible employees with the opportunity to choose from among the fringe benefits available under the Plan, which are substantially similar to, equal, or better than the current State Health Benefits Plan (SHBP) options; and

WHEREAS, the Plan qualifies as a cafeteria plan under the provisions of Code Section 125; and

WHEREAS, the charges to be incurred by the Borough for the establishment of the Flex One Plan, which Plan is intended to augment and supplement the previously implemented cafeteria medical plan, shall not exceed the initial, \$350.00 set-up cost; and

WHEREAS, the Borough of Wildwood Crest desires to ratify and approve the establishment of the AFLAC Flex One Plan on the date of passage of this resolution, with an effective date of January 1, 2012, for its eligible employees for the purpose of providing eligible employees a choice between specified benefits described in the Plan’s information summary which includes, but is not limited to, allowing for pre-tax treatment of authorized medical payments made pursuant to P.L. 2010, c. 2 and 2011, c. 78.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Borough of Wildwood Crest, County of Cape May, State of New Jersey as follows:

1. The Borough of Wildwood Crest hereby resolves to authorize, ratify and approve the Borough’s enrollment in AFLAC’s Flex One Plan, a flexible benefits spending plan effective January 1, 2012 .
2. The Borough understands that the Plan provides eligible employees a choice between specified medical benefits, described in the Plan’s information summary – which plan has herewith been supplemented and augmented to include a flexible medical benefits spending plan (“AFLAC Flex One Plan) for pre-tax treatment of authorized medical payments made pursuant to P.L. 2010, c. 2 and P.L. 2011, c. 78.
3. The Borough understands that a Code Section 125 plan is required under P.L. 2011, c. 78 and, with the establishment of Flex One Plan through AFLAC as a supplement to the alternative cafeteria medical plan, is now fully compliant with said public law.

**BOROUGH OF STONE HARBOR**

CAPE MAY COUNTY, NEW JERSEY

**RESOLUTION**

**REFUND DUPLICATE TAX PAYMENT**

**WHEREAS**, duplicate tax payments were received from Corelogic Tax Servicing Agency and Shore Title Agency Inc., causing an overpayment on the May 2012 installment in the amount of \$1,762.48 on Block 94.03 Lot 108; and

**WHEREAS**, Shore Title Agency Inc., has requested that a refund be issued to them,

**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 \$1,762.48 be issued to Shore Title Agency Inc., 2699 Dune Drive, Avalon NJ 08202, Attn: Terri Grasso, Office Manager; and

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

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

The above resolution was duly adopted by the Borough Council of the Borough of Stone Harbor, New Jersey, at a meeting of said Council duly held on the .....day of ....., 2012

.....  
Borough Clerk

The above resolution approved this ..... day of....., 2012

.....  
Mayor

**REFUND OF DUPLICATE TAX PAYMENT**

**WHEREAS**, duplicate tax payments were received from Corelogic Tax Servicing Agency, and Michael & Norma Conley, causing an overpayment on Block 99.05 Lot 163.01; and

**WHEREAS**, Michael Conley has requested that a refund be issued to him,

**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 \$1,380.93 be issued to Michael & Norma Conley, 406 S. Narbeth Ave, Narbeth, PA., 19072; and

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

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

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 15<sup>th</sup> day of May, 2012.

.....  
Suzanne Stanford, Borough Clerk

The above resolution approved this 15<sup>th</sup> day of May, 2012.

.....  
Suzanne M. Walters, Mayor

# BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

## RESOLUTION

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, The Annual Report of Audit for the year 2011 has been filed by a Registered Municipal Accountant with the Borough Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and

WHEREAS, The Local Finance board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

- General Comments
- Recommendations

and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

- General Comments
- Recommendations

as evidenced by the group affidavit form of the governing body, and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board, and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgation of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Stone Harbor hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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 ....., 2012

.....  
Borough Clerk

The above resolution approved this ..... day of....., 2012

.....  
Mayor



**BOROUGH OF STONE HARBOR**  
**APPLICATION FOR SIGN/BANNER ON PUBLIC PROPERTY**

Applicant's Name Realty Owners Association  
c/o CHARLES B. TOMLINSON, JR.  
Address 269 106TH STREET, STONE HARBOR, N.J.  
Phone # 609-330-0422

Location of Signs/Banner over 96th STREET 2 Signs

Dates requested for Sign/Banner to be up May 26th to JUNE 9  
Sept. 8th to Sept. 22  
(Time Limited to two (2) weeks)

Wording on Sign (exactly) REALETY OWNERS ASSOCIATION  
*for June*

General members meeting - ELEMENTARY SCHOOL  
9:00  
9:30 to 10:30

For Sept.

Same as above except location Municipal Building  
and General Members / Council Meeting

FOR BANNERS OVER 96<sup>TH</sup> STREET, 36 INCHES HIGH, UP TO AND NO MORE THAN 30 FEET WIDE, GROMETS TOP AND BOTTOM APPROXIMATELY 18 INCHES APART, WIND HOLES IF POSSIBLE.

**SIGNS ARE TO BE REMOVED THE DAY AFTER THE EVENT ENDS**

Approval date \_\_\_\_\_

Denied \_\_\_\_\_ Reason \_\_\_\_\_

cc. Cape May County  
Municipal Clerk

# 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: 4-24-2012  
Should be filed 60 Days Before the Date of Event

FEE PAID: \$ 60.00 4/24/2012

TYPE OF EVENT: ROAD RACES  
Please Describe

DATE(S)/TIME(S) OF EVENT: 8-12-2012  
Please Describe

LOCATION OF EVENT: 96<sup>th</sup> + 1<sup>st</sup> ADMISSION FEE (If Any): \$ \_\_\_\_\_

REGISTRATION FEE TO PARTICIPATE IN EVENT (If Any): \$ 30.00

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

SPONSOR'S NAME: CAPE MAY COUNTY HISTORICAL & GENEALOGICAL SOCIETY (CMCHS) PHONE#: 609-465-3535  
Please Print Name of Person, Association, Corporation, Firm, etc.

SPONSOR'S ADDRESS: 504 Rt. 9 North CMCH NJ 08216  
Street Address PO Box No. City State Zip Code

CONTACT PERSON: RITA MARIE FULGINITI Secretary and race director

CONTACT PERSON'S PHONE #: 609-231-1813

ESTIMATE OF DAILY CROWD EXPECTED: 500

SECURITY MEASURES TO BE INSTITUTED BY SPONSOR FOR CROWD AND TRAFFIC CONTROL:  
STONE HARBOR P.W., POLICE, RESCUE SQUAD, CAPE MAY COUNTY AMATEUR RADIO CLUB

	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.

**Continuation- Special Event – page 2**

**PLEASE LIST ALL VENDOR'S (FOOD, NOVELTY, CONCESSION, ETC.) THAT WILL BE PROVIDING SERVICES AT THE EVENT:**

<u>NAME OF OPERATOR</u>	<u>OPERATOR'S ADDRESS/PHONE NUMBER</u>	<u>PROPOSED ACTIVITY</u>

**Food Festival Events – Cape May County Department of Health**

All food vendors are subject to regulation in Chapter XII N.J.A.C. 8:24-8 and 9 in order to operate. The filing fee for a Food Festival Event is \$25.00 and must be filed with the County Health Department at least fourteen (14) days before the event involving five (5) or fewer booths and thirty (30) days prior to an event involving more than five (5) booths. Applications are on file in the Borough Clerk's Office.

**Open Flame – Barbeque – Permit Fees**

The Uniform Fire Code States: Permits shall be required and obtained from the local enforcing agency for activities pursuant to N.J.A.C. 5:70-2.7(a). Applications for a permit are on file in the Borough Clerk's Office.

**PLEASE LIST ANY SPECIAL REQUEST YOU WOULD NEED FOR YOUR EVENT (Example: Police, Rescue Squad, Use of Standard Electric, Bathrooms, etc.):**

POLICE, RESCUE SQUAD, PUBLIC WORK, PORTA POTTIES,  
USE OF PARKING LOT - 96<sup>th</sup> V<sup>1st</sup>, 95<sup>th</sup> & 1<sup>st</sup>, FIRE  
HOUSE ON 8<sup>th</sup>

**Section 275-2 Regulations**

- A. No special event shall be held on public lands pursuant to this article without the approval of the governing body.
- B. No special event shall be held on public lands pursuant to this article until a special events permit has been issued by the Borough Clerk.
- C. No alcoholic beverages shall be sold or distributed on the public lands pursuant to this article.
- D. The applicant for a special events permit shall provide liability insurance in the amount of \$1,000,000.00, which covers the special event. The Borough of Stone Harbor shall be named as an additional insured under the policy of insurance. Proof of said insurance shall be filed with the Borough Clerk before the permits are issued. The governing body may lower or waive the insurance requirement by resolution approving the special event when the liability risks are minimal for the type of special event approved.
- E. The applicant must execute an indemnification agreement with the Borough of Stone Harbor which agrees to indemnify and save the Borough harmless from all liability related to the special event. The form of agreement is attached to this Application.
- F. The permittee shall comply with these regulations, all conditions imposed, and all applicable state and local laws and regulations.
- I. Except as otherwise provided herein, all persons shall comply with all applicable ordinances regulating the use of public lands including those regulations contained in Chapter 275 of the Code of the Borough of Stone Harbor.

**NOTICE TO APPLICANT'S SPONSORING**  
**SPECIAL EVENTS ON PUBLIC LANDS**

The completed Special Event Permit on Public Lands Application Must be received by the Borough Clerk's Office 60 days Prior to the Special Event.

Application will not be approved unless the following documentation is attached:

An Appropriate Certificate of Liability Insurance naming the Borough of Stone Harbor as Additionally Insured must be submitted from the Sponsor of the Special Event as follows in the amount as indicated below:

**Non-Alcohol Events**

**\$ 1,000,000.00**

The vendor application must include all the required documentation attached (written consent from Sponsor, State of New Jersey Tax Sale Certificate, Board of Health Certificate, copy of driver's license, copy of vehicle registration, etc.). In addition, each vendor must provide a Certificate of Liability Insurance naming the Borough of Stone Harbor as Additionally Insured in the amount as indicated above.

**INDEMNITY CLAUSE**  
**(Hold Harmless Agreement)**

To the fullest extent permitted by law, CMCHGS agrees to defend,  
(Name of Facility User)

pay on behalf of, indemnify, and hold harmless the Borough of Stone Harbor, its elected and appointed officials, its agents, employees and volunteers and others working on behalf of the Borough of Stone Harbor against any and all claims, demands, suits, or loss, including all costs connected therewith, and for any damages which may be asserted, claimed or recovered against or from the Borough of Stone Harbor, its elected and appointed officials, its agents, employees, volunteers or others working on behalf of the Borough of Stone Harbor, by reason of personal injury, including bodily injury or death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with the use of

BOROUGH STREETS, PARKING LOT, FIRE HOUSE

SIGNATURE OF APPLICANT: Rita Marie Julgneti 4-24-12  
Signature Date



BOROUGH OF STONE HARBOR  
APPLICATION FOR SIGN/BANNER ON PUBLIC PROPERTY

Applicant's Name CAPE MAY COUNTY HISTORICAL & GENEALOGICAL SOCIETY

Address 504 RT. 9 NORTH, CMCH, NJ 08210

Phone # 609-465-3535; 609-231-1813

Location of Signs/Banner 96<sup>th</sup> + 1<sup>st</sup> AVE + 96<sup>th</sup> BETWEEN BRIDGE + 3<sup>rd</sup> AVE.

Dates requested for Sign/Banner to be up 7-30-12 to 8-12-12  
(Time Limited to two (2) weeks)

Wording on Sign (exactly) RUM RUNNER 10K, 5K, 2 MILE FITNESS WALK

SUNDAY AUGUST 12, 2012, 8AM

FOR BANNERS OVER 96<sup>TH</sup> STREET, 36 INCHES HIGH, UP TO AND NO MORE THAN 30 FEET WIDE, GROMETS TOP AND BOTTOM APPROXIMATELY 18 INCHES APART, WIND HOLES IF POSSIBLE.

**SIGNS ARE TO BE REMOVED THE DAY AFTER THE EVENT ENDS**

Approval date \_\_\_\_\_

Denied \_\_\_\_\_ Reason \_\_\_\_\_



**BOROUGH OF STONE HARBOR**

**9508 SECOND AVENUE  
STONE HARBOR, NEW JERSEY 08247**

**REQUEST FOR USE OF BOROUGH'S GOVERNMENT CHANNEL 2**

APPLICANT/ORGANIZATION NAME: Sape may County Historical & Genealogical Society  
CONTACT PERSON: Rita Marie Fulginiti  
CONTACT DAYTIME PHONE & E-MAIL: 609 271 1813 ritafulg@yahor.com

**NOTE:** When composing a message, the writer should be brief and use standard abbreviations whenever possible. Each message shall be submitted on a separate form and shall contain a headline. The headline shall briefly convey the main idea of the message. It should attract attention and encourage the viewer to read the message. **For Example:**

**STONE HARBOR CHAMBER OF COMMERCE**

**FREE CONCERT**

Sun. June 17 2:30 - 3:30  
Stone Harbor Recreational Field  
Info call 609-368-6101

MESSAGE REQUESTED: Rum Runner 10k, 5k, 2 mile fitness walk  
Sunday August 12, 2012 8:00 am 96th + 1st Ave  
Stone Harbor Call 465 3535 x 6

If you wish to use photographs, they must be in digital format. **Please note,** photographs will not be returned. Number of photographs attached:

If your request is to run a video, it must be on a DVD and include the exact amount of run time:  
\_\_\_\_\_ Minutes \_\_\_\_\_ Seconds.

**Please note,** DVDs will not be returned.

Date requested for message to run:

Beginning: June 11 2012 Ending: August 11 2012

All requests shall be submitted to the Borough Clerk's Office **NOT LESS** than seven (7) days, but **NOT MORE** than fifteen (15) days before the requested display date.

I, the undersigned, hereby request use of the Borough of Stone Harbor's Public Access Channel 2, acknowledge that I have read the attached guidelines for use, and that I am authorized to submit this message on behalf of the organization listed above.

Rita Marie Fulginiti  
Signature

Date: 4-23-2012

\_\_\_\_\_  
Tourism Director Approval

Date: \_\_\_\_\_



cc: *copy given  
by [unclear]*

# 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: May 4, 2012 FEE PAID: \$ \_\_\_\_\_  
Should be filed 60 Days Before the Date of Event  
TYPE OF EVENT: Sand Castle Building Lessons  
Please Describe  
DATE(S)/TIME(S) OF EVENT: July 1st / 10am - 2pm  
Please Describe  
LOCATION OF EVENT: 96th Street Beach ADMISSION FEE (If Any): \$ N/A  
REGISTRATION FEE TO PARTICIPATE IN EVENT (If Any): \$ N/A

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

SPONSOR'S NAME: Harbaugh Developers PHONE #: 609.368.2900  
Please Print Name of Person, Association, Corporation, Firm, etc  
SPONSOR'S ADDRESS: 9727 Third Avenue Stone Harbor NJ 08247  
Street Address PO Box No. City State Zip Code  
CONTACT PERSON: Stephen Harbaugh  
CONTACT PERSON'S PHONE #: 856.264.3025  
ESTIMATE OF DAILY CROWD EXPECTED: 50  
SECURITY MEASURES TO BE INSTITUTED BY SPONSOR FOR CROWD AND TRAFFIC CONTROL:

	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
- Chamber of Commerce	\$250.00 per day if before <b>Memorial Day</b> and after <b>Labor Day</b> and if the event is hosted by an Organization headquartered in Cape May County with at least five members from Stone Harbor.
	\$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.

Continuation- Special Event – page 2

PLEASE LIST ALL VENDOR'S (FOOD, NOVELTY, CONCESSION, ETC.) THAT WILL BE PROVIDING SERVICES AT THE EVENT:

<u>NAME OF OPERATOR</u>	<u>OPERATOR'S ADDRESS/PHONE NUMBER</u>	<u>PROPOSED ACTIVITY</u>
N/A		

**Food Festival Events – Cape May County Department of Health**

All food vendors are subject to regulation in Chapter XII N.J.A.C. 8:24-8 and 9 in order to operate. The filing fee for a Food Festival Event is \$25.00 and must be filed with the County Health Department at least fourteen (14) days before the event involving five (5) or fewer booths and thirty (30) days prior to an event involving more than five (5) booths. Applications are on file in the Borough Clerk's Office.

**Open Flame – Barbeque – Permit Fees**

The Uniform Fire Code States: Permits shall be required and obtained from the local enforcing agency for activities pursuant to N.J.A.C. 5:70-2.7(a). Applications for a permit are on file in the Borough Clerk's Office.

PLEASE LIST ANY SPECIAL REQUEST YOU WOULD NEED FOR YOUR EVENT (Example: Police, Rescue Squad, Use of Standard Electric, Bathrooms, etc.):

None Needed

**Section 275-2 Regulations**

- A. No special event shall be held on public lands pursuant to this article without the approval of the governing body.
- B. No special event shall be held on public lands pursuant to this article until a special events permit has been issued by the Borough Clerk.
- C. No alcoholic beverages shall be sold or distributed on the public lands pursuant to this article.
- D. The applicant for a special events permit shall provide liability insurance in the amount of \$1,000,000.00, which covers the special event. The Borough of Stone Harbor shall be named as an additional insured under the policy of insurance. Proof of said insurance shall be filed with the Borough Clerk before the permits are issued. The governing body may lower or waive the insurance requirement by resolution approving the special event when the liability risks are minimal for the type of special event approved.
- E. The applicant must execute an indemnification agreement with the Borough of Stone Harbor which agrees to indemnify and save the Borough harmless from all liability related to the special event. The form of agreement is attached to this Application.
- F. The permittee shall comply with these regulations, all conditions imposed, and all applicable state and local laws and regulations.
- I. Except as otherwise provided herein, all persons shall comply with all applicable ordinances regulating the use of public lands including those regulations contained in Chapter 275 of the Code of the Borough of Stone Harbor.

**NOTICE TO APPLICANT'S SPONSORING**  
**SPECIAL EVENTS ON PUBLIC LANDS**

The completed Special Event Permit on Public Lands Application **Must** be received by the Borough Clerk's Office 60 days Prior to the Special Event.

Application will not be approved unless the following documentation is attached:

**An Appropriate Certificate of Liability Insurance naming the Borough of Stone Harbor as Additionally Insured must be submitted from the Sponsor of the Special Event as follows in the amount as indicated below:**

**Non-Alcohol Events**

\$ 1,000,000.00

The vendor application must include all the required documentation attached (written consent from Sponsor, State of New Jersey Tax Sale Certificate, Board of Health Certificate, copy of driver's license, copy of vehicle registration, etc.). In addition, each vendor must provide a Certificate of Liability Insurance naming the Borough of Stone Harbor as **Additionally Insured** in the amount as indicated above.

**INDEMNITY CLAUSE**  
**(Hold Harmless Agreement)**

To the fullest extent permitted by law, Stephen Hourbaugh agrees to defend,  
(Name of Facility User)

pay on behalf of, indemnify, and hold harmless the Borough of Stone Harbor, its elected and appointed officials, its agents, employees and volunteers and others working on behalf of the Borough of Stone Harbor against any and all claims, demands, suits, or loss, including all costs connected therewith, and for any damages which may be asserted, claimed or recovered against or from the Borough of Stone Harbor, its elected and appointed officials, its agents, employees, volunteers or others working on behalf of the Borough of Stone Harbor, by reason of personal injury, including bodily injury or death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with the use of

the 910th Street Beach.

SIGNATURE OF APPLICANT:

JH  
Signature

5/4/12  
Date



BOROUGH OF STONE HARBOR  
APPLICATION FOR SIGN/BANNER ON PUBLIC PROPERTY

Applicant's Name Harbaugh Developers  
Address 9727 Third Avenue, Stone Harbor, NJ 08247  
Phone # 856. 964. 3025  
Location of Signs/Banner Entrance to 96th Street Beach  
Dates requested for Sign/Banner to be up July 1st only  
(Time Limited to two (2) weeks)  
Wording on Sign (exactly) Harbaugh Developers

FOR BANNERS OVER 96<sup>TH</sup> STREET, 36 INCHES HIGH, UP TO AND NO MORE THAN 30 FEET WIDE, GROMETS TOP AND BOTTOM APPROXIMATELY 18 INCHES APART, WIND HOLES IF POSSIBLE.

**SIGNS ARE TO BE REMOVED THE DAY AFTER THE EVENT ENDS**

Approval date \_\_\_\_\_

Denied \_\_\_\_\_ Reason \_\_\_\_\_