

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

<u>AGENDA</u>	<u>Regular Meeting</u>
<u>Tuesday</u>	<u>August 16, 2011</u>
	<u>4:30 pm</u>

OLD BUSINESS:

ORDINANCE 1385 (Changes to Beach Vehicle Rules) - 2nd 3rd and final (1)

NEW BUSINESS:

- A. ORDINANCE Pay to Play INTRO (2)
- B. ORDINANCE Require Council courses on Basic Responsibilities
INTRO (3)
- C. Resolution – Moment of Remembrance – 10th Anniversary of
September 11th. (4)
- D. Resolution – Award Bid – Painting & Metal Repair – Public Works
Building Phase III (5)

DISCUSSION

Closed Session Personnel (6)

(1)

BOROUGH OF STONE HARBOR
CAPE MAY COUNTY, NEW JERSEY
ORDINANCE 1385

156-9 Placement or Operation of Vehicles Regulated (NO CHANGE)

Except as hereinafter provided, it shall be unlawful to place or to operate an automobile, truck, motorcycle, minibike, or other vehicle on the beach within the Borough

156-10 Application for Permit

Any person desiring to operate a permitted vehicle on the beaches shall make application to the Borough Clerk of the Borough of Stone Harbor to do so between the hours of 8:30 am and 4:00 pm, Monday through Friday. The applicant shall furnish his/her name, address, valid driver's license, registration and insurance card, make, model and year of vehicle and license plate number,

The applicant shall sign a completed application and by signing the application agrees to have the required equipment maintained in the vehicle, tow rope, jack with board, inflated spare tire, shovel, fire extinguisher, first aid kit and flashlight. By signing the application the applicant agrees to allow spot inspections of their vehicle for this equipment by the Stone Harbor Police Department while operating on the beach in Stone Harbor. Failure to maintain the equipment while in operation on the beach in Stone Harbor will result in a fine.

156-11 Permitted Vehicles: Insurance (NO CHANGE)

Permits shall only be issued for vehicles which have passed inspection by the Division of Motor Vehicles of the State of New Jersey for the current year or by the equivalent department or agency of the state in which the vehicle is registered. Such vehicles must also be insured for liability, etc., in an amount which is at least the amount required by the State of New Jersey.

156-12 Permit Fee and Application

The fee for a permit shall be established by the Borough Council by resolution for the season, or any portion thereof, for which the application is made. Applications shall be accepted by the Borough Clerk between September 1 and March 15 of the following year. Payment in full shall accompany the applications.

156-13 Display of Permit (NO CHANGE)

Upon issuance of a permit, the permittee shall receive a descriptive decal which shall be prominently displayed upon the vehicle. The permit shall be carried on the vehicle at all times and made available for inspection to any member of the Police Department when the vehicle is on the beach, or when the vehicle is about to enter or has just exited from the beach. A copy of this article shall be carried in the vehicle during operations on the beach.

156-14 Expiration date: Renewal

Permits shall be issued for the season, which will run from October 1st through March 15th inclusive, for the beach front from 122nd Street North and from the day after Labor Day to March 15th for the beach front and Point Area from 122nd

Street South. Application for renewal shall be made in the same manner as an original application.

156-15 Rules and Regulations

A. No vehicles with sleeping or eating accommodations shall be issued a permit or operated on the beaches at any time.

B. No vehicles shall be operated on the beaches of the Borough at a speed in excess of 15 miles per hour.

C. Vehicles are prohibited from operation on the beaches between 111th and 114th Streets, inclusive.

D. Permitted vehicles may enter the beach areas only for the purposes of fishing, and when the fishing is completed, they shall promptly be removed from the beach.

E. No permit issued hereunder shall be construed to authorize the right to operate a vehicle over private property without the permission of the owner of such property.

F. Permitted vehicles shall only operate upon the hard sand and shall not be operated more than 25 feet above the mean high water line of the Atlantic Ocean, except when entering or exiting the beach. Said vehicles shall not be operated over or upon the dunes or meadowland. Permitted vehicles may only be operated by the person to whom the permit has been issued, and the hours of operation shall be as follows:

(1) On the beaches south of 122nd Street: at any time from the day after Labor Day until March 15th, inclusive.

(2) Upon the beaches north of 122nd Street: during the period one hour prior to sunrise until one hour past sunset only.

G. All permitted vehicles shall only be usable for beach fishing and shall have four-wheel drive or shall otherwise be suitable for operation in the sand. The Police Department, in making the determination as to whether or not the vehicle is suitable for operation in the sand, shall consider the following factors: whether or not the vehicle has a truck-type chassis, the type of drive, i.e., front or rear, whether or not it has special tires, its power; and avoid permitting vehicles which are likely to become stuck in the sand from being operated on the beach.

H. Access to the beaches shall be limited to the following locations:

(1) The ramps at 85th Street, 96th Street, 102nd Street, 118th Street, 122nd Street, the ramp at the 123rd Street parking lot and the beach and the ramp in the southwesterly corner of the parking and turning around area adjacent to the 127th Street groin.

I. Access to the beach from the ramp in the parking and turning area adjacent to the 127th Street groin shall be along the new access road running from the 123rd Street parking lot, west of the bulkhead. The old access road, having its entrance at 122nd Street and Second Avenue and proceeding west for approximately 150 feet before turning and heading to the beach, shall be closed to vehicular traffic with the exception of emergency vehicles and Borough vehicles on Borough business.

J. The Mayor, or in his or her absence the Acting Mayor, shall have the right to close beaches to all but emergency vehicles, when the conditions on the beach

are determined by said Mayor or Acting Mayor, in his or her sole discretion, to be dangerous for motor vehicles, or if the conditions are such that the motor vehicles may cause damage to the beach or the dunes or, if after consultation with state and/or federal regulators, such closure is determined by the Natural Resources Committee to be necessary for the protection of wildlife.

[
156-16 Adoption of Additional Rules and Regulations (NO CHANGE)

[The Borough Council is authorized and empowered to adopt by resolution such other rules, regulations, and requirements as it may deem necessary for the proper control, operation, and removal of automobiles and other vehicles on the beaches, including a requirement that such vehicles shall contain equipment for the purpose as shall be specified in the resolution. Also, the power and authority to change by resolution the hours when authorized vehicles shall be permitted on the beach, and the place or places of entry to and exit from the beach. Permittees shall comply with all the rules, regulations, and requirements herein set forth and as shall subsequently be amended or adopted.

156-17 Revocation of Permit (NO CHANGE)

The Borough reserves the right to revoke any beach privileges granted under this article for any violations of its provisions, or of other rules and regulations, and to retake and impound any permit which has been improperly used or obtained. Such revocation shall not preclude the imposition of any other penalties provided for such violation.

156-18 Exception (NO CHANGE)

The provisions of this article shall not apply to Borough employees who may be required to enter upon the beaches in the performance of their municipal duties or functions, nor to any governmental agency, its employees, agents, contractors and subcontractors, who may be engaged in beach restorations or protection work, nor to any Borough contractor or permittee where the terms of such contract or permit allow for the operation of vehicles.

156-19 Violation and Penalties; Revocation of Permit

Anyone violating a provision of this article shall, upon conviction thereof, be subject to a minimum fine of \$ 250 and the maximum penalties set forth in Chapter 1, Article III, Penalty, of the Borough of Stone Harbor Code, and revocation of the permit.

APPROVED:

Suzanne M. Walters, Mayor

ATTEST:

Suzanne C. Stanford, Borough Clerk

(2)

BOROUGH OF STONE HARBOR

COUNTY OF CAPE MAY

ORDINANCE

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

(CONTRACTOR PAY-TO-PLAY REFORM ORDINANCE)

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

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

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

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

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

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

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

DEFINITIONS

As used in this ordinance:

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

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

(b) "Contribution" has the meaning prescribed in N.J.A.C. 19:25-1.7. By way of illustration, and not limitation, this definition includes pledges, loans, and in-kind contributions.

(c) A "contract for professional or extraordinary services" means all contracts for "professional services" and "extraordinary unspecifiable services" as such term is used in N.J.S.A. 40A:11-5.

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

SECTION 1 – PROHIBITION ON AWARDING PUBLIC CONTRACTS TO CERTAIN CONTRIBUTORS

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

- (c) The monetary thresholds of this Ordinance are: (i) a maximum of \$300 per calendar year each for any purpose to any candidate or candidate committee for mayor or governing body, or \$500 per calendar year to any joint candidates committee for mayor or governing body, or \$300 per calendar year to a political committee or political party committee of the Borough of Stone Harbor; (ii) \$500 maximum per calendar year to a Cape May County political committee or political party committee; and (iii) \$500 maximum per calendar year to any PAC. However, for each Business Entity party to a contract for Professional or Extraordinary Unspecified Services as defined in subparagraph (a), or engaged in negotiations for a contract defined in subparagraph (a), when such Business Entity's Contribution is aggregated with all "persons" defined in subparagraph (d) of "Definitions" above, by virtue of their affiliation to that Business Entity party, a maximum of \$2,500 to all Borough of Stone Harbor candidates, candidate committees, joint candidate committees, and holders of public office having ultimate responsibility for the award of a contract, all Borough of Stone Harbor or Cape May County political committees and political party committees as described herein combined, without violating subsection (a) of this section.
- (d) For purposes of this section, the office that is considered to have ultimate responsibility for the award of the contract shall be (i) the Borough of Stone Harbor Mayor or Governing body, if the contract requires approval or appropriation from the Mayor or Governing body, or (ii) the Mayor of the Borough of Stone Harbor, if the contract requires approval of the Mayor, or if a public officer who is responsible for the award of a contract is appointed by the Mayor.
- (e) Rules regarding subcontractors. No person may be awarded a subcontract to perform under a contract subject to this Ordinance, if the subcontractor would be disqualified by paragraph (a) from receiving the contract at the time that the subcontract is awarded. Nor may any person who would be disqualified by paragraph (a) from receiving the contract perform substantially all of obligations described in a contract for professional or extraordinary services that is subject to this ordinance.

SECTION 2 - CONTRIBUTIONS MADE PRIOR TO THE EFFECTIVE DATE

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

SECTION 3 - CONTRACT RENEWAL

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

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

SECTION 4 - CONTRIBUTION STATEMENT BY BUSINESS ENTITY

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

SECTION 5 - RETURN OF EXCESS CONTRIBUTIONS

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

SECTION 6 - EXEMPTIONS

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

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

SECTION 7 - PENALTY

(a) It shall be a material breach of the terms of a Borough of Stone Harbor agreement or contract for Professional Services or Extraordinary Unspecified Services when a Business Entity that is a party to such agreement or contract has: (i) made or solicited a Contribution in violation of this Ordinance; (ii) knowingly concealed or misrepresented a Contribution given or received; (iii) made or solicited Contributions through intermediaries for the purpose of concealing or misrepresenting the source of the Contribution; (iv) made or solicited any Contribution on the condition or with the agreement that it will be re-contributed to a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in the Borough of Stone Harbor, or a holder of public office having ultimate responsibility for the award of a contract, or any Borough of Stone Harbor or Cape May County political committee or political party committee, or any PAC; (v) engaged or employed a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any Contribution, which if made or solicited by the professional Business Entity itself, would subject that entity to the restrictions of this Ordinance; (vi) funded contributions made by third parties, including consultants, attorneys, family members, and employees; (vii) engaged in any exchange of Contributions to circumvent the intent of this Ordinance; or (viii) directly or indirectly, through or by any other person or means, done any act which if done directly would subject that entity to the restrictions of this Ordinance.

(b) Furthermore, any Business Entity that violates Section 7 (a) (i-viii) shall be disqualified from eligibility for future Borough of Stone Harbor contracts for a period of four (4) calendar years from the date of the violation.

(c) Any person who knowingly, purposely, or recklessly violates any provision of this ordinance, or who conspires with another person to violate any provision of this ordinance, or who, with the purpose of promoting or facilitating a violation of this ordinance, solicits another person to commit it, or aids or agrees, or attempts to aid another person in planning or committing it, shall be subject to punishment including fines and/or imprisonment as fixed by law for violations of the ordinances of the Borough of Stone Harbor.

SECTION 8 - CITIZENS PRIVATE RIGHT OF ACTION

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

SECTION 9 - SEVERABILITY

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

SECTION 10 - INDEXING

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

SECTION 11 - REPEALER

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

SECTION 12 - EFFECTIVE DATE

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

APPROVED:

Suzanne M. Walters

ATTEST:

Suzanne C. Stanford

(3)

BOROUGH OF STONE HARBOR
COUNTY OF CAPE MAY
ORDINANCE 1386

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

Section 1. Chapter 10 is hereby amended as follows:

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

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

C. Attendance Requirements

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

1. Attendance at meetings required; removal

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

2. Percentage of meetings required.

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

3. Medical absences exempted.

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

D. Ethics training required

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

[new section, E]

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

Section 2. If any portion of this ordinance is determined to be invalid by a Court of competent jurisdiction, that determination shall have no effect upon the remainder of this Ordinance, which shall remain valid and operable.

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

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

APPROVED:

Suzanne M. Walters, Mayor

ATTEST:

Suzanne C. Stanford, Borough Clerk

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

(4)

RESOLUTION

Joining the National Moment of Remembrance of the 10th Anniversary of September 11th

WHEREAS, the governing body of the Borough of Stone Harbor expresses their support of the United State's Senate regarding coming together as a Nation and ceasing all work or other activity for a moment of remembrance beginning at 1:00 p.m. Eastern Daylight Time on September 11, 2011, in honor of the 10th anniversary of the terrorist attacks committed against the United States on September 11, 2001; and

WHEREAS, at 8:46 a.m., on September 11, 2001, hijacked American Airlines Flight 11 crashed into the upper portion of the North Tower of the World Trade Center in New York City, New York; and

WHEREAS, 17 minutes later, at 9:03 a.m., hijacked United Airlines Flight 175 crashed into the South Tower of the World Trade Center; and

WHEREAS, at 9:37 a.m., the west wall of the Pentagon was hit by hijacked American Airlines Flight 77, the impact of which caused immediate and catastrophic damage to the headquarters of the Department of Defense; and

WHEREAS, at approximately 10:00 a.m., the passengers and crew of hijacked United Airlines Flight 93 acted heroically to retake control of the airplane and thwart the taking of additional American lives by crashing the airliner in Shanksville, Pennsylvania, and, in doing so, gave their lives to save countless others; and

WHEREAS, nearly 3,000 innocent civilians were killed in the heinous attacks of September 11, 2001; and

WHEREAS, tens of thousands of individuals narrowly escaped the attacks at the Pentagon and World Trade Center and, as witnesses to this tragedy, are forever changed; and

WHEREAS, countless fire departments, police departments, first responders, governmental officials, workers, emergency medical personnel, and volunteers responded immediately and heroically to those horrific events; and

WHEREAS, the Fire Department of New York suffered 343 fatalities on September 11, 2001, the largest loss of life of any emergency response agency in United States history; and

WHEREAS, the Port Authority Police Department suffered 37 fatalities in the attacks, the largest loss of life of any police force in United States history in a single day; and

WHEREAS, the New York Police Department suffered 23 fatalities as a result of the terrorist attacks; and

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

WHEREAS, the impact of that day on public health continues through 2011, as nearly 90,000 people are at risk of or suffering from negative health effects as a result of the events of September 11, 2001, including 14,000 workers and 2,400 community residents who are sick, and tens of thousands of others whose health is being monitored; and

WHEREAS, 10 years later, the people of the United States and people around the world continue to mourn the tremendous loss of innocent life on that fateful day; and

WHEREAS, 10 years later, thousands of men and women in the United States Armed Forces remain in harm's way defending the United States against those who seek to threaten the United States; and

WHEREAS, on the 10th anniversary of this tragic day, the thoughts of the people of the United States are with all of the victims of the events of September 11, 2001 and their families; and

WHEREAS, the lives of Americans were changed forever on September 11, 2001, when events threatened the American way of life; and

WHEREAS, in 2009, Congress and the President joined together to designate September 11 as a National Day of Service and Remembrance under the Serve America Act (Public Law 111-13; 123 Stat. 1460); and

WHEREAS, in September 2009 and 2010, President Obama issued Proclamation 8413 (74 Fed. Reg. 47045) and Proclamation 8559 (75 Fed. Reg. 56463) proclaiming September 11, 2009, and September 11, 2010, respectively, as Patriot Day and National Day of Service and Remembrance; and

WHEREAS, September 11 will never, and should never, be just another day in the hearts and minds of all people of the United States;

NOW, THEREFORE BE IT RESOLVED that the governing body of the Borough of Stone Harbor:

(1) recognizes September 11, 2011, as a day of solemn commemoration of the events of September 11, 2001, and a day to come together as a Nation; and

(2) offers its deepest and most sincere condolences to the families, friends, and loved ones of the innocent victims of the September 11, 2001, terrorist attacks; and

(3) honors the heroic service, actions, and sacrifices of first responders, law enforcement personnel, State and local officials, volunteers, and countless others who aided the innocent victims of those attacks and, in doing so, bravely risked and often gave their own lives; and

(4) recognizes the valiant service, actions, and sacrifices of United States personnel, including members of the United States Armed Forces, the United States intelligence agencies, the United States diplomatic service, homeland security and law enforcement personnel, and their families, who have given so much, including their lives and well-being, to support the cause of freedom and defend the security of the United States; and

(5) reaffirms that the people of the United States will never forget the challenges our country endured on and since September 11, 2001, and will work tirelessly to defeat those who attacked the United States; and

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

BE IT FURTHER RESOLVED that on the 10th anniversary of this tragic day in United States history the governing body of the Borough of Stone Harbor calls upon all of the people and institutions of the United States to observe a moment of remembrance on September 11, 2011, including (i) media outlets; (ii) houses of worship; (iii) military organizations; (iv) veterans organizations; (v) airlines; (vi) airports; (vii) railroads; (viii) sports teams; (ix) the Federal Government; (x) State and local governments; (xi) police, fire, and other public institutions; (xii) educational institutions; (xiii) businesses; and (xiv) other public and private institutions; and

BE IT FURTHER RESOLVED that the governing body of Borough of Stone Harbor encourages the observance of the moment of remembrance to last for 1 minute beginning at 1:00 p.m. Eastern Daylight Time by, to the maximum extent practicable ceasing all work or other activity; and marking the moment in an appropriate manner, including by ringing bells, blowing whistles, or sounding sirens.

Offered by Seconded by.....

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

.....
Borough Clerk

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

.....
Mayor

(5)

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

AWARDING A CONTRACT FOR PAINTING & METAL REPAIR- PUBLIC WORKS BUILDING -- PHASE III

WHEREAS, three (3) bids were received by the Stone Harbor Municipal Clerk on July 7, 2011 for Painting & Metal Repair -- Public Works Building -- Phase III under the specifications prepared by the Borough Engineers bearing Project No. 05-10-U-043, which specifications are hereby incorporated herein by reference, all in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.*; and

WHEREAS, the Borough Council has reviewed the recommendations made by the Borough Engineer and the Borough Solicitor on said bids; and

WHEREAS, the Chief Financial Officer has determined that sufficient funds are available as evidenced by the Chief Financial Officer's Certification attached hereto; and

WHEREAS, the base bid submitted by R. Maxwell Construction Company, 206 W. Delilah Road, Pleasantville, N.J. 08232 in the amount of \$114,313.00 was the lowest bid; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Stone Harbor, County of Cape May, State of New Jersey duly assembled in public session this 16th of August, 2011, that the contract for Painting & Metal Repair-Public Works Building -- Phase III as delineated in the specifications prepared by the Borough Engineer and bearing Project Number 05-10-U-043, which specifications are hereby incorporated herein by reference, be and the same is hereby awarded to R. Maxwell Construction Company for in the base bid amount of \$114,313.00.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized and directed to execute the contract for same in accordance with the bid submitted and incorporated herein as stated above.

BE IT FURTHER RESOLVED, that the Borough Engineer is hereby directed and authorized to issue an appropriate Notice of Award and Notice to Proceed as appropriate under the contract.

BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized and directed to return all bid bonds and/or deposited funds to the unsuccessful bidders.

Offered by Seconded by.....

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

.....
Borough Clerk

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

.....
Mayor

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

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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. Falola, 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
Toms River, NJ 08753
(732) 286-9220
(732) 605-8416 (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 Penton Avenue, 3rd Floor
Secaucus, NJ 07098
(201) 624-2137
(201) 624-2136 (fax)

August 10, 2011

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

Re: **Borough of Stone Harbor
Painting & Metal Repair – Public Works Building – Phase III
Our File #: 05-10-U-043**

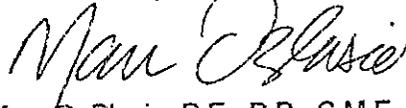
Dear Ms Stanford:

We have tabulated the three (3) bids received on July 7, 2011, with reference to the above captioned project. The low bidder is R. Maxwell Construction Company, 205 W. Delilah Road, Pleasantville, NJ 08232, in the amount of \$114,313.00. A copy of the bid tabulation is enclosed for your review.

Therefore, in accordance with the New Jersey Local Public Contracts Law, NJSA 40A:11-1 et seq., the contract should be awarded to the lowest responsible bidder, which appears to be R. Maxwell Construction Company. The award should be contingent upon approval by your solicitor and monies being available.

Should you have any questions or comments, please do not hesitate to call me at our Wildwood office.

Very truly yours,
REMINGTON, VERNICK & WALBERG ENGINEERS


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

MD:eb

Enclosure

cc: Kenneth Hawk, Administrator, (w/encl.)
Michael Donohue, Solicitor, (w/encl.)
Greg Sheeran, Director of Public Works, (w/encl.)
Jim Nicola, C.F.O., (w/encl.)
Russ Fetty, (w/encl.)
Contract Administrator. (w/encl.)

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REMINGTON, VERNICK & WALBERG ENGINEERS
BID TABULATION

PROJECT NAME: PUBLIC WORKS GARAGE AND OFFICE BUILDING PAINTING AND REPAIR - PHASE II
 PROJECT NUMBER: 05-10-U-043
 CLIENT: BOROUGH OF STONE HARBOR
 BID OPENING DATE: 7/7/11

R. Maxwell Construction Co.
 206 W. Durlish Road
 Pleasantville, NJ 08232

Martell Construction Company
 15 S. Miller Avenue
 Ferns Grove, NJ 08038

Pro Spec Painting
 1819 Cedar Avenue
 Fairland, NJ 08330

#	DESCRIPTION	QUANTITY	UNIT	PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
	BASE BID								
1	SELECTIVE DEMOLITION	LS	LS	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$3,600.00	\$3,600.00
2	PROTECTIVE OVERHEAD DOOR ANGLES	LS	LS	\$29,800.00	\$29,800.00	\$29,800.00	\$29,800.00	\$24,150.00	\$24,150.00
3	DOWNSPOUTS	6	UNIT	\$650.00	\$3,900.00	\$650.00	\$3,900.00	\$475.00	\$2,850.00
4	REMOVE, REFURBISH & REINSTALL EXISTING SOFFIT PANELS	37	LF	\$80.00	\$2,960.00	\$80.00	\$2,960.00	\$75.00	\$2,775.00
5	INSTALL NEW SOFFIT PANELS	24	LF	\$200.00	\$4,800.00	\$200.00	\$4,800.00	\$76.00	\$1,824.00
6	REPAIR SIDING	LS	LS	\$28,000.00	\$28,000.00	\$28,000.00	\$28,759.00	\$29,759.00	\$29,759.00
7	WIRE BRUSH AND PRIME ALL RUSTED AREAS	LS	LS	\$4,000.00	\$4,000.00	\$4,000.00	\$4,000.00	\$6,972.00	\$8,972.00
8	FAÇADE CAP REPAIR	LS	LS	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$3,600.00	\$3,600.00
9	PAINTING	LS	LS	\$35,000.00	\$35,000.00	\$35,000.00	\$35,000.00	\$74,294.00	\$74,294.00
10	ALLOWANCE (IF AND WHERE DIRECTED)	LS	LS	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
TOTAL AMOUNT BID BASED ON BID ITEMS 1-10					\$114,313.00		\$119,460.00		\$156,872.00

(6)

BOROUGH OF STONE HARBOR

CAPE MAY COUNTY, NEW JERSEY

RESOLUTION

**A RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC
IN ACCORDANCE WITH THE PROVISIONS OF
THE NEW JERSEY OPEN PUBLIC MEETINGS ACT,
N.J.S.A. 10:4-12**

WHEREAS, the Borough Council of the Borough of Stone Harbor is subject to certain requirements of the *Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.*, and

WHEREAS, the *Open Public Meetings Act, N.J.S.A. 10:4-12*, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution, and

WHEREAS, it is necessary for the Borough Council of the Borough of Stone Harbor to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

1. *Personnel Matters Relating to the Employment, Appointment or Termination of current or prospective employees.*

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Stone Harbor, assembled in public session on August 16, 2011, that an Executive Session closed to the public shall be held on August 16, 2011 at or about 4:30 P.M. in the Borough Hall of the Borough of Stone Harbor, 9508 Second Avenue, Stone Harbor, New Jersey, for the discussion of matters relating to the specific items designated above.

Official action may be taken as a result of said executive session.

It is anticipated that, in accordance with law and in a timely manner, the deliberations conducted in closed session may be disclosed to the public upon the determination of the Borough Council that the public interest will no longer be served by such confidentiality.

Offered by Seconded by.....

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

.....
Borough Clerk

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

.....
Mayor