

**MINUTES OF THE REGULAR MEETING OF
MAYOR AND COUNCIL OF THE BOROUGH OF
STONE HARBOR HELD IN THE MUNICIPAL
BUILDING, MAY 15, 2012**

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

Judith Davies-Dunhour
Joselyn O. Rich
Karen M. Lane
Barry D. Mastrangelo
Albert Carusi

ABSENT

Joan Kramar, Council President

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

STONE HARBOR TRIATHLON – Special Event Application

Robert Hicks presented Council with his proposal for the 15th Annual Stone Harbor Triathlon and provided information on the success of last year's Triathlon. Mr. Hicks stated that there will be two (2) changes this year, i.e., the packet pick-up on Saturday will be moved from the Yacht Club to the Fire House from 4:00 p.m. to 6:30 p.m. and the start time for the race will be 6:30 a.m. on Sunday.

Upon motion of
Seconded by

Councilmember Judith Davies-Dunhour
Councilmember Barry Mastrangelo

To approve the Special Event Application for the 15th Annual Stone Harbor Triathlon on July 15, 2012 contingent upon submission of the required Certificate of Insurance.

Vote **5 Councilmembers AYE**

MOTION CONCERNING THE MINUTES

Upon motion of
Seconded by

Councilmember Barry Mastrangelo
Councilmember Joselyn Rich

Since all members of Council have been provided with a copy of the minutes of the Regular Meeting of April 17, 2012, Library Location Committee Meetings of April 18 and April 28, 2012 and the Work Session Meeting of May 1, 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 Carusi reported that the Public Safety Committee met on May 4, 2012 and in attendance were Jill Gougher, Chief Reynolds, Chief Stanford, Debbie Scott, Ken Hawk and Sandy Bosacco, as well as the Councilmembers on the Committee. Chief Stanford reported the following highlights for April, 2012: 7 fire calls; 2 drills; 1 meeting; 334.5 man-hours; 1 mutual aid call; and 10 EMS calls. Chief Stanford provided the following statistical report for the Fire Prevention Bureau: 202 inspections; 21 smoke detectors; 4 permits; and 38 re-inspections. Chief Stanford reported that on May 9th there was a fire at the Golden Inn and Stone Harbor responded as mutual aid with Avalon and we had 27 fire fighters respond to the call. Chief Stanford reported on May 11th Middle Township contacted the Department for a marine search for a person who jumped off the bridge and the

search continued for 6 ½ hours and she was eventually found the following day. Chief Stanford provided his bi-annual report on the stipend program which is working perfectly and he is not recommending any changes. Chief Stanford reported that there are 49 active volunteer firefighters, 17 of whom are Stone Harbor residents; EMS Division the 7:00 a.m. to 3:30 p.m. shift consists of 1 Borough EMT, 2 EMTs from Public Works and 4 First Responders from Public Works, the Public Works employees are paid for by the Stone Harbor Rescue Squad Yearly Stipend Program; there are 12 EMTs for the Evenings/Weekends/Holidays from 3:30 p.m. to 7:00 p.m./7:00 a.m. to 7:00 p.m. which are Rescue Squad Personnel and are paid by the Stone Harbor Rescue Squad; there are 20 EMTs for the Nighttime Volunteer 7:00 p.m. to 7:00 a.m. which are paid by the Borough Stipend Program; and Summer Staff (June 1 through August 31) 7:00 a.m. to 3:30 p.m., there is 1 Borough EMT and 1 EMT paid for by the Stone Harbor Rescue Squad. Chief Reynolds provided the police statistical report for April, 2012 as follows: 9,572 miles patrolled; 31 moving violations; 1 motorist assisted; 1 accident; 3 suspicious vehicles; 173 motor vehicle stops; 5 Ordinance violations; 10 adult arrests; 1 driving while intoxicated; 1 juvenile arrest; 5 alarms; 5 fire calls; 11 EMS; 47 open doors/windows; 2 heater lights; 14 animal complaints; and 846 incidents logged. Chief Reynolds reported that the Department also participated in several training courses. Councilmember Carusi reported that the Committee is currently looking at the plans for the renovations to the Police Department which is in dire need of upgrading.

NATURAL RESOURCES - Councilmember Rich stated that the Committee met on May 4, 2012 and the Lomax Consulting Group presented its Dune Vegetation Plan and a planner came to the meeting and provided information on grants and dredging. Councilmember Rich reported the Committee also discussed the spraying of the weeds at the Bird Sanctuary, reviewed a report from the US Fish and Wildlife on the Borough's Beach Nesting Program. Councilmember Rich reported that the Bird Sanctuary Committee is developing a five (5) year plan.

BEACH & RECREATION – Councilmember Davies-Dunhour reported that the Beach, Rec and Tourism Committee meeting was postponed and will meet on May 17, 2012 and the Recreation Advisory Committee met on May 7. Councilmember Davies-Dunhour reported that beach tags have been on sale since Easter weekend and sales are on par with last year. Councilmember Davies-Dunhour reminded the public that starting Saturday of Memorial Day Weekend through Labor Day, beach tags are required. Councilmember Davies-Dunhour reported that beaches will be protected beginning Memorial Day Weekend and to contact the lifeguard shack at 368-8461 to find out what beaches will be protected in the beginning of the season. Councilmember Davies-Dunhour reported that Beach Captain Sandy Bosacco attended the Public Safety Meeting to discuss communication and emergency responses on the beach and we are confident that the police, fire and beach patrol will work together for a coordinated efficient response to emergencies on the beach. Councilmember Davies-Dunhour reported that Blue & White Day is June 1 at the Elementary School and includes K through 4. Councilmember Davies-Dunhour reported that the Rec Director is scheduling an arts and crafts outing at Michael's for grades K through 4. Councilmember Davies-Dunhour reported that construction of the Rec Support Building is moving along, however, it is behind schedule and the Borough Engineer is inspecting the site every Friday and providing a report to the Administrator, Public Works will be installing the kitchen, and hopefully the building will be ready when the majority of the Rec Programs begin in late June. Councilmember Davis-Dunhour reported that the Coastal Living Festival was held on May 5th and 6th and went well, but attendance was low because of inclement weather. Councilmember Davies-Dunhour reported on upcoming events such as the Beach Opening on May 24th at 4:30 p.m., the 13th Annual Turtle Trot on May 27th at 8:00 a.m., and the Memorial Day Parade on May 28th at noon. Councilmember Davies-Dunhour reported that a ground breaking ceremony has been scheduled for May 24th at 2:30 at the long-awaited Shelter Haven project.

UTILITIES - Councilmember Lane stated that the Utility Committee did not meet yet and are scheduled to meet tomorrow morning. Councilmember Lane reported that the utility mark outs for the month of April were 58; water usage was 10.247 million gallons which seems to be increasing every year. Councilmember Lane reported that the sprinkler systems are on and they are on the approved schedule, i.e., north of 96th Street – Monday, Wednesday, and Friday and south of 96th Street – Tuesday, Thursday and Saturday. Councilmember Lane reported on the Garden Club's Plant and Bake Sale which was very successful and thanked Public Works for all their help and thanked the three police officers (Hartzell, Palmer and Smith) who donated their personal time to help at the Plant Sale.

PUBLIC WORKS – Councilmember Lane provided Councilmember Kramar’s report in her absence. Councilmember Lane reported that special event activities required 176 ¾ hours of manpower, 5 crepe myrtle trees were planted along Second Avenue, 2 hydrangeas were planted on the Second Avenue islands, and all irrigation systems are up and running.

ADMINISTRATIVE & FINANCE – Councilmember Mastrangelo reported that the exit conference was held on May 4, 2012 with Glen Ortman from Ford, Scott and & Associates in connection with the Annual Audit. Councilmember Mastrangelo stated that he is happy to report that there were no findings in the Audit and thanked Mr. Nicola and Ms. Wagner and the other Department Heads for doing a great job. Councilmember Mastrangelo reported that changes were made to the Borough’s Personnel and Policy Manual required by the MEL and JIF related to the Americans with Disabilities Act, E-mail, Voice Mail, Computer and Internet Usage and Access to Personnel Records and a Resolution approving these changes is on tonight’s Agenda. Councilmember Mastrangelo reported that the Committee is currently mapping out areas where memorial benches may be placed and developing a plan and hopefully, the Committee will have a resolution ready for the next meeting in June.

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

Beach Outfall Elimination Project – Phase 2

- Contractor has completed all of the work on 97th Street to Third Avenue outfall.
- Contractor has removed the 97th Street beach outfall.
- The project will shutdown no later than May 25, 2012 and restart no earlier than September 9, 2012.

114th Street Generator Installation

- The project is complete and we are working on project closeout.

Firehouse Foundation Repairs

- The project is complete and we are working on project closeout.

FY 2010 NJEIT Sanitary Sewer and Water Main Improvements

- All work is complete except punchlist items.
- The final contract was completed with a change order reduction of \$60,461.51.

NJDEP Water Allocation Permit

- Our preliminary projected water demand has been transmitted to the Borough for review, comment and approval.
- Once authorized by the Borough, we will transmit this water allocation permit to NJDEP and request a meeting to review the application.

TREASURER’S REPORT

Current Receipts.....	\$2,624,934.42
Current Disbursements.....	\$1,531,877.13
Utility Receipts.....	\$ 37,049.85
Utility Disbursements.....	\$ 72,881.68

BOROUGH CLERK’S REPORT

<u>ISSUED</u>	<u>TYPE</u>	<u>AMOUNT</u>
1	Boat Slips	\$1,450.00
0	Boat Trailers	0.00
43	Business Registration	\$4,300.00
5	Sailcraft Permits	\$1,125.00
8	Parking Permits	\$1,800.00
3	Certified Copies	\$30.00
8	Marriage License	\$224.00
1	Use of Field	\$1,000.00
1	OPRA Request	\$0.35

2	Amusement Licenses	\$600.00
1	Beach Concession	\$3,500.00
2	Farmer's Market	\$40.00
1	Fire Hall Rental	\$8.00
3	Special Event Permits	\$180.00
	SUB-TOTAL	\$14,257.35
7	Dogs	\$29.40
1	Cats	\$5.50
	TOTAL	\$14,292.25
<u>CONSTRUCTION OFFICE</u>		
PERMIT	NO. OF PERMITS ISSUED	FEES COLLECTED
Building Permits	34	\$16,783.00
Electrical Permits	20	3,102.00
Plumbing Permits	16	3,903.00
Fire Permits	13	1,265.00
DCA Permits	40	1,863.00
Zoning Permits	23	8,428.00
CTT's	19	950.00
Violations	1	500.00
Certificate of Occupancy	38	2,776.00
Contractor's License	3	300.00
Public Records	0	0.00
Dumpster/Semi Trailer	3	750.00
Utility Street Openings	11	1,100.00
TOTAL FEES COLLECTED		\$41,720.00

Jill Gougher reported that the Library Location Committee will be meeting this evening after the Council meeting to get an update. Mrs. Gougher reported that she has scheduled a Department Head meeting for May 23, 2012; the planner has had a preliminary meeting with the Hotel/Motel Sub-Committee; site inspections are being done every Friday at the Rec Support Building by the Architect at no additional cost to the Borough; BRT Committee is looking into having the beach concession stands (with possible enhancements) returned to the beach and plans are underway to schedule a meeting with the DEP on this issue; developing specifications for providing charging stations in town where the vendor would install them at no cost to the Borough and the Borough would receive a percentage of their profits; preparing specifications for additional testing at Site 103; met with the Farmer's Market volunteers in preparation of the upcoming season; met with the Wetlands Institute management with Liz Hargett; preliminary meeting with AFSCME; met with several business owners regarding signage and outdoor seating issues; 2013 Cooperative Marketing Grant has been filed; averaging 45 e-mails per day; averaging 6 phone calls per day; and discussions continue on the consolidation of the Courts with Avalon. Mrs. Gougher reported that she, Liz Hargett and Scott Wahl will be attending the ROA meeting on June 9th.

Upon motion of
Seconded by

Councilmember Barry Mastrangelo
Councilmember Karen Lane

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

Vote

5 Councilmembers AYE

Regular Meeting, May 15, 2012

COMMUNICATIONS

None

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

John Wilson – owner of Jack’s Shack – asked what is the appropriate Board to approach regarding suggestions or changes to zoning laws? Mr. Wilson was advised that if his suggestions were “zoning” related, he should go to a Planning Board meeting. Mr. Wilson suggested that 97th Street municipal lot be swapped with the 97th Street Lot between the 2 buildings and made into a double-decker garage for additional parking. Mayor Walters reported that this issue was discussed several years ago; however, there is an easement across that property and other constructions issues, such as the size of the ramps, which would not make this a viable double-decker parking garage.

Randal Bauer – 151 85th Street – reported that 50 years ago this week, the Department of National Parks established a program known as the National Natural Landmark Program which now has over 600 sites. Mr. Bauer stated that the first park to be named in New Jersey was the Stone Harbor Bird Sanctuary in 1973 and the Sanctuary will be celebrating its 50th Anniversary in 2013. Mr. Bauer suggested that signs be ordered to mark the date.

OLD BUSINESS:

ORDINANCE 1402 (Planning Board Recommendation – Retractable Awnings)

Upon motion of Councilmember Joselyn Rich
Seconded by Councilmember Barry Mastrangelo

That Ordinance 1402 be taken up on second reading

Vote 5 Councilmembers AYE

The Clerk read the title only of Ordinance 1402 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 Joselyn Rich
Seconded by Councilmember Barry Mastrangelo

That Ordinance 1402 be passed on second reading and advanced to third and final reading.

Vote 5 Councilmembers AYE

Upon motion of Councilmember Joselyn Rich
Seconded by Councilmember Barry Mastrangelo

That Ordinance 1402 be passed on third and final reading, adopted and published according to law.

Vote 5 Councilmembers AYE

Regular Meeting, May 15, 2012

ORDINANCE 1403 (Planning Board Recommendation – Regulating the Residential “C” Zoning District)

Upon motion of
Seconded by

Councilmember Joselyn Rich
Councilmember Barry Mastrangelo

That Ordinance 1403 be taken up on second reading

Vote **5 Councilmembers AYE**

The Clerk read the title only of Ordinance 1403 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
Seconded by

Councilmember Joselyn Rich
Councilmember Barry Mastrangelo

That Ordinance 1403 be passed on second reading and advanced to third and final reading.

Vote **5 Councilmembers AYE**

Upon motion of
Seconded by

Councilmember Joselyn Rich
Councilmember Barry Mastrangelo

That Ordinance 1403 be passed on third and final reading, adopted and published according to law.

Vote **5 Councilmembers AYE**

NEW BUSINESS:

ORDINANCE 1404 (Handicapped Parking Spaces – American Legion)

Upon motion of
Seconded by

Councilmember Barry Mastrangelo
Councilmember Judith Davies-Dunhour

That Ordinance 1404 be taken up on first reading.

Vote **4 Councilmembers AYE**
Carusi ABSTAIN

The Clerk read the title only of Ordinance 1404 on first reading.

Upon motion of
Seconded by

Councilmember Barry Mastrangelo
Councilmember Judith Davies-Dunhour

That Ordinance 1404 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 19th day of June, 2012.

Vote **4 Councilmembers AYE**
Carusi ABSTAIN

Regular Meeting, May 15, 2012

RESOLUTION 2012-S-91 – Release of Performance Bond – Verity Masonry

Upon motion of

Councilmember Albert Carusi

Seconded by

Councilmember Barry Mastrangelo

WHEREAS, Ray Verity Masonry LLC of 110 E. Woodland, Cape May Court House, N.J. 08210 submitted \$640.000 for Performance and Maintenance Surety for sidewalk replacement at 123 – 101st Street, Block 101.02, Lot 40.02, Stone Harbor

WHEREAS, none of the fees were used in conjunction with the project, and

WHEREAS, the Zoning Officer has requested and approved the return of the fee.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Stone Harbor as follows:

1. That the sum of \$ 640.00 be refunded to Ray Verity Masonry LLC.
2. 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

5 Councilmembers AYE

RESOLUTION 2012-S-92 – Release of Drainage Plan Review Fee -- Samples

Upon motion of
Seconded by

Councilmember Barry Mastrangelo
Councilmember Judith Davies-Dunhour

WHEREAS, Samples Construction LLC of 22 Dartmouth Lane, Haverford, Pa. 19041 submitted \$ 500.000 for Drainage Plan Review for a property located at 161 – 89th Street Block 89.02, Lots 52, 54 and 56; and

WHEREAS, \$ **465.00** of the fee was used for Engineering Fees, leaving a balance of \$35.00, and

WHEREAS, the Zoning Officer has requested and approved the return of the remaining fee.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Stone Harbor as follows:

1. That the sum of \$ 35.00 be refunded to Samples Construction LLC.
2. 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

5 Councilmembers AYE

RESOLUTION 2012-S-93 – Refund Beach Tag Fees -- Attick

Upon motion of
Seconded by

Councilmember Judith Davies-Dunhour
Councilmember Barry Mastrangelo

WHEREAS, Mary Attick of 31 Edge Trail, Sugarloaf, Pa 18249 send a check in the amount of \$84.00 for 4 - 2012 pre-season beach tags ; and

WHEREAS, Ms Attick has since sold her property at 245 – 100th Street, Rear Unit and will not be using the tags; and

WHEREAS, a request for a refund was received before the June 30, deadline, according to Resolution 72 of 1979 and it has been requested and approved by the CFO;

Regular Meeting, May 15, 2012

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Stone Harbor, in the County of Cape May that \$ 84.00 be refunded to Mary Attick and that the proper officers make the proper adjustments in their records.

Vote

5 Councilmembers AYE

RESOLUTION 2012-S-94 – Authorize Change Order No. 3-Final – NJEIT 2010 Water & Sewer Main Replacement Program (Decrease of \$60,461.51)

Upon motion of
Seconded by

Councilmember Karen Lane
Councilmember Albert Carusi

WHEREAS, the Borough of Stone Harbor is currently under contract with Asphalt Paving Systems, Inc. for the 2010 New Jersey Environmental Infrastructure Trust (NJEIT) Program for Sanitary Sewer and Water Main Replacement Project; and

WHEREAS, it is the recommendation of the Borough’s Engineer, Remington, Vernick & Walberg Engineers, to authorize Change Order No. 3 (Final) – as built adjustment (copy attached hereto and made a part hereof by reference); and

WHEREAS, Change Order No. 3 will result in a \$60,461.51 decrease to the contract to the amended contract amount of \$2,138,435.72 for a new contract price of \$2,077,974.21; and

NOW, THEREFORE, BE IT RESOLVED, this 15th day of May, 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. 3 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. 3 in the amount of \$60,461.51 decrease for total amended contract of \$2,077,974.21.

Vote

5 Councilmembers AYE

RESOLUTION 2012-S-95 – Amending Change Order No. 1 – 2012 NJEIT Sanitary Sewer, Water Main, Storm Drainage and Beach Outfall Improvement Project (Decrease \$18,319)

Upon motion of
Seconded by

Councilmember Joselyn Rich
Councilmember Barry Mastrangelo

WHEREAS, the Borough of Stone Harbor is currently under contract with Asphalt Paving Systems, Inc. for the 2012 New Jersey Environmental Infrastructure Trust (NJEIT) Program for Sanitary Sewer, Water Main, Storm Drainage and Beach Outfall Improvements Project; and

WHEREAS, it is the recommendation of the Borough’s Engineer, Remington, Vernick &

Regular Meeting, May 15, 2012

Walberg Engineers, to authorize Change Order No. 1—adjustmen for as-built quantities and installation of helical piles to stabilize the soil area adjacent to the Third Avenue/Bay Outfall storm

sewer easement (copy attached hereto and made a part hereof by reference); and

WHEREAS, Change Order No. 1 will result in a \$18,319.00 decrease to the original contract amount of \$3,367,000.00 for an amended contract price of \$3,348,681.00; and

NOW, THEREFORE, BE IT RESOLVED, this 15th day of May, 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. 1 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. 1 in the amount of \$18,319.00 decrease for total amended contract of \$3,348,681.00.

Vote

5 Councilmembers AYE

RESOLUTION 2012-S-96 – Approving Flexible Benefits Plan - AFLAC

Upon motion of
Seconded by

Councilmember Barry Mastrangelo
Councilmember Judith Davies-Dunhour

A Resolution Authorizing the Approval of the Establishment of a Flexible Benefits Plan to Provide Employees with Certain Benefits, Including But Not Limited to, a Code Section 125 Plan to Provide for Pre-tax Treatment of Medical Payments Made Pursuant to P.L. 2010, c. 2 and P.L. 2011, c. 78

WHEREAS, the Borough of Stone Harbor has an established cafeteria medical plan through AFLAC since March 6, 2001; and

WHEREAS, the Borough of Stone Harbor received a proposal from AFLAC to provide a “Flex One Plan” (i.e. flexible medical benefits spending plan) in order to augment and supplement the aforesaid cafeteria medical plan, as further required by P.L. 2011, c. 78; and

WHEREAS, the purpose of the alternative cafeteria medical plan was to provide eligible employees with the opportunity to choose from among the fringe benefits available under the Plan, which are substantially similar to, equal, or better than the current State Health Benefits Plan (SHBP) options; and

WHEREAS, the Plan qualifies as a cafeteria plan under the provisions of Code Section 125; and

WHEREAS, the Borough of Stone Harbor desires to authorize and approve the establishment of the AFLAC Flex One Plan with an effective date of January 1, 2012, for its eligible employees for the purpose of providing eligible employees a choice between specified benefits described in the Plan’s information summary which includes, but is not limited to, allowing for pre-tax treatment of authorized medical payments made pursuant to P.L. 2010, c. 2 and 2011, c. 78.

Regular Meeting, May 15, 2012

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

1. The Borough of Stone Harbor hereby resolves to authorize and approve the Borough’s enrollment in AFLAC’s Flex One Plan, a flexible benefits spending plan effective January 1, 2012 .

2. The Borough understands that the Plan provides eligible employees a choice between specified medical benefits, described in the Plan's information summary – which plan has been supplemented and augmented to include a flexible medical benefits spending plan (“AFLAC Flex One Plan) for pre-tax treatment of authorized medical payments made pursuant to P.L. 2010, c. 2 and P.L. 2011, c. 78.

3. The Borough understands that the Medical Care Expense Reimbursement shall not exceed \$2,500.00 per Plan Year.

4. The Borough understands that a Code Section 125 plan is required under P.L. 2011, c. 78 and, with the establishment of Flex One Plan through AFLAC as a supplement to the alternative cafeteria medical plan, is now fully compliant with said public law.

Vote

5 Councilmembers AYE

RESOLUTION 2012-S-97 – Adopting Personnel Policy and Procedures Manual Updates

Upon motion of
Seconded by

Councilmember Albert Carusi
Councilmember Barry Mastrangelo

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 Meeting Act; and

WHEREAS, the Borough of Stone Harbor Council has determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

NOW, THEREBY, BE IT RESOLVED by the Borough of Stone Harbor Council that the Personnel Policies and Procedures Manual attached hereto (**Synopsis of Changes**) is hereby adopted.

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

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.”

Regular Meeting, May 15, 2012

BE IT FURTHER RESOLVED that Lawrence Pepper, Esquire is hereby appointed as Employment Attorney to advise the Borough of Stone Harbor in personnel matters.

BE IT FURTHER RESOLVED that the Borough Administrator and all managerial/supervisory personnel are responsible for these employment practices. The Borough Administrator and the Lawrence Pepper, Esquire shall assist the Borough of Stone Harbor in the

implementation of the policies and procedures in this manual.

Vote

5 Councilmembers AYE

RESOLUTION 2012-S-98 – Refund Duplicate Tax Payment

Upon motion of
Seconded by

Councilmember Judith Davies-Dunhour
Councilmember Barry Mastrangelo

REFUND DUPLICATE TAX PAYMENT

WHEREAS, duplicate tax payments were received from Corelogic Tax Servicing Agency and Shore Title Agency Inc., causing an overpayment on the May 2012 installment in the amount of \$1,762.48 on Block 94.03 Lot 108; and

WHEREAS, Shore Title Agency Inc., 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 \$1,762.48 be issued to Shore Title Agency Inc., 2699 Dune Drive, Avalon, NJ 08202, Attn: Terri Grasso, Office Manager; and

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

Vote

5 Councilmembers AYE

RESOLUTION 2012-S-99 – Refund Duplicate Tax Payment

Upon motion of
Seconded by

Councilmember Karen Lane
Councilmember Barry Mastrangelo

REFUND OF DUPLICATE TAX PAYMENT

WHEREAS, duplicate tax payments were received from Corelogic Tax Servicing Agency, and Michael & Norma Conley, causing an overpayment on Block 99.05 Lot163.01; and

WHEREAS, Michael Conley has requested that a refund be issued to him,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stone Harbor, in the County of Cape May and State of New Jersey that a refund check in the amount of \$1,380.93 be issued to Michael & Norma Conley, 406 S. Narbeth Avenue, Narbeth, PA, 19072; and

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

Vote

5 Councilmembers AYE

Regular Meeting, May 15, 2012

RESOLUTION 2012-S-100 – Accept the 2012 Audit

Upon motion of
Seconded by

Councilmember Barry Mastrangelo
Councilmember Albert Carusi

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, The Annual Report of Audit for the year 2011 has been filed by a Registered Municipal Accountant with the Borough Clerk as per the requirements of N.J.S. 40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and

WHEREAS, The Local Finance board has promulgated a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments
Recommendations

and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments
Recommendations

as evidenced by the group affidavit form of the governing body, and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board, and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgation of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Stone Harbor hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Vote

5 Councilmembers AYE

Regular Meeting, May 15, 2012

RESOLUTION 2012-S-101 – City of Wildwood – 100th Anniversary

Upon motion of
Seconded by

Councilmember Judith Davies-Dunhour
Councilmember Barry Mastrangelo

**A RESOLUTION RECOGNIZING AND CONGRATULATING
THE CITY OF WILDWOOD
ON THE OCCASION OF
THE 100TH ANNIVERSARY OF ITS FOUNDING**

WHEREAS, the City of Wildwood in the County of Cape May and State of New Jersey is celebrating its centennial during the year Two Thousand and Twelve; and

WHEREAS, the modern history of this family seaside resort dates back to the 1880s when the Holly Beach Improvement Company built a one-room real estate office at Taylor and Beach Avenues, and

WHEREAS, at noon on January 1, 1912, the first meeting of the Common Council of the City of Wildwood was held at City Hall on Pacific Avenue; combining the Borough of Wildwood and the City of Holly Beach. J. Thompson Baker was elected the first mayor; and

WHEREAS, Wildwood flourished as a popular, family, seaside resort and grew with the addition of railroad service and the construction of its now world-famous boardwalk; and

WHEREAS, Wildwood became the center of popular American music starting in the 1940's with such stars as Jimmy Dorsey, Tony Bennett, Liberace, Woody Herman and others; and

WHEREAS, Wildwood played a leading role in the birth of Rock-and-Roll in the 1950's and 60's, when Bill Haley introduced *Rock Around the Clock*, Chubby Checker started a national dance craze with *The Twist*, and Dick Clark was spinning records at the Starlight Ballroom. Fats Domino, Bobby Rydell, Fabian, Frankie Avalon and Diana Ross and the Supremes and other headlined acts in Wildwood and established the city as the capital of the Doo Wop sound. Doo wop architecture is still a theme in the city to this day; and

WHEREAS, Wildwood is still a major resort attraction on the South Jersey Shore and was recently named one of the Best Beaches in New Jersey. Wildwood attracts millions of visitors for events and concerts at the Wildwoods Convention Center and other popular venues.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Stone Harbor in the County of Cape May and State of New Jersey, duly assembled in public session this 15th day of May, 2012 that the Mayor and Council of the Borough of Stone Harbor offer the Commissioners and the people of the City of Wildwood their most sincere congratulations on the occasion of the 100th Anniversary of the City of Wildwood.

Vote

5 Councilmembers AYE

MOTIONS

ROA Sign/Banner over 96th Street from May 26, 2012 through June 9, 2012 and September 8, 2012 through September 22, 2012.

Upon motion of
Seconded by

Councilmember Joselyn Rich
Councilmember Barry Mastrangelo

To refer the ROA Sign/Banner Application for a Banner on 96th Street from May 26th through June 9th and September 8th through September 22, 2012 be referred to the Beach, Recreation and Tourism Committee to develop a policy and a calendar.

Vote

5 Councilmembers AYE

Regular Meeting, May 15, 2012

Special Event Application for the Cape May County Historical & Genealogical Society Road Race on August 12, 2012.

Upon motion of
Seconded by

Councilmember Judith Davies-Dunhour
Councilmember Barry Mastrangelo

To approve the Special Event Application for the Cape May County Historical and Genealogical Society Road Race on August 12, 2012 with NO BANNER and contingent upon submission of a Race Map and the required Certificate of Insurance.

Vote**5 Councilmembers AYE**

Special Event Application for Sand Castle Building Lesson Sponsored by Harbaugh Developers on July 1, 2012 at 96th Street Beach.

Upon motion of
Seconded by

Councilmember Judith Davies-Dunhour
Councilmember Barry Mastrangelo

To refer this application to the Beach, Recreation and Tourism Committee for discussion on date and location.

Vote**5 Councilmembers AYE****DISCUSSION:**

Councilmember Rich indicated that the Natural Resources Advisory Committee will be re-activated. Councilmember Rich stated that this Committee consists of 8 members and requested that anyone interested in being involved with this Committee should contact either herself or the Mayor.

Councilmember Lane stated that she would like to create a Conservation Committee to address conversation issues and inquired if Council would support the establishment of this type of Committee by Ordinance. Councilmember Lane indicated that the Committee would be primarily involved with water conservation, but would address all conservation issues. Mr. Donohue indicated that the Natural Resources Advisory Committee was primarily created to preserve and protect the natural resources of the Borough and water conservation would be included as part thereof. However, that does not mean that Council cannot create a Committee to address water conservation type issues. Councilmember Lane suggested that the Advisory Committee be created under the Utility Department and charge the Committee with water conservation. Mr. Donohue suggested that Council create a water conversation advisory committee by Resolution. Council instructed Mr. Donohue to work on such a Resolution.

Mayor Walters announced the Ground Breaking Ceremony at Shelter Haven on May 24, 2012 at 2:30 p.m. Mayor Walters announced the Official Opening of the Beach is at 4:00 p.m. on May 24, 2012 at 96th Street. Mayor Walters announced that it's the 100th Anniversary of the Lifeguards and of the Fire Department and events are being scheduled throughout the season.

The following bills were presented to Council for their approval:

Check #	Check Date	Vendor	Amount Paid
31290	05/09/12	BORSH BOROUGH OF STONE HARBOR	181,337.28
31291	05/16/12	ACELE ATLANTIC CITY ELECTRIC CO.	2,414.19
31292	05/16/12	ACESEWER ATLANTIC CITY ELECTRIC	183.26
31293	05/16/12	ACESTLIG ATLANTIC CITY ELECTRIC	6,897.31
31294	05/16/12	ACEWATER ATLANTIC CITY ELECTRIC	2,746.01
31295	05/16/12	ACFIREFI ATLANTIC CO. FIREFIGHTERS ASSO	250.00
31296	05/16/12	ACMEM ALBERTSONS	119.87
31297	05/16/12	ALLEGGRAM ALLEGRA MARKETING, PRINT, MAIL	126.41
31298	05/16/12	ASPHA ASPHALT PAVING SYSTEMS, INC.	594,545.03
31299	05/16/12	ATTICKMA MARY ATTICK	84.00
31300	05/16/12	AVAYA AVAYA, INC.	787.66
31301	05/16/12	CAPE4 CAPE 47 LUMBER CO.	1,218.75
31302	05/16/12	CARDIACS CARDIAC SCIENCE CORPORATION	10,583.18
31303	05/16/12	CASAP CASA PAYROLL SERVICES	208.05
31304	05/16/12	CATAM CATAMARAN MEDIA CO., LLC	982.56
31305	05/16/12	CHRIS CHRISTMAN, H.B.	94.80
31306	05/16/12	CMCMU C.M.C. MUNICIPAL UTILITY AUTHO	346,672.75
31307	05/16/12	COMCAST COMCAST	127.13
31308	05/16/12	CONTINEN CONTINENTAL FIRE & SAFETY	6,290.00
31309	05/16/12	COYNE COYNE CHEMICAL	1,385.50
31310	05/16/12	CPOWE CAPE POWER EQUIPMENT	85.00
31311	05/16/12	EASTE EASTERN AUTO SUPPLY	345.12
31312	05/16/12	EASTERNW EASTERN WAREHOUSE DISTRIBUTORS	694.89
31313	05/16/12	ENFORSYS ENFORSYS FIRE SYSTEMS, INC.	1,185.00
31314	05/16/12	ESTELRON RONALD & VIRGINIA ESTEL	245.00
31315	05/16/12	FORDS FORD, SCOTT & ASSOCIATES, LLC	11,750.00
31316	05/16/12	FUTUR FUTURE MINING & RECYCLING, INC	33.46
31317	05/16/12	GANNL GANN LAW BOOKS	289.00
31318	05/16/12	GENTI GENTILINI FORD, INC.	485.86
31319	05/16/12	GLAS1 GARY M. GLASS, MD	4,650.00

31320	05/16/12	GLOUC	GLOUCESTER CO. POLICE ACADEMY	200.00
31321	05/16/12	GOVDEALS	GOV DEALS, INC.	200.27
31322	05/16/12	HARGETTL	HARGETT, ELIZABETH	350.00
31323	05/16/12	HARRI	HARRIS COMPUTER SYSTEMS	86.49
31324	05/16/12	HERAL	HERALD NEWSPAPERS	130.80
31325	05/16/12	HESSCORP	HESS CORPORATION	413.09
31326	05/16/12	INTER	INTERSTATE BATTERY	495.75
31327	05/16/12	JERSC	JERSEY CAPE DOOR	29,942.00
31328	05/16/12	KEENC	KEEN COMPRESSED GAS	54.30
31329	05/16/12	KINDL	KINDLE FORD MERCURY LINCOLN	145.94
31330	05/16/12	MAGELLAN	MAGELLAN HILL TECHNOLOGIES	2,739.69
31331	05/16/12	MARRE	MARINE RESCUE PRODUCTS	2,938.75
31332	05/16/12	MARSHMCL	MARSH & MCLENNAN AGENCY, LLC	5,000.00
31333	05/16/12	MONZO	MONZO CATANESE, P.C.	0.00
31334	05/16/12	MONZO	MONZO CATANESE, P.C.	3,522.50
31335	05/16/12	MUNIC	MUNICIPAL RECORD SERVICE	663.00
31336	05/16/12	NEXTCOMM	NEXTEL COMMUNICATIONS	587.33
31337	05/16/12	NICPC	JAMES NICOLA	400.00
31338	05/16/12	NJLM	NJLM	55.00
31339	05/16/12	OCECO	OCEAN/COASTAL CONSULTANTS, INC	5,715.00
31340	05/16/12	ODBIN	OLD DOMINION BRUSH CO.	1,310.00
31341	05/16/12	PEDRO	PEDRONI FUEL COMPANY	3,154.03
31342	05/16/12	PITNE	PITNEY BOWES, INC.	828.00
31343	05/16/12	POLET	POLE TAVERN EQUIPMENT SALES	482.18
31344	05/16/12	PRESS	PRESS, THE	665.33
31345	05/16/12	PUERTORI	PUERTO RICAN ACTION COMMITTEE	90.00
31346	05/16/12	RACINGNJ	RACING NJ MGT. SERVICES	1,250.00
31347	05/16/12	REDUNIFO	RED THE UNIFORM TAILOR, INC.	736.78
31348	05/16/12	REMIN	REMINGTON, VERNICK & WALBERG	0.00
31349	05/16/12	REMIN	REMINGTON, VERNICK & WALBERG	32,757.25
31350	05/16/12	RENTA	RENTAL COUNTRY	1,694.24
31351	05/16/12	RESERVEA	RESERVE ACCOUNT	10,000.00
31352	05/16/12	RIGGI	RIGGINS, INC.	2,465.83
31353	05/16/12	ROSSEVI	ROSS ENVIRONMENTAL SOLUTIONS	150.00
31354	05/16/12	SCHU2	SCHULER SECURITY, INC.	6,900.00
31355	05/16/12	SCOTT	SCOTT, DEBORAH	200.00
31356	05/16/12	SERV1	SERVICE TIRE TRUCK CENTERS	1,624.48
31357	05/16/12	SHORE	SMC LIFE SUPPORT TRAINING CTR.	385.00
31358	05/16/12	SJGAB	SOUTH JERSEY GAS CO.	477.21
31359	05/16/12	SJGAW	SOUTH JERSEY GAS CO.	79.09
31360	05/16/12	STAN3	STANFORD, SUZANNE (PETTY CASH)	41.42
31361	05/16/12	STAPL	STAPLES CREDIT PLAN	342.08
31362	05/16/12	STRUE	SEASHORE ACE HARDWARE	1,203.31
31363	05/16/12	SWANSONC	CHARLES SWANSON	104.98
31364	05/16/12	THESIGNC	THE SIGN COMPANY	50.00
31365	05/16/12	TRCOU	TRI COUNTY BUILDING SUPPLIES	955.84
31366	05/16/12	USABL	U.S.A. BLUE BOOK	4,522.23
31367	05/16/12	USMUN	U.S. MUNICIPAL SUPPLY, INC.	1,365.00
31368	05/16/12	VALAS	VAL ASSO. LABORATORY INC.	445.00
31369	05/16/12	VERI1	VERIZON	543.54
31370	05/16/12	VERKIOSK	VERIZON WIRELESS	80.02
31371	05/16/12	VERWI	VERIZON WIRELESS	120.03
31372	05/16/12	WBMASONI	W.B. MASON	309.17
31373	05/16/12	WESTE	WESTERN PEST SERVICES	112.00
31374	05/16/12	WORKMAN	WORKMAN, MICHAEL	156.96

Checks: 83 1,306,057.98

Regular Meeting, May 15, 2012

Upon motion of
Seconded by

Councilmember Barry Mastrangelo
Councilmember

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
Seconded by

Councilmember Barry D. Mastrangelo
Councilmember Judith Davies-Dunhour

That the Regular Meeting of Mayor and Council be adjourned at 5:45 p.m.

Vote

5 Councilmembers AYE

APPROVED _____, 2012

_____, Mayor

ATTEST: _____, Borough Clerk