

**MINUTES OF THE REGULAR MEETING OF
MAYOR AND COUNCIL OF THE BOROUGH
OF STONE HARBOR HELD IN THE
MUNICIPAL BUILDING, OCTOBER 18, 2011**

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 Donohue, Attorney
Kenneth J. Hawk, Administrator

PRESENT

Councilmembers
Barry D. Mastrangelo, Council President
Judith Davies-Dunhour
Thomas Cope
Joanne Vaul
Albert Carusi
Joan Kramar

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 5, 2011.

SALUTE TO THE FLAG

MOTION CONCERNING THE MINUTES

Upon motion of Councilmember Barry D. Mastrangelo
Seconded by Councilmember Judith Davies-Dunhour

Since all members of Council have been provided with a copy of the minutes of the Regular Meeting of September 17, 2011, and the Work Session Meeting of October 4, 2011 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 reported that the Public Safety Committee met on October 12, 2011 and discussed the proposed cross-walk at the elementary school and determined that the safety hazards and traffic issues were too great and that the Police Department will continue to have Capt Mulraney monitor the area to ensure the safety of the children, pedestrians and travelers. Councilmember Cope reported that the Committee also discussed the outdated 911 System, the ongoing discussions with the County and area towns for a consolidated system, as well as providing for a new system in the 2012 Capital Budget. Chief Stanford provided the statistical report for the Volunteer Fire Co as follows: 11 fire calls; 3 drills, 1 meeting, 2 work details/special details, 1 mutual aid, and 21 EMS calls, and in the Fire Prevention Bureau: 1023 rental and business inspections YTD; 29 life hazard inspections; 65 smoke detector inspections; 17 permits; and 315 re-inspections. Police Chief Reynolds provided the statistical report as follows: 29 moving violations; 32 parking violations; 6 accidents handled; 2 suspicious vehicles; and 185 motor vehicle stops; 11 Ordinance violations; 13 adult arrests; 3 driving while intoxicated; 2 juvenile arrests; 21 medical emergencies; 4 fire calls; 11 alarms; 29 open doors/windows; 14 noise complaints; 11 animal control complaints; and 1091 incidents logged.

NATURAL RESOURCES - Councilmember Carusi reported that the Natural Resources Committee met on October 11, 2011. Councilmember Carusi reported that the Beach Replenishment Project is complete, however, work is still being done on the sand fencing, and seeding and planting of the dunes. Councilmember Carusi reported that an agreement has been reached with Public Works for a maintenance plan for the Bird Sanctuary; and the Committee is working with Duffield Associates to define their scope of work. Councilmember Carusi reported a signed agreement has been received which will allow work (cutting of phragmites) to be done on Sedge Island at the expense of the neighboring residents. Councilmember Carusi stated there

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are no new updates for Site 103. Councilmember Carusi reported that an access plan has been submitted to the DEP in preparation for the Pocket Park. Councilmember Carusi provided the animal control report for the month of September as follows: 4 dogs and 7 skunks.

BEACH & RECREATION – Councilmember Davies-Dunhour reported that the Beach, Rec and Tourism Committee met on September 20th and the Recreation Advisory Committee met on October 3rd. Councilmember Davies-Dunhour reported that the holiday beach tag will be offered again this year and will be available prior to the Thanksgiving Day weekend and through the Christmas season. Councilmember Davies-Dunhour reported that the Rec Department continues after school activities on Thursdays and on October 21, a trip to Creamy Acres Farm in Mullica Hill is scheduled. Councilmember Davies-Dunhour answered questions posed to her at the last council meeting regarding the new Rec Center as follows: no need for additional staffing, but planning on offering more programs through professionals services contracts much like the Boot Camp is run; the height of the building was not arbitrary; however the vision was to use the pavilion to host various activities such as basketball, volleyball, bouncy house, etc. during inclement weather; and that the new Rec building has been discussed during council meetings for over a year. Councilmember Davies-Dunhour stated that she spoke with Mrs. Thompson regarding these issues. Councilmember Davies-Dunhour reported that the next event will be the Stone Harbor Harvest Festival on Saturday, October 29 and will include a scarecrow contest, trick or treating in participating stores, pet costume contest, hayrides on the beach, pumpkin painting, and arts and crafts. Councilmember Davies-Dunhour reported that the Tourism Director is currently working on Thanksgiving Day weekend events, updating Channel 2, working with Parker and Partners on a photo library; as well as Chamber guidebooks and the County Tourism Department vacation guide.

UTILITIES - Councilmember Kramar reported that pumps that were clogged at the 114th Street Lift Station were repaired; water meters were read; water turned off for APS when necessary; water and sewer main installed at the 200 Block of 87th Street; water and sewer main work has started on the 100 Block of 90th Street; installed water service and meter boxes at 10806 First Avenue. Councilmember Kramar reported that the total mark outs for the month of September were 31; wells and lift stations are routinely checked; sanitary sewers and storm drains are routinely checked and cleaned; and water quality samples are taken weekly by Val Associates. Councilmember Kramar reported water pumped in September was 24.233.

PUBLIC WORKS – Councilmember Mastrangelo reported that Public Works has installed new sand fence from 80th Street to 93rd Street; 85th Street, 95th Street, 101st Street, 118th Street and 122nd Street vehicle ramps have been regraded and new split rail fence has been installed; prepared for 4 Special events which required 63.5 man hours; currently installing Christmas light displays around town; performed safety checks on emergency equipment; trimmed shrubs around Borough Hall, Comfort Station and the Firehouse, weed and feed Second Avenue islands; and removed parking meters and kiosk machines have been serviced and stored for the off-season. Councilmember Mastrangelo reported that the litter patrol picked up 50 bags on trash during the month of September; and the solid waste tipping fees for September 2011 were \$19,345.73 up \$5,124.42 over September, 2010. Councilmember Mastrangelo reported that the next scheduled bulk day are Monday, November 14th. Councilmember Mastrangelo reported Public Works placed 1st in the County's Obstacle Course and was also awarded "best in show."

ADMINISTRATIVE & FINANCE – Councilmember Vault reported that the A & F Committee is preparing the 2012 budget; the Bond Sale is scheduled for Tuesday, October 25, 2011; conference call with Standards & Poors regarding the Borough's rating; and transitioning Jill Goucher for taking over the Administrator's position in January. Councilmember Vault reported that a preliminary Capital Budget will be presented tonight; as well as Other Expense Budget presentation on November 1 and Salary and Wage presentation on November 14, 2011. Councilmember Vault reported that to date virtually every area is below projected spending and revenues are steady with the exception to parking meters and municipal court fines.

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

Beach Outfall Elimination Project – Phase 2 & Phase 3 Preliminary Assessment

- The USACOE, NJDEP CAFRA and NJDEP Waterfront Development Permits have been obtained.
- We are waiting for final NJEIT approval.
- The project is scheduled to be advertised for public bidding the end of November, the bid opening Mid-December, construction start January, 2012, shutdown Memorial Day 2012, restart Labor Day 2012 and complete November, 2013 (300 day time of completion).

114th Street Generator Installation

- Bids were opened on September 27, 2011 at 10:00 A.M and the apparent low bidder is Coastal Electric and Environmental Services, Inc.
- A pre-construction meeting was held on October 13th, the Notice to Proceed was issued on October 17th and the submittals have been approved by our office.

Firehouse Foundation Repairs

- The bid documents will be complete this week and we will be requesting approval to advertise the project for public bidding at the November 1st Council meeting.

FY 2010 NJEIT Sanitary Sewer and Water Main Improvements

- The pipe work is completed on 87th Street.
- The contractor is currently working on 90th Street.

Public Works Building Painting and Metal Repair – Phase III

- Bids were opened on July 7, 2011 and the apparent low bidder is R. Maxwell Construction Company in the amount of \$114,313.00.
- The Notice to Proceed was issued on August 29, 2011.
- Work to be completed by November 26, 2011.

Furnish and Supply a Sewer Vacuum Truck

- The project is scheduled to be advertised for public bidding on October 20, 2011.
- The bid opening is scheduled for November 10, 2011.

TREASURER'S REPORT

Current Receipts.....	\$1,692,020.05
Current Disbursements.....	\$ 842,495.98
Utility Receipts.....	\$ 151,705.10
Utility Disbursements.....	\$ 119,297.82

BOROUGH CLERK'S REPORT

<u>ISSUED</u>	<u>TYPE</u>	<u>AMOUNT</u>
227	Beach Vehicle Permits	\$11,350.00
0	Boat Trailers	0.00
0	Business Registrations	0.00
0	Parking Permits	0.00
0	Sailcraft Permits	00.00
6	Certified Copies	\$60.00
7	Marriage License	\$196.00
1	Use of Field	\$500.00
0	OPRA Requests	0.00
1	Special Events Permit	\$60.00
0	Liquor Licenses	0.00
1	Farmer's Market	\$180.00
0	Beach Concession	0.00
0	Newspaper Vending Permit	0.00

0	Fire House Rental	0.00
	SUB-TOTAL	\$12,346.00
0	Dogs	0.00
0	Cats	<u>0.00</u>
	TOTAL	\$12,346.00

CONSTRUCTION OFFICE

PERMIT	NO. OF PERMITS ISSUED	FEES COLLECTED
Building Permits	26	\$8,782.00
Electrical Permits	13	3,007.00
Plumbing Permits	11	3,786.00
Fire Permits	6	860.00
DCA Permits	36	938.00
Zoning Permits	14	7,069.00
CTT's	9	450.00
Violations	0	0.00
Certificate of Occupancy	33	1,973.00
Contractor's Licenses	1	100.00
Public Records	0	0.00
Dumpster/Semi Trailer	2	500.00
Utility Street Openings	2	200.00
TOTAL FEES COLLECTED		\$27,665.00

Upon motion of
Seconded by

Councilmember Joanne Vault
Councilmember Barry D. Mastrangelo

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

Bob Ashman – 10301 First Avenue – inquired about the Library and asked for clarifications with respect to the lease, whether the building is too big for the property, whether the plans would need to go back to the Planning Board, etc. Mr. Ashman was advised that the lease is being amended to accurately reflect the size of the building and the lots.

Vincent Lamanna – indicated that he had a few technical questions relating to items A,B, and C on tonight's agenda. With respect to the Lease, paragraph 2 and the term of the lease as 10 years; however, he is confused – because the Lease says 15 years. Mr. Lamanna stated that this is misleading, because the lease is 15 years and not 10 years. Mr. Lamanna suggested that the Lease be clarified. Mr. Lamanna stated that the Lease is being amended to accommodate the geo thermal field, but there is no provision in the Lease which states that the geo thermal field will become the property of the Borough upon termination of the Lease.

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Bob Rich – 10410 Sunset Drive – agreed with Mr. Lamanna comments and stated that he has similar concerns. Mr. Rich stated that he is disheartened with the addition of lot 15 to the Lease. Mr. Rich stated that he is also concerned with the comments Mr. O,Connor made to the Herald regarding the loss of parking spaces (i.e., 6 spaces). Mr. Rich stated that he contacted the Clerk’s Office and was advised that there is no parking plan. Mr. Rich again expressed his opposition to the Library location and urged Council to vote No and start this process all over again considering the amount of mistakes and confusion.

Josie Rich – 10410 Sunset Drive – stated that this Library is not right for Stone Harbor and requested that Council start this process over. Mrs. Rich indicated that at the ROA meeting, representations were made that the Lease would not be changed; however, Council is here tonight making amendments. Mrs. Rich inquired is Council knew and had possession of this information in July. Mrs. Rich stated that over 200 people have stated that they do not want this Library at this location and that it is the wrong place and the wrong time to move forward with this project. Mrs. Rich urged Council to say no thanks to the County.

Vincent Lamanna – inquired if this project didn’t now have to go back to the Planning Board for their approval? Mr. Hawk explained that the Planning Board Solicitor told the Board that this was just a courtesy review, and that the Board had no jurisdiction over this project because the County was the superior agency and did not need Planning Board Approval.

Charles Koch – 236 85th Street – asked if the Council follows Robert’s Rules of Order and stated that neither Mr. Hawk nor Mr. Donohue should be commenting unless they are called upon to do so. Mr. Donohue stated that his obligation is to this body and not Mr. Koch.

Karen Lane – 10310 First Avenue – inquired about the superior agency and whether or not they could just take our property. Some legal discussion/opinions were stated; however, Mr. Donohue stated that he did not have any specifics regarding the Planning Board Meeting, every situation needs to be reviewed on a case by case basis, but yes, the County could take the property using eminent domain.

Freeholder Leonard Desiderio stated that the Freeholder Board is looking forward to starting this project and is very happy with the chosen location. Freeholder Desiderio stated that he looks forward to the groundbreaking ceremony in December and completion sometime in the end of 2012.

Mayor Walters thanked Mr. O’Connor and Freeholder Desiderio for coming to tonight’s meeting and for the County’s support for this long-awaited project.

OLD BUSINESS

ORDINANCE 1390 (Bond Ordinance – Improvement to Water and Sewer System – General Capital Fund)

Upon motion of	Councilmember Joanne Vault
Seconded by	Councilmember Barry Mastrangelo

That Ordinance 1390 be taken up on second reading.

Vote **6 Councilmembers AYE**

The Clerk read the title only of Ordinance 1390 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.

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Upon motion of Councilmember Joanne Vault
Seconded by Councilmember Barry Mastrangelo

That Ordinance 1390 be passed on second reading and advance to third and final reading.

Vote 6 Councilmembers AYE

Upon Motion of Councilmember Joanne Vault
Seconded by Councilmember Barry Mastrangelo

That Ordinance 1390 be passed on third and final reading, adopted and published according to law.

Vote 6 Councilmembers AYE

ORDINANCE 1391 (Bond Ordinance – Improvement to Water and Sewer System – Utility Fund)

Upon motion of Councilmember Joan Kramar
Seconded by Councilmember Joanne Vault

That Ordinance 1391 be taken up on second reading.

Vote 6 Councilmembers AYE

The Clerk read the title only of Ordinance 1391 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 Joan Kramar
Seconded by Councilmember Joanne Vault

That Ordinance 1391 be passed on second reading and advance to third and final reading.

Vote 6 Councilmembers AYE

Upon Motion of Councilmember Joan Kramar
Seconded by Councilmember Albert Carusi

That Ordinance 1391 be passed on third and final reading, adopted and published according to law.

Vote 6 Councilmembers AYE

ORDINANCE 1392 (Exempt Persons in Active Military Service for Beach Tags)

Upon motion of Councilmember Judith Davies-Dunhour
Seconded by Councilmember Barry D. Mastrangelo

That Ordinance 1392 be taken up on second reading.

Vote 6 Councilmembers AYE

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The Clerk read the title only of Ordinance 1392 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 Judith Davies-Dunhour
Seconded by Councilmember Albert Carusi

That Ordinance 1392 be passed on second reading and advance to third and final reading.

Vote 6 Councilmembers AYE

Upon Motion of Councilmember Judith Davies-Dunhour
Seconded by Councilmember Albert Carusi

That Ordinance 1392 be passed on third and final reading, adopted and published according to law.

Vote 6 Councilmembers AYE

NEW BUSINESS:

ORDINANCE 1393 (Easement – Geo Thermal Field -- Library)

Upon motion of Councilmember Barry Mastrangelo
Seconded by Councilmember Thomas Cope

That Ordinance 1393 be taken up on first reading.

Vote 6 Councilmembers AYE

The Clerk read the title only of Ordinance 1393 on first reading.

Upon motion of Councilmember Barry Mastrangelo
Seconded by Councilmember Joanne Vault

That Ordinance 1393 be passed on first reading, published according to law and that it be taken up on second, third and final reading, and adoption at a meeting of Mayor and Council to be held on the 14th day of November, 2011.

**Vote 4 Councilmembers AYE
2 Councilmembers NAY (Councilmembers
Judith Davies-Dunhour and Joan Kramar)**

RESOLUTION 2011-S-157 – Authorize Mayor to Sign Addendum No. 1 – Cape May County Library Lease

Upon motion of Councilmember Joanne Vault
Seconded by Councilmember Barry Mastrangelo

**RESOLUTION AUTHORIZING ADDENDUM #1
TO A LEASE BETWEEN THE BOROUGH OF STONE HARBOR
AND THE CAPE MAY COUNTY LIBRARY COMMISSION**

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WHEREAS, the Borough Council of the Borough of Stone Harbor in the County of Cape May in the State of New Jersey, in accordance with N.J.S.A. 40:33-13 *et seq.*, unanimously approved a lease agreement by and between the Borough and the Cape May County Library Commission on November 7, 2007, by Resolution 2007-S-174; and

WHEREAS, subsequent to the approval of said agreement, members of the public asked for clarification of certain aspects of the agreement; and

WHEREAS, in response, the Borough proposed Addendum #1 to the agreement to clarify those provisions, which addendum is attached hereto and made a part hereof by reference and is also on file for review in the Borough Clerk's Office; and

WHEREAS, the Cape May County Library Commission approved Addendum #1 at their public meeting held in July, 2011; and

WHEREAS, the Borough Council finds that Addendum #1 as aforesaid is in the best interest of the Borough of Stone Harbor in as much as, inter alia, it:

1. Clarifies that the Borough retains the right to withdraw from the County Library system in accordance with law at any point in time that it may deem appropriate;
2. That the term of the lease is 10 years from the date it was entered into;
3. That the renewal of the lease after the initial term is in the sole discretion of the Borough of Stone Harbor;
4. That the County Library Commission will endeavor to create an extended use, nonresident library card in order to effectuate the full use of the library by visitors to the Borough.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Stone Harbor, duly assembled in public session this 18th day of October, 2011, as follows:

1. That the Preamble of this Resolution is hereby incorporated and adopted here by reference;
2. That the Mayor and Clerk be and are hereby authorized and directed to execute Addendum #1 as described above for the purpose aforesaid on behalf of the Borough of Stone Harbor.

Vote

3 Councilmembers AYE

**3 Councilmembers NAY (Councilmembers
Albert Carusi, Judith Davies-Dunhour
and Joan Kramar)**

1 Mayor AYE

RESOLUTION 2011-S-158 – Shared Services Agreement – Borough of Stone Harbor, Cape May County, Sanitary Sewer and Potable Water System Connection and Improvements -- Library

Upon motion of
Seconded by

Councilmember Joan Kramar
Councilmember Joanne Vault

**APPROVAL OF A SHARED SERVICES AGREEMENT BETWEEN
BOROUGH OF STONE HARBOR
AND COUNTY OF CAPE MAY**

WHEREAS, the County has undertaken the construction of a new branch library in the Borough of Stone Harbor; and

WHEREAS, said construction will require connections and improvements to the Borough's sanitary sewers and potable water system; and

WHEREAS, the Borough has agreed to construct and supervise the required sanitary sewers and potable water system connections and improvements (the "Project"); and

WHEREAS, the County has reviewed and agreed to the estimate of improvements and engineering costs as provided by the Borough's Engineer attached hereto; and

WHEREAS, the County desires, pursuant to the provisions of N.J.S.A. 40:23-14 provides for joint action with regard to public works improvements which are deemed to benefit the County and the municipalities and their residents, to provide funding for such projects and improvements, and

WHEREAS, the County shall provide funds for this purpose either by way of its budget or by adopted bond ordinances or otherwise, as further covenanted herein; and

WHEREAS, the County and the Municipality desire to enter into this Agreement in order for the County to provide funding to the Municipality for said connections and improvements which the County and the Municipality acknowledge will benefit the County and the Municipality and their respective residents; and

WHEREAS, N.J.S.A. 40A:65-1, et seq. authorizes local government units, including municipalities and counties, to enter into agreements for the exchange of services pursuant to the provisions of that statute known as the "Uniform Shared Services and Consolidation Act"; and

WHEREAS, the parties hereto intend to enter such an Agreement pursuant to the authority conferred by the "Uniform Shared Services and Consolidation Act" and to jointly conduct the Project hereinafter described with the Borough acting as the lead agency.

NOW THEREFORE, in consideration of the promises, agreements and covenants hereinafter set forth and mutually agreed to, the County of Cape May and the Borough of Stone Harbor, each for itself, its successors and assigns, do mutually covenant, promise and agree to the attached Shared Services Agreement and that the appropriate Borough of Stone Harbor officials are hereby authorized and directed to execute the attached Shared Services Agreement for Sanitary Sewer and Potable Water System Connection and Improvements for the Stone Harbor Branch of the Cape May County Library.

ARTICLE I PROVISION OF SERVICES

SECTION 101. County Funding.

(a) The County agrees to provide funds to the Borough to undertake the connections and improvements as contained in the July 27, 2011 letter; Estimated Construction Cost, Engineering Services and Construction Phase Services, prepared by Remington, Vernick & Walberg Engineers, Borough Engineer, in the amount of 57,292 dollars and 93 cents funds shall be provided by the County to the Municipality, upon completion of the work, pursuant to the terms hereof.

(b) Payment of work performed shall be within 30 days of a written certification of satisfactory installation/completion of the work by the Borough Engineer.

SECTION 102. Authorized County and Municipal Representatives.

(a) The authorized County Representatives for all purposes of the Agreement shall be the Freeholder Director or such other representative who shall, from time to time, be designated by the Freeholder Director.

(b) The authorized Municipal Representative for all purposes of the Agreement shall be the Mayor or such other representative who shall, from time to time, be designated by the Mayor.

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Vote

**4 Councilmembers AYE
2 Councilmembers NAY (Councilmembers
Judith Davies-Dunhour and Joan Kramar)**

RESOLUTION 2011-S-159 – Authorizing Change Order No. 1 – NJEIT Program – Asphalt Paving to Replace Existing Sanitary Sewer and Water Main on 95th Street from First Avenue to Bulkhead to Accommodate Library

Upon motion of
Seconded by

Councilmember Barry Mastrangelo
Councilmember Joan Kramar

**AUTHORIZING CHANGE ORDER NUMBER 1 WITH ASPHALT PAVING SYSTEMS,
INC. IN CONNECTION WITH PROJECT 05-10-U-035,
THE 2010 NJEIT PROGRAM**

WHEREAS, the Borough Council of the Borough of Stone Harbor, in the County of Cape May, State of New Jersey has been presented with Change Order #1 in connection with the Borough's 2010 NJEIT Program; and

WHEREAS, the Borough Engineer has recommended that Change Order #1, attached hereto and made a part hereof by reference, be approved, calling for the replacement of existing sanitary sewer and water main on 95th Street from First Avenue to the bulkhead to accommodate the proposed Stone Harbor Library; and

WHEREAS, the original contract amount was \$ 1,834,000.00, which amount will be adjusted by this Change Order #1 by plus \$ 48,942.94 for a new contract total of \$ 1,882,942.94; and

WHEREAS, the Chief Financial Officer has certified that funds are available for payment of this contract as evidenced by the CFO's certification attached hereto; and

WHEREAS, the approval of this Change Order #1 will not result in a contract amount in excess of 20% of the initial contract amount;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Stone Harbor, in the County of Cape May and the State of New Jersey, duly assembled in public session this 18th day of October, 2011, that the preamble of this Resolution is hereby incorporated by reference and that the aforementioned Change Order #1 be and hereby is authorized, conditioned upon the approval of the New Jersey Infrastructure Trust.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk be and hereby are authorized to execute the Change Order on behalf of the Borough.

Vote

**4 Councilmembers AYE
2 Councilmembers NAY (Councilmembers
Judith Davies-Dunhour and Joan Kramar)**

RESOLUTION 2011-S-160 – Creating and Interlocal Services Agreement with Middle Township for Court Room Video Recording

Upon motion of
Seconded by

Councilmember Thomas Cope
Councilmember Joanne Vault

**A RESOLUTION CREATING AN INTERLOCAL SERVICES AGREEMENT WITH
THE TOWNSHIP OF MIDDLE FOR SHARING OF COURT ROOM VIDEO
CONFERENCE EQUIPMENT**

WHEREAS, N.J.S.A. 40:8A-1 et seq., authorizes municipalities to enter into agreements for the purpose of exchanging, sharing and cooperating with regard to services common to said communities through Interlocal Services Agreements; and

WHEREAS, the Stone Harbor Municipal Court and the Middle Township Municipal Court are in need of video conferencing equipment in order to conduct preliminary arraignments and other proceedings involving persons being held in custody at the Cape May County Jail; and

WHEREAS, the Borough of Stone Harbor and the Township of Middle have agreed to the attached Interlocal Services Agreement which is made a part hereof and incorporated herein by reference; and

WHEREAS, entering into an Interlocal Services Agreement with the Township of Middle has been recommended by the Municipal Court Judge and the Court Administrator and has been deemed to be in the best interest of the citizens of the Borough of Stone Harbor.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Clerk are hereby authorized and directed to execute the attached Interlocal Services Agreement between the Borough of Stone Harbor and the Township of Middle on behalf of the Borough, pursuant to N.J.S.A. 40:8A-1 et seq.

Vote **6 Councilmembers AYE**

RESOLUTION 2011-S-161 – Refund Overpayment of Construction Fees

Upon motion of Councilmember Albert Carusi
Seconded by Councilmember Barry Mastrangelo

AUTHORIZING REFUND OF OVERPAID CONSTRUCTION PERMIT FEES

WHEREAS, permit fees were charged for Block 101.01, Lots, 15,17 a/k/a 4 -102nd Street and the following was charged incorrectly:

Charged	Building	\$1,260.00	Correct amount	\$ 990.00
	Electrical	272.00		272.00
	Plumbing	180.00		180.00
	Fire	125.00		125.00
	DCA fee	145.00		119.00
	CO	198.00		169.00
	Zoning	298.00		245.00
	Total	\$2,478.00		\$2,100.00

WHEREAS, the permit fees were overpaid by \$378.00; and

WHEREAS, the Construction Office has requested that said amount be refunded to the Pierson Renovation, 2389 Dune Drive, Suite 2, Avalon, N.J. 08202.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough Stone Harbor in the County of Cape May, State of New Jersey, duly assembled in public session this 18th day of October, 2011, that the preamble of this Resolution is hereby incorporated by reference as if set forth at length;

BE IT FURTHER RESOLVED that, the Chief Financial Officer and all other necessary Borough employees at his direction, are hereby authorized to effectuate a refund in the amount of \$ 378.00 to Pierson Renovation for the purposes stated herein above.

Vote **6 Councilmembers AYE**

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RESOLUTION 2011-S-162 – Granting a Hardship Condition for a Street Opening Permit for 8701 Sunset Drive

Upon motion of Councilmember Joan Kramar
Seconded by Councilmember Joanne Vault

**GRANTING HARDSHIP CONDITION FOR A STREET OPENING PERMIT
8701 SUNSET DRIVE**

WHEREAS, Borough Ordinance No. 1381, Section 475-7, Paragraph B provides for a “Hardship Condition” in the event a property owner requires a street opening permit prior to the five year moratorium for newly paved streets; and

WHEREAS, the five year moratorium for Sunset Drive is January 1, 2012; and

WHEREAS, the property owner, Gene Mitchell, submitted a letter requesting the Borough to grant the hardship condition and issue him a street opening permit for 8707 Sunset Drive to install utilities; and

WHEREAS, Mr. Mitchell has complied with all the required conditions set forth in Borough Ordinance No. 1381 which include the submission of a letter to the Clerk detailing the hardship, notification to all property owners within 200 feet via certified mail, and filed a copy of the notice served to adjoining property owners along with the Certified Mail Return Receipts.

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, hereby does grant a Hardship Condition to Gene Mitchell for a Street Opening Permit.

BE IT FURTHER RESOLVED, that the Borough’s Construction Official is hereby authorized to issue Gene Mitchell a Street Opening Permit for 8707 Sunset Drive pursuant to all other conditions provided for in Ordinance 1381.

Vote **6 Councilmembers AYE**

MOTION – Authorize Borough Engineer to advertise a Notice to Bidders Sewer Vacuum Truck said bids to be received November 10, 2011 at 10am.

Upon motion of Councilmember Joan Kramar
Seconded by Councilmember Barry Mastrangelo

Vote **6 Councilmembers AYE**

MOTION – Authorize Special Events Permit for the Ace Hardware Outdoor Grill Demonstration on Saturday, November 26, 2011.

Upon motion of Councilmember Judith Davies-Dunhour
Seconded by Councilmember Barry Mastrangelo

Vote **6 Councilmembers AYE**

DISCUSSION:

Councilmember Vault asked each Councilmember to present their proposed Capital Budget for 2012. The following is an outline of the presentation.

<u>GROUP</u>	<u>ITEM</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>TOTAL</u>
PW Vehicles	Recycling/Trash Packer	\$200,000		\$250,000	\$275,000		\$725,000
	Street Sweeper			\$190,000			\$190,000

	Dump Truck	\$120,000		\$160,000			\$280,000
	Pickup Trucks	\$33,000	\$45,000		\$45,000		\$123,000
Buildings	Borough Hall Improvements to Bldg.	\$20,000					\$20,000
	Fire House Improvements	\$575,000					\$575,000
	Police-Building Improvements	\$500,000	\$3,000,000				\$3,500,000
	Business District Improvements						
	Purchase/Constr.-Pocket Park	\$2,000,000					\$2,000,000
	Total	\$3,448,000	\$3,045,000	\$600,000	\$320,000	\$0	\$7,413,000
Public Works:	Trash/Recycle Containers	\$12,000	\$10,000	\$12,000		\$17,000	\$51,000
	Flags & Banners	\$6,000	\$10,000	\$10,000	\$10,000		\$36,000
	Radios	\$25,000	\$5,000	\$5,000			\$35,000
	Parking Meters/Kiosk	\$38,000	\$36,000	\$2,000			\$76,000
	Street Signs	\$6,000	\$6,000	\$10,000	\$10,000	\$10,000	\$42,000
	Landscaping Improvements	\$5,000	\$5,000	\$10,000	\$5,000		\$25,000
	Trash Truck Floors		\$20,000				\$20,000
	Skid Steer/Dingo Attachments		\$20,000				\$20,000
	Storm Drain Repairs	\$3,000		\$2,000		\$2,000	\$7,000
	Grounds Equipment		\$20,000	\$15,000	\$15,000		\$50,000
	HVAC Units	\$5,000	\$5,000		\$6,000		\$16,000
	Wheel Balancer	\$4,000					\$4,000
	Garage Doors	\$5,000		\$5,000			\$10,000
	Fire Alarm-Police	\$7,500					\$7,500
Parking Lots, Streets & Sidewalks	Various Streets and Lots:	\$0	\$1,500,000	\$1,600,000	\$1,600,000	\$1,600,000	\$6,300,000
	Total	\$116,500	\$1,637,000	\$1,671,000	\$1,646,000	\$1,629,000	\$6,699,500
Streets/Curbs	Curbs & Sidewalks	\$10,000	\$10,000	\$10,000	\$10,000	\$5,000	\$45,000
Beach	Beach Improvements	\$40,000	\$40,000	\$40,000	\$40,000	\$30,000	\$190,000
Natural Res.	Purchase of Site 103	\$50,000					\$50,000
	Bird Sanctuary Improvements	\$15,000					\$15,000
	Outfall Pipe Removal		\$2,300,000				\$2,300,000
Recreation	Court/Fencing Repairs	\$12,300					\$12,300
	Furniture/Equipment-New Building	\$47,000					\$47,000
	Bldg & Playground Improvements	\$320,000		\$0			\$320,000
	Beach-Waverunner	\$10,000					\$10,000
	Lifeboat	\$9,400					\$9,400
Administration	Computer Upgrades	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$75,000
	Purchase New Phone System	\$35,000					\$35,000

New Copier-Tax Office	\$5,000	\$5,000
Furniture-Tax Assessor/Construction	\$4,200	\$4,200

Total **\$572,900** **\$2,365,000** **\$65,000** **\$65,000** **\$50,000** **\$3,117,900**

Public Safety	Fire-Turnout Gear	\$56,000				\$56,000	
	Fire-Pumper Truck			\$550,000		\$550,000	
	Fire--Equipment	\$32,750				\$32,750	
	Fire-4X4 Pickup Truck				\$40,000	\$40,000	
	Police-New 911 System	\$100,000				\$100,000	
	Police-Computer Equip/Upgrades	\$26,000				\$26,000	
	Police-Radio Equipment	\$3,500	\$3,500	\$3,500	\$3,500	\$14,000	
	Police-Firearms	\$1,500				\$1,500	
	Police-4 Wheel Drive Veh.	\$40,000	\$40,000	\$40,000	\$40,000	\$160,000	
	Police-Equipment	\$10,150				\$10,150	
	Police-Beach ATV	\$14,000				\$14,000	
	Total	\$283,900	\$43,500	\$593,500	\$83,500	\$0	\$1,004,400

Grand Total **\$4,421,300** **\$7,090,500** **\$2,929,500** **\$2,114,500** **\$1,679,000** **\$18,234,800**

The following bills were presented to Council for their approval:

Check #	Check Date	Vendor	Amount Paid
29726	10/17/11	BORSH BOROUGH OF STONE HARBOR	177,821.27
29727	10/19/11	ACELE ATLANTIC CITY ELECTRIC CO.	938.12
29728	10/19/11	ACESEWER ATLANTIC CITY ELECTRIC	226.48
29729	10/19/11	ACESTLIG ATLANTIC CITY ELECTRIC	264.51
29730	10/19/11	ACEWATER ATLANTIC CITY ELECTRIC	1,690.42
29731	10/19/11	ACMEM ALBERTSONS	84.74
29732	10/19/11	ALLCO ALLCOM TECHNOLOGIES, INC.	1,719.85
29733	10/19/11	ALLIN ALL INDUSTRIAL SAFETY PRODUCTS	14.67
29734	10/19/11	AVAYA AVAYA, INC.	716.05
29735	10/19/11	BARLOWTY BARLOW TYRIE, INC.	390.54
29736	10/19/11	BESTU BEST UNIFORM	385.20
29737	10/19/11	BREWERRO ROBERT BREWER	49.97
29738	10/19/11	BROWS BROWN, SUZANNE	105.00
29739	10/19/11	CAPE4 CAPE 4 LUMBER CO.	946.88
29740	10/19/11	CASAP CASA PAYROLL SERVICES	195.85
29741	10/19/11	CATHC CATHCART, VAN	50.16
29742	10/19/11	CMCMU C.M.C. MUNICIPAL UTILITY AUTHO	17,708.34
29743	10/19/11	COMCAST COMCAST	120.04
29744	10/19/11	CONOV CONOVER'S	60.00
29745	10/19/11	CPOWE CAPE POWER EQUIPMENT	80.25
29746	10/19/11	DONOH GRUCCIO, PEPPER, DESANTO & RUTH	877.00
29747	10/19/11	ENFORSYS ENFORSYS FIRE SYSTEMS, INC.	3,095.00
29748	10/19/11	FASTENAL FASTENAL INDUSTRIAL/CONSTRUCTI	100.80
29749	10/19/11	FORDS FORD, SCOTT & ASSOCIATES, LLC	2,250.00
29750	10/19/11	GANNL GANN LAW BOOKS	476.50
29751	10/19/11	GLOBAL GLOBAL CONNECT	6.70
29752	10/19/11	GRUCC GRUCCIO, PEPPER, P.A.	2,653.50
29753	10/19/11	GRUCCIOP GRUCCIO PEPPER DESANTO & RUTH	1,792.67
29754	10/19/11	HAUGEND DONNA HAUGEN	400.00
29755	10/19/11	HAWKM HAWK, MARY	500.00
29756	10/19/11	HERAL HERALD NEWSPAPERS	213.04
29757	10/19/11	HESSCORP HESS CORPORATION	10,248.43
29758	10/19/11	HILESNIC NICOLE HILES	138.00
29759	10/19/11	HOMED HOME DEPOT CREDIT SERVICES	1,304.10
29760	10/19/11	HOOVER HOOVER TRUCK CENTERS	1,174.32
29761	10/19/11	HORNB HORNBECK, DIANE	69.28
29762	10/19/11	JBYRN J. BYRNE AGENCY INC.	16,890.00
29763	10/19/11	KEENC KEEN COMPRESSED GAS	54.30
29764	10/19/11	KINDL KINDLE FORD MERCURY LINCOLN	30,249.92
29765	10/19/11	KLASSELB BARRY KLASSEL	200.00
29766	10/19/11	LAURYHEA LAURY HEATING	537.00
29767	10/19/11	LAWSO LAWSON PRODUCTS, INC.	63.74
29768	10/19/11	MAGELLAN MAGELLAN HILL TECHNOLOGIES	2,666.32
29769	10/19/11	MARSHMCL MARSH & MCLENNAN AGENCY, LLC	2,500.00
29770	10/19/11	MARTI MARTINDALE'S TIRE & AUTO	654.00
29771	10/19/11	MCMAS MC MASTER CARR SUPPLY CO.	167.40

29772	10/19/11	MODER	MODERN GROUP LTD.	235.00
29773	10/19/11	MOSSM	MOSSBROOKS FIRESTONE	407.88
29774	10/19/11	MOTOR	MOTOROLA SOLUTIONS, INC.	1,384.00
29775	10/19/11	NEXTCOMM	NEXTEL COMMUNICATIONS	705.85
29776	10/19/11	NJLM	NJLM	20.00
29777	10/19/11	NJPLA	NEW JERSEY PLANNING OFFICIALS	105.00
29778	10/19/11	OCECO	OCEAN/COASTAL CONSULTANTS, INC	2,980.80
29779	10/19/11	OCEVI	OCEAN VIEW TRAILER SALES, INC.	65.61
29780	10/19/11	ONECA	ONE CALL CONCEPTS, INC.	47.04
29781	10/19/11	PARAM	PARAMOUNT CHEMICAL & PAPER CO.	250.33
29782	10/19/11	PARKER	PARKER & PARTNERS	3,500.00
29783	10/19/11	PAULS	PAUL'S CUSTOM AWARDS & TROPHY	410.00
29784	10/19/11	PEDRO	PEDRONI FUEL COMPANY	4,190.00
29785	10/19/11	PITBO	PITNEY BOWES PURCHASE POWER	201.95
29786	10/19/11	POLET	POLE TAVERN EQUIPMENT SALES	753.52
29787	10/19/11	PRESS	PRESS, THE	95.89
29788	10/19/11	PUERTORI	PUERTO RICAN ACTION COMMITTEE	60.00
29789	10/19/11	RADEC	RADECKI, ELLA	153.95
29790	10/19/11	REMIN	REMINGTON, VERNICK & WALBERG	0.00
29791	10/19/11	REMIN	REMINGTON, VERNICK & WALBERG	26,793.00
29792	10/19/11	RENTA	RENTAL COUNTRY	1,269.94
29793	10/19/11	REYNO	REYNOLDS, PAUL JAMES	350.00
29794	10/19/11	RIGGI	RIGGINS, INC.	8,528.16
29795	10/19/11	RILEI	RILEIGHS OUTDOOR DECOR	189.64
29796	10/19/11	ROSSEVI	ROSS ENVIRONMENTAL SOLUTIONS	300.00
29797	10/19/11	RRRADARI	R & R RADAR, INC.	125.70
29798	10/19/11	RUSSGRAN	GRANT RUSS	400.00
29799	10/19/11	SCHUYMOB	SCHUYLKILL MOBILLE FONE	60.00
29800	10/19/11	SHEPPARD	SHEPPARD BUS SERVICE, INC.	250.00
29801	10/19/11	SHPIZ	STONE HARBOR PIZZA	61.50
29802	10/19/11	SJAUT	SOUTH JERSEY AUTO SUPPLY	331.99
29803	10/19/11	SJGAB	SOUTH JERSEY GAS CO.	103.73
29804	10/19/11	SJGAW	SOUTH JERSEY GAS CO.	49.17
29805	10/19/11	STAPL	STAPLES CREDIT PLAN	965.58
29806	10/19/11	STAPLEBU	STAPLES BUSINESS ADVANTAGE	560.35
29807	10/19/11	STREETDA	DAVE STREET	1,100.00
29808	10/19/11	STRUE	SEASHORE ACE HARDWARE	678.88
29809	10/19/11	SUPPL	SUPPLE, JR., HARRY J.	1,300.25
29810	10/19/11	TELVUECO	TEL VUE CORPORATION	600.00
29811	10/19/11	TIRAD	TIRADO, FRANCISCO	54.50
29812	10/19/11	TOSHI	TOSHIBA BUSINESS SOLUTIONS	58.04
29813	10/19/11	TREA2	TREASURER, STATE OF NEW JERSEY	1,790.00
29814	10/19/11	TREA3	TREASURER, STATE OF NEW JERSEY	300.00
29815	10/19/11	TREA6	TREASURER, STATE OF NEW JERSEY	50.00
29816	10/19/11	TRICOMMS	TRICOMM SERVICES CORP.	380.00
29817	10/19/11	VALAS	VAL ASSO. LABORATORY INC.	533.50
29818	10/19/11	VCABS	VERIZON	533.82
29819	10/19/11	VERKIOSK	VERIZON WIRELESS	80.02
29820	10/19/11	VINAU	VINELAND AUTO ELECTRIC	106.00
29821	10/19/11	WBMASONI	W.B. MASON	517.47
29822	10/19/11	WESTE	WESTERN PEST SERVICES	118.00
29823	10/19/11	WIRELESS	WIRELESS COMMUNICATIONS/ELECTR	375.00
29824	10/19/11	WORK	WATER WORKS SUPPLY CO., INC.	6,876.36

Checks:	98	1	0.00	354,207.78
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Upon motion of
Seconded by

Councilmember Barry D. Mastrangelo
Councilmember Joanne Vaul

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.

Regular Meeting, October 18, 2011

RESOLUTION 2011-S-163 (Executive Session)

Upon motion of
Seconded by

Councilmember Judith Davies-Dunhour
Councilmember Thomas Cope

**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. *Involving the purchase, lease or acquisition of real property with public funds.*

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Stone Harbor, assembled in public session on October 18, 2011, that an Executive Session closed to the public shall be held on October 18, 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.

Vote

6 Councilmembers AYE

MOTION – To Return to Open Session

Upon motion of
Seconded by

Councilmember Barry Mastrangelo
Councilmember Thomas Cope

To return to Open Session.

Vote

6 Councilmembers AYE

MOTION -- To authorize Borough Administrator and the Borough Engineer to proceed as discussed in private session.

Upon motion of
Seconded by

Councilmember Barry Mastrangelo
Councilmember Thomas Cope

Vote

6 Councilmembers AYE

PUBLIC COMMENT

Sandi Slavik – 8318 Sunset Drive – inquired if Public Works could leave some trash cans at beach ends during the winter season so that people can properly dispose of their waste and not just leave it on the beach. Councilmember Mastrangelo reported that he would check with Public Works and see what can be done during the off-season.

MOTION TO ADJOURN

Upon motion of
Seconded by

Councilmember Barry Mastrangelo
Councilmember Joanne Vaul

That the Regular Meeting of Mayor and Council be adjourned at 6:35 p.m.

Vote

6 Councilmembers AYE

APPROVED _____, 2011

_____, Mayor

ATTEST: _____, Borough Clerk