

**MINUTES OF THE REGULAR MEETING OF  
MAYOR AND COUNCIL OF THE BOROUGH  
OF STONE HARBOR HELD IN THE  
MUNICIPAL BUILDING, APRIL 20, 2010**

\*\*\*\*\*

The meeting was called to order by Mayor Walters at 4:30 p.m.

**ROLL CALL**

Suzanne M. Walters, Mayor  
Suzanne C. Stanford, Borough Clerk  
Michael J. Donohue, Attorney  
Kenneth J. Hawk, Administrator  
James Nicola, CFO

**PRESENT**

Councilmembers

Barry D. Mastrangelo, Council President  
Judith Davies-Dunhour  
Joann Kramar  
Thomas Cope, Jr.  
Joanne Vaul  
Randall S. Bauer

Mayor Walters announced that the meeting was now open. Adequate notice of the meeting was provided by posting a copy of the time and place on the Municipal Clerk's bulletin board and mailing a copy of same to the Press and the Cape May County Herald on January 6, 2010.

**SALUTE TO THE FLAG**

**MOTION CONCERNING THE MINUTES**

Upon motion of  
Seconded by

Councilmember Barry D. Mastrangelo  
Councilmember Joanne Vaul

Since all members of Council have been provided with a copy of the minutes of the Regular Meeting of March 16, 2010 and the Work Session Meeting of April 6, 2010 if there are no additions or corrections, I move we dispense with the reading of the minutes and that they be approved.

**Vote**

**6 Councilmembers AYE**

**REPORTS OF COMMITTEES AND OFFICERS**

**PUBLIC SAFETY** – Councilmember Cope provided the police statistical report for the month of March as follows: 39 moving violations, 1 motorists assisted, 4 accidents handled, 5 suspicious vehicles, and 132 motor vehicle stops, 1 adult arrest, 7 medical emergencies, 3 fire calls, 16 alarms, 84 open doors/windows, 9 heater lights, 8 animal complaints, and a total of 852 incidents logged. Councilmember Cope reported that the Fire Inspection Bureau has over 800 rental properties registered and that 256 inspections were done this month for a total of 662. Councilmember Cope reported that the new Fire Dept boat has been painted and the new the fire truck should be here in 2 to 3 weeks.

**NATURAL RESOURCES** - Councilmember Bauer stated that the creation of a song bird garden is underway at the Bird Sanctuary which is an Eagle Scout project being done by Kane Daly and a few other Scouts. Councilmember Bauer reported that the Capital Campaign for the Bird Sanctuary to date has raised \$27,000.00 and \$15,000.00 last year; most of the funds were for garden trees, benches, pavers, etc. Councilmember Bauer reported that the construction of the Egret Espy Path (the last path in the Sanctuary) will begin shortly. Councilmember Bauer stated that plans are underway to install a public drinking fountain at the Holly Path on Second Avenue near the bike path. Councilmember Bauer thanked Greg Sheeran and the Public Works Department for clearing all the down trees and debris around. Councilmember Bauer stated that a State Forester visited and he estimated that the Holly Tree is 300 or 400 years old. Councilmember Bauer stated that a Tourism Brochure has been created and will be placed all over southern New Jersey information racks and they include information on docent lead tours of the Sanctuary.

**BEACH & RECREATION** – Councilmember Davies-Dunhour reported that to date the Beach Tag Office has sold \$13,320.00 which is \$2,024.00 more than last year. Councilmember Davies-

## Regular Meeting, April 20, 2010

Dunhour reported that all the beach tagger positions have been filled and the uniform will remain the same this year. Councilmember Davies-Dunhour stated that Beach Tags will be sold at a table on 96<sup>th</sup> Street during the Sail Into Summer Weekend of May 1 and 2 as well as the Beach Tag Office. Councilmember Davies-Dunhour reported that Beach Captain, Sandy Bosacco, and other guards will be at the Beach Shack on May 22 preparing for Memorial Day Weekend and beaches will be protected beginning Saturday, May 29, 2010. Councilmember Davies-Dunhour reported that the public may contact the Beach Shack for a list of beaches which will be covered during the early summer months. Councilmember Davies-Dunhour reported that the Recreation Department activities for the month include after school gyms on Wednesdays, a scavenger Hunt on April 23, 2010 and a Phillies vs. Mets viewing party on April 30, 2010. Councilmember Davies-Dunhour stated that there are still some vacancies in the Recreation Department's summer program. Joann DelVescio, Tourism Director, provided an update on activities and project currently underway, including, the Sail Into Summer Weekend, Turtle Trot, meeting with merchants, press releases, creating a calendar of events and updating, updates to Channel 2, updates to the Borough's Website, flying a Banner Plane on Sundays, creating a Facebook page, etc.

**UTILITIES** - Councilmember Kramar reported that water mains at 207 92<sup>nd</sup> Street and 344 92<sup>nd</sup> Street were repaired; water meters were read and fire hydrants have been flushed. Councilmember Kramar reported that new flow switch was installed for the 92<sup>nd</sup> Street Well and the Beach Shack and the Marina water have been turned on for the summer season. Councilmember Kramar reported that there were a total of 47 markouts for the month of March and that sewers, storm drains and auxiliary engines/generators are checked and cleaned as needed. Councilmember Kramar reported that Ronnie Town from Atlantic Electric recently met with the Utilities Committee and provided a "state of affairs" for the company and expressed her thanks for all the help during the storms.

**PUBLIC WORKS** – Councilmember Mastrangelo reported that beach raking started on April 12<sup>th</sup> and that gravel cross-overs are being repaired; dune fencing is being stalled from 80<sup>th</sup> to 123<sup>rd</sup> Streets; dune fertilizing is going to be performed on April 21 at 8:30 a.m., the catamaran poles have been installed up to number 70 and they are approximately 25 feet further west than previously; and the handicap access ramps at 101<sup>st</sup> and 111<sup>th</sup> Streets have been rebuilt. Councilmember Mastrangelo reported that a port-a-potty trailer is being built to replace the one usually rented for the 95<sup>th</sup> Street beach area; that Mr. Sheeran has been authorized to investigate the cost and feasibility of installing a generator on the 114<sup>th</sup> Street Lift Station (this facility lost power during the storm and if this were to occur during the summer months, it could cause serious sewage back-up.) Councilmember Mastrangelo reported that tree limb debris from the Holly Path at the Bird Sanctuary damaged during the storms were removed; at the request of Fish & Wildlife, some bulky storm debris that was up on the Point was also removed. Councilmember Mastrangelo reported that the Committee approved adding the replacement of the manhole at the intersection of 86<sup>th</sup> Street and Third Avenue. Councilmember Mastrangelo reported that a forklift safety training program is scheduled for this week and that the quarterly safety meeting was held on April 14<sup>th</sup> with suggestions for improvement in the area of blood born pathogen training, Hep B. and Borough Hall and Public Works lockdown procedures, fire evacuation and accident review were all discussed. Councilmember Mastrangelo reported that the solid waste tipping fees for the month of March were \$6,408.76 up \$2,385.45 from March of 2009. Councilmember Mastrangelo reported that Bulk Trash pick-up days for 2010 are May 10, September 20 and November 15.

**ADMINISTRATIVE & FINANCE** – Councilmember Vault reported that the Administrative and Finance Committee met several times to discuss the Request for Proposal for the Compensation Study, Parking Meters Fees (with input from the Business Advisory Committee), the other revenue and cost containment ideas, and the Library situation, as well as the formal submission of the budget.

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

**Beach Outfall Elimination**

- All utility work has been completed on 105<sup>th</sup> Street.
- The gas main installation on First Avenue is complete.
- Concrete work and base pavement on 105<sup>th</sup> Street is complete.
- Pipe work on 1<sup>st</sup> Avenue is ongoing with Chelsea Place.

**Public Works Building and Repair**

- The Contractor has mobilized and has completed the sign removals, powerwashing and epoxy paint at base of siding.
- Weather permitting, the Contractor anticipates completion prior to May 28, 2010.

**Water Plant Roof Replacement and Mechanical Renovations**

- All existing tile will be removed and underlayment installed by end of day, April 19, 2010.
- Exhaust fans and curb have been installed.
- Sheathing and wood planking is being removed and replaced as needed.
- Weather permitting, the Contractor anticipates completion by the end of April.

**99<sup>th</sup> Street Bulkhead Replacement**

- The bid opening occurred on March 25, 2010. The apparent low bidder is M.G. Lindemon Trucking in the amount of \$94,385.00.

**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 received NJEIT approval and a pre-construction meeting was held on February 5, 2010.
- Construction has begun on 84<sup>th</sup> Street. Water main installation is complete. Sewer work is complete. Concrete work is in progress.
- Construction has begun on 86<sup>th</sup> Street.

**FY 2010 NJEIT Sanitary Sewer and Water Main Improvements**

- The project plans and specifications have been sent to NJDEP on February 27, 2010.
- We are currently pursuing “preauthorization” to bid this project during the summer of 2010.

**Public Works Solar Energy Project and Structural Upgrades**

- The Contractor will be onsite this week for field verifications.
- Shop drawings were submitted, reviewed and returned to the contractor for revisions.
- Structural steel installation is 75% complete.
- Solar panels will arrive onsite in one (1) week.

**Furnishing a Street Sweeper**

- The bid opening occurred on April 14, 2010. The apparent low bidder is Golden Equipment Company, Inc. in the amount of \$185,820.00.

**Furnishing a Backhoe**

- The bid opening occurred on April 14, 2010. The apparent low bidder is JESCO, Inc. in the amount of \$68,925.00.

**SOLICITOR** - Mr. Donohue reported that last month his office handled requests from Mayor, Council, Administrator, Clerk’s Office, Zoning Office, Tax Assessor, Tax Collector, Planning Board and the Police Department.

**TREASURER’S REPORT**

Current Receipts.....	\$ 564,146.15
Current Disbursements.....	\$1,459,878.74
Utility Receipts.....	\$ 173,272.52
Utility Disbursements.....	\$ 94,254.97

**BOROUGH CLERK’S REPORT**

<b><u>ISSUED</u></b>	<b><u>TYPE</u></b>	<b><u>AMOUNT</u></b>
3	Boat Slips	4350.00



Regular Meeting, April 20, 2010

environment. Ms. Stewart suggested that we address the ticketing and perhaps let people know about the grace period. Ms. Stewart also made other suggestions such as having one day a month that is free parking.

Vince Lamanna – Golden Gate Drive – addressed Council regarding public access issues to waterways and new regulations the DEP is considering implementing. Mr. Lamanna requested Mayor and Council to vehemently oppose any type of legislation which would impede a person's private property and/or reduce property values and that they should adopt a resolution accordingly.

Charles Koch – 236 85<sup>th</sup> Street – expressed his opposition to allow dogs on the beach and urged Council to vote No.

Don Furmanski – 222 98<sup>th</sup> Street – expressed his support of Mr. Lamanna's suggestions.

**OLD BUSINESS:**

**ORDINANCE 1357(To Exceed the Municipal Budget Appropriation Limits and Establish a Cap Bank)**

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

That Ordinance 1357 be taken up on second reading.

**Vote 6 Councilmembers AYE**

The Clerk read the title only of Ordinance 1357 on second reading because a copy of said Ordinance was posted on the Clerk's bulletin board.

The Public Hearing is now open.  
No one from the public spoke.  
The Public Hearing was closed.

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

That Ordinance 1357 be passed on second reading and advance to third and final reading.

**Vote 6 Councilmembers AYE**

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

That Ordinance 1357 be passed on third and final reading, adopted and published according to law.

**Vote 6 Councilmembers AYE**

**PUBLIC HEARING ON 2010 BUDGET:**

Charles Koch --- 236 85<sup>th</sup> Street – inquired about the lack of effort to implement of the suggested costs savings previously suggested to Council. Mr. Koch indicated that the A & F Committee continues to resist requests to allow the public to attend their Committee meetings. Mr. Koch inquired why each Department was not required to submit a base budget and not submit wish list items. Mr. Koch provided recommendations for reducing the budget, some of which include, eliminate health benefits to part-time employees, raise the fees in the Construction Office or possibly make some positions in the office part-time, add more slips at the Marina, require

employees to contribute to benefits, freeze hiring, look to combine services with other municipalities, eliminate capital items such as vehicles and a new ambulance, etc. Mr. Koch stated that this budget is not fiscally responsible. Mr. Koch provided health benefit costs associated with various elected officials for the time period of 2001 through 2009, which totaled more than \$520,000.00 for that time period. Mr. Koch suggested Council listen to the ROA and their suggestion for a \$0.00 budget and that this Council needs to start listening to this community.

**NEW BUSINESS:**

**RESOLUTION 2010-S-72** – Self Exam Budget

Upon motion of  
Seconded by

Councilmember Thomas Cope  
Councilmember Barry D. Mastrangelo

**SELF EXAMINATION OF THE BUDGET 2010**

**WHEREAS**, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

**WHEREAS**, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1979; and

**WHEREAS**, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Borough of Stone Harbor has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Finance Officer has determined that the local government meets the necessary conditions to participate in the program for the 2010 budget year.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Stone Harbor that in accordance with N.J.A.C. 5:30-7.6 a & b and based upon the Chief Financial Officers certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve to uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met (complies with the “Cap” law)
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate and correctly stated.
  - b. Items of appropriation are properly set forth
  - c. In itemization, form arrangement and content the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised and in accordance with the relevant provisions of the Local Budget Law except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

**BE IT FURTHER RESOLVED** that a copy of this Resolution be forwarded to the Director of the Division of Local Government Services.

**Regular Meeting, April 20, 2010**

**Vote**

**6 Councilmembers AYE**

**RESOLUTION 2010-S-73** – Adopt 2010 Budget

Upon motion of  
Seconded by

Councilmember Joanne Vault  
Councilmember Barry D. Mastrangelo

Councilmember Randall S. Bauer – inquired if the extra fees generated by the increase to parking meter fees could be used to reduce the tax increase. Mr. Hawk advised Councilmember Bauer that you can't anticipate funds in a budget which don't already have an anticipated history. Mr. Nicola stated that any income received which is not anticipated in the budget would go into the fund balance for next year. Glenn Ortman, Borough Auditor, indicated that this anticipated increase in income could be included in the budget. Councilmember Vault stated that there is not a true sense of the outcome of the increase in meter fees, the increase to the grace period, and the reduction of the hours of meters at the beach lot, etc., and these funds will go into the surplus and will be available to the Borough.

**ADOPT THE BUDGET - 2010**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Stone Harbor, County of Cape May, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of

\$8,748,580.49

raised by taxation for Municipal Purposes.

**Vote**

**6 Councilmembers AYE**

**RESOLUTION 2010-S-74** – Award 99<sup>th</sup> Street Bulkhead Project

Upon motion of  
Seconded by

Councilmember Barry D. Mastrangelo  
Councilmember Joanne Vault

**AWARDING A CONTRACT  
FOR THE 99<sup>TH</sup> STREET BULKHEAD REPLACEMENT**

**WHEREAS**, four (4) bids were received by the Stone Harbor Municipal Clerk on March 25, 2010, on the Borough's request for proposals for the aforementioned project in accordance with the specifications prepared by Remington, Vernick & Walberg, the Borough Engineer, bearing project number 05-10-U-033, which specifications are hereby incorporated herein and made a part hereof by reference, all in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.*; and

**WHEREAS**, M.G. Lindemon Trucking, P.O. Box 157, Goshen, N.J. 08210 submitted the lowest responsible and conforming bid in the amount of \$ 94,385; and

**WHEREAS**, the Borough Engineer has recommended that the contract be awarded to M.G. Lindemon Trucking, and the bid has been found to be responsible and in conformity by the Borough Solicitor; and

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

**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 20<sup>th</sup> day of April, 2010, as follows;

Regular Meeting, April 20, 2010

1. That the preamble of this Resolution is hereby incorporated herein by reference;
2. That the contract for the aforementioned bearing Remington and Vernick project number 05-10-U-033 be and the same is hereby awarded to M.G. Lindemon Trucking in the amount of \$ 94,385.00;
3. 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.
4. That the Borough Engineer is hereby directed and authorized to issue an appropriate Notice of Award and Notice to Proceed as called for within the contract.
5. That the Borough Clerk is authorized to return the bonds of the unsuccessful bidders.

**Vote**

**6 Councilmembers AYE**

**RESOLUTION 2010-S-75** – Allow Dogs on Beach with Leashes 7:00 p.m. to Sunset

Upon motion of  
Seconded by

Councilmember Judith Davies-Dunhour  
Councilmember Joanne Vault

**A RESOLUTION ALLOWING THE WALKING OF DOGS (ON LEASHES) ON THE BEACH BETWEEN 80<sup>TH</sup> AND 122<sup>ND</sup> STREETS FROM 7:00 PM UNTIL SUNSET**

**WHEREAS**, in accordance with R.G.O. 147-H(3), the Borough Council is empowered to allow, by Resolution, the walking of dogs on the beach as designated by said ordinance;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Stone Harbor, duly assembled in public session this 20<sup>TH</sup> day of April, 2010, as follows:

1. The walking of dogs under leash on the beach shall be permitted upon the public portion of the beach between 80<sup>th</sup> and 122<sup>nd</sup> Streets effective June 1, 2010, through September 30, 2010.
2. The time for the walking of dogs shall be 7 pm until the time of Sunset as published in the Press of Atlantic City, each day of the term of this Resolution.
3. This allowance is in the sole discretion of the Borough Council and may be repealed by subsequent Resolution of Borough Council. Additionally, the Chief of Police, upon the request of the Captain of the Lifeguards or on his own initiative, shall have the power to disallow such dog walking if he determines such disallowance is in the interest of public safety.
4. Any person allowing a dog to be upon the beach without being leashed, in the area designated above, continues to be subject to the provisions of R.G.O. 147.

**Vote**

**6 Councilmembers AYE**

**RESOLUTION 2010-S-76** – Adopting Updates to Personnel Manual

Upon motion of  
Seconded by

Councilmember Thomas Cope  
Councilmember Joanne Vault

**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 Meetings Act; and

**WHEREAS**, the Borough of Stone Harbor determined that there was a need for personnel

Regular Meeting, April 20, 2010

policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations, and;

**WHEREAS**, over the past two years, there has been new legislation which the Borough of Stone Harbor determined should be incorporated into the Personnel Policy Manual as well as other policy changes which are more specifically outlined in the attached “Synopsis of Significant Changes.”

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Stone Harbor that the Personnel Policy and Employee Handbook attached hereto is hereby adopted.

**BE IT FURTHER RESOLVED** that these personnel policies and procedures shall apply to all 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 Council of the Borough of Stone Harbor.

**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 A. Pepper, Jr., Esquire was reappointed as the Borough’s Employment Attorney in January, 2010.

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

**Vote** **6 Councilmembers AYE**

**RESOLUTION 2010-S-77** – Affirm Borough’s Civil Rights Policy

Upon motion of  
Seconded by

Councilmember Randall S. Bauer  
Councilmember Thomas Cope

**A RESOLUTION TO AFFIRM THE BOROUGH OF STONE HARBOR’S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS**

**WHEREAS**, it is the policy of the Borough of Stone Harbor to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law Against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act; and

**WHEREAS**, the governing body of the Borough of Stone Harbor has determined that certain procedures need to be established to accomplish this policy.

**NOW, THEREFORE BE IT ADOPTED** by the Borough Council of the Borough of Stone Harbor that:

**Regular Meeting, April 20, 2010**

**Section 1:** No official, employee, appointee or volunteer of the Borough of Stone Harbor by whatever title known, or any entity that is in any way a part of the Borough of Stone Harbor shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Borough of Stone Harbor's business or using the facilities or property of the Borough of Stone Harbor.

**Section 2:** The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough of Stone Harbor to provide services that otherwise could be performed by the Borough.

**Section 3:** Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

**Section 4:** The Borough Administrator shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

**Section 5:** No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

**Section 6:** The Borough Administrator shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough of Stone Harbor as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

**Section 7:** The Borough Administrator shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

**Section 8:** At least annually, the Borough Administrator shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Borough's web site.

**Section 9:** This resolution shall take effect immediately.

**Section 10:** A copy of this resolution shall be published in the official newspaper of the Borough of Stone Harbor in order for the public to be made aware of this policy and the Borough's commitment to the implementation and enforcement of this policy.

**Vote**

**6 Councilmembers AYE**

**RESOLUTION 2010-S-78 – Refund Duplicate Tax Payment**

Upon motion of  
Seconded by

Councilmember Joan Kramar  
Councilmember Randall S. Bauer

**Refund of Duplicate Tax Payment**

**WHEREAS,** duplicate tax payments were received from Reverse Mortgage

Regular Meeting, April 20, 2010

Servicing Department and the owner of record causing an overpayment for the 1<sup>st</sup> quarter of 2010 in the amount of \$2,845.69 on Block 87.01 Lot 23 for 8726 First Avenue; and

**WHEREAS**, Reverse Mortgage Servicing Department 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 \$2,845.69 be issued to Reverse Mortgage Servicing Department at P.O. Box 40724 Lansing, Michigan 48901-7924; and

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

**Vote**

**6 Councilmembers AYE**

**RESOLUTION 2010-S-79** – Refund Fire Inspection Fee

Upon motion of  
Seconded by

Councilmember Thomas Cope  
Councilmember Barry D. Mastrangelo

**WHEREAS**, the following submitted fees for Fire Inspection and for Rental Registration License (Fire Inspection Fee (2 units) - \$75.00, Rental Registration License Fee (2 units) - \$115.00); and

**WHEREAS**, for the reason listed a refund has been requested; and

**WHEREAS**, the Fire Official has requested and approved the return of said fees.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Stone Harbor that the following be refunded:

1. Diane M. Velletri, Managing Member of Beach Daze LLC 3008 Westwood Drive, Lancaster Pa. 17601, – Stone Harbor property – 8621 Third Avenue, a two unit rental property – property has sold and will not be used as rental units Total Refund \$ 190.00

**BE IT FURTHER RESOLVED** 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.

**Vote**

**6 Councilmembers AYE**

**RESOLUTION 2010-S-80** – SLEO Officers

Upon motion of  
Seconded by

Councilmember Thomas Cope  
Councilmember Judith Davies-Dunhour

**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 the following be appointed as SLEO II Officers, with the Stone Harbor Police Department effective from May 1, 2010 through September 30, 2010.

Brian Bugni  
Matthew Lamanteer  
David Justice  
Robert Jordon  
George Kosanavich  
Wesley Cronin

Regular Meeting, April 20, 2010

Dane Carroll  
Christopher O'Rourke  
Brent Grunow  
Justin Glass  
Joshua V. Daniels  
Joseph Bartolone

**ALSO, 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 the following be appointed as SLEO I Officers, with the Stone Harbor Police Department effective from May 1, 2010 through September 30, 2010.

Joseph Marano  
Richard Boyle III

**Vote** **6 Councilmembers AYE**

**RESOLUTION 2010-S-81** – Award Extraordinary Unspecifiable Services Contract – Cardio Corps & Tai Chi Sports Camp

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

**RESOLUTION AUTHORIZING AWARD OF CONTRACT  
FOR EXTRAORDINARY UNSPECIFIABLE SERVICES  
FOR “CARDIO CORPS” & “TAI CHI” SPORT 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. Island Aerobics & 3206 Fitness, 3206 Dune Drive, Avalon, N.J. 08202  
Cardio Corps & Tai Chi Sport Camp  
June 27, 2010 through September 6, 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 20<sup>th</sup> day of April, 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** **5 Councilmembers AYE**  
**1 Councilmember ABSTAIN (Judith Davies-Dunhour)**

**RESOLUTION 2010-S-82** – Award Extraordinary Unspecifiable Services Contract – Surf Camp & Yoga

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

Regular Meeting, April 20, 2010

**RESOLUTION AUTHORIZING AWARD OF CONTRACTS  
FOR EXTRAORDINARY UNSPECIFIABLE SERVICES FOR A SURF CAMP AND  
YOGA INSTRUCTOR**

WHEREAS, the Borough of Stone Harbor's Recreation Department is desirous of offering a surf camp and yoga instructor for the 2010 summer season; 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 an Extraordinary Unspecifiable Service; 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 20<sup>th</sup> day of April, 2010, as follows;

1. That the preamble of this Resolution is hereby incorporated herein by reference;
2. That the Mayor and Borough Clerk are hereby authorized and directed to execute the attached contracts for establishment of a Surf Camp 2010 and Yoga 2010.

**Vote**

**6 Councilmembers AYE**

**RESOLUTION 2010-S-83** – Award Contract -- Backhoe

Upon motion of  
Seconded by

Councilmember Barry D. Mastrangelo  
Councilmember Thomas Cope

**AWARDING A CONTRACT  
FOR THE FURNISHING OF A BACKHOE**

**WHEREAS**, three (3) bids were received by the Stone Harbor Municipal Clerk on April 14, 2010, on the Borough's request for proposals for the aforementioned project in accordance with the specifications prepared by Remington, Vernick & Walberg, the Borough Engineer, bearing project number 05-10-T-096, which specifications are hereby incorporated herein and made a part hereof by reference, all in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1 *et seq.*; and

**WHEREAS**, JESCO, INC. of 1790 Route 38, Lumberton, N.J. 08048 , submitted the lowest responsible and conforming bid in the amount of \$ 68,925.00; and

**WHEREAS**, the Borough Engineer has recommended that the contract be awarded to JESCO, INC., and the bid has been found to be responsible and in conformity by the Borough Solicitor; and

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

**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 20<sup>th</sup> day of April, 2010, as follows;

1. That the preamble of this Resolution is hereby incorporated herein by reference;
2. That the contract for the aforementioned bearing Remington and Vernick project number 05-10-T-096 be and the same is hereby awarded to JESCO, INC. , in the amount of \$ 68,925.00;
3. 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.
4. That the Borough Engineer is hereby directed and authorized to issue an appropriate Notice of Award and Notice to Proceed as called for within the contract.
5. That the Borough Clerk is authorized to return the bonds of the unsuccessful bidders.



**Regular Meeting, April 20, 2010**

**MOTION:** To donate to the Department of Tourism 15 Beach Tags for various raffles and promotions.

Upon motion of  
Seconded by

Councilmember Judith Davies-Dunhour  
Councilmember Thomas Cope

**Vote**

**6 Councilmembers AYE**

**DISCUSSION:**

The following bills were presented to Council for their approval:

Check #	Check Date	Vendor	Amount Paid
25534	04/14/10	BORSH BOROUGH OF STONE HARBOR	176,782.74
25535	04/21/10	ACELE ATLANTIC CITY ELECTRIC CO.	6,566.74
25536	04/21/10	ACESEWER ATLANTIC CITY ELECTRIC	864.99
25537	04/21/10	ACESTLIG ATLANTIC CITY ELECTRIC	1,452.57
25538	04/21/10	ACEWATER ATLANTIC CITY ELECTRIC	5,384.25
25539	04/21/10	ALEXA ALEXANDER & CO., NAT	1,010.00
25540	04/21/10	ALLST ALL STATE LEGAL	317.25
25541	04/21/10	ATTMOBIL AT & T MOBILITY	131.10
25542	04/21/10	AVAHODGE AVALON HODGE PODGE, INC.	682.16
25543	04/21/10	AVAYA AVAYA, INC.	650.95
25544	04/21/10	BAILE BAILEY, JAMES E	155.00
25545	04/21/10	BARNEGAT BARNEGAT LIGHT FIBERGLASS SUPP	1,324.72
25546	04/21/10	BILLO BILLOWS ELECTRIC SUPPLY CO.	322.86
25547	04/21/10	BSNSP BSN SPORTS/SPORT SUPPLY GROUP	449.59
25548	04/21/10	CASAP CASA PAYROLL SERVICES	185.15
25549	04/21/10	CATAM CATAMARAN MEDIA CO.	46.50
25550	04/21/10	CHRIS CHRISTMAN, H.B.	140.33
25551	04/21/10	CMCMU C.M.C. MUNICIPAL UTILITY AUTHO	6,408.76
25552	04/21/10	CROWN CROWN AUTO PARTS	481.48
25553	04/21/10	DELLC DELL MARKETING L.P.	976.50
25554	04/21/10	DUFFI DUFFIELD ASSOCIATES, INC.	1,595.90
25555	04/21/10	FASTENAL FASTENAL INDUSTRIAL/CONSTRUCTI	91.92
25556	04/21/10	FORDS FORD, SCOTT & ASSOCIATES, LLC	260.00
25557	04/21/10	GARDS GARDEN STATE HWY. PRODUCTS	846.00
25558	04/21/10	GENTI GENTILINI FORD, INC.	54.80
25559	04/21/10	GOLDT G.T.B.M., INC.	1,312.50
25560	04/21/10	GRUCC GRUCCIO, PEPPER, P.A.	478.50
25561	04/21/10	GRYNI GRYNING, JOHN	85.00
25562	04/21/10	HANSON HANSON AGGREGATES, INC.	5,227.56
25563	04/21/10	HARBOUTF HARBOR OUTFITTERS	676.60
25564	04/21/10	HAWKFIRE KENNETH J. HAWK	37.00
25565	04/21/10	HOMED HOME DEPOT CREDIT SERVICES	703.30
25566	04/21/10	HOOVER HOOVER TRUCK CENTERS	215,928.00
25567	04/21/10	HORIZRET HORIZON BLUE CROSS SHIELD NJ	1,407.93
25568	04/21/10	HORNB HORNBECK, DIANE	598.00
25569	04/21/10	INKWE INKWELL	1,947.75
25570	04/21/10	JSECO JSE COMPUTERS	182.40
25571	04/21/10	KEENC KEEN COMPRESSED GAS	195.31
25572	04/21/10	KINDL KINDLE FORD MERCURY LINCOLN	217.73
25573	04/21/10	KONAS KONA SPORTS	1,966.00
25574	04/21/10	KRAMARJO JOAN T. KRAMAR	273.25
25575	04/21/10	LAWENFCO LAW ENFORCEMENT COMMITTEE	250.00
25576	04/21/10	LEONA LEONARD, INC., A.M.	90.17
25577	04/21/10	LESCO JOHN DEERE LANDSCAPES/LESCO	2,767.58
25578	04/21/10	MARRE MARINE RESCUE PRODUCTS	4,465.25
25579	04/21/10	MARTI MARTINDALE'S TIRE & AUTO	41.95
25580	04/21/10	MCALL MCALLISTER	244.95
25581	04/21/10	MCCL3 MCCLURE, ROBERT	37.00
25582	04/21/10	MCMAS MC MASTER CARR SUPPLY CO.	3,842.91
25583	04/21/10	MOLINARO JACK MOLINARO/LAURIE D'ALESSIO	50.00
25584	04/21/10	MONZO MONZO CATANESE, P.C.	300.00
25585	04/21/10	NEXTCOMM NEXTEL COMMUNICATIONS	650.45
25586	04/21/10	NJLEA N.J. LEAGUE OF MUNICIPALITIES	50.00
25587	04/21/10	OCECO OCEAN/COASTAL CONSULTANTS, INC	5,552.50
25588	04/21/10	OCSPR O.C.S. PRINTING	316.50
25589	04/21/10	PARAM PARAMOUNT CHEMICAL & PAPER CO.	680.89
25590	04/21/10	PARAMENT PARAMOUNT ENTERPRISES, INC.	185,470.56
25591	04/21/10	PARKER PARKER & PARTNERS	11,623.85
25592	04/21/10	PATURNPI PENNSYLVANIA TURNPIKE COMMISS.	43.40
25593	04/21/10	PEDRO PEDRONI FUEL COMPANY	6,838.20

Regular Meeting, April 20, 2010

25594	04/21/10	PRESS	PRESS, THE	109.57
25595	04/21/10	RADEC	RADECKI, ELLA	59.98
25596	04/21/10	REVERSEM	REVERSE MORTGAGE SERVICE DEPT.	2,845.69
25597	04/21/10	REYNO	REYNOLDS, PAUL JAMES	180.00
25598	04/21/10	RIGGI	RIGGINS, INC.	1,308.73
25599	04/21/10	RILEI	RILEIGHS OUTDOOR DECOR	1,469.72
25600	04/21/10	SCOTT	SCOTT, DEBORAH	170.00
25601	04/21/10	SHEE3	SHEERAN, GREGORY (PETTY CASH)	166.54
25602	04/21/10	SHSEN	STONE HARBOR SENIOR CITIZENS	500.00
25603	04/21/10	SIGPR	SIGNATURE PROMOTIONS	4,429.25
25604	04/21/10	SJAUT	SOUTH JERSEY AUTO SUPPLY	462.74
25605	04/21/10	SJGAB	SOUTH JERSEY GAS CO.	3,837.20
25606	04/21/10	SJGAW	SOUTH JERSEY GAS CO.	941.19
25607	04/21/10	SOKOR	MATTHEW SOKORAI	270.40
25608	04/21/10	SPARKSGE	GEORGE SPARKS, INC.	91,679.03
25609	04/21/10	STAPL	STAPLES CREDIT PLAN	0.00
25610	04/21/10	STAPL	STAPLES CREDIT PLAN	1,355.53
25611	04/21/10	STATEWID	STATEWIDE FIRE RESTORATION, INC	30,844.52
25612	04/21/10	STRUE	SEASHORE ACE HARDWARE	2,576.69
25613	04/21/10	TCTAN	T.C.T.A. OF NJ	370.00
25614	04/21/10	TELVUECO	TEL VUE CORPORATION	600.00
25615	04/21/10	TENNANTS	TENNANT SALES & SERVICE CO.	212.10
25616	04/21/10	TWPMI	TOWNSHIP OF MIDDLE	2,373.12
25617	04/21/10	UNIVE	UNIVERSAL SUPPLY CO.	3,070.05
25618	04/21/10	USABL	U.S.A. BLUE BOOK	276.98
25619	04/21/10	VCABS	VERIZON	533.82
25620	04/21/10	VERARTCR	VERIZON	81.51
25621	04/21/10	VERI1	VERIZON	113.38
25622	04/21/10	VERI2	VERIZON	165.33
25623	04/21/10	VERISHBP	VERIZON	54.82
25624	04/21/10	VERIZ	VERIZON	2,617.96
25625	04/21/10	VINAU	VINELAND AUTO ELECTRIC	29.00
25626	04/21/10	WALKE	WALKER, ROBERT	454.95
25627	04/21/10	WEIGH	WEIGHTS & MEASURES FUND	100.00

---

Checks:	93	1	0.00	815,995.05
Upon motion of				Councilmember Barry D. Mastrangelo
Seconded by				Councilmember Thomas Cope

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

**Vote 6 Councilmembers AYE**

**Mayor Walters reminded everyone to vote in the school board this evening at the firehouse and announced that the Clerk has two (2) boat slips at the Marina that are available this year.**

**RESOLUTION 2010-S-853** (Closed Session)

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

**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:

Regular Meeting, April 20, 2010

1. *Matters Relating to the Purchase, Lease or Acquisition of Real Property or the Investment of Public Funds*

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Stone Harbor, assembled in public session on April 20, 2010, that an Executive Session closed to the public shall be held on April 20, 2010 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.

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 Barry D. Mastrangelo

To return to Open Session.

**Vote**

**6 Councilmembers AYE**

**MOTION TO ADJOURN**

Upon motion of  
Seconded by

Councilmember Tom Cope  
Councilmember Barry D. Mastrangelo

That the Regular Meeting of Mayor and Council be adjourned at 6:45 p.m.

**Vote**

**6 Councilmembers AYE**

APPROVED \_\_\_\_\_, 2010

\_\_\_\_\_, Mayor

ATTEST: \_\_\_\_\_, Borough Clerk

