

**MINUTES OF THE REGULAR MEETING OF  
MAYOR AND COUNCIL OF THE BOROUGH OF  
STONE HARBOR HELD IN THE MUNICIPAL  
BUILDING, FEBRUARY 21, 2012**

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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  
Jill Gougher, Administrator  
James Nicola, CFO

**PRESENT**

Councilmembers  
Joan Kramar, President  
Judith Davies-Dunhour  
Joselyn O. Rich  
Karen M. Lane  
Barry D. Mastrangelo

**ABSENT**

Albert Carusi

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, 2012.

**SALUTE TO THE FLAG**

**BULKHEAD APPROVAL – 360 104<sup>th</sup> Street-Frank Bowen, Representative from Channel Marine on Behalf of Margaret Brown**

Frank Bowen of Channel Marie representing property owner, Margaret Brown of 360 104<sup>th</sup> Street, Block 103.05, Lots 121, 122, 123, 124.01.

Mr. Bowen was sworn in by Solicitor Michael Donohue.

Mr. Bowen stated that he was here to ask permission to replace Mrs. Brown's bulkhead next to the bridge of 104<sup>th</sup> Street. Mayor Walters asked if it was replacing it "in kind" in the same location. Mr. Bowen said yes. He stated it was mostly costly to "in kind," however, he normally goes two feet out or less in front of the old bulkhead, and if that is an option, he would like to explore that, if not we can go "in line." Mayor Walters said she didn't think that was the Borough's option and that she thinks the DEP is the one, when the Borough replaced the bulkhead at the Marina, we had to it "in place," and that the Borough was not permitted to out any further and that she believes the DEP's preference would be to stay "in place." Councilmember Mastrangelo inquired if there was a Zane letter for this property from the DEP saying they had no interest. Mr. Bowen said Michele Kirk was in charge of the permitting process for Mrs. Brown and that he really does not have anything to do with the permitting and spoke about it being "in kind" not to go out past the property line, which would cause it to go on Borough property.

Councilmember Kramar asked what the hot pink string at the property was for. Mr. Bowen explained that the string line is to establish a straight line, but the bulkhead would be 90 degrees around the corner from that. Councilmember Kramar asked if the bulkhead would be replaced just as it is. Mr. Bowen said that was correct. Councilmember Kramar said if the DEP does not have an objection, then she is ok with it. Mr. Bowen said the DEP will dictate what we can do, so we will just adhere to the permit, however it comes and whatever they would dictate to us to do. There are the rules we follow all the time anyhow, why would this be any different.

Mr. Bowen was asked when he would start. He stated he was doing a run down and we will be coming up that side. We did a 40 ft section of the house next to this property, she owns both properties, and we would like to keep on going, so it would be the end of the week.

**MOTION:**

Upon motion of  
Seconded by

Councilmember Joan Kramar  
Councilmember Barry D. Mastrangelo

That we allow Margaret Brown to reconstruct the 75.5 ft of bulkhead in place with DEP approval.

Mr. Bowen said that he would like to see it read is that whatever the DEP approves we can build. If they do say we can go out in front of it, we will save Mrs. Brown a significant amount of money.

Councilmember Kramar said it will be what the DEP says.

Solicitor Donohue said it would be a motion to approve subject to the issuance of the DEP approval.

Mayor Walters asked if anyone in the audience was here to speak for or against this bulkhead.

No one spoke

**Vote**

**5 Councilmembers AYE**

**HARDSHIP EXCEPTION – Street Opening Permit – Electrical Service at 161 89<sup>th</sup> Street**

Don Samples, Samples Construction Company (contractor for property owner) and Rick Ciccotelli (property owner of 161 89<sup>th</sup> Street, Block 89.02, Lots 52, 54 and 56).

Mr. Samples and Mr. Ciccotelli were sworn in by Solicitor Michael Donohue.

Mr. Samples stated that construction was started on a new home at 161 89<sup>th</sup> Street in September, 2011. Application was made for a street opening permit to install electric; however, it was denied because 89<sup>th</sup> Street has a five year moratorium since it was recently repaved. Mr. Samples stated that Borough ordinances are conflicting because the Zoning ordinance dictates that all new construction require underground utilities, but the Street Opening ordinance precludes the opening of any newly paved streets for a period of five years. Mr. Samples stated that Atlantic Electric would need to do a 2' x 2' test bore in order to determine the exact location for the utility and would repair the hole with an infrared patch so that the street would look like new. Mr. Samples stated that they will post an escrow fund to insure that the street is repaired correctly. Mr. Samples stated that Atlantic Electric's rate structure is much less expensive if the underground service is installed with the new construction instead of a conversion (67% more expensive). Mr. Samples also indicated that the Borough should of had some insight of its infrastructure when streets are repaved to provide for these utilities. Councilmember Mastrangelo stated that all property owners are noticed that their street is being repaved and that if that wanted to put in any underground utilities, they needed to do so before paving because there would be a five year moratorium which would preclude the opening of the street. Councilmember Kramar asked how long Mr. Ciccotelli owned the property. Mr. Ciccotelli stated he has owned the home for approximately 11 years, but did not plan on any re-construction, but circumstances changed which afforded him the opportunity to re-construct the home.

Mayor Walters asked Marc DeBlasio, Borough Engineer, to explain the street ordinance. Mr. DeBlasio stated that once Borough Council selects a street for paving, a certified mailing is sent out by the Clerk's Office to all the property owners on the Street and his office send out two (s) separate mailings to all utility companies. The first letter notifies them that the Borough will be repaving the street during a certain time period and if they have any utility upgrades, these upgrades should be done prior to the repaving. The second letter provides them with base maps outlining where the survey has indicated the location of their utilities as well as reminds them that the street will be repaved and if they have any upgrades, etc., they should be done before the repaving because of the moratorium. Mr. DeBlasio went on to explain the bidding and contracting process and stated that the utility companies are then invited to the pre-construction meeting so they can report any issues they may have with the design, etc and they are again reminded (for a third time) that if they have any upgrades, now is the time to do them. Mr. DeBlasio stated that in addition to repaving the road, the Borough does significant upgrades to the sanitary sewer/water mains on the street which require that particular street to be under construction for months. Mr. DeBlasio stated that a notice is put on every door on the street advising them of the construction and again reminds them if they have any utilities they would want underground, now is the time to do that work. Mr. Ciccotelli stated that when he applied for the permit he was unaware of this requirement and Mr. Samples stated that the rules were definitely unclear on how a person could get utilities to new construction on newly paved streets. Mr. Samples stated that it is his understanding that the Council has granted at least one (1) other hardship exception. Mayor Walters stated that that request for the hardship was for a street which was about to expire and not for a street that still has four (4) more years on the moratorium. Mr. DeBlasio explained that the property owner could have temporary overhead service and that when the moratorium expires, he would be required to convert the utility underground.

Mr. Donohue stated that this hearing is for the property owner to present his non-economic reasons for the hardship and not to debate the ordinance or any other issue. Mr. Donohue stated that the only authority this Council has tonight is to grant/deny a hardship exception.

Mayor Walters inquired if there was anyone here to speak either for or against this exception. No one spoke.

Mr. Donohue asked Mr. Samples to provide bullet-point, non-economic reasons for this request for the hardship exception.

Mr. Samples stated that 1) the Borough rules were unclear at the time construction was started in September, 2011 in that one ordinance requires underground utilities for new construction and one ordinance prohibits street openings of newly paved streets for five years; 2) Council previously granted at least one hardship exception; 3) the possibility that the Borough might change the way they repave streets and provide for installation of underground utilities prior to repaving streets (which is what we thought was the case when we applied for the permit) and make the notification to the property owners more clear; 4) the overhead service lines are unsightly and more prone to outages in storms causing a safety hazard; 5) the minimal street opening required (2' x 2'); and 6) Atlantic Electric could do the test bore without opening the street; however, their engineers are not willing to do so.

Mr. Donohue stated that the ordinance provides for an exception under 560-47 (e) which states that if a utility cannot reasonably be placed underground due to certain conditions or due to certain circumstances, the Borough engineer may grant a waiver so long as the property owner can demonstrate the lack of feasibility to the satisfaction of the engineer.

Mr. Donohue read the following resolution into the record:

**RESOLUTION 2012-S-48** – Hardship Exception to the Street Opening Ordinance

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

**WHEREAS**, under Ordinance 475-7 property owners wishing to excavate newly paved streets must appear before Borough Council for a hardship exception to the excavation moratorium under the Ordinance; and

**WHEREAS**, Rick and Linda Ciccotelli the owners of 161 – 89<sup>th</sup> Street block 89.02 Lot 52,54 and 56 having satisfied the requirements of Ordinance 475-7 appeared before Borough Council on February 21, 2012 for the hearing required under the Ordinance and

**WHEREAS**, the Borough Council considered the presentation of the owners and no members of the public spoke for or against.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. The preamble of the Resolution is incorporated hereby by reference.
2. A hardship exception is granted to aforementioned property owners for the limited purpose detailed in their letter to the Clerk of January 30, 2012 which is attached hereto and incorporated by reference.
3. The property owners shall comply with all provisions of Chapter 475, applicable to the street excavation.

**Vote** **5 Councilmembers NAY**

**2012 BUDGET PRESENTATION**

Councilmember Mastrangelo provided a visual budget presentation with each Councilmember outlining their respective departments. A copy of the 2012 budget presentation is on file in the Borough Clerk's Office and is available on the Borough's website, [www.stone-harbor.nj.us](http://www.stone-harbor.nj.us). The 2012 Budget will be introduced at the March 6, 2012 Meeting of Mayor and Council.

**MOTION CONCERNING THE MINUTES**

Upon motion of  
Seconded by

Councilmember Joan Kramar  
Councilmember Barry D. Mastrangelo

Since all members of Council have been provided with a copy of the minutes of the Regular Meeting of January 17, 2012 and the Work Session Meeting of February 7, 2012 if there are no additions or corrections, I move we dispense with the reading of the minutes and that they be approved.

**Vote**

**5 Councilmembers AYE**

**REPORTS OF COMMITTEES AND OFFICERS**

**PUBLIC SAFETY** – Councilmember Davies-Dunhour provided the Public Safety Report in Councilmember Carusi's absence. Councilmember Davies-Dunhour reported that the Public Safety Committee met on February 17, 2012 and discussed the following issues: the possibility of a County-wide dispatch system; the hiring of a new Court reporter; and the Deputy Court Administrator's progress on becoming certified by the Administrative Office of the Courts. Chief Stanford reported the following highlights for January, 2012: 12 fire calls; 3 drills; 1 meeting; 295.4 manhours; 2 mutual aid; and 9 EMS calls. Chief Stanford provided the following statistical report for the Fire Prevention Bureau: 4 business rental; 7 smoke detectors; 1 other; and a total of 1058 total inspections. Captain Dan Mulraney provided the police statistical report for January, 2012 as follows: 29 moving violation; 1 accident; 3 suspicious vehicles; 143 motor vehicle stops; 1 Ordinance violation; 2 adult arrests; 1 driving while intoxicated; 6 alarms; 8 fire calls; 5 EMS; 34 open doors/windows; 35 heater lights; 6 animal complaints; and 812 incidents logged. Captain Mulraney also reported on training for the police department and ongoing investigations.

**NATURAL RESOURCES** - Councilmember Rich reported that the Bird Sanctuary Committee met on January 21, 2012 and elected new officers; Randy Bauer will be the head docent for the Bird Sanctuary tours; and the Committee scheduled a "walk through the Sanctuary on March 9, 2011 at 6:30 under the Full Moon" (immediately prior to the Pre-Plunge Party at the Yacht Club). Councilmember Rich stated that March 6<sup>th</sup> will be the 50<sup>th</sup> Anniversary of the 1962 Storm. Councilmember Rick reported that Duffield is working on a grant for funding for a trail at the Bird Sanctuary. Councilmember Rich stated that she attended a conference at Stockton on Coastal Research with Dr. Stu Farrell which was very informative. Councilmember Rich reported that work and discussions continue on Site 103, dredging, and the Library Relocation Committee.

**BEACH & RECREATION** – Councilmember Davies-Dunhour reported that the Rec Department continues to hold after school activities on Thursdays and has planned a trip to the Flyer's Skate Zone on Friday, March 2, 2012. Councilmember Davies-Dunhour reported that the Rec Director has reported that staffing for the summer is taking shape. Councilmember Davies-Dunhour reported that the Rec Advisory Committee on February 6, 2012, and discussed new activities for the summer including Zumba, yoga, and cooking classes; as well as a specialized fitness program for athletes trying to improve their performance in a particular sport. Councilmember Davies-Dunhour reported that the monthly meeting of the Beach, Rec and Tourism Committee met on February 16, 2012 and discussed the possibility of returning the concession stands to the beach; Rec Support Building construction progress; participation of the Beach Patrol and Beach Tag Office in the upcoming Job Fair sponsored by the Chamber of March 31; the resignation of the Tourism Director and recruiting efforts; and the Shiver. Councilmember Davies-Dunhour reminded everyone to pre-register, and reported that Sister James and Karl Giulian have been named Shiver Queen and King, and reminded everyone that the Pre-Plunge Party is at the Yacht Club on Friday, March 9<sup>th</sup> and the Plunge is Saturday, March 10 at 12:00 p.m.

**UTILITIES** - Councilmember Lane reported that water lateral leaks were repaired at 338 93<sup>rd</sup> Street and 118 105<sup>th</sup> Street; a new fire hydrant was installed at 10700 Golden Gate; water meter ERTs are being replaced; and water mark outs were 60. Councilmember reported water usage for January, 2012 as 3.237 million compared to 3.183 million in January, 2011.

**PUBLIC WORKS** – Councilmember Kramar reported that Public Works graded and installed crossover and split rail fence at 94<sup>th</sup>, 96<sup>th</sup>, 98<sup>th</sup>, 99<sup>th</sup>, 100<sup>th</sup>, 104<sup>th</sup>, 106<sup>th</sup>, 107<sup>th</sup>, 108<sup>th</sup>, 109<sup>th</sup>, 110<sup>th</sup> and 122<sup>nd</sup> Street and crossover at 121<sup>st</sup>, 120<sup>th</sup> and 81<sup>st</sup> Streets will be completed within the next two weeks; beach cleanup has been completed between 122<sup>nd</sup> and 115<sup>th</sup> Streets; rebuilt ramps at the marina, repaired floating docks and air compressors at the marina; performed maintenance on all Borough property, automobiles, grounds and streets; had 464 citizen contacts; and disposed of 164.41 tons of solid waste. Councilmember Kramar reported that the disposal fees paid in January, 2012 were \$8,288 compared to \$3,195 in January, 2011. Councilmember Kramar congratulated Grant Russ who was recently recognized by the JIF Safety Program. Councilmember Kramar stated that the winter trash schedule is in effect until June 16, 2012 and scheduled Bulk Trash days for 2012 are Monday, March 12<sup>th</sup>; Monday, May 7<sup>th</sup>; Monday, September 24<sup>th</sup> and Monday, October 29<sup>th</sup>.

**ADMINISTRATIVE & FINANCE** – Councilmember Mastrangelo reported that the budget presentation represents the A & F Committee's report.

Jill Gougher thanked Scott Wahl for his help in preparing recent press releases. Mrs. Gougher stated that she is creating an e-mail distribution list for anyone interested in receiving updates on the Library Relocation Committee and other Borough information.

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

**Beach Outfall Elimination Project – Phase 2**

- Bids were opened on January 13, 2012 and the apparent low bidder is Asphalt Paving Systems, Inc. in the amount of \$3,367,000.00.
- Contractor has begun work, starting at the Shelter Haven bulkhead installing sheeting towards Third Avenue.
- Contractor has begun replacing the sanitary sewer and water main on 97<sup>th</sup> Street on the beach block.

**114<sup>th</sup> Street Generator Installation**

- The generator foundation, pad and retaining wall has been completed.
- The generator and fence installation remain.

**Firehouse Foundation Repairs**

- The contractor mobilized on Tuesday, February 14, 2012.
- The contractor excavated to the bottom of the grade beams.
- Engineer and Construction Manager inspected the CMU block grade beam, pile and pile caps.
- It was observed that lower courses of CMU block were not grouted and the contractor was advised to correct the grouting.
- Anticipated completion of grouting is February 22, 2012.

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

- All work is completed on 87<sup>th</sup> Street, 90<sup>th</sup> Street, 107<sup>th</sup> Street and 117<sup>th</sup> Street with the exception of top paving.
- All utility work is completed on 100<sup>th</sup> Street and base paving is to be completed by the week of February 20, 2012.

**Furnish and Supply a Sewer Vacuum Truck**

- Bids were opened on January 13, 2012 and the apparent low bidder is Eagle Equipment, Inc. in the amount of \$278,808.00.
- Contracts have been executed and have been transmitted to the vendor.

**Furnish and Supply a Refuse Truck**

- The project is scheduled to be motioned for bidding at the February 21, 2012 Council Meeting and the bid opening scheduled for March 15, 2012.



Councilmember Lane stated that Marty Conlin asked her to report that the Red Cross Blood Drive scheduled for March 3, 2012 will be held at the Women's Civic Club instead of the Fire House.

**OLD BUSINESS:**

**ORDINANCE 1397 (Utility Easement – Relocation of Pole – Recreation Building)**

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

That Ordinance 1397 be taken up on second reading

**Vote 5 Councilmembers AYE**

The Clerk read the title only of Ordinance 1397 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 spoke.

The Public Hearing was closed.

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

That Ordinance 1397 be passed on second reading and advanced to third and final reading.

**Vote 5 Councilmembers AYE**

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

That Ordinance 1397 be passed on third and final reading, adopted and published according to law.

**Vote 5 Councilmembers AYE**

**NEW BUSINESS:**

**RESOLUTION 2012-S-49** – Combination of Certain Bonds

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

**RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF BONDS OF THE BOROUGH OF STONE HARBOR, IN THE COUNTY OF CAPE MAY, NEW JERSEY, DETERMINING THE FORM AND OTHER DETAILS OF NOT EXCEEDING \$4,745,000 GENERAL, WATER AND SEWER BONDS, SERIES 2012, AND PROVIDING FOR THEIR SALE TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN AGREEMENTS IN CONNECTION THEREWITH.**

**WHEREAS**, the Borough of Stone Harbor, in the County of Cape May (the "Local Unit"), New Jersey, has determined that there exists a need within the Local Unit to acquire, construct, renovate, install or refinance the Project (the "Project"), as defined in each of that certain Loan

Agreement (the “Trust Loan Agreement”) to be entered into by and between the Local Unit and the New Jersey Environmental Infrastructure Trust (the “Trust”) and that certain Loan Agreement (the “Fund Loan Agreement” and, together with the Trust Loan Agreement, the “Loan Agreements”) to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the “State”), all pursuant to the State fiscal year 2012 New Jersey Environmental Infrastructure Trust Financing Program (the “Program”);

**WHEREAS**, the Local Unit has determined to finance or refinance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the Trust (the “Trust Loan”) and the State (the “Fund Loan” and, together with the Trust Loan, the “Loans”) pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively;

**WHEREAS**, to evidence the Loans, each of the Trust and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit’s Water and Sewer Bond, Series 2012A, to the State (the “Fund Loan Bond”) and Water and Sewer Bond, Series 2012B, to the Trust (the “Trust Loan Bond” and, together with the Fund Loan Bond, the “Local Unit Bonds”) pursuant to the terms of the Local Bond Law of the State, constituting Chapter 2 of Title 40A of the Revised Statutes of the State (the “Local Bond Law”), other applicable law and the Loan Agreements;

**WHEREAS**, the Local Unit Bonds have been authorized pursuant to two bond ordinances of the Local Unit adopted on October 18, 2011 and respectively entitled: “Bond ordinance providing for the improvement of the water and sewerage system in and of the Borough of Stone Harbor, in the County of Cape May, New Jersey, appropriating \$2,600,000 therefor and authorizing the issuance of \$2,600,000 bonds or notes of the Borough for financing such appropriation (General Capital)” and “Bond ordinance providing for the improvement of the water and sewerage system in and of the Borough of Stone Harbor, in the County of Cape May, New Jersey, appropriating \$2,145,000 therefor and authorizing the issuance of \$2,145,000 bonds or notes of the Borough for financing such appropriation (Water and Sewer Utility)”;

**WHEREAS**, the Trust and the State have expressed their desire to close in escrow the making of the Loans, the issuance of the Local Unit Bonds and the execution and delivery of the Loan Agreements, all pursuant to the terms of an Escrow Agreement (the “Escrow Agreement”) to be entered into by and among the Trust, the State, the escrow agent named therein and the Local Unit; and

**WHEREAS**, N.J.S.A. §40A:2-27(a)(2) of the Local Bond Law allows for the sale of the Trust Loan Bond and the Fund Loan Bond to the Trust and the State, respectively, without any public offering, and N.J.S.A. §58:11B-9(a) allows for the sale of the Trust Loan Bond to the Trust without any public offering, all under the terms and conditions set forth in the following resolution.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF STONE HARBOR, IN THE COUNTY OF CAPE MAY, NEW JERSEY** (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

**Section 1.** **Ordinances, Bond Amounts and Combination.** Pursuant to the provisions of Section 40A:2-26 of the Local Bond Law, particularly paragraph (f) thereof and in lieu of the sale of more than one issue of bonds as provided for in the Local Bond Law, the several issues of bonds of the Local Unit described below, authorized pursuant to bond ordinances of the Local Unit heretofore adopted, shall be combined into a single and combined issue of bonds in the principal amount of \$4,745,000. The principal amount of the bonds of the several issues of bonds to be combined into a single issue as above provided, the bond ordinance authorizing each of said several issues described by reference to its title, number and date of adoption, and the period or average period of usefulness determined in each of said bond ordinances are respectively as follows:

A. \$2,600,000 bonds being those bonds authorized by an ordinance entitled “Bond ordinance providing for the improvement of the water and sewerage system in and of the Borough of Stone Harbor, in the County of Cape May, New Jersey, appropriating \$2,600,000 therefor and authorizing the issuance of \$2,600,000 bonds or notes of the Borough for financing such appropriation (General Capital)” heretofore finally adopted on October 18, 2011 (Ordinance No. 1390). The period or average period of usefulness for the purpose stated in Section 4(b) of said ordinance is forty (40) years. Such bonds are general capital in nature.



B. \$2,145,000 bonds, being those bonds authorized by an ordinance entitled "Bond ordinance providing for the improvement of the water and sewerage system in and of the Borough of Stone Harbor, in the County of Cape May, New Jersey, appropriating \$2,145,000 therefor and authorizing the issuance of \$2,145,000 bonds or notes of the Borough for financing such appropriation (Water and Sewer Utility)", heretofore finally adopted on October 18, 2011 (Ordinance No. 1391). The period or average period of usefulness stated in Section 4(b) of said ordinance is forty (40) years. Such bonds are water and sewer utility in nature.

**Section 2.** Average Useful Life. It is hereby found, determined and declared that the average period of usefulness, taking into consideration the respective amounts of obligations authorized to be issued pursuant to each of said bond ordinances as described above, respectively, is forty (40) years.

**Section 3.** Title and Principal Amount. The bonds shall be designated "General, Water and Sewer Bonds of 2012". The actual aggregate principal amount of bonds to be issued shall not exceed \$4,745,000.

**Section 4.** Award of the Local Unit Bonds. In accordance with N.J.S.A. §40A:2-27(a) (2) of the Local Bond Law and N.J.S.A. §58:11B-9(a), the Local Unit hereby sells and awards its (a) Trust Loan Bond to the Trust in accordance with the provisions of this resolution and (b) Fund Loan Bond to the State in accordance with the provisions of this resolution.

**Section 5.** Basic Terms of the Local Unit Bonds; Delegation of Power to Make Certain Determinations. The chief financial officer of the Local Unit or the treasurer of the Local Unit (the "Chief Financial Officer") is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions established by the Trust and the State under the Loan Agreements and the terms and conditions of this resolution, the following items with respect to the Trust Loan Bond and the Fund Loan Bond:

(a) The aggregate principal amount of the Trust Loan Bond to be issued and the aggregate principal amount of the Fund Loan Bond to be issued, which amounts in the aggregate shall not exceed \$4,745,000;

(b) The maturity or maturities and annual and semi-annual principal installments of the Local Unit Bonds, which maturity or maturities shall not exceed twenty (20) years from the date of the Local Unit Bonds;

(c) The date or dates of the Local Unit Bonds;

(d) The interest rates of the Local Unit Bonds, provided that the effective interest rate of the Trust Loan Bond does not exceed eight per centum (8%) and that the interest rate on the Fund Loan Bond is zero per centum (0%);

(e) The purchase price for the Local Unit Bonds;

(f) The terms and conditions under which the Local Unit Bonds shall be subject to redemption prior to their stated maturities; and

(g) Such other matters with respect to the Local Unit Bonds as may be necessary, desirable or convenient in connection with the sale, issuance and delivery thereof, including adjusting the title of the Local Unit Bonds to reflect the issuance thereof in a calendar year other than 2012.

**Section 6.** Determinations Conclusive. Any determination made by the Chief Financial Officer pursuant to the terms of this resolution shall be conclusively evidenced by the execution and attestation of the Local Unit Bonds by the parties authorized under Section 4(c) of this resolution.

**Section 7.** Further Terms of the Local Units Bonds. The Local Unit hereby determines that certain terms of the Local Unit Bonds shall be as follows:

(a) The Fund Loan Bond shall be issued in a single denomination and

shall be numbered RA-1, or as may otherwise be determined by the Chief Financial Officer. The Trust Loan Bond shall be issued in a single denomination and shall be numbered RB-1, or as may otherwise be determined by the Chief Financial Officer;

(b) The Local Unit Bonds shall be issued in fully registered form (convertible to bearer as therein provided) and shall (unless converted to bearer) be payable to the registered owners thereof as to both principal and interest in lawful money of the United States of America;

(c) The Local Unit Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, imprinted, engraved or reproduced thereon and attested by the manual signature of the Local Unit Clerk or Deputy Local Unit Clerk; and

(d) In order to distinguish the Local Unit Bonds from other bonds of the Local Unit, the Local Unit Bonds shall have such letters and/or numbers incorporated in their titles as shall be determined by the Chief Financial Officer.

**Section 8.** Forms of the Local Unit Bonds. The Trust Loan Bond and the Fund Loan Bond shall be substantially in the form set forth in the Trust Loan Agreement and the Fund Loan Agreement, respectively.

**Section 9.** Authorized Parties. The law firm of Hawkins Delafield & Wood LLP, bond counsel to the Local Unit, is hereby authorized to arrange for the printing of the Local Unit Bonds, which law firm may authorize McCarter & English, LLP, bond counsel to the Trust and the State for the Program, to arrange for same. The Local Unit auditor and financial advisor, if any, are hereby authorized to prepare the financial information necessary in connection with the issuance of the Local Unit Bonds. The Mayor, the Chief Financial Officer, the Local Unit Administrator and the Local Unit Clerk (each, an “Authorized Official”) are hereby severally authorized to execute any certificates necessary or desirable in connection with the financial and other information.

**Section 10.** Report to the Local Unit. The Chief Financial Officer is hereby directed to report in writing to this Council at the next meeting of this Council next following the closing with respect to the Local Unit Bonds as to the terms of the Local Unit Bonds authorized to be determined by the Chief Financial Officer pursuant to and in accordance with the provisions of this resolution.

**Section 11.** Delivery of the Local Unit Bonds. Each Authorized Official is hereby authorized to execute any certificate or document necessary or desirable in connection with the sale of the Local Unit Bonds and is hereby further authorized to deliver same to the Trust and the State upon delivery of the Local Unit Bonds and the receipt of payment therefor in accordance with the Loan Agreements.

**Section 12.** Execution of Agreements. The Trust Loan Agreement, the Fund Loan Agreement and the Escrow Agreement (collectively, the “Financing Documents”) are hereby authorized to be executed and delivered on behalf of the Local Unit by an Authorized Official (other than the Local Unit Clerk) in substantially the forms required and traditionally used by the Trust and the State (which forms are available from the Trust and the State), with such changes as such Authorized Official, in his or her sole discretion, after consultation with counsel and any advisors to the Local Unit (the “Local Unit Consultants”) and after further consultation with the Trust, the State and their representatives, agents, counsel and advisors (collectively, the “Program Consultants” and, together with the Local Unit Consultants, the “Consultants”), shall determine, such determination to be conclusively evidenced by the execution of each such Financing Document by an Authorized Official (other than the Local Unit Clerk). The Local Unit Clerk is hereby authorized to attest to the execution of the Financing Documents by an Authorized Official and to affix the corporate seal of the Local Unit to such Financing Documents.

**Section 13.** Authorized Actions. The Authorized Officials are hereby further severally authorized to (i) execute and deliver and the Local Unit Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officials or the Local Unit Clerk, as applicable, in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Financing Documents and the Local Unit Bonds and the consummation of the transactions contemplated

thereby, which determination shall be conclusively evidenced by the execution of each such document, instrument or closing certificate by the party authorized under this resolution to execute such document, instrument or closing certificate and (ii) perform such other actions as the Authorized Officials deem necessary, desirable or convenient in relation to the execution and delivery thereof.

**Section 14.** Multiple Document Sets. Notwithstanding any other provision of this resolution to the contrary, if in connection with the participation of the Local Unit in the Program, the State and the Trust require that the Local Unit execute more than one set of documents, the provisions of this resolution shall be deemed to apply to the Local Unit Bonds and the Financing Documents related to each set of documents; provided, however, that in no event may the aggregate principal amount of all Local Unit Bonds issued and delivered pursuant to the provisions of this resolution be in excess of \$4,745,000.

**Section 15.** Interim Financing. In anticipation of the issuance of the Local Unit Bonds, the Local Unit hereby authorizes, if necessary or desirable, the issuance, sale and award of an interim bond anticipation note (the "Interim Local Unit Note") pursuant to the Trust's Interim Financing Program. The Interim Local Unit Note shall be substantially in the form provided by the Trust in the Interim Financing Program's loan agreement. The execution and delivery of the Interim Local Unit Note shall be in the same manner as herein prescribed with respect to the Local Unit Bonds. An Authorized Official is hereby authorized to determine, pursuant to the terms and conditions established by the Trust and the State under the Interim Financing Program's loan agreement and the terms and conditions of this resolution, the following items with respect to the Interim Local Unit Note: (a) the aggregate principal amount of the Interim Local Unit Note to be issued, which amount shall not exceed \$4,745,000; (b) the maturity of the Interim Local Unit Note, which shall be no later than one year after the date of issuance thereof; (c) the date of the Interim Local Unit Note; (d) the interest rate of the Interim Local Unit Note, which shall not exceed 2% per annum; (e) the purchase price for the Interim Local Unit Note; and (f) such other matters with respect to the Interim Local Unit Note as may be necessary, desirable or convenient in connection with the sale, issuance and delivery thereof. The Authorized Officials are hereby further severally authorized to manually execute and deliver and the Local Unit Clerk is hereby further authorized to attest by manual signature to such execution and to affix, imprint, engrave or reproduce the corporate seal of the Local Unit to any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officials or the Local Unit Clerk, as applicable, in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Interim Local Unit Note and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such document, instrument or closing certificate by the party authorized under this resolution to execute such document, instrument or closing certificate.

**Section 16.** Capitalized Terms. All capitalized words and terms used but not defined in this resolution shall have the meanings ascribed to such words and terms, respectively, in the preambles to this resolution.

**Section 17.** Prior Action. All action taken to date by the officers, employees and agents of the Local Unit with respect to the Local Unit Bonds hereby are approved, ratified, adopted and confirmed.

**Section 18.** Effective Date. This resolution shall take effect immediately.

**Vote**

**5 Councilmembers AYE**

**RESOLUTION 2012-S-50** – Authorize Change Order #2 – Final – Public Works Building Painting and Repair

Upon motion of

Councilmember Joan Kramar

Seconded by

Councilmember Barry D. Mastrangelo

**WHEREAS**, the Borough of Stone Harbor is currently under contract with R. Maxwell

Construction Company for Public Works Garage & Office Building Painting & Repair – Phase III -

File #05-10-U-043; and

**WHEREAS**, it is the recommendation of the Borough's Engineer, Remington, Vernick & Walberg Engineers, to authorize Change Order No. 2 – Final adjustment due to a Reduction of Allowance (copy attached hereto and made a part hereof by reference); and

**WHEREAS**, Change Order No. 2 will result in a \$5,000 reduction in the contract, the original contract amount was \$114,313 and the amended contract amount will be \$109,313; and

**NOW, THEREFORE, BE IT RESOLVED**, this 21<sup>st</sup> day of February, 2012 by the Borough Council of the Borough of Stone Harbor, in the County of Cape May, and the State of New Jersey, that the preamble of this Resolution is hereby incorporated by reference and that the aforementioned Change Order No. 2 be and hereby is authorized;

**BE IT FURTHER RESOLVED** that the Mayor and the Borough Clerk be and hereby are authorized to execute Change Order No. 2 for a total contract amount of \$ 109,313.00.

**Vote** **5 Councilmembers AYE**

**RESOLUTION 2012-S-51** – Raffle License – Volunteers in Medicine

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

**WHEREAS**, the Volunteers in Medicine made application on February 10, 2012 for a Raffle License under Application No. RA-2012-03; and

**WHEREAS**, it is the desire of the Borough Council of the Borough of Stone Harbor to issue a Certificate of Approval under Application No. RA-2012-03 to Volunteers in Medicine for holding of said Raffle;

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

1. That the Borough Council issue to Volunteers in Medicine a Certificate of Findings and Determination to be signed by the proper officer of said Borough Council under Application No. RA-2012-03 made by said Volunteers in Medicine; and

2. That the Deputy Municipal Clerk of the Borough of Stone Harbor be, and she is hereby authorized, empowered and directed to cause the proper Raffle License to be issued to the Volunteers in Medicine in accordance with the application made therefor.

**Vote** **5 Councilmembers AYE**

**MOTIONS**

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

To authorize the Borough Engineer to advertise a Notice to Bidders for a Trash Truck on February 25, 2012 with a Bid Opening date of March 15, 2012 at 10:00 a.m.

**Vote** **5 Councilmembers AYE**

Upon motion of Councilmember Judith Davies-Dunhour  
Seconded by Councilmember Joselyn O. Rich

That the Special Event Permit Application for the W.L. Gore Associates use of the 122<sup>nd</sup> Street beach on February 29 be approved.

**Vote**

**5 Councilmembers AYE**

Upon motion of  
Seconded by

Councilmember Judith Davies-Dunhour  
Councilmember Barry D. Mastrangelo

That the Special Event Permit Application for the Stone Harbor Volunteer Fire Co. Easter Egg Hunt on March 31, 2012 (rain date of April 1, 2012) be approved.

**Vote**

**5 Councilmembers AYE**

**DISCUSSION:**

None

The following bills were presented to Council for their approval:

Check #	Check Date	Vendor	Amount Paid
30655	02/14/12	COLLETT CHRIS COLLETT	75.00
30656	02/15/12	BORSH BOROUGH OF STONE HARBOR	171,120.31
30657	02/22/12	ACCCCRBR ATLANTIC CAPE COMMUNITY COLLEG	358.00
30658	02/22/12	ACELE ATLANTIC CITY ELECTRIC CO.	381.19
30659	02/22/12	ALLEGGRAM ALLEGRA MARKETING, PRINT, MAIL	180.20
30660	02/22/12	AVAYA AVAYA, INC.	738.34
30661	02/22/12	BILLO BILLOWS ELECTRIC SUPPLY CO.	326.69
30662	02/22/12	BROWS BROWN, SUZANNE	90.00
30663	02/22/12	CASAP CASA PAYROLL SERVICES	193.35
30664	02/22/12	CDWIN CDW GOVERNMENT, INC.	170.00
30665	02/22/12	CHOFF COURT HOUSE OFFICE SUPPLIES	37.85
30666	02/22/12	CMCMU C.M.C. MUNICIPAL UTILITY AUTHO	8,226.04
30667	02/22/12	COMCAST COMCAST	127.13
30668	02/22/12	CONSTELL CONSTELLATION NEWENERGY INC	5.03
30669	02/22/12	DEHAR H.A. DEHART & SONS	945.64
30670	02/22/12	EASTERNW EASTERN WAREHOUSE DISTRIBUTORS	169.17
30671	02/22/12	FIRE FIRE & SAFETY SERVICES, LTD	7,865.00
30672	02/22/12	GARDS GARDEN STATE HWY. PRODUCTS	640.00
30673	02/22/12	GARYS GARY'S AUTOMOTIVE SERVICE	101.50
30674	02/22/12	GFOACONF GOVERNMENT FINANCE OFFICERS'	90.00
30675	02/22/12	GRAIN GRAINGER	170.80
30676	02/22/12	HARRI HARRIS COMPUTER SYSTEMS	86.49
30677	02/22/12	HERAL HERALD NEWSPAPERS	106.55
30678	02/22/12	HESSCORP HESS CORPORATION	8,334.74
30679	02/22/12	HORN B HORNBECK, DIANE	136.00
30680	02/22/12	HOTAL HOTALING, JOHN	120.00
30681	02/22/12	INTCP INTL. ASSN. CHIEFS OF POLICE	120.00
30682	02/22/12	KEENC KEEN COMPRESSED GAS	55.91
30683	02/22/12	LAURYHEA LAURY HEATING	529.78
30684	02/22/12	MCCAB MC CABE JR., JAMES	40.00
30685	02/22/12	MCGONAGL KATHERINE MC GONAGLE	95.00
30686	02/22/12	MCMAS MC MASTER CARR SUPPLY CO.	64.51
30687	02/22/12	MONA1 RANDALL MONAGHAN, JR.	325.96
30688	02/22/12	MONZO MONZO CATANESE, P.C.	255.00
30689	02/22/12	MORPHOTR MORPHOTRAK, INC.	2,349.00
30690	02/22/12	MOSSM MOSSBROOKS FIRESTONE	1,266.46
30691	02/22/12	MTHSA MTHS AFTER PROM PARTY COMM.	100.00
30692	02/22/12	NEXTCOMM NEXTEL COMMUNICATIONS	600.67
30693	02/22/12	NJCHF N.J. STATE ASSO. CHIEFS POLICE	200.00
30694	02/22/12	NJCON N.J. CONFERENCE OF MAYORS	260.00
30695	02/22/12	OLIVI OLIVIERI, SHOUSKY & KISS, PA	4,138.01
30696	02/22/12	ONECA ONE CALL CONCEPTS, INC.	97.44
30697	02/22/12	ORCHARDH ORCHARD HYDRAULICS, INC.	450.00
30698	02/22/12	PIER47 PIER 47 MARINA	6.00
30699	02/22/12	PRESS PRESS, THE	40.25
30700	02/22/12	PUBLI PUBLIC WORKS ASSN. OF NJ	80.00
30701	02/22/12	REMIN REMINGTON, VERNICK & WALBERG	0.00
30702	02/22/12	REMIN REMINGTON, VERNICK & WALBERG	30,549.75
30703	02/22/12	REYNO REYNOLDS, PAUL JAMES	145.00
30704	02/22/12	RRSPEC R & R SPECIALTIES	207.00
30705	02/22/12	SCHOP WM.SCHOPPY, INC.	150.00
30706	02/22/12	SCHUT SCHUTTA, THOMAS J.	1,556.43
30707	02/22/12	SCHUYMOB SCHUYLKILL MOBILE FONE	60.00
30708	02/22/12	SCOTT SCOTT, DEBORAH	37.00
30709	02/22/12	SEASHASP SEASHORE ASPHALT CORP.	196.35
30710	02/22/12	SERV1 SERVICE TIRE TRUCK CENTERS	1,104.48
30711	02/22/12	SHEPPARD SHEPPARD BUS SERVICE, INC.	220.00

30712	02/22/12	STAPL	STAPLES CREDIT PLAN	551.10
30713	02/22/12	STAPLEBU	STAPLES BUSINESS ADVANTAGE	668.02
30714	02/22/12	STEFANKI	STEFANKIEWICZ, LISA	210.00
30715	02/22/12	TIRAD	TIRADO, FRANCISCO	69.95
30716	02/22/12	TRICOMMS	TRICOMM SERVICES CORP.	110.50
30717	02/22/12	UCCSJ	UNIFORM CONST.CODE OFF.OF S.J.	25.00
30718	02/22/12	USABL	U.S.A. BLUE BOOK	1,140.08
30719	02/22/12	VERI1	VERIZON	545.85
30720	02/22/12	VERKIOSK	VERIZON WIRELESS	80.02
30721	02/22/12	VINAU	VINELAND AUTO ELECTRIC	107.95
30722	02/22/12	WBMASONI	W.B. MASON	393.98
30723	02/22/12	WESTE	WESTERN PEST SERVICES	112.00
30724	02/22/12	WINNERFO	CHAS. S. WINNER/TJH CHEVROLET	38,994.69
30725	02/22/12	WIRELESS	WIRELESS COMMUNICATIONS/ELECTR	288.00

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Checks: 70 289,392.16

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

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

**Vote 5 Councilmembers AYE**

**PUBLIC COMMENT**

No one from the public spoke.

**MOTION TO ADJOURN**

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

That the Regular Meeting of Mayor and Council be adjourned at 6:25 p.m.

**Vote 5 Councilmembers AYE**

APPROVED \_\_\_\_\_, 2011

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

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