

**MINUTES OF THE SPECIAL COUNCIL MEETING OF MAYOR AND COUNCIL  
OF THE BOROUGH OF STONE HARBOR  
HELD IN THE MUNICIPAL BUILDING, February 9, 2023**

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The meeting was called to order by Mayor Davies-Dunhour at 4:30 p.m.

**ROLL CALL**

Judith M. Davies-Dunhour, Mayor  
Kim Stevenson, Borough Clerk  
Marcus Karavan, Solicitor  
Robert Smith, Borough Administrator  
Lisa Marcolongo, Ass't Administrator

**PRESENT**

Councilmembers  
Frank Dallahan  
Vincent Foschini  
Bunny Parzych  
Robin Casper  
Jennifer Gensemer  
Reese Moore

**FOR THE RECORD, THIS MEETING WAS HELD VIA VIDEO/TELEPHONE  
CONFERENCE IN A ZOOM FORMAT**

Mayor Davies-Dunhour 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 Atlantic City Press and the Cape May County Herald on February 7, 2023.

**SALUTE TO THE FLAG**

Mayor Davies-Dunhour made the following statement:

Before we get started, I would like to say a few things about process and procedure. You have before you a resolution to go into closed session to discuss a personnel matter. It is my understanding that it is the intention of several council members to not move this resolution forward OR to vote it down and to instead simply take action on this matter without discussion.

To clarify, it is my understanding that it is the intention of members of this council to make a monumental decision that has ramifications for not only the Borough of Stone Harbor but for an individual employee without any discussion or debate among the entire governing body. A decision that has a cost of \$48,157.87 to the taxpayer. How did we get here? Why are we not following our usual process and procedure and requiring discussion and deliberation before asking the taxpayer for close to \$50,000.

What is the plan? Where are we going? What promises have been made? Clearly there has been discussions taking place among council members. Clearly these discussions are fractured and not inclusive of the entire governing body. What are they? They are discussions taking place behind closed doors in a "cloak and dagger fashion" complete with veiled threats. It is back door, non-transparent, dirty government. It is the worst sort of politics. This is why people despise elected officials. This is not our process in Stone Harbor and has not been our process for the six years I have sat in this chair. This is not good government. I thought in Stone Harbor we strive to practice good government.

If, after fact finding, discussion, debate and deliberation, a majority of the council vote to move in a certain direction I will, of course, respect that process and the subsequent decision. That is good government.

So, I am appealing to your sense of reasonableness and asking you to respect our taxpayers and to do what is right and practice good government. I am asking you to pass this resolution, go into executive session and begin a process that is inclusive and in the best interest of Stone Harbor.

**RESOLUTION 2023-S-60** – A Resolution Providing for a Meeting Not Open to the Public In Accordance with the Provisions of the New Jersey Open Public Meetings Act NJSA 10:4-6 "Personnel"

**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. Personnel*

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Stone Harbor, assembled in public session on February 9, 2023 that an Executive Session closed to the public shall be held on February 9, 2023 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.

	<u>MOTION</u>	<u>SECOND</u>	<u>AYE</u>	<u>NAY</u>	<u>RECUSE</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Councilmember Dallahan							
Councilmember Foschini							
Councilmember Parzych							
Councilmember Casper	X						
Councilmember Gensemer							
Councilmember Moore							

There was no Second, therefore this Resolution was not considered for a vote.

Councilmember Gensemer made motion to remove Robert Smith as Borough Administrator. Councilmember Frank Dallahan seconded the motion.

There was no discussion.

**RESOLUTION #2023-S-61 - RESOLUTION TO REMOVE ROBERT SMITH FROM THE POSITION OF BOROUGH ADMINISTRATOR**

**WHEREAS**, pursuant to N.J.S.A. 40A:9-138, the Borough Administrator may be removed without cause by a 2/3 vote of the governing body; and

**WHEREAS**, the statute provides that removal may be effective immediately, and

**WHEREAS**, if effective immediately, the governing body shall cause the administrator to be paid forthwith any unpaid balance of their salary and their salary for the next three (3) calendar months following the adoption of the resolution; and

**BE IT RESOLVED** by the Borough Council of the Borough of Stone Harbor to remove Robert Smith from the position of Borough Administrator, in accordance with N.J.S.A. 40A:9-138, effective immediately.

**BE IT FURTHER RESOLVED**, by the Borough Council of the Borough of Stone Harbor that Robert Smith shall be paid his salary for the next three (3) calendar months following the adoption of this resolution.

	<u>MOTION</u>	<u>SECOND</u>	<u>AYE</u>	<u>NAY</u>	<u>RECUSE</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Councilmember Dallahan		X	X				
Councilmember Foschini			X				
Councilmember Parzych			X				
Councilmember Casper				X			
Councilmember Gensemer	X		X				
Councilmember Moore			X				

Mayor Davies-Dunhour stated that there is a Resolution that is not on the agenda further noted that this is not how business is conducted in Stone Harbor. A posted agenda listing matters of discussion is always provided prior to a meeting so that residents are aware and can participate if they choose. Mayor Davies-Dunhour stated that this is back door politics and not Stone Harbor.

Public Comment:

Administrator Bob Smith asked to be excused from the meeting. Mayor Davies-Dunhour stated that she was no longer his boss and apologized to Mr. Smith. Mr. Smith stated that he appreciated the opportunity to work for Stone Harbor and is disappointed. He noted that Stone Harbor is a great community and he wished everyone the best of luck. Mr. Smith thanked the Mayor and noted that she is one of the best Mayor's he has ever worked for. He wished everyone well.

No other comments were presented.

**MOTION TO ADJOURN**

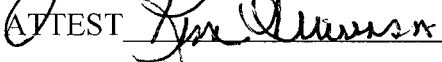
Upon motion of  
Seconded by

Councilmember Frank Dallahan  
Councilmember Jennifer Gensemer

That the Special Meeting of Mayor and Council be adjourned at 4:39pm

APPROVED: February 21, 2023

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

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