

**MINUTES OF THE WORK SESSION OF
MAYOR AND COUNCIL OF THE BOROUGH
OF STONE HARBOR HELD IN THE
MUNICIPAL BUILDING, JULY 3, 2012**

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

ROLL CALL

Suzanne M. Walters, Mayor
Suzanne C. Stanford, Borough Clerk
William Blaney, Substitute Borough Solicitor
Jill A. Gougher, Borough Administrator
James Nicola, CFO

PRESENT

Councilmembers
Joan Kramar, President
Karen Lane
Joselyn Rich
Judith Davies-Dunhour
Albert Carusi
Barry Mastrangelo

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.

SWEARING IN

Officer Anthony Tierlli, Jr. came forward and was sworn in by Suzanne C. Stanford, Borough Clerk.

PUBLIC COMMENT

Fran Mastrangelo – 8523 Sunset Drive – thanked Council for all their hard work and dedication. Mrs. Mastrangelo indicated that there is a lot of misinformation floating around regarding the library and expressed her support of the beach lot for the library location.

John Ready – 105th Street – indicated that the Committee did no homework, no analysis, provided no supporting documentation, and used an arbitrary rating system. Mr. Ready indicated that two members of the Committee had exactly the same responses. Mr. Ready reported that he took pictures of the beach parking lot over the holiday weekend, and at no time was the lot totally full. Mr. Ready submitted a Petition signed by 343 residents requesting the Council set aside the recommendation of the Library Location Committee, delay the vote on the recommendation and create a new Committee which would include taxpayers and specifically address the issues, include a cost analysis and supporting facts and documentation. Mr. Ready stated that the Lane/Rich campaign sent every voter a list of promises which included to keep the public informed on issues and major projects, practice open and transparent government, invite your involvement and points of view, truly listen to your thoughts and opinions, include public in important discussions, represent the public and not a political agenda, deeply respect Stone Harbor's voters, taxpayers, and visitors, a vow never to make decisions against the will of the people, etc., and never disregard public comments and petition. Mr. Ready stated that we need to create a Committee that works for all of Stone Harbor.

Joan Piotrowski – 256 98th Street – thanked the Committee for their hard work and stated that many people are in favor of the Second Avenue lot.

John Vinci – 9915 Second Avenue – echoed Mr. Ready's comments and indicated that he believes the Committee had a pre-determined location and the people want the library on the beach.

John Curtis – 8531 Third Avenue – stated that he is a full-time resident and wants the library on the beach, everyone he has spoken to wants the beach location, and requested Council to postpone the decision.

Louis Schweickhardt – 260 110th Street – stated that the town's people are greatly divided and asked Council to put the issue to a vote as a special question on the ballot at the General Election.

Jean Miersch – 8521 Sunset Drive – stated that she is here representing herself and not any organization. Ms. Miersch stated that there is no way Council can ignore this petition with 343 signatures on it which were collected in a short period of time – since June 19, 2012. Two hundred and seventy-three (273) of the 343 signatures are specifically in favor of the beach location and there is no way Councilmembers Lane and Rich could ignore this petition. Ms. Miersch stated that peoples’ opinions have changed since the public presentations and are now in favor of the beach.

John Hencheck – 337 94th Street – stated that he reviewed the lease and considers it an affront. Mr. Hencheck suggested that the Borough consider buying the Peebles Guest House and converting that property into the library – being a “green” person.

Vince Lamanna – Golden Gate Road – stated that he has bitterly complained about the process and the need for this project to go before the Zoning Board of Adjustment. Mr. Lamanna stated that had the project been submitted to the Zoning Board, it would have been subject to parking conditions, air and open space, access, etc. Mr. Lamanna expressed his support of the Second Avenue location and his opposition to the beach location. Mr. Lamanna also suggested that the Borough consider consolidating with Avalon.

Peter Svanda – 8513 Pennsylvania Avenue – expressed his support of Mr. Lamanna’s comments.

Jean Miersch – responded to the parking complaints and stated that she was at the beach lot over the weekend and there were many open spaces. Mrs. Miersch stated that the best use for this land would be for the library and would allow the Borough to retain such a valuable piece of property in the Second Avenue lot.

Patti DiMarco – 364 93rd Street – thanked the Committee for their work. Mrs. DiMarco stated that she saw huge lines at the kiosks, police to assist with the lines at the kiosks and no place to park over Memorial Day Weekend. Mrs. DiMarco stated that Council could not do anything with the previous petition and wanted to know why this petition was different. The Mayor informed Mrs. DiMarco that the petition will be forwarded to the Borough’s solicitor for review.

Jean Miersch – stated that the police were helping people with the parking kiosks not the lines.

Judy Curtis – 8531 Third Avenue – stated that she is a full-time resident and the library is a very important issue for her. Mrs. Curtis stated that there is a lot of misinformation floating around. Mrs. Curtis stated that she is in favor of the beach location.

Bunny Parzych – 9925 Sunset Drive – stated that putting the library on the beach will not make Stone Harbor special, because Stone Harbor already is special because we have such a grip on our zoning laws. Mrs. Parzych stated that this building will be like the incredible hulk on our beach. Mrs. Parzych stated that the Second Avenue lot is where the library belongs.

John Ready – 105th Street – stated that if the library is built on the Second Avenue lot, the Borough would be throwing \$4 to \$5 million out the window and we need the Second Avenue lot to keep in our reserves.

Bunny Parzych – 9925 Sunset Drive – disagreed with Mr. Ready and said the Second Avenue lot is 3 lots and the fourth lot would need a variance and the Borough would be lucky to get \$3 million for it.

Jane Hoy – 125 107th Street – stated that construction of any type will impact someone; however, construction at the beach will have less of an impact on people. Mrs. Hoy stated that constructing the library on the beach will enhance open space/light and air because people coming into the library will be able to enjoy the majestic vista of the oceanfront. Mrs. Hoy suggested that the Borough have both projects go to site plan review and be subject to more economic data review.

OLD BUSINESS:

ORDINANCE 1405 – Planning Board Recommendations – Outdoor Dining

Councilmember Rich stated that at the Planning Board’s Solicitor’s suggestion, this Ordinance is going to be amended with Ordinance 1406 to include specific language regarding ground area. Mayor Walters explained when this Ordinance was introduced, it permitted a table for every 32 square feet of ground area, but did not clarify ground area and this Ordinance will specifically clarify it as it “shall include only unimproved exterior area (including paved areas upon which outdoor tables are situated.” Mayor Walters stated that the Zoning Officer was receiving inquires about using side areas, back areas, etc. as part of the 32 square feet.

NEW BUSINESS:

ORDINANCE 1406 – (Amending Ordinance 1405) Planning Board Recommendations – Outdoor Dining

Upon motion of Councilmember Joselyn Rich
Seconded by Councilmember Barry Mastrangelo

That Ordinance 1406 be taken up on first reading.

Vote 6 Councilmembers AYE

The Clerk read the title only of Ordinance 1406 on first reading.

Upon motion of Councilmember Joselyn Rich
Seconded by Councilmember Barry Mastrangelo

That Ordinance 1406 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 7th day of August, 2012.

Vote 6 Councilmembers AYE

RESOLUTION 2012-S-125 – (Library Location)

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

Councilmember Kramar thanked the Committee for their hard work and independent thinking. Councilmember Kramar stated that she evaluated each location (beach lot and Second Avenue lot) and determined that if the library was built on the beach lot it would provide future disruption of the beachfront lot, loss of public access, airspace and light, loss of parking, situated too close to a homeowner and its re-sale value. Councilmember Kramar explained that she believes the Second Avenue lot is best because it will not disrupt its current use, protects our beach and our beach access, smaller building which will still be able to accommodate the Museum, activities for Seniors, a meeting room and media room, purchased by the Borough for public use, and re-sale and market value lower than the beach lot. Councilmember Kramar stated that based upon all the information, the ROA’s survey results, her independent research, her discussions with the public, and her strong desire to serve the public and do what she feels is best for the public, she is certain that the Second Avenue lot is the best location for the library and is looking forward to moving forward.

Councilmember Lane thanked the Committee for their hard and thorough work and indicated that had this process been followed five years ago, Stone Harbor would have a library. Councilmember Lane stated that she is looking forward to having this Council unit and build a library that will reflect the image of Stone Harbor. Councilmember Lane stated that she has read all of the information, including the e-mails, has listened to everyone, and has reached her decision with an open mind. Councilmember Lane stated that she is in favor of the Second Avenue lot because she believes building the library on the beach will destroy this open space, give the County our most expensive ratable, difficult to keep the hot sun out, elderly and disabled will not go out in hot weather to go to a library on the beach, high maintenance expenses, and she is doubtful that people will travel to see the library because people don’t visit libraries on

vacation. Councilmember Lane stated that people come to Stone Harbor for the beach, the bay, and the business and this is what makes Stone Harbor the Seashore at its Best. Councilmember Lane stated that a library does not need a view, but needs programs, books, computers, good librarians, etc. and this is where our tax dollars should be spent. Councilmember Lane stated that the Second Avenue lot was purchased with public use in mind and if the library is designed properly, it will provide sufficient parking and will not waste space, the Second Avenue lot is not as valuable as the beach lot, and it is close to the school and the Museum.

Councilmember Davies-Dunhour stated that as a member of the Committee, she took this issue very seriously and attended at least 10 Committee meetings, 2 public meetings and at least 12 Council meetings just this year alone. Councilmember Davies-Dunhour stated that she has been involved in these discussions for 2 ½ years and she is confident in her decision on the Second Avenue lot. Councilmember Davies-Dunhour stated that she believes it is the best location that represents the opinion of Stone Harbor taxpayers and homeowners.

Councilmember Carusi thanked the Cape May County library people and the County Freeholders for their patience. Councilmember Carusi stated that had DEP granted the permit over 4 years ago, this library would have been built with the unanimous decision of previous Council. Councilmember Carusi stated that this project had the unanimous decision of three previous Councils, but changed in 2012. Councilmember Carusi stated that when he initially took office, he felt that the Second Avenue lot was the best location; however, after researching the issue, he changed his mind and believes the beach lot is the best location. Councilmember Carusi stated that this town is divided and no matter how he votes, he will either be seen as brilliant or as an idiot. Councilmember Carusi indicated that he listened to all the reports, information, opinions, e-mails, the facts, etc. and has determined that the beach lot is the best location for the library for many reasons including the view, the geo-thermal field, plans have already been designed and paid for (\$400,000), best access for the public, best space for the Museum, amenities, meeting rooms, and all a person would need to do is go to the newly renovated Windrift and see what an amazing view it has.

Councilmember Mastrangelo stated that he made his comments at the last meeting. Councilmember Mastrangelo stated that original process for the library began by trying to provide a state-of-the-art facility to be built with tax dollars already paid by Stone Harbor taxpayers to the County and Stone Harbor taxpayers would have a facility appropriate to the tax contributions already being made. Councilmember Mastrangelo indicated that by choosing the Second Avenue lot which has not been zoned for public use, we will increase our contribution to the project by many millions of dollars. Councilmember Mastrangelo indicated that the Borough will no longer have the Second Avenue lots available which have been held in trust for over two decades and he would rather not build the library at this time than to build it in the wrong location.

Councilmember Rich thanked everyone for expressing their individual opinions, involvement and respect. Councilmember Rich indicated that she has listened and that unfortunately, there is no way to make everyone happy, but she feels it is in the best interest of Stone Harbor to build the library at the Second Avenue lot. Councilmember Rich indicated that the Library Location Committee acted in good faith, listened to the people, gathered the information, did the research, etc., and came to the conclusion that the Second Avenue lot is the best place for the library. Councilmember Rich stated that Council needs to move forward.

Mayor Walters thanked the County Library Commission, the County Freeholders, and County Administrator for their patience and understanding. Mayor Walters stated that this project has been in the works since 2007, the previous Council signed a lease, and a great deal of money has already been spent and she has felt all along that the beach lot location was an opportunity to create something very unique for Stone Harbor. Mayor Walters indicated that she does not believe that she has yet to receive the proper information to discount the beach location nor to approve Second Avenue. Mayor Walters stated that she would like to see a full traffic study for the Second Avenue location. Mayor Walters indicated that she appreciates all of the comments made over the last year or so as well as the work of the Library Location Committee; however, she strongly recommends that Council not vote on this resolution tonight unless they are 100% certain of their decision.

**RESOLUTION EXPRESSING THE DETERMINATION OF COUNCIL
ON THE LOCATION FOR THE STONE HARBOR BRANCH
OF THE CAPE MAY COUNTY LIBRARY
AND AUTHORIZING REPRESENTATIVES OF THE BOROUGH
TO ENTER INTO DISCUSSIONS WITH THE COUNTY OF CAPE MAY AND
THE CAPE MAY COUNTY LIBRARY COMMISSION
FOR CONSTRUCTION OF THE LIBRARY**

WHEREAS, the Borough of Stone Harbor in the County of Cape May and State of New Jersey, in January of 2012, created a special committee of its members known as the Library Location Committee, consisting of Councilwoman Jocelyn Rich, Councilman Barry Mastrangelo and Councilwoman Judith Davies-Dunhour; and

WHEREAS, the purpose of the committee was to engage in a process whereby the committee would ultimately determine a recommendation to the full Council on the location of a new library facility in the Borough of Stone Harbor; and

WHEREAS, the committee has completed its analysis after several months of review of information and meetings with members of the public and representatives of the County of Cape May and the Cape May County Library Commission; and

WHEREAS, the committee, by a vote of 2 to 1, has decided to recommend the location commonly referred to as the "Hand lots," fronting on Second Avenue between 93rd and 94th streets, as the location for the construction of the library; and

WHEREAS, the members of the committee as well as other members of the governing body and members of the public placed their reasoning and questions on the record at the meetings of the governing body on June 19, 2012, and July 3, 2012, which comments are preserved in the digital recordings prepared by the Clerk and are made a part hereof by reference; and

WHEREAS, it is necessary for the Borough of Stone Harbor to inform the County of Cape May and the Cape May County Library Commission of the Borough's final choice for the location of the library, to bring finality to the process and allow for the project to be brought to fruition;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Stone Harbor, duly assembled in public session this 3rd day of July, 2012, as follows:

1. The preamble of this Resolution is incorporated herein by reference as the find of fact of the Borough Council;
2. The Borough Council hereby approves the real property owned by the Borough of Stone Harbor on the west side of and fronting upon Second Avenue between 93rd and 94th Streets for the construction of a new library by the County of Cape May and the Cape May County Library Commission as the Stone Harbor Branch of the Cape May County Library;
3. The Borough Administrator and the Borough Solicitor are hereby authorized and directed to begin discussions with representatives of the County of Cape May and the Cape May County Library Commission to reform the lease related to the library in a manner to obtain terms favorable to the Borough of Stone Harbor;
4. The Administrator and Solicitor shall first report to the governing body on such discussions at the meeting of the Stone Harbor Borough Council on August 21, 2012;
5. The Library Location Committee, having completed its work, is, hereby, disbanded and its charge and authority extinguished, with the appreciation of the Borough Council;

6. The Clerk is authorized and directed to send a certified copy of this Resolution to the Chief Operating Officer of the County of Cape May and the Executive Director of the Cape May County Library Commission.

Vote

**4 Councilmembers AYE
2 Councilmembers NAY (Councilmembers
Carusi and Mastrangelo)**

RESOLUTION 2012-S-126 – (Refund Duplicate Tax Payment)

Upon motion of
Seconded by

Councilmember Albert Carusi
Councilmember Joan Kramar

REFUND DUPLICATE TAX PAYMENT

WHEREAS, duplicate tax payments were received by Wells Fargo Home Mortgage and the homeowner, causing an overpayment on the 2nd Quarter 2012 installment in the amount of \$3,256.48 on Block 85.01 Lot 17, A.K.A. 8 86th Street; and

WHEREAS, W. Robert & Anne V. Lepczyk requested 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 \$3,256.48 be issued to W. Robert & Anne V. Lepczyk, 15625 Chilcoat Lane, Sparks MO 21152; and

BE IT FURTHER RESOLVED that the CFO and Tax Collector make the proper adjustment in their records.

Vote

6 Councilmembers AYE

RESOLUTION 2012-S-127 – (Community Work Experience Program)

Upon motion of
Seconded by

Councilmember Judith Davies-Dunhour
Councilmember Joan Kramar

RESOLUTION AUTHORIZING THE BOROUGH OF STONE HARBOR TO PARTICIPATE IN THE COMMUNITY WORK EXPERIENCE PROGRAM DESIGNED TO ASSIST WORK FIRST NEW JERSEY CLIENTS

WHEREAS, the Borough of Stone Harbor wishes to participate in the Community Work Experience Program, a government funded program designed to assist WorkFirst New Jersey clients with the opportunity to acquire the skills, training, knowledge and work habits necessary to obtain paid employment and regain independence; and

WHEREAS, involvement in this program will allow participants to be placed at CWEP worksites to perform job duties in return for public assistance, with possible referral of a paid program on performance; and

WHEREAS, the Borough of Stone Harbor will act as host/provider agency for the purpose as stated above:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stone Harbor, County of Cape May that the Mayor and Borough Clerk of the Borough be and they are hereby authorized and directed to execute the WorkFirst New Jersey/FSETP Worksite agreement for the period of July 3, 2012 through July 3, 2013 at no cost to the Borough, attached hereto and by this reference made a part hereof as Schedule "A" and to be subject to the approval

of the Borough Solicitor.

Vote

6 Councilmembers AYE

RESOLUTION 2012-S-128 – (Release Escrow for Street Opening – South Jersey Gas)

Upon motion of
Seconded by

Councilmember Karen Lane
Councilmember Joselyn Rich

WHEREAS, South Jersey Gas Company submitted application fees in the amount of \$2,310 for a street opening located on 98th Street, Second Avenue to Third Avenue; and

WHEREAS, \$497.50 was paid to RV Engineering for services rendered regarding the street opening; and

WHEREAS, the Zoning Officer has requested and approved the refund of 2011 Anticipated Revenue as return of the remaining balance.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Stone Harbor that the sum of \$ 1,812.50 be refunded to South Jersey Gas and that the Zoning Officer and CFO make the proper adjustments in their records.

Vote

6 Councilmembers AYE

RESOLUTION 2012-S-129 – (Shared Services Agreement with the Borough of Avalon for a Court Administrator)

Upon motion of
Seconded by

Councilmember Albert Carusi
Councilmember Barry D. Mastrangelo

**AGREEMENT FOR SHARED MUNICIPAL COURT ADMINISTRATOR FOR THE
MUNICIPALITIES OF THE BOROUGH OF STONE HARBOR
AND THE BOROUGH OF AVALON**

THIS AGREEMENT is made this 3rd day of July, 2012

BY AND BETWEEN the BOROUGH OF STONE HARBOR, a Municipality duly formed, organized and existing in accordance with the laws of the State of New Jersey, located in the County of Cape May, with municipal offices located at 9508 Second Avenue, Stone harbor, New Jersey 08247 (hereinafter “Stone Harbor”) and the **BOROUGH OF AVALON**, a Municipality duly formed, organized and existing in accordance with the laws of the State of New Jersey, located in the County of Cape May, with municipal offices located at 3100 Dune Drive, Avalon, New Jersey 08202 (hereinafter “Avalon”).

WHEREAS, the “Uniformed Shared Services and Consolidation Act”, N.J.S.A. 40A:65-1, et seq. (the “Act”), authorizes local units of the State of New Jersey to enter into a contract with any other local unit or units for the joint provision within their several jurisdictions of any service which any party to the agreement is empowered to render within its own jurisdiction; and

WHEREAS, N.J.S.A. 2B:12-1(c) allows two or more municipalities, by ordinance or resolution, may agree to provide jointly for courtrooms, chambers, equipment, supplies and employees for their municipal courts and agree to appoint judges and administrators without establishing a joint municipal court.

WHEREAS, Stone Harbor and Avalon desire to share Municipal Court Administrators,

in accordance with N.J.S.A. 2B:12-1(c), in order to conserve resources and to provide for a more efficient and more economically sound municipal court system; while each municipality maintains its own Municipal Courtroom and court offices and maintains its right to appoint their own judge, prosecutor, and public defender; and

WHEREAS, Stone Harbor and Avalon find that it would be in the best interest of both municipalities to share Court Administrators, under the terms and conditions referenced herein.

NOW, THEREFORE, with the foregoing recital paragraphs incorporated herein by this reference and in consideration of the mutual covenants contained herein, the Municipalities hereto, intending to be legally bound, hereby agree as follow:

1. Provision of Staff.

- a. Certified Court Administrator. Upon execution of the Agreement, the certified court administrator for Stone Harbor will serve as the certified court administrator for Stone Harbor and Avalon, and shall retain any and all tenure rights accrued from Stone harbor. Any subsequent appointments of an administrator shall be in conformance with N.J.S.A. 2B:12-10, et seq. and N.J.S.A. 2B:12-11, et seq. The Administrator's duties shall include, but not be limited to:
 - i. Carrying out the rules, regulations, policies and procedures relating to the operation of the Courts, inclusive of the supervision of the Deputy Municipal Court Administrators for each Municipality.
 - ii. Interviewing and speaking to persons wishing to file criminal or quasi-criminal complaints or wishing information in that regard; receiving complaints and dispensing information relating to court matters.
 - iii. Maintaining the financial records of the Courts, including overseeing the receipt and accounting for fines and costs.
 - iv. Attending court session in Stone Harbor and Avalon, recording pleas, judgments and dispositions; arranging trial calendars; signing court documents; preparing and issuing warrants and commitments and other court related documents.
 - v. Maintaining and classifying records and files of the Courts.
 - vi. Maintaining, forwarding, receiving and reporting such records, reports and files as required by appropriate agencies.
 - vii. Consulting and meeting with the AOC on an "as needed" basis and making daily decisions regarding the closing of the Courts, personnel coverage for the Courts and work assignments/scheduling of Court personnel.
 - viii. Carrying out such additional duties as may be required in order to fulfill the duties of the Court Administrator, including, without limitation, those duties falling within the parameters of N.J.S.A. 2B-12-13.
 - ix. The Certified Court Administrator will work two and a half days in Stone Harbor and two and a half days in Avalon or at such times as mutually agreed to by the parties.

2. **Location.** Stone Harbor and Avalon will each maintain their own Court Facilities and the Court sessions will be held in their respective facilities. The Municipal Court Administrator will "float" between the two facilities as provided herein and as may be needed.

3. **Insurance.** Stone Harbor and Avalon are both insured through the Municipal Joint Insurance Fund. Each Municipality agrees to indemnify and hold the other harmless from any and all claims and for any liability whatsoever arising from the use of its own facilities or occurring on its own premises. Stone Harbor and Avalon shall each maintain workers compensation insurance to cover the employees on their respective payrolls.
4. **Withdrawal.** Except for the calendar year during which this Agreement is executed and becomes effective, either member of the shared service may withdraw from this agreement at the end of a calendar year, provided, however, that on or before one hundred and twenty (120) days next preceding the end of the calendar year the withdrawing member has given the other member's Municipal Clerk written notice of its intention to withdraw. The withdrawing member shall remain responsible for its share (based upon the budgets and agreements then in effect) of all shared Court expenses through the date of the withdrawing member's actual termination.
5. **Effective Date:** Length of Agreement.
 - a. A condition pursuant to this Agreement becoming effective is the adoption by each participating Municipality of a Resolution authorizing a shared Municipal Court Administrator and authorizing the Mayor to sign the Agreement. Once the Resolutions have been adopted then the effective date of this Agreement shall be August 1, 2012. Each of the aforementioned Resolutions shall identify and incorporate this Agreement by reference and a copy of the Agreement shall be filed with each Municipality's Municipal Clerk and shall be open to public inspection in each Municipality.
 - b. The initial term of this Agreement shall end on July 31, 2015 subject to the right of withdrawal of either participating Municipality as set forth in Paragraph 4 above. Upon expiration of this agreement, the Courts shall continue operating pursuant to the terms of this Agreement until such time as a new Agreement has been ratified by the participating Municipalities.
6. **Consideration.**
 - a. Avalon shall pay Stone Harbor the sum of \$51,500 annually for the first year of this agreement which covers August 1, 2012 through July 31, 2013.
 - b. For the remaining years(s) of the Agreement, the yearly cost of services shall be increased based on 50% of salary and benefits costs. The Borough of Stone Harbor will submit no later than January 10th of each year the projected costs for each subsequent year.
7. **Miscellaneous.**
 - a. This Agreement contains the entire and only Agreement between the participating Municipalities and no oral statements, representations or prior writing not contained in the Agreement shall have any force or effect. This Agreement shall not be modified in any way or terminated except by a writing approved and executed by both participating Municipalities.
 - b. The interpretation and validity of this Agreement shall be governed by the laws of the State of New Jersey.
 - c. If any term or provision of this Agreement or the application thereof to any participating Municipality or circumstances, to any extent, shall be invalid or unenforceable, the remainder of this Agreement shall not be affected thereby and each term and provision of this Agreement shall be valid and enforced to the fullest extent permitted by law.

- d. This Agreement may be signed in one or more duplicate original counterparts, each of which shall be an original but all of which together shall constitute one and the same Agreement.

Vote

6 Councilmembers AYE

MOTIONS

Upon motion of
Seconded by

Councilmember Joan Kramar
Councilmember Joselyn Rich

To authorize the Borough Engineer to prepare bid specifications and advertise a Notice to Bidders for a Back Hoe with bids to be received on July 31, 2012 at 10:00 a.m.

Vote

6 Councilmembers AYE

Upon motion of
Seconded by

Councilmember Judith Davies-Dunhour
Councilmember Barry Mastrangelo

To approve the following Special Event Applications:

Stone Harbor Lion's Club Chicken Bar-B-Que on Sunday, August 12, 2012 from 1:00 p.m. to 5:00 p.m. at the 80th Street Marina Parking Lot with Banner approval on the 80th Street Field Fence.

Stone Harbor Sandy 5K Run and 1 Mile Pooch Walk on Sunday, August 26, 2012

Wings and Water Festival on July 12, 13 and 14, 2012 without the Banner over 96th Street

Delta Kappa Gamma – Beat the Clock Against Breast Cancer – Road Race on September 29, 2012 with Banner approval on 96th Street

MTV Made Documentary taping on Stone Harbor beaches on July 11, 2012.

Vote

6 Councilmembers AYE

DISCUSSION:

None.

The following bills were presented to Council for payment:

Check # Reconciled/Void	Check Date	Vendor Ref Num	Amount Paid
31642	07/03/12	BORSH BOROUGH OF STONE HARBOR	305,059.57
31643	07/05/12	ACELE ATLANTIC CITY ELECTRIC CO.	1,795.68
31644	07/05/12	ACESEWER ATLANTIC CITY ELECTRIC	27.56
31645	07/05/12	ACESTLIG ATLANTIC CITY ELECTRIC	436.48
31646	07/05/12	ACEWATER ATLANTIC CITY ELECTRIC	1,720.23
31647	07/05/12	ACMEM ALBERTSONS	442.69
31648	07/05/12	ACMOO A.C. MOORE, INC.	121.91
31649	07/05/12	ACTIO ACTION SUPPLY	420.20
31650	07/05/12	ACUTH ACU-THERM SUPPLY CO., INC.	1,639.94
31651	07/05/12	ADVWI ADVANCED WIRELESS	56.06
31652	07/05/12	ALLEGRA ALLEGRA MARKETING, PRINT, MAIL	322.31
31653	07/05/12	AMON GINO AMON	400.00
31654	07/05/12	ASPHA ASPHALT PAVING SYSTEMS, INC.	41,090.14
31655	07/05/12	ATWO2 ATWOOD, JONATHAN S.	150.00
31656	07/05/12	ATWOO ATWOOD, JOHN W.	18.95
31657	07/05/12	AVAHODGE AVALON HODGE PODGE, INC.	41.98
31658	07/05/12	BERKEYLU LUCAS BERKEY	50.00
31659	07/05/12	BILLO BILLOWS ELECTRIC SUPPLY CO.	371.94
31660	07/05/12	BLANEYDO BLANEY & DONOHUE	6,128.84
31661	07/05/12	BOSACCOD DAVID C. BOSACCO	250.00
31662	07/05/12	BRIDGEMA BRENDEN BRIDGEMAN	250.00
31663	07/05/12	BROWNOB ROBERT BROWN	75.00
31664	07/05/12	CAMPM CAMP MARINE SERVICE, INC.	386.26
31665	07/05/12	CANDE CANDELORE, DEBORAH A.	85.00

31666	07/05/12	CARRO	CARROT TOP INDUSTRIES, INC.	887.24
31667	07/05/12	CASAP	CASA PAYROLL SERVICES	739.10
31668	07/05/12	CATHC	CATHCART, VAN	119.84
31669	07/05/12	CATHCART	WILLIAM W. CATHCART	50.00
31670	07/05/12	CHATTENL	LINWOOD CHATTEN	400.00
31671	07/05/12	CHOFF	COURT HOUSE OFFICE SUPPLIES	141.99
31672	07/05/12	CHRIS	CHRISTMAN, H.B.	58.13
31673	07/05/12	CMCCL	CAPE MAY COUNTY CLERK	350.53
31674	07/05/12	CODYS	CODY'S POWER EQUIPMENT	86.60
31675	07/05/12	COLLETT	CHRIS COLLETT	250.00
31676	07/05/12	COMCA	COMCAST	107.29
31677	07/05/12	CONLINJE	JEFFREY P. CONLIN	75.00
31678	07/05/12	CONSTANT	CONSTANT CONTACT, INC	462.00
31679	07/05/12	CONSTELL	CONSTELLATION NEWENERGY INC	9.93
31680	07/05/12	CONWAY	MICHAEL CONWAY	50.00
31681	07/05/12	CPORT	CAPE PORT MARINE SUPPLY	52.50
31682	07/05/12	CROPPERA	ALLAN W. CROPPER	50.00
31683	07/05/12	CROWN	CROWN AUTO PARTS	62.82
31684	07/05/12	CUEVASRY	RYAN CUEVAS	360.00
31685	07/05/12	DAVISBEN	BENJAMIN DAVIS	75.00
31686	07/05/12	DAVISEQU	DAVIS EQUIPMENT SALES, INC.	307.90
31687	07/05/12	DEATAT	TATIANA DEA	400.00
31688	07/05/12	DEERELAN	JOHN DEERE LANDSCAPES	306.00
31689	07/05/12	DEROSEMA	MATTHEW DEROSE	150.00
31690	07/05/12	DONAHUE	JOHN DONAHUE	400.00
31691	07/05/12	DONOFRIO	LEWIS T. DONOFRIO, JR.	150.00
31692	07/05/12	EASTERNW	EASTERN WAREHOUSE DISTRIBUTORS	43.50
31693	07/05/12	FARINA	THEODORE FARINA JR	400.00
31694	07/05/12	FASTENAL	FASTENAL INDUSTRIAL/CONSTRUCTI	741.40
31695	07/05/12	FINNEGAN	JACQUELINE FINNEGAN	400.00
31696	07/05/12	FORTDEAR	FORT DEARBORN LIFE INSURANCE	203.40
31697	07/05/12	FUNFLICK	FUNFLICKS OUTDOOR MOVIES	1,965.00
31698	07/05/12	GALLAGHE	KEVIN GALLAGHER	150.00
31699	07/05/12	GANNL	GANN LAW BOOKS	105.00
31700	07/05/12	GANNONME	MELLISSA LINZ	400.00
31701	07/05/12	GARDS	GARDEN STATE HWY. PRODUCTS	375.00
31702	07/05/12	GARTL	JOSEPH GARTLAND, INC.	207.58
31703	07/05/12	GARYS	GARY'S AUTOMOTIVE SERVICE	101.50
31704	07/05/12	GIULIANK	KARL GIULIAN	100.00
31705	07/05/12	GOLDENEQ	GOLDEN EQUIPMENT CO., INC.	185.55
31706	07/05/12	GOPHE	GOPHER	328.30
31707	07/05/12	GOUGHERJ	GOUGHER, JILL A.	480.00
31708	07/05/12	GRIESBAC	JOSEPH H. GRIESBACH JR.	100.00
31709	07/05/12	GRIMMMEG	MEGAN GRIMM	300.00
31710	07/05/12	HAWKFIRE	KENNETH J. HAWK	250.00
31711	07/05/12	HEARONJ	JEFFREY HEARON	100.00
31712	07/05/12	HESSCORP	HESS CORPORATION	1.93
31713	07/05/12	HOMED	HOME DEPOT CREDIT SERVICES	1,315.08
31714	07/05/12	HORNB	HORNBECK, DIANE	47.99
31715	07/05/12	HOWE	CRYSTAL HOWE	400.00
31716	07/05/12	INTEGRAT	INTEGRATED TECHNICAL SYSTEMS	1,216.00
31717	07/05/12	ISLANDAE	ISLAND AEROBICS	943.20
31718	07/05/12	JERC1	JERSEY CAPE DIAGNOSTIC CENTER	1,307.07
31719	07/05/12	JOHN2	JOHNSTONE SUPPLY	24.55
31720	07/05/12	JUSTS	JUST SPORTS, INC.	133.16
31721	07/05/12	KOHLE	KOHLER'S AUTO GLASS	200.00
31722	07/05/12	LAKOSE	JONATHAN LAKOSE	75.00
31723	07/05/12	LAMACHFI	JAMES LAMACH JR	450.00
31724	07/05/12	LANDSEND	LANDS END BUSINESS OUTFITTERS	195.65
31725	07/05/12	LAURYHEA	LAURY HEATING	250.00
31726	07/05/12	LEBRESO	JASON LEBRESO	50.00
31727	07/05/12	LEONA	LEONARD, INC., A.M.	669.72
31728	07/05/12	LINZJR	MICHAEL LINZ JR	450.00
31729	07/05/12	LOEFFLAD	JACOB LOEFFLAD	50.00
31730	07/05/12	MARRIII	CHARLES MARRINER III	75.00
31731	07/05/12	MARSMARI	MARS MARINE	8,750.00
31732	07/05/12	MCCLURER	ROBERT C. MCCLURE	150.00
31733	07/05/12	MCCLURJR	ROBERT MCCLURE JR	475.00
31734	07/05/12	MCMAS	MC MASTER CARR SUPPLY CO.	447.31
31735	07/05/12	MCNENNY	GLENN MCNENNY	475.00
31736	07/05/12	MINERCON	D.L. MINER CONSTRUCTION	4,010.00
31737	07/05/12	MIXNERST	STEPHEN E. MIXNER	50.00
31738	07/05/12	NEMOSFAM	NEMO'S FAMILY RESTAURANT	128.56
31739	07/05/12	NEWDECKC	CHRISTINA NEWDECK	320.00
31740	07/05/12	NEXTCOMM	NEXTEL COMMUNICATIONS	308.02
31741	07/05/12	NIELSONK	KEITH NIELSON	500.00
31742	07/05/12	NORTHERN	HSBC BUSINESS SOLUTIONS	200.58
31743	07/05/12	OCECO	OCEAN/COASTAL CONSULTANTS, INC	2,963.00
31744	07/05/12	ORMRODST	STEVEN M. ORMROD	150.00

31745	07/05/12	ORZECHE	EDWARD ORZEC	250.00
31746	07/05/12	OTTONJOS	JOSH OTTON	100.00
31747	07/05/12	PARAM	PARAMOUNT CHEMICAL & PAPER CO.	115.87
31748	07/05/12	PARDO	PARDO'S TRUCK SERVICE PARTS WH	216.00
31749	07/05/12	PERFORMA	PERFORMANCE ATHLETIC CTR., LLC	3,003.20
31750	07/05/12	POLET	POLE TAVERN EQUIPMENT SALES	307.76
31751	07/05/12	PUERTORI	PUERTO RICAN ACTION COMMITTEE	120.00
31752	07/05/12	REMIN	REMINGTON, VERNICK & WALBERG	2,368.00
31753	07/05/12	RENTA	RENTAL COUNTRY	136.79
31754	07/05/12	RIVERFRO	RIVERFRONT MEDICAL CENTER	6,125.00
31755	07/05/12	ROSSEVI	ROSS ENVIRONMENTAL SOLUTIONS	150.00
31756	07/05/12	RUSSGRAN	GRANT RUSS	550.00
31757	07/05/12	RUSSO	JOSEPH RUSSO	400.00
31758	07/05/12	SAMPSONJ	JAMES SAMPSON	400.00
31759	07/05/12	SAMPSONM	MICHELLE SAMPSON	400.00
31760	07/05/12	SCHEELER	MICHAEL R. SCHEELER	100.00
31761	07/05/12	SCHEUERM	GEORGE SCHEUERMANN JR.	400.00
31762	07/05/12	SCHWARTZ	JONATHAN SCHWARTZ	50.00
31763	07/05/12	SCIBILIA	KEVIN L. SCIBILIA	440.00
31764	07/05/12	SCOTT	SCOTT, DEBORAH	30.00
31765	07/05/12	SEASHSIG	SEASHORE SIGNS	450.00
31766	07/05/12	SHEE3	SHEERAN, GREGORY (PETTY CASH)	162.81
31767	07/05/12	SHEERANG	GREGORY W. SHEERAN	75.00
31768	07/05/12	SJGAB	SOUTH JERSEY GAS CO.	55.11
31769	07/05/12	SONJVACT	SOUTHERN NEW JERSEY VACATIONER	3,000.00
31770	07/05/12	STANFORD	ROGER W. STANFORD	250.00
31771	07/05/12	STANK	KYLE STANFORD	50.00
31772	07/05/12	STAPL	STAPLES CREDIT PLAN	414.70
31773	07/05/12	STAPLEBU	STAPLES BUSINESS ADVANTAGE	442.36
31774	07/05/12	STAUFFER	DOUG STAUFFER	450.00
31775	07/05/12	STEFANKI	STEFANKIEWICZ, LISA	325.00
31776	07/05/12	STEWARTD	WET SUIT WORLD, LLC	1,584.00
31777	07/05/12	STILTNER	KIRBY STILTNER, JR.	400.00
31778	07/05/12	SWANSONC	CHARLES SWANSON	440.00
31779	07/05/12	TIROTTA	KEVIN TIROTTA	75.00
31780	07/05/12	TOSHI	TOSHIBA BUSINESS SOLUTIONS	151.59
31781	07/05/12	TRCOU	TRI COUNTY BUILDING SUPPLIES	403.52
31782	07/05/12	TREFI	TREASURER, STATE OF NJ	30.00
31783	07/05/12	TUCKNURS	TUCKAHOE NURSERIES, INC.	865.15
31784	07/05/12	VANDENGE	GERALD A. VANDENBRAAK	50.00
31785	07/05/12	VANDENJG	JOHN G. VANDENBRAAK JR.	250.00
31786	07/05/12	VAULFRAN	FRANK VAUL	100.00
31787	07/05/12	VECTO	VECTOR SECURITY	3,088.52
31788	07/05/12	VERIZ911	VERIZON	19.65
31789	07/05/12	VITAL	VITAL COMMUNICATIONS, INC.	500.00
31790	07/05/12	WAHLSCOT	SCOTT J. WAHL	2,500.00
31791	07/05/12	WETLA	WETLANDS INSTITUTE	1,500.00
31792	07/05/12	WETSUITW	WETSUIT WORLD	560.00
31793	07/05/12	WIERMANS	SAMUEL A. WIERMAN	150.00
31794	07/05/12	WITMER	WITMER PUBLIC SAFETY GROUP INC	1,250.00
31795	07/05/12	WORKMAN	WORKMAN, MICHAEL	286.00
31796	07/05/12	WWPOWERS	WILDWOOD POWER SPORTS	520.75

Checks:	155	437,222.44
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Upon motion of
Seconded by

Councilmember Joan Kramar
Councilmember Barry Mastrangelo

Authorize James Nicola, our CFO, to pay the bills provided the funds are available and vouchers are properly endorsed.

Vote

6 Councilmembers AYE

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

RESOLUTION 2012-S-130 (Closed Session)

Upon motion of

Councilmember Barry D. Mastrangelo

Seconded by

Councilmember Joselyn Rich

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

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Stone Harbor, assembled in public session on July 3, 2012, that an Executive Session closed to the public shall be held on July 3, 2012 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 Joselyn Rich

To return to Open Session.

Vote

6 Councilmembers AYE

PUBLIC COMMENT

John Ready – 105th Street – stated that he believes Council has acted fiscally irresponsible in voting for the Second Avenue location.

Kim Park – 6 Stone Court – requested Mayor and Council move forward and get this library built soon and requested that people who actually use the library should be involved in the Library Design Committee.

Charles Koch – 236 85th Street – indicated that his grandson stepped on a shell this weekend on the beach and needed 7 stitches. Mr. Koch thanked the Borough’s EMTs and lifeguards for the effective and quick service.

MOTION TO ADJOURN

Upon motion of
Seconded by

Councilmember Barry Mastrangelo
Councilmember Judith Davies-Dunhour

That the Work Session Meeting of Mayor and Council be adjourned at 6:40 p.m.

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

APPROVED _____, 2012

_____, Mayor

ATTEST: _____, Borough Clerk