

Regular Meeting, January 19, 2010

Councilmember Cope asked Fire Chief/Inspector, Roger Stanford, to provide an update on the Rental Licensing and Fire Inspection program. Mr. Stanford reported that to date, 113 inspections have been performed and of that only 26 failed inspections. Most of the failures were for fire extinguishers, 3 propane grills on the deck, smoke detectors maintenance, and failure to provide floor plans. Mr. Stanford reported on the fire on January 13, 2010 at 277 94th Street. Mr. Stanford stated that the building was built in 1912 and did not have fire stops in the building and therefore allowed the fire to travel from the first floor right to the attic. Mr. Stanford thanked our mutual aid towns including the Cape May Court House Fire & Rescue, the Rio Grande Fire & Rescue, and the Avalon Fire & Rescue and stated they did a great job in assisting with this fire. Mr. Stanford stated that the Rental Licensing and Fire Inspection program was instituted as a safety program for many reasons including making sure these properties don't have beds in the attic. Mr. Stanford stated that oddly enough, when he inspected this building after the fire, he found 6 beds in the attic. Mr. Stanford reported that footage on the fire is on U-Tube.

Fire Official: Update: We are in full swing with our rental program we started last Monday with actually doing our inspections. They are scheduled daily, to date we have performed 113 inspections in our rentals, started in the south end and are working our way north. Interesting fact is of the 113 only 26 actually failed. Most of the failures are for fire extinguishers, basically the size of fire extinguishers, the mounting of fire extinguishers, not labeling the cabinets. Interestingly enough we only had 3 propane grills on the decks and that was a big thing we talked about, which was propane grills and we only found 3. There was some smoke detector maintenance where the detectors don't work and there are no detectors present. The other big item is people have failed to file the floor plan for the rental unit as required by the Ordinance. So those individuals are receiving a violation notice and they have been coming in slowly. It has been working out very well as program is going along. A quick report on the fire we had last Wednesday night at 277 – 94th Street, it was a rather large fire for Stone Harbor. The building was built in 1912 which gave us a number of interesting facets of building construction is a little different. It was what they actually call a balloon construction which means there are not fire stops in the building which allow a fire to travel from the first floor right to the attic and that is basically what that fire did. It went from the first floor rear kitchen up into the attic space and that is where it was. I would like to publically thank our mutual aid departments that assisted us at that fire and that was Cape May Court House, Rio Grande Fire Department, Rio Grande Rescue the Avalon Fire Department, Avalon Rescue Squad, they did a great job and it is always nice when something like that happens so see how the mutual aid program actually works. It worked well. But just on a side note as we talk about our inspection program if you remember we instituted this program as a safety measure for us to get into these buildings and see actually what is in there, and one thing we talked about is beds in the attic. After this fire was out and we went through that place we found six beds in the attic space of this rental unit. If you happen to drive by there and I would like to encourage everyone to look at "you tube" apparently the fire is on "you tube", if you search stone harbor fire those of you who have computers you can actually see the fire. But the front windows if you look at that building the front two windows in both the back and the front are attic size window, small non egress windows and with six beds in there, if that has been a summer time fire, first of all we would have never thought to look in the attic for people and the people most likely would not have gotten out of that attic space. Just another side note, the building was not registered in our program, even though it is 3 rental units. Again we still have our work ahead of us we need to get out there and find the rentals, we are almost at 700 rentals, which exceeds what we thought we would have in Stone Harbor, we are working diligently.

Mr. Bauer: I seem to have a misunderstanding about several different pieces of legislation at the State level regarding fire extinguishers in summer rental properties and where summer rental property is defined as something that is rented for less than 125 days to people who have their permanent residence in another place.

Fire Inspector: Actually the legislation talks about the smoke detector compliance legislation that when a property changes hands that defines seasonal rentals and it talks about seasonal rentals and it talks about fire extinguishers in those properties. It doesn't pertain to our program per se, doesn't say that they don't, the fire code still requires a fire extinguisher and that is what we are going by is the fire code.

Bauer: In the senate bill there seems to be a lot of testimony from fire officials that a fire extinguisher give a false sense of security to people, especially in a strange place, that they may in fact try to fight the fire instead of calling 911 and getting the team out to put the fire out and that with the toxins and various gasses give off by many of our products in buildings today is it wise for people to stay in a house and try to fight a fire with a fire extinguisher.

Fire Inspector: We always tell people in the first part of fire extinguisher training is to determine whether or not you think you can effectively fight the fire, but the first thing you should do is call 911. The reason we are placing the fire extinguishers in the kitchens in all the units is because basically the extinguisher is there for a kitchen fire, grease fire, something that they can quickly contain with a fire extinguisher if a fire extinguisher is readily available. We certainly don't expect them to use an extinguishers to put out a bedroom fire something like that. But we are asking everyone to call 911, that is the basic part of any fire extinguisher training you receive, the first part is to call 911 then if you can fight the fire safely always having you back to an exit in the training, that is what we ask people to do.

Bauer: Then I guess my last question is with the fees that people are paying, for the inspection, do you anticipate the fire department or fire company providing training for individuals to use the fire extinguishers, cause I know when I was trained as a firefighter, we were out in the open and we were given all kinds of evolutions in order to meet the need using the fire extinguisher. If we say that people are trained to use it but all they do is buy it do you anticipate that your inspection program will provide training for individuals to use their fire extinguishers.

Fire Inspector: Actually, Mr. Cope and I have talked about a program, I think we talked about the Spring, of involving the ROA in some sort of fire safety program, where we could also maybe recharge fire extinguishers and

offer some sort of training at the same time, it is just a matter of getting it going. The problem you have is as a Fire Bureau I can't really bring in fire extinguisher companies I can't endorse any certain company to come in. That is why we are trying to work partners with the ROA to see if we can do something in the Spring or the Fall where people could bring their extinguishers in at a discounted rate, maybe, and do some training at that time.

Mr. Cope: We will be providing, we are looking at having like a fire safety week-end and it will be open to the public but you have to recognize that the majority of the people that will be attending will probably be residents with the turnover in rentals, you have to rely on the general public as being fairly well informed as how to use fire extinguishers.

Bauer: Thank you, that gave more information than just the report.

Kramar: You mentioned something about a list of contents in the cabinet? Is that what you said.

Fire Inspector: no the fire extinguisher, if it is in a cabinet, has to be labeled, with a sticker that says fire extinguisher.

Kramar: Like you're not looking for any type of contents in the cabinet then.

Fire Inspector: No, we search the house, if you have a propane bottle inside the house, that is a fire violation, if you have some flammables in there we would look for that, but we are not going basically thought the cabinets looking for any....

Kramar: I misunderstood when you said a list. One other questions I have and it doesn't pertain to that, in reference to gas cans being on decks, it is probably not a good idea for people to store them in an outside shed, or is it? Or in a basement.

Fire Inspector, No, it cannot be stored inside any enclosed dwelling anywhere you can't have a propane bottle, according to the fire code, inside the dwelling.

Kramar: how about a gas can for boats that they fill up

Fire Inspector: no, gasoline is the same way, we recommend if you want to store it inside, you could have an approved flammable liquids container cabinet, you could store it inside that.

Kramar: just a side note in some kind of communication with Tom and Public Safety that that should get out to the renters, a lot of people aren't familiar with that, I notice lots of time going to decks and there is either a gas can or propane tank over there, I don't think they realize that is it flammable or.. Roger: Hopefully, the propane grills will be off the decks and there will be no need to keep their extra bottles up there, we are hoping to take care of that.

Cope: One comment..the minor violations, the labeling of the cabinets and if the smoke detector needs batteries, the inspectors are taking those with them and if they find that violation it can be fixed at the time of the inspection. We are trying to get as many people passed as possible

NATURAL RESOURCES - Councilmember Bauer stated that the Natural Resources Committee is responsible for the following areas: beach replenishment, dredging and dredging related issues, Borough waters and bay islands, conservation management district, open space, Shade Tree Advisory Committee, animal control, and flood control – not just the Bird Sanctuary. Councilmember Bauer reported that the Natural Resources Committee will reform the Natural Resources Advisory Committee. Councilmember Bauer reported that a meeting was held in December with consultants, State and municipal representatives to address the issues regarding Site 103 and that the Mayor and Mr. Hawk represented Stone Harbor. Councilmember Bauer reported that the Borough received a State grant to hire consultants (Ocean Coastal Consultants) to coordinate the initial phase of the project with the main goals of relocating Site 103 so that it is closer to the road, restore the wetlands where the current site is located, determine place and use of the spoils that are on Site 103, and to acquire the necessary permits (State) to do the work. Councilmember Bauer reported that the Natural Resources Committee will meet on January 20 (Councilmembers Bauer, Cope and Vaul) to address the openness of Committee meetings, review of Advisory Committee responsibilities and membership, and a general review of Council's responsibilities concerning Natural Resources.

BEACH & RECREATION – Councilmember Davies-Dunhour reported that Recreation activities for the month of January will include after school gyms on Wednesdays, boot camp on Mondays and Thursdays, a trip to Skate Zone this Friday, a 76ers Bus trip on February 19th and hopefully to schedule a dance at the Yacht Club. Councilmember Davies-Dunhour reported that the new Tourism Director, Joann DelVescio, is working on a new website, channel 2, a master calendar, a possible Facebook and maybe an Apple application. Councilmember Davies-Dunhour reported that the new Director is also working on the Sail Into Summer Seafood Festival and Boat Show scheduled in May. Councilmember Davies-Dunhour reported that the Summer Recreation Program is in the works.

UTILITIES - Councilmember Kramar stated that she attended (along with Councilmember Davies-Dunhour) a seminar for newly elected officials which was quite informative and included subjects such as Contract Law, updates to Budgets Law, Ethics, and Sunshine Law. Councilmember Kramar reported that this week she took a tour of the Borough's public works facilities with Greg Sheeran. Councilmember Kramar reminded the home owners about the taking care of their pipes during these cold winter months and to make sure they are winterized. Councilmember Kramar reported that 2 new valves were installed at 104th and Second Avenue and a water main leak was repaired at 101st Street, water quality samples are taken weekly for analysis by Val Associates Lab, wells and life stations are routinely checked. Councilmember Kramar reported that South Jersey Gas is installing gas lines between the sidewalk between 105th and 108th Streets as part of the removal of the outfall pipes and installing a new main on 1st Avenue. Councilmember Kramar reported that the total water pumped in December was 3.9 million gallons.

PUBLIC WORKS – Councilmember Mastrangelo reported that 101st Street pavilion is being repaired and redesigned to look like the pavilion at 111th Street, getting together information on all hours worked and equipment costs required for the clean-up of the Veteran's Day storm to submit to FEMA; and that the salt bin is currently full, but the salt budget is just about empty. Councilmember Mastrangelo reported the Borough received a landscaping proposal for planting, installing, maintaining, watering and fall removal of the 40 hanging baskets on 96th Street as well as to plant, maintain, and water the 18 new urns which will be placed throughout the Business District, which was done in cooperation with the Garden Club, the ROA and the Borough last year and hopefully 2010 as well. Councilmember Mastrangelo reported that fuel used for 2009 totaled 22,956 gallons of Diesel and 20,539 gallons of No-lead gas for a combined total of 43,495 gallons. Councilmember Mastrangelo reported that the total hours worked for Special Events in 2009 was 1,631.9 and that the property on 3rd Avenue was tilled, raked and a compost mix was added to prepare it for the Garden Club to plant. Councilmember Mastrangelo reported that preparation for and removal of the snow required 240 man hours. Councilmember Mastrangelo stated that Christmas trees are being picked up curbside and if anyone needs a pick-up to call Public Works. Councilmember Mastrangelo reported that solid waste disposal fees for December were \$5,172.47 down \$181 from December, 2008 and that in 2009, 6,579,729 pounds of solid waste was hauled and that 1,968 yards of debris and 151.4 tons of brush was generated in 2009, and the Litter Abatement program produced over 155,48 tons for a savings of \$9,754.83. Councilmember Mastrangelo reported that the Bulk Trash Pick-up Days for 2010 are March 22nd, May 10th, September 20th and November 15th.

ADMINISTRATIVE & FINANCE – Councilmember Vaul reported that the budget process is in full swing and should be introduced at the February meeting and that the A & F Committee is meeting on Friday and is looking to present the budget in mid-February, then a public meeting to follow, and hopefully adoption by March.

ENGINEER'S REPORT - Mark DeBlasio, Borough Engineer, provided the Engineer's report as follows:

Beach Outfall Elimination

- All utility work has been completed on 105th Street.
- The Gas Company is replacing the gas main on First Avenue.
- Concrete work will begin on 105th Street the week of January 18, 2010.

Public Works Building and Repair

- The bid opening occurred on October 28, 2009. The apparent low bidder is Pro-Spec Painting, Inc. in the amount of \$65,329.10.
- Contracts have been signed with Pro-Spec Painting.
- Pre-construction meeting to be scheduled.

Water Plant Roof Replacement and Mechanical Renovations

- The bid opening occurred on October 28, 2009. The apparent low bidder is Statewide Fire Restoration, Inc. in the amount of \$164, 620.00.
- Contracts have been signed with Statewide Fire Restoration.
- Pre-construction meeting to be scheduled.

99th Street Bulkhead Replacement

- The design is complete and the NJDEP permit has been submitted.

FY 2009 NJEIT Sanitary Sewer and Water Main Improvements

- The bid opening occurred on December 29, 2009. The apparent low bidder is Asphalt Paving Systems in the amount of \$2,225,000.00.
- We are waiting for NJEIT approval and the pre-construction meeting will be scheduled.

FY 2010 NJEIT Sanitary Sewer and Water Main Improvements

- The letter of commitment has been sent to the State and the project has been included in the FY 2010 funding cycle.
- Survey, base mapping and design is currently underway.

TREASURER'S REPORT

Current Receipts.....	\$620,002.38
Current Disbursements.....	\$553,887.57
Utility Receipts.....	\$293,617.50
Utility Disbursements.....	\$ 50,350.12

BOROUGH CLERK'S REPORT

<u>ISSUED</u>	<u>TYPE</u>	<u>AMOUNT</u>
16	Certified Copies	160.00
1	Marriage License	28.00
1	OPRA Request	7.50
2	Special Events Permits	100.00
	SUB-TOTAL	295.50
0	Dogs	0.00
0	Cats	00.00
	TOTAL	\$295.50

CONSTRUCTION OFFICE

PERMIT	NO. OF PERMITS ISSUED	FEES COLLECTED
Building Permits	33	\$23,534.00
Electrical Permits	15	2,555.00
Plumbing Permits	10	2,300.00
Fire Permits	8	925.00
DCA Permits	39	2,828.00
Zoning Permits	25	8,434.00
CTT's	4	200.00
Violations	0	0.00
Certificate of Occupancy	33	3,168.00
Other Miscellaneous		
Public Records		
Dumpster/Semi Trailer	2	500.00
Utility Street Openings	5	450.00
TOTAL FEES COLLECTED		\$44,894.00

Upon motion of
Seconded by

Councilmember Joanne Vaul
Councilmember Barry D. Mastrangelo

Regular Meeting, January 19, 2010

That the reports of committees and officers be received and filed.

Vote **6 Councilmembers AYE**

COMMUNICATIONS

None

HEARING OF THE PUBLIC ON MEMORIALS, RESOLUTIONS, PETITIONS & COMPLAINTS

Don Furmanski – 222 98th Street – inquired about the beach replenishment and back bays and dredging projects and requested that a detailed report be provided at the next meeting. Mayor Walters stated that these reports were just given – Ocean Coastal Consulting is working on Site 103, FEMA reimbursement for beach replenishment is in the works, and the outfall pipes are currently being removed.

Al Carusi – 334 87th Street – stated that he is a graduate of Wildwood Catholic and was wondering if Council is going to adopt a resolution opposing its closing. Mr. Carusi expressed his concerns about losing this valuable asset and its effect it will on this community. Mayor Walters stated that she has reviewed the sample resolution and feels like the issue is the separation between Church and State.

Councilmember Bauer reported that there is a newly enacted law regarding Boards, Commissions, Committees and the availability of a form which the public could fill out to express their interest in serving on any particular committee. Councilmember Bauer reported that this form will be available very shortly and will also be on the website.

OLD BUSINESS:

None

NEW BUSINESS:

RESOLUTION 2010-S-26 – Refund Duplicate Tax Payment

Upon motion of
Seconded by

Councilmember Joann Vaul
Councilmember Barry D. Mastrangelo

REFUND DUPLICATE TAX PAYMENT

WHEREAS, duplicate tax payments were received causing an overpayment in the amount of \$1,434.44 for the 1st half of 2010 taxes on Block 82.03, Lot 93, located at 248 – 83rd Street; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stone Harbor, in the County of Cape May and State of New Jersey that a refund check in the amount of \$1,434.44 be issued to Elizabeth Kiernan, owner of record, at 4626 Asbury Place, NW, Washington, DC 20016; and

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

Vote

6 Councilmembers AYE

RESOLUTION 2010-S-27 – Authorizing Extraordinary Unspecifiable Service Agreement with Black Bear Lacrosse.

Upon motion of
Seconded by

Councilmember Judith Davies-Dunhour
Councilmember Barry D. Mastrangelo

RESOLUTION AUTHORIZING AWARD OF CONTRACTS

Regular Meeting, January 19, 2010

**FOR EXTRAORDINARY UNSPECIFIABLE SERVICES
FOR A LACROSSE CAMP DURING THE 2010 SUMMER SEASON**

WHEREAS, the Borough of Stone Harbor, in an effort to expand recreational opportunities for resident and visitors has pursued the provision of certain “sport camps” which are extraordinary and not amenable to typical specification processes; and

WHEREAS, agreements to provide such services are acceptable and do not fall under typical specification procedure and are therefore exempt from public bidding in accordance with N.J.S.A. 40A:11-5 as Extraordinary Unspecifiable Services; and

WHEREAS, a contract for the following services has been prepared and is on file with the Borough Clerk:

1. Lacrosse camp conducted by Black Bear Lax, LLC, July 26-30, 2010

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 19th day of January 2010, as follows;

1. That the preamble of this Resolution is hereby incorporated herein by reference;
2. That the Mayor and Clerk are hereby authorized and directed to execute the aforementioned contract on behalf of the Borough.

Vote

6 Councilmembers AYE

RESOLUTION 2010-S-28 – Setting Fees for Re-inspection Fee – Rental Property

Upon motion of
Seconded by

Councilmember Thomas E. Cope
Councilmember Barry D. Mastrangelo

**A RESOLUTION ESTABLISHING CERTAIN FEES (Residential Rental License)
AS AUTHORIZED BY ORDINANCE**

WHEREAS, the Borough Council of the Borough of Stone Harbor in the County of Cape May and State of New Jersey has ordained that certain fees may be established from time-to-time by Resolution of the Borough Council; and

WHEREAS, Resolution 2009-S-171, passed on October 6, 2009 set fees for a Residential Rental License, but it has been established that a re-inspection fee was not listed; and

WHEREAS, the Public Safety Committee of Borough Council has recommended that a \$25.00 re-inspection fee be added to Resolution 2009-S-171;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Stone Harbor duly assembled in public session this 19th day of January, 2010, that the following fee be set at the following level:

- a. Re-inspection of individual residential rental unit: \$ 25.00

Vote

6 Councilmembers AYE

RESOLUTION 2010-S-29 – Authorizing Professional Services Contract – TRIAD -- COAH

Upon motion of
Seconded by

Councilmember Barry D. Mastrangelo
Councilmember Joanne Vault

**RESOLUTION AUTHORIZING THE AWARD OF
A CONTRACT FOR PROFESSIONAL CONSULTANT SERVICES
FOR IMPLEMENTATION OF C.O.A.H. PLAN**

Regular Meeting, January 19, 2010

WHEREAS, the Borough of Stone Harbor, the Borough of West Cape May, the Borough of Cape May Point and the City of Cape May have obtained certification from the New Jersey Council on Affordable Housing for their respective affordable housing plans; and

WHEREAS, the municipalities are in need of a professional consultant in connection with their respective accessory apartment programs to provide affordable housing.

WHEREAS, Triad of Vineland, New Jersey, has submitted a proposal dated January 7, 2010, indicating their ability to provide consulting services with regard to implementation of accessory apartment programs for affordable housing in each municipality; and

WHEREAS, the total compensation as reflected in the proposal is below the bid threshold and pay-to-play threshold; and

WHEREAS, the Borough of Stone Harbor is given authority by N.J.S.A. 40A:11 *et seq.* to enter into contracts for “Professional Services,” without competitive bidding, where the need arises and so long as the award of such contract is made public by a Resolution of the Governing Body; and, additionally, the amount of the contract is below the bid threshold and below the pay-to-play threshold; and

WHEREAS, funds are available for this contract as evidenced by the certification of the Chief Financial Officer attached hereto.

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Stone Harbor duly assembled in public session this 19th day of January, 2010, that the preamble of this Resolution is hereby incorporated herein by reference; and

BE IT FURTHER RESOLVED that the Mayor and Clerk be and hereby are authorized and directed to execute the contract included with the aforementioned proposal of Triad Associates, which shall incorporate the required Affirmative Action Language; and

BE IT FURTHER RESOLVED that notice of the award of this contract be published by the Clerk in accordance with law.

Vote **6 Councilmembers AYE**

RESOLUTION 2010-S-30 – Appropriation Transfers

Upon motion of Councilmember Thomas Cope
Seconded by Councilmember Joanne Vul

A Resolution authorizing the transfer of certain items in the 2009 Budget of the Borough of Stone Harbor.

BE IT RESOLVED by the Mayor and Council of the Borough of Stone Harbor that the following transfers are hereby made in the 2009 Budget, the same to become effective immediately and the proper officer shall cause the same to be made as follows:

TRANSFER TO:

Buildings & Grounds	Other Expenses	\$ 700
Street Lighting		2,000
Electricity		4,000

TRANSFER FROM:

Gasoline	Other Expenses	\$ 6,700
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Vote **6 Councilmembers AYE**

Regular Meeting, January 19, 2010

RESOLUTION 2010-S-31 – Refund Duplicate Tax Payment

Upon motion of Councilmember Randall S. Bauer
Seconded by Councilmember Joanne Vault

REFUND DUPLICATE TAX PAYMENT

WHEREAS, tax payments were received from Wells Fargo Home Mortgage and also the owner of record causing an overpayment in the amount of \$1,987.80 for the 1st quarter 2010 taxes on Block 88.04, Lot 138, a/k/a 8800 Sunset Drive; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stone Harbor, in the County of Cape May and State of New Jersey that a refund check in the amount of \$1,987.80 be issued to Wells Fargo Home Mortgage, P.O. Box 14411, DesMoines, IA 50306-3411; and

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

Vote **6 Councilmembers AYE**

RESOLUTION 2010-S-32 – Utility Adjustments – Summer Usage

Upon motion of Councilmember Joan Kramar
Seconded by Councilmember Barry D. Mastrangelo

AUTHORIZING UTILITY ADJUSTMENTS – SUMMER LEAKS

WHEREAS, it has been determined that the below listed accounts experienced summer leaks which have been appropriately documented and certified by public works personnel, and

WHEREAS, the said leaks did not drain into the sanitary collection system.

NOW, THEREFORE, BE IT RESOLVED by the Members of Council of the Borough of Stone Harbor, in the County of Cape May and State of New Jersey that under the provisions of Ordinance 542-22c the 2009 summer usage will be adjusted to the average of the prior three summers consumption for the purpose of calculating 2010 sewer volume charges.

BE IT FURTHER RESOLVED that these adjustments have been reviewed and approved by the Utility Committee and that the Utilities Collector make the proper adjustments in her records.

Account 01460	302 – 84 th Street	Lauren & Nicholas Mink
Account 01510	314 – 84 th Street	Robert T. Hicks
Account 10960	9821 Sunset Drive	John Myers
Account 19878	111 – 110 th Street	Howard Gibb
Account 21000	112 – 115 th Street	Laura McMahan

Vote **6 Councilmembers AYE**

MOTION: To authorize Clean Ocean Action Beach Sweep on Saturday April 24, 2010 and Saturday October 23, 2010.

Upon motion of Councilmember Randall S. Bauer
Seconded by Councilmember Judith Davies-Dunhour

Vote **6 Councilmembers AYE**

Regular Meeting, January 19, 2010

The following bills were presented to Council for their approval:

Check #	Check Date	Vendor	Amount Paid
24744	01/20/10	ACELE ATLANTIC CITY ELECTRIC CO.	422.09
24745	01/20/10	ADVAN ADVANTAGE RENTAL & SALES	426.44
24746	01/20/10	ASFLDMGR ASSOCIATION OF STATE	100.00
24747	01/20/10	ATTMOBIL AT & T MOBILITY	135.99
24748	01/20/10	ATWO2 ATWOOD, JONATHAN S.	140.00
24749	01/20/10	AVAYA AVAYA, INC.	591.77
24750	01/20/10	BARTKERO ROBERT BARTKE	200.00
24751	01/20/10	BESTU BEST UNIFORM	264.82
24752	01/20/10	BILLO BILLOWS ELECTRIC SUPPLY CO.	60.33
24753	01/20/10	BORSH BOROUGH OF STONE HARBOR	175,069.73
24754	01/20/10	CAMCOMPA CAM COMPANY	233.08
24755	01/20/10	CANDE CANDELORE, DEBORAH A.	657.00
24756	01/20/10	CAPE4 CAPE 47 LUMBER CO.	12,762.80
24757	01/20/10	CAPRI CAPRIONI PORTABLE TOILETS	50.00
24758	01/20/10	CARRO CARROT TOP INDUSTRIES, INC.	444.54
24759	01/20/10	CASAP CASA PAYROLL SERVICES	409.90
24760	01/20/10	CDWIN CDW GOVERNMENT, INC.	175.00
24761	01/20/10	CHOFF COURT HOUSE OFFICE SUPPLIES	2,186.26
24762	01/20/10	CHRIS CHRISTMAN, H.B.	524.68
24763	01/20/10	CMCCC C.M.C. CHAMBER OF COMMERCE	2,645.00
24764	01/20/10	CMCMC C.M.C. MUNICIPAL CLERKS ASSO.	300.00
24765	01/20/10	CMCMU C.M.C. MUNICIPAL UTILITY AUTHO	5,159.78
24766	01/20/10	CMCTR C.M.C. TREASURER'S OFFICE	20.00
24767	01/20/10	COPEJRTO THOMAS E. COPE, JR.	750.00
24768	01/20/10	CPORT CAPE PORT MARINE SUPPLY	656.00
24769	01/20/10	DALYDIAN DIANNE DALY	36.11
24770	01/20/10	DONOH GRUCCIO, PEPPER, DESANTO & RUTH	1,822.57
24771	01/20/10	ENFORPOL ENFORSYS POLICE SYSTEMS, INC.	2,400.00
24772	01/20/10	FASTENAL FASTENAL INDUSTRIAL/CONSTRUCTI	135.45
24773	01/20/10	FORESTRY FORESTRY SUPPLIERS	88.20
24774	01/20/10	GARYS GARY'S AUTOMOTIVE SERVICE	101.50
24775	01/20/10	GENER GENERAL CODE PUBLISHERS	1,195.00
24776	01/20/10	GENTI GENTILINI FORD, INC.	628.73
24777	01/20/10	GLOBAL GLOBAL CONNECT	15.71
24778	01/20/10	GOLDE GOLDEN INN	1,243.20
24779	01/20/10	GRAIN GRAINGER, INC. W.W.	137.98
24780	01/20/10	GRUCC GRUCCIO, PEPPER, P.A.	742.50
24781	01/20/10	HAPPYHUN HAPPY HUNT	80.00
24782	01/20/10	HARRISCO HARRIS COMPUTER SYSTEMS	4,134.20
24783	01/20/10	HARRISWA WAYNE HARRIS	87.39
24784	01/20/10	JESCOJOH JESCO, INC.	449.00
24785	01/20/10	JOHN2 JOHNSTONE SUPPLY	241.65
24786	01/20/10	KEENC KEEN COMPRESSED GAS	55.91
24787	01/20/10	KIERNANE ELIZABETH KIERNAN	1,434.44
24788	01/20/10	LAMACH JAMES LAMACH, JR.	80.00
24789	01/20/10	LAURYHEA LAURY HEATING	778.00
24790	01/20/10	LEADE LEADER PRINTER	137.14
24791	01/20/10	MARCP MARC PUBLISHING CO.	149.50
24792	01/20/10	MCCAB MC CABE JR., JAMES	90.00
24793	01/20/10	MEDIA RICHARD GRAVER	593.75
24794	01/20/10	MIDATSAL MID ATLANTIC SALT	3,481.68
24795	01/20/10	MISIN MUNICIPAL INFORMATION SYSTEMS	1,350.00
24796	01/20/10	MONZO MONZO CATANESE, P.C.	345.00
24797	01/20/10	MOSSM MOSSBROOKS FIRESTONE	1,222.77
24798	01/20/10	MULRA MULRANEY, DANIEL	1,074.55
24799	01/20/10	NEXTCOMM NEXTEL COMMUNICATIONS	1,199.43
24800	01/20/10	NICOL NICOLA, JAMES	275.00
24801	01/20/10	NIMPRINT NATIONAL IMPRINT CORP.	475.20
24802	01/20/10	NJAFM NJ A.F.M.	30.00
24803	01/20/10	NJCON N.J. CONFERENCE OF MAYORS	295.00
24804	01/20/10	NJLOMDUE NJ ST LEAGUE OF MUNICIPALITIES	252.00
24805	01/20/10	NJLOMUNI NJ ST LEAGUE MUNICIPALITIES	305.00
24806	01/20/10	NJPLA NEW JERSEY PLANNING OFFICIALS	360.00
24807	01/20/10	PARAMENT PARAMOUNT ENTERPRISES, INC.	170,273.41
24808	01/20/10	PARDO PARDO'S TRUCK SERVICE PARTS WH	21.85
24809	01/20/10	PATTI PATTI'S PARTY WORLD	59.97
24810	01/20/10	PITNE PITNEY BOWES, INC.	854.00
24811	01/20/10	PRESS PRESS, THE	330.29
24812	01/20/10	PROCON PRO CON MARKETING, INC.	1,500.00
24813	01/20/10	PUERTORI PUERTO RICAN ACTION COMMITTEE	75.00
24814	01/20/10	RADEC RADECKI, ELLA	59.95
24815	01/20/10	RENTA RENTAL COUNTRY	241.95
24816	01/20/10	REYNO REYNOLDS, PAUL JAMES	80.00
24817	01/20/10	RIVERFRO RIVERFRONT MEDICAL CENTER	5,245.00

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24818	01/20/10	RUTGE	RUTGERS, THE STATE UNIVERSITY	426.00
24819	01/20/10	SCHUT	SCHUTTA, THOMAS J.	85.55
24820	01/20/10	SCOTT	SCOTT, DEBORAH	25.00
24821	01/20/10	SEASHASP	SEASHORE ASPHALT CORP.	144.00
24822	01/20/10	SEETO	SEETON TURF WAREHOUSE, LLC	699.44
24823	01/20/10	SERV1	SERVICE TIRE TRUCK CENTERS	2,046.32
24824	01/20/10	SHEE2	SHEERAN, GREGORY	180.00
24825	01/20/10	SHEPPARD	SHEPPARD BUS SERVICE, INC.	300.00
24826	01/20/10	SHORECOU	SHORE COUNSELING, LLC	1,250.00
24827	01/20/10	SJAUT	SOUTH JERSEY AUTO SUPPLY	128.56
24828	01/20/10	SJCOP	SO. JERSEY POLICE CHIEF'S ASSO.	100.00
24829	01/20/10	SJGAB	SOUTH JERSEY GAS CO.	2,442.47
24830	01/20/10	SJGAW	SOUTH JERSEY GAS CO.	44.05
24831	01/20/10	STAN2	STANFORD, SUZANNE	126.00
24832	01/20/10	STAPL	STAPLES CREDIT PLAN	301.83
24833	01/20/10	STRUE	SEASHORE ACE HARDWARE	662.96
24834	01/20/10	TALARISI	TALARIS, INC.	943.76
24835	01/20/10	TCTNJ	T.C.T.A. MEMBERSHIP SERVICES	300.00
24836	01/20/10	TELVUECO	TEL VUE CORPORATION	600.00
24837	01/20/10	TESSC	TESSCO	198.35
24838	01/20/10	TOSHI	TOSHIBA BUSINESS SOLUTIONS	629.57
24839	01/20/10	TOZER	TOZER, MICHELLE	382.20
24840	01/20/10	TREA2	TREASURER, STATE OF NEW JERSEY	4,532.00
24841	01/20/10	TRES2	TREASURER, STATE OF NJ	7,235.00
24842	01/20/10	USPOS	RESERVE ACCOUNT	5,000.00
24843	01/20/10	VCABS	VERIZON	528.26
24844	01/20/10	VERARTCR	VERIZON	73.50
24845	01/20/10	VERI1	VERIZON	113.07
24846	01/20/10	VERI2	VERIZON	163.81
24847	01/20/10	VERISHBP	VERIZON	54.60
24848	01/20/10	VERIZ	VERIZON	2,542.92
24849	01/20/10	VERIZ911	VERIZON	16.37
24850	01/20/10	VERRA	VE RALPH	1,361.38
24851	01/20/10	VERWI	VERIZON WIRELESS	144.03
24852	01/20/10	VINAU	VINELAND AUTO ELECTRIC	39.00
24853	01/20/10	VINGUIDA	VINELAND GUIDANCE CENTER	875.00
24854	01/20/10	WELLSFAR	WELLS FARGO HOME MORTGAGE	1,987.80

Checks: 111 0 0.00 447,332.99

Upon motion of Councilmember Barry D. Mastrangelo
 Seconded by Councilmember Joanne Vault

That we pay the bills provided the vouchers are in proper order and sufficient funds exist.

Vote 6 Councilmembers AYE

At this time we are about to consider a Resolution to go into private session. We would appreciate it if you would all remain seated until the Resolution has been acted upon. At the conclusion of the private session we will come back into public session for the purpose of either taking action as a result of our discussion in private session or to simply adjourn. It is also possible that someone might bring up some other item of business in public session after we come back from private session.

RESOLUTION 2010-S-33 (Closed Session)

Upon motion of Councilmember Randall S. Bauer
 Seconded by Councilmember Joan Kramar

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

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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. *Matters Relating to Litigation, Negotiations and/or the Attorney–Client Privilege*

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Stone Harbor, assembled in public session on January 19, 2010, that an Executive Session closed to the public shall be held on January 19, 2010 at or about 4:00 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.

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.

Vote

6 Councilmembers AYE

MOTION – To Return to Open Session

Upon motion of
Seconded by

Councilmember Tom Cope
Councilmember Joanne Vault

To return to Open Session.

Vote

6 Councilmembers AYE

RESOLUTION 2010-S-34 (Conflict Attorney)

Upon motion of
Seconded by

Councilmember Barry D. Mastrangelo
Councilmember Tom Cope

**RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES CONTRACT
WITH J. CHRISTOPHER GIBSON AND BARRY, CORRADO, GRASSI AND
GIBSON, ATTORNEYS AT LAW**

WHEREAS, the Borough of Stone Harbor is given authority by N.J.S.A. 40A:11 *et seq.* to enter into contracts for “Professional Services” without competitive bidding, where the need arises and so long as the award of such contract is made public by a Resolution of the Governing Body and satisfies the requirements of the New Jersey Pay-to-Play law ; and

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WHEREAS, given certain potential conflicts, the Borough Solicitor has recommended to the Borough Council, J. Christopher Gibson, Esquire, of Barry, Corrado, Grassi and Gibson, to represent the Borough in connection with certain active litigation encaptioned *Capri Construction v. Borough of Stone Harbor and Pro Spec Painting*; and

WHEREAS, Mr. Gibson and the other members of the firm, with offices in Wildwood, are experienced attorneys and possess knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction; and

WHEREAS, Mr. Gibson will serve as counsel of record with regard to any and all claims in the context of the current litigation; and

WHEREAS, the initial amount of the contract for this litigation is not to exceed \$10,000.00, which amount may only be exceeded by properly submitted and pre-approved purchase orders, Mr. Gibson to be compensated at the rate of \$175.00 per hour, other members of the firm may provide assistance in the discretion of Mr. Gibson as deemed necessary to effectively represent the Borough and those attorneys shall be compensated at the same rate. The firm shall also be reimbursed for reasonable out-of-pocket expenses typically associated with such representation; and

WHEREAS, the appropriate pay-to-play disclosure has been provided to the Borough Clerk and the contract is allowable under the non-fair and open process.

WHEREAS, funds are available as evidenced by the Chief Financial Officer's Certification attached hereto;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Stone Harbor, County of Cape May, State of New Jersey, duly assembled in public session this 19th day of January, 2010, as follows:

1. That the preamble of this Resolution is hereby incorporated by reference as if set forth here at length. The resolution shall serve as the contract and the appropriate affirmative action and nondiscrimination language shall be acknowledged and attached hereto;
2. That the Mayor and Clerk are directed to forthwith execute on behalf of the Borough of Stone Harbor this Resolution for the purposes stated herein above, with this Resolution constituting the contract for professional services;

Vote **6 Councilmembers AYE**

MOTION TO ADJOURN

Upon motion of	Councilmember Barry D. Mastrangelo
Seconded by	Councilmember Joanne Vaul

That the Regular Meeting of Mayor and Council be adjourned at 6:00 p.m.

Vote **6 Councilmembers AYE**

APPROVED _____, 2008

_____, Mayor

ATTEST: _____, Borough Clerk