

**MINUTES OF THE REGULAR MEETING OF
MAYOR AND COUNCIL OF THE BOROUGH
OF STONE HARBOR HELD IN THE
MUNICIPAL BUILDING, APRIL 16, 2013**

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

ABSENT

James Nicola, CFO

PRESENT

Councilmembers

Judith Davies-Dunhour, President
Joan Kramar (arrived at 4:35)
Joselyn Rich
Karen Lane
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 4, 2013.

DOCK HEARING – 10032 Corinthian Drive, Block 200.03, Lots 462, 463, 464 and 465.01 – Rita M. DeLuca – Frank Bowen, President of Chanel Marine Construction

For the record, Mr. Donohue swore in Mr. Bowen on behalf of the property owner, Mrs. DeLuca. Mr. Bowen stated that he represents the property owner who applied to the Building Department to replace a "U" shaped floating dock with two 8' x 20' "U" sections and two access ramps. Mr. Bowen stated that the property owner has a Permit from the NJDEP and provided a copy of same to Mr. Donohue. (Copies were made for Mayor and Council). Councilmember Mastrangelo inquired how many boat slips would be going in. Mr. Bowen stated that normally two boat slips and probably two jet skies.

Mayor Walters asked if there was anyone in the audience to speak for or against the application.

Karen Zapf Hampel – 10038 Corinthian Drive -- read a letter on the record – and objected to the request. Ms. Hampel stated that this property is a vacant lot which is not maintained and never has been maintained. Ms. Hampel stated that the property owner is trying to turn this lot into a commercial business and make it a yacht club (at least 8 boat slips) with not enough parking which will create a lot of pollution, a dangerous situation for the young residential swimmers, and other objectionable activity.

Eric Zapf – 10001 Sunrise – expressed his concern because he is a boater but mostly because when he walks past his property which he has done so for the past four years, the neglect and the filth is astonishing. Mr. Zapf stated that he grew here in Stone Harbor and we already have three commercial basins and the rumor is that Mr. DeLuca is going to put in 8 boat slips for rent. Mr. Zapf stated that even worst would be the jet skies. Mr. Zapf stated that before a marina is approved, the house should be built first. Mr. Zapf provided Council with pictures of the property and objected to the application.

Randy Binter – 10039 Corinthian – stated that this property has never been maintained. Mr. Binter stated that the property needs to have a house built on it before it can have a dock. Mr. Binter stated that the added pollution and traffic will be a detriment to the neighborhood and objected to the dock hearing.

Elmer Tate – 401 Charles Street – stated that the property has no home on it and has never been maintained and currently has many safety and health issues and when the marina is added, it will just contribute to an already existing hazard. Mr. Tate stated that there will be port-o-potties, crime, trash cans, danger to the swimmers and many other hazards. Mr. Tate stated that this property needs a home first, not a commercial marina with 8 boat slips. Mr. Tate also asked about all of the illegal discharge coming out of the boats, the oil coming out of the pumps and who is going to keep an eye on that. Mr. Tate also inquired about the size of the boats permitted. Mr. Tate requested that the request be denied until the property owner builds a home on his property.

Bunny Parzych – inquired how many boat slips are being requested and stated that the rumor is that the request is for a commercial marina. Mrs. Parzych stated that the property has been for sale for
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many years. Councilmember Mastrangelo advised Mrs. Parzych that the CAFRA Permit specifically states no more than four (4) motorized vessels may be moored at this location at any time. Mrs. Parzych inquired about jet skies. Councilmember Mastrangelo responded that jet skies are considered a motorized vessel. Mrs. Parzych stated that this seems like an auxiliary use for the property and the main use of the property would be a residential home. Mrs. Parzych stated that the neighborhood is very upset.

Mr. Bowen outlined the proposed project which would be to construct the main dock (36' x 6' "U" shaped floating dock) with two 8' x 20' "U" shaped sections and two access ramps on each side and stated you could never have a boat that would reach the property line.

Mr. Elmer disagreed with Mr. Bowen and stated that a 40' Viking would reach the property line.

Gil Lacciteiello – 10033 Corinthian – inquired how the Borough is allowing a marina/commercial situation in a residential area. Mayor Walters responded that the request is for a dock on a residential property not for a commercial marina, and the request says nothing about operating a business or marina. Mr. Donohue inquired if Mr. Lacciteiello knew of anything specific because the request before Mayor and Council is for a residential dock for four (4) boat slips and nothing else. Mr. Lacciteiello responded that no it was just hearsay. Mr. Lacciteiello stated that the property is never taken care of and he is concerned that this commercial activity will increase the trash and the neglect of the property.

Mr. Bowen suggested that this hearing be continued and that he bring his client to the next meeting so that they can be here to address these issues.

Mayor Walters stated that there is a policy and procedure in place when a property owner fails to maintain his property.

Mayor Walters closed the public portion of the meeting

Mr. Donohue explained to the public that the Department of Environmental Protection (DEP) has exclusive jurisdiction over these types of questions and complaints. The DEP grants the approval for the permit and the configuration of the dock itself, not the Borough Council. Mr. Donohue explained that the issues regarding the length, the number of boats moored at the dock, etc., are not issues that Borough Council can vote on, even if they wanted to. Mr. Donohue explained that the only issue before Borough Council is if the dock to be constructed extends beyond the exterior property line as shown on the official tax map and if it does, then the Zoning and/or Construction Officer sends the applicant to Borough Council for a hearing to get approval to go beyond the property line. Mr. Donohue stated that that is all that this hearing today is about, i.e., is there any reason not to allow this construction beyond the property line. Mr. Donohue stated that the Council has no other authority regarding this permit. Mr. Donohue stated that Chapter 174 of the Revised General Ordinances of the Borough provides for Brush, Grass, Weeds and Debris wherein the Borough can notice a property owner and advise them to trim or remove and destroy and if they fail to do so in a timely manner, the Borough will do the work, issue an invoice and/or issue a lien on the property. Mr. Donohue suggested that this may be the proper course of action concerning the complaints heard this evening. Mr. Donohue stated that some of the other issues raised this evening like port-o-potties are zoning issues and would have to be addressed by Zoning if and when port-o-potties were placed on the property. Mr. Donohue stated that if more than four (4) boats were moored at the dock, then the DEP would need to be contacted.

It was noted for the record that the DEP permit was issued on June 10, 2009 and the expiration date is June 10, 2014.

Upon motion of
Seconded by

Councilmember Barry Mastrangelo
Councilmember Judith Davies-Dunhour

To adjourn this hearing and to reconvene this hearing at the Work Session of Mayor and Council to be held on May 7, 2013 at 4:30 p.m. and Frank Bowen, President of Channel Marine Construction and Mr. and/or Mrs. DeLuca be in attendance and Mr. Bowen will provide a revised drawing and an updated Army Corps of Engineers Permit (current one expired December 31, 2012).

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Vote**6 Councilmembers AYE**

Grant Russ, Safety Coordinator, and other members of the Borough's Safety Committee including Councilmember Mastrangelo, Jill Gougher, Kim Stevenson, and Suzanne Stanford presented the Chief of Police, Paul Reynolds, with new medical bags equipped with oxygen and other essential first aid supplies. Mr. Russ explained that as a result of the Borough's proactive safety policy, the JIF rewarded the Borough with a \$1,500 safety incentive which was used to purchase new first responder medical bags, one for each of the six police patrol vehicles. Chief Reynolds expressed his appreciation for the medical bags and stated that they will help officers manage situations until paramedics arrive at a scene.

MOTION CONCERNING THE MINUTES

Upon motion of
Seconded by

Councilmember Judith Davies-Dunhour
Councilmember Barry Mastrangelo

Since all members of Council have been provided with a copy of the minutes of the Regular Meeting of March 19, 2013 and the Work Session Meeting of April 2, 2013 if there are no additions or corrections, I move we dispense with the reading of the minutes and that they be approved.

Vote**6 Councilmembers AYE****REPORTS OF COMMITTEES AND OFFICERS**

PUBLIC SAFETY – Councilmember Carusi reported that the Public Safety Committee met on April 15. Councilmember Carusi explained that the Public Safety Committee is comprised of Fire, Police EMS, Courts, and OEM. Councilmember Carusi reported that the Committee discussed the following issues: the installation of new recording equipment, the hiring of personnel for the months of May through October to serve as a Violations Clerk, purchase of a Stricker Stretcher, updated OEM Procedure Book, Registration for Storm Damage has been extended to May 1, filed with FEMA for storm damages for approximately \$200,000, and the hiring of 3 Class I SLEOs. Councilmember Carusi reported that the meeting with the State regarding a shared services agreement with Avalon for dispatch was postponed and has not yet been rescheduled because the State is awaiting additional information from Avalon. Chief Reynolds provided the police statistical report for March, 2013 as follows: 733 incidents logged, 9,770 miles patrolled; 103 motor vehicle stops; 17 moving violations; 2 parking violation; 0 motorists assisted; 0 accidents handled; 4 suspicious motor vehicles; 5 adult arrests; 0 driving while intoxicated; 4 alarms; 9 fire calls; 6 EMS; 49 open doors/windows; 4 heater lights; and 9 animal complaints. Chief Reynolds reported on training for the police department and dispatchers and a recent arrest for burglary and criminal mischief and provided an update from an arrest made in November 2012, as well as one thank you note was received. Chief Reynolds personally thanked Grant Russ, Jim Nicola, and Sgt. Chris Palmer for their work on the Safety Committee.

NATURAL RESOURCES - Councilmember Rich reported that the beach replenishment project is ready to begin and the Borough will receive approximately 420,000 cubic yards of sand and meetings on the replenishment are held weekly. Councilmember Rich reported that the Natural Resources Committee researched the idea of planting beach plums along the beaches in the future and the USACE recommends planting beach plums as a conservation plan in preventing erosion and building stabilization as well as a windbreaker. Councilmember Rich reminded everyone about the Beach Sweep on Saturday morning, April 27th at the 96th Street Beach from 9:30 a.m. til noon. Councilmember Rich also reported that fencing and signs have been installed at Stone Harbor Point, the Committee is waiting for the Boat Owners' Association to return the Memorandum of Understanding regarding Site 103, the Mayor, Michael, Jill and she met to discuss dredging and how to move this project forward and RemingtonVernick will be helping to gather information. Councilmember Rich reported that she attended a second meeting regarding waterway debris removal and the project manager informed us of the progress they are making on the removal of floating debris, submerged debris, and sediment debris and explained the entire process. The project manager reported that they will be coming to Stone Harbor and people should report any type of visible debris (docks, wood, etc.) to Jill Gougher as soon as possible. Councilmember Rich reported that the NJDEP Office of Engineering and Construction discussed the Advisory Base Flood Elevation maps and the beach replenishment and the dunes at this meeting as well. Councilmember Rich reported that

she had an opportunity to meet the Borough's Regional Manager, Tim Berkhimer. Councilmember Rich reported that the Department of Corrections worked in the Bird Sanctuary on April 2nd, 3rd, and 4th to remove invasive plants on the Moonscape and remove some other storm debris, the Bird Sanctuary Committee met on April 12, 2013 and discussed future plans, worked on finalizing the Duffield contract, and developing a Bench Cleaning Plan for the 40-50 benches in the Bird Sanctuary. Councilmember Rich reported that the Natural Resources Advisory Committee is planning to meet next month to make and set goals.

Councilmember Rich reported that the Planning Board met on April 8, 2013 and seven members were present. Councilmember Rich reported that the members discussed the Waterfront Business District Committee and why this committee was formed; however, the Committee has had only had one meeting thus far and did not have anything substantive to report. Councilmember Rich reported that at the April 22nd meeting, a minor subdivision application is scheduled.

BEACH & RECREATION – Councilmember Davies-Dunhour reported that the Beach, Recreation and Tourism Committee is scheduled to meet on April 19, 2013. Councilmember Davies-Dunhour reported that on Friday, April 12, 2013, Councilmember Rich, representatives from Public Works, Jill Gougher, and she met with the Chamber of Commerce Executive Board to discuss upcoming events and to clarify what role each will take in order to increase promotion and insure greater success. Councilmember Davies-Dunhour reported that beach tag sales are up almost \$6,000 from this time last year. Councilmember Davies-Dunhour reported that beach tags are available Monday through Friday at Borough Hall and on the weekends at the Chamber of Commerce. Councilmember Davies-Dunhour reported that the bid for the Beach Concession stands has been awarded and the stands are at the 80th Street Marina for Public Works to do some repair work on them and they will be on the beach for Memorial Day Weekend. Councilmember Davies-Dunhour reported the Recreation Department is getting ready for the summer season with a full complement of camps. Councilmember Davies-Dunhour reported that the Borough-wide mailing was mailed last month and included in the mailing was the early Registration Form for Stone Harbor property owners to register their children for Recreation Programs. Councilmember Davies-Dunhour reported on a new fitness program, Wellness and Weight Loss, which is a 4 week program (2 days per week) for only 12 people (which is sold out) and is being conducted by Betsy Markle of Sunshine Wellness. Councilmember Davies-Dunhour stated that since this program was so successful and sold out so quickly we are hoping to try and schedule another 4 week program. Councilmember Davies-Dunhour reported that on May 4th and 5th the Borough will host its first Art & Music Celebration featuring new music acts that the Tourism Direction found at the Singer Songwriter Convention in Cape May as well as artists from a co-op and showcasing our local art galleries on the nodes and shops as well. Councilmember Davies-Dunhour reported that there will be a map which identifies where each featured artist/musician is located. Councilmember Davies-Dunhour reported that information regarding the jitney service is now available on the Borough's website.

UTILITIES - Councilmember Lane reported that work on the ordinances has been postponed because Grant Russ has been on vacation. Councilmember Lane reported that work on the water tower is approximately 6 weeks behind schedule, but it should be completed by June. Councilmember Lane reported that a meeting was held with the plumbing and construction officials to try and clarify the responsibilities of the construction office and the plumbing inspector; a review of the ordinances has indicated that the plumbing inspector is aware of his obligations. Councilmember Lane reported that a notice outlining ordinances will be included in the Construction Permit Jacket. Councilmember Lane reported that the second quarter readings have been completed and approximately 3.7 million gallons of water have possible been lost since January. Councilmember Lane stated that there is a resolution on the Agenda this evening regarding water exemptions for certain charitable organizations which has been an ongoing issue; however, good intentions are not always good government and it always easy to give something away and it always very difficult to take it back. Councilmember Lane stated that the decision to bill these local charitable organizations for water was not done out of vindictiveness, but was for a fee for service and the Committee felt they were acting fiscally responsible and with good management. Councilmember Lane stated that the majority of Council does not agree, so there is a Resolution on tonight's Agenda exempting water and excess water charges for the local charitable organizations, but they will receive bills so they know their usage. Councilmember Lane urged these organizations to conserve their water. Councilmember Lane reported the water diversion this month was down 259,000 from this time last year. Councilmember
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Lane reported that the Go Green Committee met and discussed the upcoming Paper Shredding Day on May 18, 2013, the same day as the Garden Club's Yard Sale and the application to become "Sustainable NJ Certification" which will allow the Borough to apply for and be eligible for a lot of

grants as well as improve our image with the DEP.

Councilmember Lane reported that the bank building should be demolished before May 22, 2013. Councilmember Lane reported that she and Councilmember Rich spoke to Freeholder Marie Hayes to schedule a meeting with each of the Library Committees.

PUBLIC WORKS – Councilmember Kramar apologized for being late to arrive to the meeting but she got off a plane at 2:30 p.m. in Philadelphia and did her best to get here in a timely fashion. Councilmember Kramar reported that all the Borough grounds are being landscaped for spring/summer; all playgrounds are being checked and prepped, cross-overs have been repaired and split rail fence and sand fence has been installed; docks have been repaired or rebuilt; the 95th Comfort Station has received two coats of gel painting to the floor; installing new electrical services to the beach concession stands as well as making small repairs to the stands; Special Events required 3.5 man-hours. Councilmember Kramar offered kudos to Grant Russ and the Safety Committee for the JIF Safety Incentive Award. Councilmember Kramar reported that the tipping fees for March, 2013 were \$11,687.30 compared to \$3,915.56 in March of 2012. Councilmember Kramar reported that 39 bags of litter were collected during the month of March and the first Bulk Trash Day generated four trips to the MUA with 23.15 tons for a savings of \$1,556.85. Councilmember Kramar reported that next Bulk Trash Day is Monday, May 6, 2013. Councilmember Kramar reminded everyone that the Single Stream Recycling started April 1, 2013.

ADMINISTRATIVE & FINANCE – Councilmember Mastrangelo reported that the A & F Committee met on April 1, 2013 and a review of the March revenue reports show that we have collected \$558,296.45 for 2013 while we collected \$600,663.95 in 2012 and we also continue to see an increase in revenue for Uniform Construction fees and beach tag revenue. Councilmember Mastrangelo reported that Glen Ortman, the Borough's Auditor, met with A & F to conduct an Exit Conference on the Borough's Audit which had No Findings. Councilmember Mastrangelo thanked Jim Nicola and Patti Wagner and the various departments for a job well done. Councilmember Mastrangelo reported that the 2012 Audit will be available on the webpage shortly; Councilmember Mastrangelo reported that the Borough is the Lead Agency in the Energy Aggregation Program in South Jersey and the towns currently participating are Wildwood, Middle Township and Commercial Township. Councilmember Mastrangelo reported that we are expecting significant savings which could start as early as June 1, 2013. Councilmember Mastrangelo reported that the Borough held a public hearing earlier today for residents which was well attended. Councilmember Mastrangelo reported that an energy auction will be held by Commercial Utility Consultants on behalf of the municipalities and the successful bidder will get a one-year contract, there are no hidden fees or cancellation charges and you can opt out at any time. Councilmember Mastrangelo reported that more information regarding the program is available on the Borough's website. Councilmember Mastrangelo reported that he has attended additional meetings on the new FEMA maps and the Borough continues to work with other local municipalities, State and Federal legislators and their staff members and professionals to insure amendments to the preliminary maps are done so that they more accurately reflect the actual risks.

Jill Gougher reported that the DCA is waiting for information from the Borough of Avalon before scheduling a meeting to discuss and/or recommend the consolidation and/or shared services agreement for dispatching services. Mrs. Gougher reported that she and Mr. Pepper met today with union representatives and the negotiations went very good and she is optimistic that she will have a recommendation for the next Council meeting. Mrs. Gougher reported that she and Liz Hargett are reviewing three proposals that were submitted for the Borough's website. Mrs. Gougher also thanked Jim Nicola and Patti Wagner and all the departments for another job well done on the 2012 Audit.

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

Beach Outfall Elimination Project – Phase 2

- Contractor is continuing work on First Avenue improvements.

- 92nd Street, 93rd Street to 98th Street infrastructure, concrete and base paving is complete
- Contractor is currently top paving all streets.

NJDEP Water Allocation Permit

- We have completed the water allocation permit application forms and are coordinating signatures and permit fees. The NJDEP will not require the Borough to submit for permit renewal in addition to the application being filed.
- Because of Hurricane sandy, NJDEP was delayed in providing the well search data we requested. The data is now received and is being input into the require GIS maps. With this delay we anticipate submitting the application with the completed hydrogeologic report by mid-January.

USDA Rural Business Enterprise Grant (RBEG) Application

- The Borough was denied grant funding for planning and streetscape improvements.
- However, the application can be re-submitted to USDA for FY 2013.

95th Street Water Tank Improvements and Repainting

- The bid opening was held on December 13, 2012 and the apparent low bidder is Corrosion Control Corporation in the amount of \$484,200.00
- A pre-construction meeting was held on January 24, 2013.
- The blasting equipment has been delivered to the site.
- Interior painting repairs have begun.
- Exterior painting will begin this week.

95th Street Well Redevelopment

- The bid opening occurred on February 7, 2013.
- Uni-Tech Drilling was awarded the contract in the amount of \$112,900.00.
- A pre-construction meeting has been scheduled for March 21, 2013 at 1:30 PM.

Beach Concession Stand

- We have received a notification from the NJDEP that a CAFRA permit is not needed for the Borough's beach concession stands.
- Bid documents have been revised and the project has been re-advertised with the bid opening scheduled for March 26, 2013 at 10:00 AM.
- The contract has been awarded to Atlantic Ice Cream, LLC in the amount of \$124,464.00 for a two year total.

Ocean Sport Rental Concession and Hobie Cat Rides

- The project has been re-advertised with no changes to the bid documents.
- The new bid opening is scheduled for April 25, 2013 at 10:00 AM.

9/11 Memorial Park

- We have completed the survey and base mapping for the project.
- We have been authorized to complete bid documents and the design is approximately 60% complete.
- We have completed the Cape May County Open Space Application.

FEMA Hazard Mitigation Grant Program

- This grant program provides a 75% grant for various flood mitigation projects.
- The Borough has selected to submit five (5) grant applications and the first step is to submit a Letter of Intent for each project by March 31, 2013.
- The five (5) applications are as follows:
 - Replacement of Various Bulkheads
 - Raising of Various Private Homes
 - 111th Street Beach Outfall
 - Emergency Generators at Recreation Building
 - Various Pump Station Elevation Adjustments

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TREASURER'S REPORT

Current Receipts.....	\$ 708,599.92
Current Disbursements.....	\$1,200,131.69
Utility Receipts.....	\$ 194,320.48
Utility Disbursements.....	\$ 634,564.86

large contributors to the quality of life in their communities. Mrs. Childs encouraged Council to remember when voting on the Resolution to exempt water charges for non-profit organizations that elected officials come and go, but the Women's Civic Club is celebrating its 100th anniversary.

Sister James – indicated that regardless of the vote on the Resolution for the water charges, the Villa Maria is very grateful; however, she did want to the public to know that the water exemption is only for the Retreat Building on the beach front only and not the land and that they do pay their ground water bill and the water bill for the other two houses on Second Avenue. Sister James also expressed her gratitude to all the citizens of Stone Harbor on behalf of Villa Maria for all that they do for them.

OLD BUSINESS:

ORDINANCE 1422 (Service Line Installation and Water Rates & Fees)

Upon motion of Councilmember Karen Lane
Seconded by Councilmember Joselyn Rich

That Ordinance 1422 be taken up on second reading

Vote 6 Councilmembers AYE

The Clerk read the title only of Ordinance 1422 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 Karen Lane
Seconded by Councilmember Joselyn Rich

That Ordinance 1422 be passed on second reading and advanced to third and final reading.

Vote 6 Councilmembers AYE

Upon motion of Councilmember Karen Lane
Seconded by Councilmember Joselyn Rich

That Ordinance 1422 be passed on third and final reading, adopted and published according to law.

Vote 6 Councilmembers AYE

NEW BUSINESS:

RESOLUTION 2013-S-73 – Cooperative Pricing System and Cooperative Pricing Agreements with Other Contracting Units

Upon motion of Councilmember Barry Mastrangelo
Seconded by Councilmember Joselyn Rich

RESOLUTION OF THE BOROUGH OF STONE HARBOR AUTHORIZING THE ESTABLISHMENT OF A COOPERATIVE PRICING SYSTEM AND TO ENTER INTO COOPERATIVE PRICING AGREEMENTS WITH OTHER CONTRACTING UNITS
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WHEREAS, *N.J.S.A. 40A:11-11(5)* authorizes two or more contracting units to establish a Cooperative Pricing System and to enter into a Cooperative Pricing Agreement for its administration; and

WHEREAS, the Borough of Stone Harbor is desirous of establishing a Cooperative Pricing System and entering into a Cooperative Pricing Agreement with other contracting units;

WHEREAS, the Borough of Stone Harbor has agreed to serve as the Lead Agency for a Cooperative Pricing System; and

WHEREAS, the Borough Council of the Borough of Stone Harbor has duly considered the establishment of a Cooperative Pricing System for the provision and performance of goods and services; and

NOW, THEREFORE BE IT RESOLVED as follows:

1) COOPERATIVE PRICING SYSTEM ESTABLISHED - The Borough Council of the Borough of Stone Harbor hereby authorizes the creation of a Cooperative Pricing System to be known as the Southern Shore Energy Aggregation Cooperative with the Borough of Stone Harbor serving as the Lead Agency.

2) COOPERATIVE PRICING AGREEMENT - The Mayor of the Borough of Stone Harbor is hereby authorized to enter into separate Cooperative Pricing Agreements with the participating contracting units and said Agreement shall be deemed a single Agreement.

3) COPY OF RESOLUTION TO DIVISION OF LOCAL GOVERNMENT SERVICES - A single certified copy of this resolution shall be forwarded to the Division of Local Government Services as part of the application for the registration of this Cooperative Pricing System.

4) EFFECTIVE DATE - This resolution shall take effect immediately upon passage.

Vote **6 Councilmembers AYE**

RESOLUTION 2013-S-74 – Accept the 2012 Audit

Upon motion of Councilmember Barry Mastrangelo
Seconded by Councilmember Joan Kramar

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 2012 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
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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 **6 Councilmembers AYE**

RESOLUTION 2013-S-75 – Extraordinary Unspecifiable Services – Stone Harbor Boot Camp

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

**RESOLUTION AUTHORIZING AWARD OF CONTRACTS
FOR EXTRAORDINARY UNSPECIFIABLE SERVICES
FOR STONE HARBOR BOOT CAMP 2013 DURING THE SUMMER OF 2013**

WHEREAS, the Borough of Stone Harbor, in an effort to expand recreational opportunities for resident and visitors has pursued the provision of certain "sport camps" which are extraordinary and not amenable to typical specification processes; and

WHEREAS, agreements to provide such services are acceptable and do not fall under typical specification procedure and are therefore exempt from public bidding in accordance with N.J.S.A. 40A:11-5 as Extraordinary Unspecifiable Services; and

WHEREAS, a contract for the following services has been prepared and is on file with the Borough Clerk:

1. Stone Harbor Boot Camp 2013
Nick Elisano May 24, 2013 – September 30, 2013

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Stone Harbor, County of Cape May, State of New Jersey, duly assembled in public session this 16th day of April, 2013, as follows;

1. That the preamble of this Resolution is hereby incorporated herein by reference;
2. That the Mayor and Clerk are hereby authorized and directed to execute the aforementioned contract on behalf of the Borough.

Vote **6 Councilmembers AYE**
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RESOLUTION 2013-S-76 – Extraordinary Unspecifiable Services – Sports Performance Camp

Upon motion of Councilmember Judith Davies-Dunhour
Seconded by Councilmember Joan Kramar

**RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR
EXTRAORDINARY UNSPECIFIABLE SERVICES
FOR SPORTS PERFORMANCE SESSIONS DURING THE SUMMER SEASON OF 2013**

WHEREAS, the Borough of Stone Harbor, in an effort to expand recreational opportunities for residents and visitors has pursued the provision of certain "sports sessions" which are

extraordinary and not amenable to typical specification processes; and

WHEREAS, agreements to provide such services are acceptable and do not fall under typical specification procedure and are therefore exempt from public bidding in accordance with N.J.S.A. 40A:11-5 as Extraordinary Unspecifiable Services; and

WHEREAS, a contract for the following services has been prepared and is on file with the Borough Clerk:

- 1. Jason Yellin (Sports Performance Sessions-Youth Camp
May 27 through September 5, 2013)

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Stone Harbor, County of Cape May, State of New Jersey, duly assembled in public session this 16th day of April, 2013, as follows:

- 1. That the preamble of this Resolution is hereby incorporated by reference as if set forth herein by reference; and
- 2. That the Mayor and Clerk are hereby authorized and directed to execute the aforementioned contract on behalf of the Borough.

Vote **6 Councilmembers AYE**

RESOLUTION 2013-S-77 – Extraordinary Unspecifiable Services – Crossfit & Zumba Camps

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

**RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR
EXTRAORDINARY UNSPECIFIABLE SERVICES
FOR FITNESS CAMPS DURING THE SUMMER SEASON OF 2013**

WHEREAS, the Borough of Stone Harbor, in an effort to expand recreational opportunities for residents and visitors has pursued the provision of certain “sports camps” which are extraordinary and not amenable to typical specification processes; and

WHEREAS, agreements to provide such services are acceptable and do not fall under typical specification procedure and are therefore exempt from public bidding in accordance with N.J.S.A. 40A:11-5 as Extraordinary Unspecifiable Services; and

WHEREAS, a contract for the following services has been prepared and is on file with the Borough Clerk:

- 1. Nancy Crafts – Fitness Camps (Cross Fit & Zumba)
May 24 through September 30, 2013

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Stone Harbor, County of Cape May, State of New Jersey, duly assembled in public session this 16th day of April, 2013, as follows:

Regular Meeting, April 16, 2013

- 1. That the preamble of this Resolution is hereby incorporated by reference as if set forth herein by reference; and
- 2. That the Mayor and Clerk are hereby authorized and directed to execute the aforementioned contract on behalf of the Borough.

AEM, Inc. 12/30/04 12:25 PM
Formatted: Bullets and Numbering

Vote **6 Councilmembers AYE**

RESOLUTION 2013-S-78 – Extraordinary Unspecifiable Services – Kitchen Wizards Culinary Camps

Upon motion of Councilmember Joselyn Rich
Seconded by Councilmember Albert Carusi

**RESOLUTION AUTHORIZING AWARD OF CONTRACTS
FOR EXTRAORDINARY UNSPECIFIABLE SERVICES FOR KITCHEN WIZARDS
CULINARY CAMPS**

WHEREAS, the Borough of Stone Harbor's Recreation Department is desirous of having cooking camps during the 2013 summer season; and

WHEREAS, agreements to provide such services are acceptable and do not fall under typical specification procedure and are therefore exempt from public bidding in accordance with N.J.S.A. 40A:11-5 as an Extraordinary Unspecifiable Service; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Stone Harbor, County of Cape May, State of New Jersey, duly assembled in public session this 16th day of April, 2013, as follows;

1. That the preamble of this Resolution is hereby incorporated herein by reference;
2. That the Mayor and Borough Clerk are hereby authorized and directed to execute the attached contracts for Kitchen Wizards Culinary Camps during the summer of 2013.

Vote **6 Councilmembers AYE**

RESOLUTION 2013-S-79 – Granting Taxicab License

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

GRANTING TAXICAB LICENSE

WHEREAS, Oleg Pismenny, G(Garibaldi) Taxi of 144 East Delaware Parkway, Villas, N.J. 08251 has applied to the Borough of Stone Harbor for a second taxicab license for the year 2013; and

WHEREAS, the vehicle has been inspected by the Stone Harbor Police Department and the applicant has paid the applicable fee, supplied a copy of proof of insurance and a copy of the rates to be charged within the Borough, to the Borough Clerk, all as required by Chapter 487of the Revised General Ordinances of the Borough of Stone Harbor 2005.

NOW, THEREFORE, BE IT RESOLVED by the Members of Council of the Borough of Stone Harbor, in the County of Cape May and State of New Jersey that a taxicab license be hereby approved to be issued by the Borough Clerk to Oleg Pismenny, G(Garibaldi) Taxi for a 1999 Ford Windstar Wagon 2FMVA5247XVC69800.

Vote **6 Councilmembers AYE**

RESOLUTION 2013-S-80 – Transfer Workers' Compensation Insurance Fund to General Fund

Upon motion of Councilmember Barry Mastrangelo
Seconded by Councilmember Joan Kramar

Regular Meeting, April 16, 2013

**TRANSFER OF WORKERS' COMPENSATION INSURANCE FUND
TO GENERAL FUND**

WHEREAS, the Borough of Stone Harbor has a Workers' Compensation insurance fund which is no longer needed since the Borough of Stone Harbor has joined the Atlantic County Joint Insurance Fund; and

WHEREAS, said account is existing in Sturdy Savings Bank.

NOW, THEREFORE, BE IT RESOLVED by the Members of Council of the Borough of Stone Harbor in the County of Cape May and State of New Jersey that the Workers' Compensation insurance account at Sturdy Savings Bank in the sum of \$61,877.41 plus any accrued interest, is approved for transfer into the General Fund.

BE IT FURTHER RESOLVED that the appropriate officers make the necessary changes in

their records.

Vote **6 Councilmembers AYE**

RESOLUTION 2013-S-81 – Transfer Public Assistance Trust Fund to General Fund

Upon motion of Councilmember Albert Carusi
Seconded by Councilmember Barry Mastrangelo

TRANSFER OF PUBLIC ASSISTANCE TRUST FUND TO GENERAL FUND

WHEREAS, the Borough of Stone Harbor has a Public Assistance Trust fund which is no longer needed; and

WHEREAS, said account is existing at Sturdy Savings Bank.

NOW, THEREFORE, BE IT RESOLVED, by the Members of Council of the Borough of Stone Harbor in the County of Cape May and State of New Jersey that the Public Assistance Trust Fund account at Sturdy Savings Bank in the sum of \$2,473.99, plus any accrued interest is approved for transfer into the General Fund.

BE IT FURTHER RESOLVED that the appropriate officers make the necessary changes in their records.

Vote **6 Councilmembers AYE**

RESOLUTION 2013-S-82 – Refund Escrow Fees – Zoning Board of Adjustment and Planning Board Applications

Upon motion of Councilmember Barry Mastrangelo
Seconded by Councilmember Joan Kramar

WHEREAS, the following deposited escrow amounts for Board of Adjustment application fees; and

WHEREAS, part of these fees were used for Engineering and Legal Fees, 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. Bruce R. Young, P.O. Box 33, Saylorsburg, Pa. 18353 deposited the sum of 500.00 and \$162.50 was used for Legal Fees, that the sum of \$ 337.50 be refunded (Zoning)
2. Jeffrey M. Mandler, 883 Echo Hill Road, West Chester, Pa. 19382 deposited \$ \$500.00 and \$ 180.00 was used for Legal Fees, that the sum of \$320.00 be refunded.(Zoning)
3. SeaLuke, LLC, 22 Dartmouth Lane, Haverford, Pa. 19041 deposited \$500.00 and \$242.25 was used for Legal Fees, that the sum of \$242.25 be refunded (Zoning).
4. The Tanner Corp. 9614 Third Avenue, Stone Harbor, N.J. 08247 deposited \$3,000 and \$1,688.50 was used for Legal and Engineering Fees, that the sum of \$1,311.50 be refunded. (Zoning)
5. J. Craig Otton Custom Builders, LLC, 10003 Sunrise Drive, Stone Harbor, N.J. 08247 deposited the sum of \$2,000 and \$1,590.50 was used for Legal and Engineering Fees, that the sum of \$409.50 be refunded. (Planning Bd)

BE IT FUTHER RESOLVED that the Chief Financial Officer shall take any and all steps necessary to effectuate such refunds and shall make the proper adjustments to the financial records of the Borough.

Vote **6 Councilmembers AYE**

RESOLUTION 2013-S-83 – Refund Escrow Fee – Street Opening Permits

Upon motion of Councilmember Karen Lane
Seconded by Councilmember Joselyn Rich

WHEREAS, the following Contractors submitted Escrow monies for Street Openings; and

WHEREAS, the Zoning Officer has requested and approved the return certain fees.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Stone Harbor that the following fees be returned as follows:

- | | |
|--|------------|
| 1. DL Miner 107 – 118 th Street | \$3,050.00 |
| 2. Tom Welsh 8702 Third Avenue | \$4,390.00 |
| 3. Brandywine Construction 10725 Sunset Dr. | \$1,950.00 |
| 4. Brandywine Construction 2 – 99 th Street | \$2,200.00 |
| 5. Mr. Natale 408 – 99 th Street | \$ 850.00 |

Vote **6 Councilmembers AYE**

RESOLUTION 2013-S-84 – Amending Resolution 2013-S-53 to Change Effective Date of Contract for Employee’s Benefit Consultant

Upon motion of Councilmember Barry Mastrangelo
Seconded by Councilmember Joan Kramar

**APPROVING AN AMENDMENT TO RESOLUTION 2013-S-53
TO CHANGE DATE OF CONTRACT – EMPLOYEE BENEFITS CONSULTANT**

WHEREAS, the Borough of Stone Harbor in the County of Cape May, State of New Jersey, by Resolution 2013-S-53 on March 5, 2013 approved an agreement for Employee Benefits Consultant March & McLennan Agency, Inc. as the Borough’s employee benefits consultants; and

WHEREAS, the Resolution stated that the contract started March 1, 2013 through December 31, 2013 and should have stated January 1, 2013 through December 31, 2013.

NOW THEREFORE BE IT RESOLVED, that the Borough Council of the Borough Stone Harbor in the County of Cape May, State of New Jersey, duly assembled in public session this 16th day of April, 2013 that Resolution 2013-S-53 be amended to reflect the new date listed above.

Vote **6 Councilmembers AYE**

RESOLUTION 2013-S-85 – Designated Protected Bathing Beaches for 2013

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

Regular Meeting, April 16, 2013
DESIGNATED PROTECTED BATHING BEACHES – 2013

WHEREAS, the Borough of Stone Harbor periodically receives reports from its Borough Beach Patrol Captain and Borough lifeguards relating to the proper location of bathing beaches in the Borough of Stone Harbor; and

WHEREAS, the information submitted to Mayor and Council for the year 2009 is that some changes to the distribution of bathing beaches should be made.

NOW, THEREFORE, BE IT RESOLVED, by the Members of Council of the Borough of Stone Harbor, in the County of Cape May and State of New Jersey that pursuant to Section 156-5 (B) of the Revised General Ordinances 2005 of the Borough of Stone Harbor, protected bathing beaches shall be located at 81st Street, 83rd Street, 86th Street, 87th Street, 90th Street, 93rd Street, 94th Street, 95th Street, 96th Street, 100th Street, 102nd Street, 103rd Street, 105th Street, 108th Street, 110th Street, 112th Street, 113th Street, 116th Street, 117th Street, 120th Street and 122nd Street. Additionally, the lifeguard captain, or his designated assistant, shall have the right during operations on a daily basis to move each bathing beach up to one-half block in either direction in order to take advantage of the best local conditions at the beach site. The lifeguard captain or his designated assistant, may also close a beach due to adverse weather conditions or lack of personnel, or for any other appropriate reason.

BE IT FURTHER RESOLVED that the use of surfboards (with leashes attached) shall be permitted at the beaches at 81st Street and 110th Street only, and all surfers shall be required to comply with the directions of the lifeguards based upon local conditions at the time. Also, the use of stand up paddleboards (with leashes attached) shall be permitted at 81st street only, and all users of stand up paddle boards shall be required to comply with the directions of the lifeguards based upon local conditions at the time. Kayaks will be permitted at 122nd Street through 126th Street only, and life jackets must be worn at all times while in the water.

BE IT FURTHER RESOLVED that rafts and body boards (not surfboards) shall be permitted at all protected beaches, except 81st, 86th, 105th, 110th, 112th and 122nd Streets.

BE IT FURTHER RESOLVED that selected protected beaches shall begin to open on the Saturday of Memorial Day week-end and shall be open through the Monday of Labor Day week-end. Post-season protected beaches will be open only if qualified personnel are available.

BE IT FURTHER RESOLVED that beach tags shall be required for all beaches commencing on the Saturday of Memorial Day week-end thru the Monday of Labor Day week-end.

Vote **6 Councilmembers AYE**

RESOLUTION 2013-S-86 – Setting Recreation Program Fees for 2013

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

SETTING RECREATION PROGRAM FEES FOR 2013

WHEREAS, Section 400.3 of the Revised General Ordinances 2005 of the Borough of Stone Harbor provides that fees and charges for the use of the tennis courts shall be established from time to time by Resolution; and

WHEREAS, on the advice of the Chief Financial Officer the Council has adopted a policy to promulgate other recreation fees by Resolution; and

WHEREAS, Borough Council has reviewed the rates for the tennis courts and other recreation programs and wishes to make certain adjustments.

NOW, THEREFORE, BE IT RESOLVED by the Members of Council of the Borough of Stone Harbor, in the County of Cape May and State of New Jersey that the new fees are as follows:

Regular Meeting, April 16, 2013

2013 TENNIS FEES

Seasonal Adult Membership	May-Sept	\$110
Seasonal Junior Membership	May-Sept	\$ 65
Monthly Adult Membership		\$ 60
Monthly Junior Membership		\$ 40
96 th Street Soft-Court Rental,	per person	
	per hour	\$ 7
83 rd Street Court Rental,	per person	
	per hour	\$ 7

ADULT PROGRAMS

Beginner Adult	\$10/class
Advanced Adult	\$10/class

JUNIOR PROGRAMS

Tiny Tots Jr.	\$ 5/class
Junior	\$10/class
Advanced Junior	\$10/class
Intermediate	\$10/class

PRIVATE LESSONS

Private Lessons with Pro \$40 /hour
\$20/1/2 hour
Private Lessons with Ass't \$20/hour
\$10/1/2 hour

OTHER PROGRAMS

The fee for the following recreation programs shall be \$35:

Teeball,
Jr. and Sr. Baseball
Jr. and Sr. Soccer
PeeWee, Jr. and Intermediate Basketball

The fee for Arts & Crafts shall be \$10 per session

The fee for Fishing Clinic shall be \$20 for the summer season, or payment of \$5 per class in not a seasonal member.

Vote **6 Councilmembers AYE**

RESOLUTION 2013-S-87 – Attendant at the Skate Park and Setting Fees

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

**RESOLUTION AUTHORIZING AN ATTENDANT AT THE SKATE PARK
AND SETTING FEES FOR USE**

WHEREAS, the Borough of Stone Harbor, as part of its recreation program, maintains a skate park in the vicinity of 81st Street and Second Avenue; and

WHEREAS, the Borough is given authority under law to regulate the use of the skate park in the interests of the health, safety and welfare of its citizens; and

WHEREAS, it has been determined that the placement of an attendant at the skate park and the collection of a fee for use during the summer season best serves the interests of the health, safety and welfare of the citizens of the Borough;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Stone Harbor in the County of Cape May and State of New Jersey, duly assembled in public session this 16th Day of April, 2013, as follows:

1. That the preamble of this Resolution is hereby adopted and incorporated by reference;
2. That the Department of Recreation is authorized to place an attendant from among its staff to monitor the skate park and collect fees from June 11, 2013, to September 3, 2013, inclusive of those days and the hours will be 10 am - 8 pm;
3. That the fees for use of the skate park shall be \$2.00 for a day pass, \$5.00 for a weekly pass and \$20.00 for a season pass.
4. The Director of Recreation shall, in consultation with the Chief Financial Officer, develop the appropriate procedure for the processing and accounting of such fee payments as may be received.

Vote **6 Councilmembers AYE**

RESOLUTION 2013-S-88 – Allowing the Walking of Dogs on the Beach

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

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Stone Harbor, duly assembled in public session this 16th day of April, 2013, as follows:

1. The walking of dogs under leash on the beach shall be permitted upon the public portion of the beach between 80th and 122nd Streets effective June 1, 2013, through September 30, 2013.
2. The time for the walking of dogs shall be 7 pm until the time of Sunset as published in the Press of Atlantic City, each day of the term of this Resolution.
3. This allowance is in the sole discretion of the Borough Council and may be repealed by subsequent Resolution of Borough Council. Additionally, the Chief of Police, upon the request of the Captain of the Lifeguards or on his own initiative, shall have the power to disallow such dog walking if he determines such disallowance is in the interest of public safety.
4. Any person allowing a dog to be upon the beach without being leashed, in the area designated above, continues to be subject to the provisions of R.G.O. 147.

Vote **6 Councilmembers AYE**

RESOLUTION 2013-S-89 – Cancel Property Taxes – Cape May County Library Commission

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

RESOLUTION TO CANCEL PROPERTY TAXES

WHEREAS, Block 95.02, Lot 67 a/k/a 9516 Second Avenue has been deeded to the Cape May County Library Commission since December 10, 2012; and

WHEREAS, since that date, property taxes have been exempted, pursuant to N.J.S.A. 54:4-3.03, Exemption of Public Property.

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 the Tax Collector is hereby authorized and directed to cancel the 1st and 2nd quarter taxes including interest calculated until April 16, 2013 in the amount of \$3,193.46.

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

Vote **6 Councilmembers AYE**

Regular Meeting, April 16, 2013

RESOLUTION 2013-S-90 – Appoint Summer Officers

Upon motion of Councilmember Albert Carusi
 Seconded by Councilmember Joselyn Rich

BE IT RESOLVED by the Mayor and Council of the Borough of Stone Harbor in the County of Cape May and the State of New Jersey that the following be appointed as SLEO Officers with the Stone Harbor Police Department effective from May 1, 2013 through September 30, 2103.

CLASS I

Christopher Fernandez
 Frank J. Ofner
 Matthew J. Kochis

Vote **6 Councilmembers AYE**

DOCTRINE OF NECESSITY

Mr. Donohue explained that every member of Council has some type of Conflict of Interest in connection with one or more of the organizations listed on the Resolution for water exemptions. Mr. Donohue stated that there is a provision in the New Jersey State Statutes called the Doctrine of Necessity. Mr. Donohue stated that Council should invoke the Doctrine of Necessity when a quorum of Council has conflicts of interest on a matter required to be voted upon and a record should be created outlining the reasons and the nature of the conflicts of interests which will ultimately result in

a motion to invoke the Doctrine of Necessity so that the Council may vote on Resolution 2013-S-91. Mr. Donohue posed the following questions:

1. Are there sufficient conflicts of interest that we do not have a quorum? The list of organization is Evangelical Lutheran Church, Stone Harbor Board of Education, St. Mary's Episcopal Church, Stone Harbor Women's Civic Club, St. Brendon the Navigator Parish, Immaculate Heart of Mary, Villa Maria, and Stephen C. Ludlum American Legion Post 331. Mr. Donohue indicated that all members of Council are members of one or more of these organizations creating conflicts of interest for the Council and no quorum to vote.
2. There is an imperative reason for Council to act because Council has had successive meetings with multiple members of the public, litigation has been mentioned, an Executive Session has taken place to discuss this issue, and another Resolution is before Council tonight with members from these organizations expressing how important this issue is to their operation.
3. There is no way to set aside the conflicts of interest
4. This is an important public issue. As stated above, this is clearly a very important public issue with significant interest from members of the public expressed at several different meetings.

Upon motion of
Seconded by

Councilmember Barry Mastrangelo
Councilmember Joselyn Rich

To invoke the Doctrine of Necessity to vote on Resolution 2013-S-91.

Vote **6 Councilmembers AYE**

RESOLUTION 2013-S-91 – Reaffirming and Clarifying Certain Utility Fee Exemptions

Upon motion of
Seconded by

Councilmember Karen Lane
Councilmember Barry Mastrangelo

**A RESOLUTION REAFFIRMING AND CLARIFYING
CERTAIN UTILITY FEE EXEMPTIONS**

WHEREAS, for many years it has been the policy of the Borough Council of the Borough of Stone Harbor to exempt certain civic and charitable organizations from certain utility charges; and

WHEREAS, it is the desire of the Borough Council to continue the long-standing exemption of certain charges, and to clarify those charges that are exempt;
Regular Meeting, April 16, 2013

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Stone Harbor duly assembled in public session this 16th day of April, 2013, as follows:

1. The Preamble to this Resolution is incorporated here by reference and adopted as a finding of fact; and
2. The organizations listed below shall be exempt from all water and sewer charges for the year 2013 for the following accounts:
 - Evangelical Lutheran Church accounts # 06625 & 07040
 - Stone Harbor Board of Education accounts #07370 & 07390
 - St. Mary's Episcopal Church account #08020
 - Stone Harbor Women's Civic Club account # 08860
 - St. Brendon the Navigator Parish accounts # 11981 & 11990
 - Immaculate Heart of Mary, Villa Maria – Rectory account # 19945
 - Stephen C. Ludlum American Legion Post 331 account # 21150
3. The aforementioned organizations shall not be exempt from charges for irrigation system water usage.
4. The Utilities Collector shall be governed with regard to these organizations by this Resolution and shall handle the aforementioned accounts accordingly.

Vote **6 Councilmembers AYE**

MOTIONS

Upon motion of
Seconded by

Councilmember Judith Davies-Dunhour
Councilmember Barry Mastrangelo

To approve St. Mary's Episcopal Church's request to use the 101st Street Beach Pavilion for summer Saturday evening worship services beginning June 1 and ending on August 31, 2013 from 5:00 p.m. to 6:00 p.m.

Vote

6 Councilmembers AYE

DISCUSSION:

Councilmember Rich stated that the Bird Sanctuary Committee met on Friday, April 12, 2013. Councilmember Rich indicated that there are three goals the Committee set for Duffield to meet in the final year of their contract, i.e., Permit Compliance (with the DEP, US Fish and Wildlife and the Army Corp), monitoring of the water/hydrology plan, and develop a maintenance plan so that we can really create a natural habitat. Councilmember Rich stated that Jack Berrigan and the Committee are researching placing a webcam on the pole on Second Avenue and streaming a live stream on the Bird Sanctuary to try a capture the blue night herons and other birds that are around Paul's Pond. Councilmember Rich stated that this would only be a test case and would be at no cost to the Borough and would be paid for by the Friends of the Bird Sanctuary fund.

The following bills were presented to Council for their approval:

Check #	Check Date	Vendor	Amount Paid	
33792	04/10/13	BORSH	BOROUGH OF STONE HARBOR	182,513.57
33793	04/17/13		Alignment Check	
33794	04/17/13	ACELE	ATLANTIC CITY ELECTRIC CO.	3,770.46
33795	04/17/13	ACESEWER	ATLANTIC CITY ELECTRIC	442.48
33796	04/17/13	ACESTLIG	ATLANTIC CITY ELECTRIC	552.45
33797	04/17/13	ACEWATER	ATLANTIC CITY ELECTRIC	3,128.56
33798	04/17/13	ACSHU	A.C. SCHULTES, INC.	1,525.00
33799	04/17/13	ADVWI	ADVANCED WIRELESS	15.29
33800	04/17/13	AMELA	AMERICAN LEGION AUXILLARY 331	50.00
33801	04/17/13	ARENB	HAROLD ARENBERG, INC.	14,800.00
33802	04/17/13	AVAYA	AVAYA, INC.	866.43
33803	04/17/13	BESTU	BEST UNIFORM	203.29
33804	04/17/13	BROPHYTI	TIMOTHY BROPHY	100.00
33805	04/17/13	CAPEM	CAPE MEDIATION SERVICES, INC.	103.92
33806	04/17/13	CAPEREGI	CAPE REGIONAL MEDICAL CENTER	25.00
33807	04/17/13	CAPRI	CAPRIONI PORTABLE TOILETS	350.00
33808	04/17/13	CASAP	CASA PAYROLL SERVICES	197.25
33809	04/17/13	CATAM	CATAMARAN MEDIA CO., LLC	450.00
33810	04/17/13	CONTINEN	CONTINENTAL FIRE & SAFETY, INC	251.00
33811	04/17/13	CROWN	CROWN AUTO PARTS	72.65
33812	04/17/13	DEERELAN	JOHN DEERE LANDSCAPES	3,152.06
33814	04/17/13	EASTERNW	EASTERN WAREHOUSE DISTRIBUTORS	297.01
33815	04/17/13	EXTINGUI	EXTINGUI, LLC	400.00
33816	04/17/13	FASTENAL	FASTENAL INDUSTRIAL/CONSTRUCTI	27.57
33817	04/17/13	FIRE	FIRE & SAFETY SERVICES, LTD	7,652.80
33818	04/17/13	FORDS	FORD, SCOTT & ASSOCIATES, LLC	11,850.00
33819	04/17/13	FUTUR	FUTURE MINING & RECYCLING, INC	161.15
33820	04/17/13	GARDS	GARDEN STATE HWY. PRODUCTS	3,944.00
33821	04/17/13	GENER	GENERAL CODE, LLC	1,719.37
33822	04/17/13	GENTI	GENTILINI FORD, INC.	20.95
33823	04/17/13	GLAS1	GARY M. GLASS, MD	1,750.00
33824	04/17/13	GRAMCOBU	GRAMCO BUSINESS COMMUNICATIONS	10,954.00
33825	04/17/13	GRUCC	GRUCCIO, PEPPER, P.A.	4,081.75
33826	04/17/13	GRYNI	GRYNING, JOHN	89.50
33827	04/17/13	HERAL	HERALD NEWSPAPERS	200.68
33828	04/17/13	HESSCORP	HESS CORPORATION	0.00
33829	04/17/13	HESSCORP	HESS CORPORATION	9,216.28
33830	04/17/13	HOMED	HOME DEPOT CREDIT SERVICES	249.90
33831	04/17/13	HOOVER	HOOVER TRUCK CENTERS	461.48
33832	04/17/13	INTEGRAT	INTEGRATED TECHNICAL SYSTEMS	160.00
33833	04/17/13	JERC1	JERSEY CAPE DIAGNOSTIC CENTER	647.50
33834	04/17/13	KEENC	KEEN COMPRESSED GAS	55.91
33835	04/17/13	KONAS	KONA SPORTS	810.00
33836	04/17/13	KOOCH	KOOCHEMBERE, MICHAEL	30.00
33837	04/17/13	LAWSO	LAWSON PRODUCTS, INC.	1,065.79
33838	04/17/13	MAGELLAN	MAGELLAN HILL TECHNOLOGIES	2,932.11
33839	04/17/13	MARANOJO	MARANO, JOSEPH V.	57.00
33840	04/17/13	MARRE	MARINE RESCUE PRODUCTS	4,043.75
33841	04/17/13	MARSHMCL	MARSH & MCLENNAN AGENCY, LLC	7,500.00
33842	04/17/13	MATCO	MID ATLANTIC TOOLS, LLC	189.45
33843	04/17/13	MAUIRIPP	MAUI RIPPERS, INC.	3,142.50
33844	04/17/13	MCGONAGL	KATHERINE MC GONAGLE	229.95
33845	04/17/13	MITCH	MITCHELL WELDING & IRON WORKS	165.00
33846	04/17/13	MONZO	MONZO CATANESE, P.C.	229.50

33847	04/17/13	MOTOR	MOTOROLA SOLUTIONS, INC.	2,457.00
33848	04/17/13	NEXTCOMM	NEXTEL COMMUNICATIONS	1,018.22
33849	04/17/13	NORTHERN	NORTHERN TOOL & EQUIPMENT	55.72
33850	04/17/13	NRG	NRG BUSINESS SOLUTIONS	1.87
33851	04/17/13	OCEVI	OCEAN VIEW TRAILER SALES, INC.	44.65
33852	04/17/13	ONECA	ONE CALL CONCEPTS, INC.	109.44
33853	04/17/13	PALME	CHRISTOPHER PALMER	41.60
33854	04/17/13	PARAM	PARAMOUNT CHEMICAL & PAPER CO.	576.29
33855	04/17/13	PEDRO	PEDRONI FUEL COMPANY	2,678.45
33856	04/17/13	POLET	POLE TAVERN EQUIPMENT SALES	216.84
33857	04/17/13	PRESS	PRESS OF ATL.CITY MEDIA GROUP	1,235.62
33858	04/17/13	PWSERVIC	PW SERVICE	116.75
33859	04/17/13	REMIN	REMINGTON, VERNICK & WALBERG	0.00
33860	04/17/13	REMIN	REMINGTON, VERNICK & WALBERG	0.00
33861	04/17/13	REMIN	REMINGTON, VERNICK & WALBERG	51,400.74
33862	04/17/13	REYNO	REYNOLDS, PAUL JAMES	85.08
33863	04/17/13	RIGGI	RIGGINS, INC.	2,911.42
33864	04/17/13	RUTGERPU	RUTGERS, THE STATE UNIVERSITY	927.00
33865	04/17/13	SCHU2	SCHULER SECURITY, INC.	480.00
33866	04/17/13	SCHUYMOB	SCHUYLKILL MOBILE FONE	60.00
33867	04/17/13	SHEE3	SHEERAN, GREGORY (PETTY CASH)	158.13
33868	04/17/13	SHRES	STONE HARBOR RESCUE SQUAD	70,000.00
33869	04/17/13	SIGNWORK	SIGNWORKS	320.00
33870	04/17/13	SJGAB	SOUTH JERSEY GAS CO.	3,077.53
33871	04/17/13	SJGAW	SOUTH JERSEY GAS CO.	529.97
33872	04/17/13	SJWATERT	SOUTH JERSEY WATER TEST, LLC	320.00
33873	04/17/13	SSUPP	SEASHORE SUPPLY COMPANY	1,218.20
33874	04/17/13	STAN1	STANFORD, ROGER	166.89
33875	04/17/13	STAPL	STAPLES CREDIT PLAN	417.97
33876	04/17/13	STAPLEBU	STAPLES BUSINESS ADVANTAGE	245.23
33877	04/17/13	STOCK	RICHARD STOCKTON COLLEGE OF NJ	100.00
33878	04/17/13	STRAGABR	STRAGA BROTHERS, INC.	67,410.28
33879	04/17/13	STRUE	SEASHORE ACE HARDWARE	538.29
33880	04/17/13	TOZER	TOZER, MICHELLE	450.00
33881	04/17/13	TRCOU	TRI COUNTY BUILDING SUPPLIES	52.98
33882	04/17/13	TREA2	TREASURER, STATE OF NEW JERSEY	5,475.00
33883	04/17/13	TRESASU8	TREASURER STATE OF NEW JERSEY	1,125.00
33884	04/17/13	TTNJ	TCTA MEMBERSHIP SERVICES	330.00
33885	04/17/13	USMUN	U.S. MUNICIPAL SUPPLY, INC.	36.79
33886	04/17/13	VCABS	VERIZON	534.74
33887	04/17/13	VERKIOSK	VERIZON WIRELESS	160.04
33888	04/17/13	VINAU	VINELAND AUTO ELECTRIC	340.00
33889	04/17/13	WALKE	WALKER, ROBERT	60.00
33890	04/17/13	WAUSA	WAUSAU TILE, INC.	126.00
33891	04/17/13	WBMASONI	W.B. MASON	174.85
33892	04/17/13	WESTE	WESTERN PEST SERVICES	117.50

Amount Void

Checks: 97 506,096.39

Regular Meeting, April 16, 2013

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

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

Vote 6 Councilmembers AYE

PUBLIC COMMENT

Sister James – expressed her sincere gratitude for Council adopting the Resolution exempting the water charges and stated that Villas Maria is the only non-profit tax-paying institution.

MOTION TO ADJOURN

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

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

Vote 6 Councilmembers AYE

APPROVED _____, 2013

_____, Mayor

ATTEST: _____, Borough Clerk