

**MAYOR AND COUNCIL
WORK SESSION AND
AGENDA MEETING
January 10, 2012
8:00 P.M.**

SALUTE TO COLORS

Mayor Maio invited all those present to stand in a salute to colors.

MAYOR'S STATEMENT AS TO COMPLIANCE WITH P.L. 1975

Adequate Notice of this Meeting has been provided according to the Open Public Meetings Act, Assembly Bill 1030. Notice of this Meeting was included in the Annual Meeting Notice sent to the New Jersey Herald and the Daily Record on January 3, 2012 and was placed on the Official Bulletin Board in the Municipal Building.

In the event the Mayor and Council have not addressed all items on this Agenda by 11:00 PM and they are of the opinion that they cannot complete the Agenda in a reasonable time period, the Mayor and Council may exercise their option to continue this meeting at an agreed to date, time and place within ten (10) days of this meeting. Please turn off all cell phones for the duration of this Meeting.

ROLL CALL

Council Members:

Councilman Depew – Present	Councilman Graham - Present
Councilwoman Thistleton – Present	Councilman Benson – Present
Councilman Murphy – Present	

Mayor Maio – present

ELECTION OF TEMPORARY COUNCIL MEMBER

Mayor Maio reported that the Governing Body received a letter from the Republican Municipal Committee containing three names to be considered for the open Council seat. The names were Janett Gibbons, Diana Kuncken and Patti Vance.

On nomination by Councilman Graham, seconded by Councilman Depew, Diana Kuncken was nominated Temporary Council Member.

On motion by Councilman Benson, seconded by Councilman Graham, nominations were closed.

By the following roll call vote, Diana Kuncken was elected Temporary Council Member.

Roll Call:

Councilman Depew – yes	Councilman Graham - yes
Councilwoman Thistleton – yes	Councilman Benson – yes
Councilman Murphy - yes	

OATH OF OFFICE

Richard Stein, Borough Attorney, administered the Oath of Office to Diana Kuncken as Councilwoman.

ADMINISTRATOR'S REPORT

Budget – Administrator McNeilly reported that Dana Mooney, CFO, has requested a budget meeting to be scheduled for the Mayor and Council on February 7th.

Brook Behind Barry House – Administrator McNeilly reported that the DPW spent the day cleaning/clearing the brook located on Dell Avenue behind the Barry’s home. The DPW Superintendent reported that the brook has been cleared up to Elizabeth Avenue and the water is flowing in the channel and not spreading out across the area. Next week DPW will continue to clear the brook from Elizabeth Avenue up to the detention basin in Sagamore. The basin will also be cut and cleaned out. Councilman Murphy asked if this activity will be included on a regular schedule. Administrator McNeilly stated that this will be done on a quarterly basis. The detention basins will be included in the maintenance plan.

Towpath Detention Basins – The detention basin on Towpath Lane has been cut and cleared. Additional work needs to be done as the grit runoff from Brooklyn Road and vegetative debris has decreased the depth of the basin. The second detention basin is in much better shape and requires little attention. Councilman Murphy stated this is another example of County road runoff that comes from the County roads onto Borough property causing problems. This causes the Borough time and money to clean up the debris and dispose of it. Administrator McNeilly reported that the County has informed him that there is an open discharge permit.

Borough Hall – The Police Chief, DPW Superintendent and the Administrator will be meeting next week to plan the renovations to the Police Department and the old Court Clerk’s Office. The intent is to use as much in-house labor as possible. The electric will have to be contracted out and permits need to be issued. Councilwoman Kuncken and Councilman Graham are concerned about using in-house labor due to the time it will take to complete the project should weather or other incidents delay this project. Mayor Maio stated that there are funds allocated for building renovations and contracting out may be a more efficient use of time.

NJ Transit Crossing – Eric Keller, Borough Engineer, and Administrator McNeilly have been invited to a meeting at the rail crossing for the kick-off of the NJDOT process for “quiet crossing” designation. The County is preparing resolutions for their support and involvement with the “quiet crossing”. The meeting will take place onsite and then back at Borough Hall. Administrator McNeilly asked the Mayor and Council if the Engineer needed to attend the meeting. It was determined that Mr. McNeilly should attend on his own.

Jimmy’s Gas Station – The lien owner has completed the foreclosure process and has taken ownership. The issues with the other lien holder should be resolved shortly. A for-sale sign has been posted and several parties have shown interest.

County Fire Marshall – Joe Inga, Sussex County Fire Marshall, is tentatively scheduled to make a presentation to the Mayor and Council on January 24th regarding a shared service for fire inspections. A sample agreement has been received. Mr. Inga stated that due to the fact that the Borough is already in the State system the \$1500 charge for transfer of records would not apply to the Borough. Currently, the State does not inspect for non-life hazard properties. Byram Township was in the State plan and has contracted for shared services with the County. All monies collected would go to the State who in turn pays the County Fire Marshall’s office for services rendered. Much discussion took place regarding the fee structure. The Mayor and Council requested that Administrator McNeilly find out what the costs will be to the Borough and businesses and how the fee schedule will differ from what is currently in place and what services will be offered. This information will be reviewed prior to scheduling a meeting with Mr. Inga. Mr. McNeilly will contact Mr. Inga and cancel the presentation for January 24th and request the additional information.

COUNCIL DISCUSSION

Recycling – Mayor Maio stated that the preliminary look at the budget indicates garbage costs are going to be one of the driving factors which will increase the Borough’s efforts regarding recycling. Mayor Maio designed a recycling flyer using information from Blue Diamond and Borough information. All plastic items numbered from 1-7 are recyclable. Mayor Maio suggested that this information be displayed at Borough Hall and copies be made available for residents to post at home. This information will also be distributed to the senior citizen group, the schools and printed in the newsletter. The newsletter will insure that every household receives this information. There are significant funds in the recycling trust, some which Bill Storms must use for specific items, some can be used for recycling. Clean Communities funds

are also available. Both of these funds are replenished every year. Money in the Clean Communities fund can be used for example to pay to publish the newsletter as long as it contains recycling information. Councilman Graham asked about battery recycling. The DPW will take car batteries. Mr. Stein stated that regular batteries now contain less amounts of mercury and can be disposed of with regular trash. Councilwoman Kuncken is of the opinion that this recycling flyer is a good beginning to educate the community on the importance of recycling. The Borough needs to reduce the amount of items which are put into the trash. Mayor Maio received a recycling container while at the League Conference which she will bring to the next meeting. The cost for the containers is approximately \$22 - \$24. The Council was in agreement that the flyer should be distributed and added to the newsletter.

Water Project Meeting – Mayor Maio stated that this project has been a topic of discussion for quite some time. Mayor Maio requested that this item be taken out of committee and discussed with the full council at the beginning of every meeting to redefine what the Borough wants the scope of the project to be as it is outlined, determine what needs to be done up front and what portion can be scheduled for the future. Affordable decisions need to be made. Prior discussions determined that an engineer should be brought in specifically for this project. Copies of the water file have been given to the Governing Body. Councilwoman Kuncken recollected that Mr. Stein was the scribe at several of the water tower meetings and asked him what additional information he may have. Councilwoman Kuncken suggested contacting Mike Vance, who chaired that committee, to see if he has notes from the meetings. Councilman Benson had notes from Mr. Stein dated March 9th and January 12th along with Mr. Keller's monthly reports which briefly mention the water tower project over an extended period of time. The Municipal Clerk will review the engineer's file and copy any pertinent information. Councilwoman Kuncken is of the opinion that readdressing this issue is a good plan. This will most likely be the largest infrastructure project undertaken by the Borough since the sewer project. Mayor Maio suggested that Bill Storms may need to be brought in on the meetings. Administrator McNeilly agreed that Bill Storms' information regarding the condition of the system and the operators view should be included but that it is not necessary that Mr. Storms attend every meeting. Mayor Maio wants to keep this matter out of a committee environment so that everyone is well informed on the situation. Mr. Stein will get his file and review the Borough's records to ensure all records are in place. Councilman Murphy suggested an initial meeting to discuss the project to avoid having to recap at the beginning of every meeting. Mayor Maio requested a 2 hour session on a Saturday to begin the process. A meeting is scheduled for January 21st at 10:00AM. The Clerk will advertise the meeting date.

Millennium Strategies – Mayor Maio stated Millennium Strategies is a company that does work for various government entities including the Borough of Hopatcong. The company seeks and writes out grants. Hopatcong has used Millennium Strategies for the past 4 years and they have received \$4 million in grant money. Hopatcong pays a substantial monthly fee of \$2500 per month for a total of \$30,000 a year, but a \$120,000 investment in order to gain the \$4 million they have received is a good result. This company seeks out grants and provides a list to their clients. If the community has a need or interest in a specific area they will investigate that as well. Mayor Maio asked for the Governing Body's approval to have the Administrator set up a meeting to find out how this process works. Councilman Murphy suggested contacting Mt. Olive to see if a shared service would be an option. Mt. Olive recently rehired Kathy Murphy as a full time employee and many of Mt. Olive's issues are applicable to Stanhope. Councilman Graham asked if this would be an item that would have to go out to bid. Mr. Stein stated that it is above the bid threshold and would not be exempt from the bidding process. It does not fall into a professional service category. It may be an extraordinary unspecifiable service but the DCA would have to be consulted. Mayor Maio requested that Administrator McNeilly contact Hopatcong to see how they implemented this process. Administrator McNeilly will set up a meeting as soon as possible.

Plaster Mill - Councilman Murphy asked if the DPW could begin cleaning up the trees around the Plaster Mill. Mayor Maio has concern about putting people into that area. Mayor Maio is of the opinion that the walls should come down to a safe level, clean up the entire area when it is safe, take the stones from the Plaster Mill and construct benches out of them, have a brass plaque made with a rendering and history of the Plaster Mill and make the area available to the public. Councilman Murphy agrees with the Mayor's vision and would like to see this move forward. Councilman Graham agrees with this action but is of the opinion that the danger is increasing. He would like to have Bill Storms examine the situation and determine what can be done to stop

the trees from making the situation even worse. Mayor Maio indicated that the Forester had advised that an approved treatment which would be safe for the water system should be used to eliminate the invasive plant species in that area. Administrator McNeilly suggested that he and Bill Storms survey the situation and determine what can be done for the short term now while the weather permits.

Brush at DPW Yard – Councilman Benson asked what the plan is for removing this debris. Administrator McNeilly stated that a vendor in Pennsylvania is collecting it over a period of time.

Dell Road – Councilwoman Thistleton has observed a section of Dell Road that has a large amount of ice forming and questioned where it is coming from. Administrator McNeilly reported that this is a result of a homeowner’s sump pump running water out into the street. The DPW Superintendent has spoken with the homeowner and the owner will have to redirect the sump pump water. Mr. Stein stated that the Borough has an ordinance that prohibits the discharge of sump pumps into the sewage system. The water will have to be directed somewhere else.

Sussex County League Dinner – Councilwoman Kuncken asked if the league was holding a dinner tomorrow and if it was too late to reserve a seat. The Clerk stated that an extra seat was reserved for the newly appointed councilperson should he/she wish to attend. Councilwoman Kuncken will be attending.

NEW BUSINESS

Ordinance for Introduction [Public Hearing on January 24, 2012]

Mayor Maio offered the following ordinance for introduction:

Ordinance 2012-01

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 133 OF THE CODE OF THE BOROUGH OF STANHOPE ENTITLED “VEHICLES AND TRAFFIC” BY ADDING A NEW ARTICLE XV ENTITLED “CLOSED STREETS” TO PROVIDE FOR THE TEMPORARY CLOSING OF STREETS FOR THE PUBLIC’S SAFETY

WHEREAS, The provisions of N.J.S.A. 40:67-16.9 provide that the Governing Body of any municipality made by ordinance authorize the Mayor or other Chief Executive Officer to provide for the closing of any street or portion thereof to motor vehicle traffic whenever he finds that such closing is necessary for the preservation of the public safety, health or welfare; and

WHEREAS, the Borough wishes to provide for the legal authority to temporarily close a street or a portion of a street when so required for the public’s safety, health or welfare;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Stanhope, Sussex County, New Jersey, as follows:

SECTION I. There is hereby established Article XV in Chapter 133 of the Code of the Borough of Stanhope to be entitled “Closed Streets” as follows:

Section 133-57: Closed Streets.

The Mayor, the Borough Administrator and Chief of Police are hereby authorized to order the temporary closure of any street or portion of street in the Borough to motor vehicle traffic when, in the opinion of the Mayor, Borough Administrator or Chief of Police, the public’s safety, health or welfare would be endangered by the use of any such street or part thereof.

Section 133-58: Notice to the Public

Before any such street or part thereof shall be closed to motor vehicle traffic, said closed street or part thereof shall be duly designated as being temporarily closed to vehicular traffic by the posting of proper notice of such closing of any street or

portion thereof during the time the same is closed. Notice may be provided to the public in any manner reasonably intended to notify the public of the closure of the street or part thereof, including, but not limited to the placement of warning cones, barrels, barricades, signs or similar traffic safety device used to notify the public of the existence of a hazard or otherwise dangerous condition on said public street or part thereof.

Section 133-59: Penalties

Any person violating any provision of this Article shall, upon conviction, be punishable by a fine not exceeding \$200.00.

SECTION II. When Effective:

This Ordinance shall become effective upon passage and publication as required by law.

On motion by Councilman Benson, seconded by Councilwoman Thistleton, and carried by the following majority roll call vote, the above ordinance was adopted.

Roll Call:

Councilwoman Kuncken - yes	Councilman Murphy – abstain
Councilman Depew -yes	Councilman Graham - abstain
Councilman Thistleton – yes	Councilman Benson – yes

On motion by Councilman Benson, seconded by Councilwoman Kuncken and unanimously carried by voice vote, the Mayor and Council instructed the Borough Clerk to post the ordinance, and authorized publication of same.

RESOLUTIONS

Mayor Maio offered the following resolutions which were read by title:

**Resolution 036-12 MAYOR’S DECLARATION OF RECREATION
COMMISSION VACANCY WITH COUNCIL
CONCURRENCE**

WHEREAS, Theresa Romaine was heretofore appointed to the Recreation Commission of the Borough of Stanhope; and

WHEREAS, the Mayor has been advised by the Recreation Commission that Theresa Romaine has not attended any Recreation Commission meeting since November 2010; and

WHEREAS, Theresa Romaine has not submitted a written resignation to the Commission or to the Mayor; and

WHEREAS, the Mayor has declared the Recreation Commission seat of Theresa Romaine vacant for her failure to attend Recreation Commission meetings.

NOW, THEREFORE, be it resolved that the Governing Body does hereby concur in the Mayor’s Declaration of vacancy of the seat of Theresa Romaine on the Stanhope Borough Recreation Commission.

On motion by Councilman Graham, seconded by Councilman Benson and unanimously carried by voice vote the foregoing resolution was duly adopted.

**Resolution 037-12 RESOLUTION OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF STANHOPE AUTHORIZING THE
ISSUANCE OF A TAXICAB LICENSE TO NELSON
ZUNIGA**

WHEREAS, Chapter 126 of the Stanhope Code of Ordinances requires that anyone operating a taxicab service within the Borough must obtain a license for same; and

WHEREAS, Nelson Zuniga, operating at 108 Route 183, Stanhope has applied to the Borough Clerk for a taxicab license and has complied with all the provisions of Chapter 126; and

WHEREAS, the following vehicle is to be operated by Nelson Zuniga within the Borough of Stanhope:

Vehicle #1 – 2004 Dodge Caravan, VIN # 1D4GP24R84B507238; and

WHEREAS, the Municipal Clerk and the Zoning Officer have reviewed said application and recommend approval; and

WHEREAS, said approval is contingent upon receipt by the Borough Clerk of proof of required insurance and payment of all fees;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stanhope, County of Sussex, State of New Jersey, that the Borough Clerk is hereby authorized to issue, for the year 2012, said taxicab license to operate expiring at midnight December 31, 2012.

On motion by Councilwoman Kuncken, seconded by Councilman Benson and unanimously carried by voice vote the foregoing resolution was duly adopted.

Resolution 038-12 **RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF STANHOPE AUTHORIZING THE ISSUANCE OF RAFFLE LICENSE RA-577**

WHEREAS the following Raffle Applications with required fees have been submitted for Mayor and Council approval;

<u>Raffle #</u>	<u>Applicant</u>	<u>Date</u>	<u>Type of Game</u>
RA-577	Lakeland Little League	04/21/12	Off-Premise Raffle

and;

WHEREAS said Raffle Application has been provided to the Mayor, Council and Police Department for their review;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stanhope, County of Sussex, State of New Jersey, the following:

1. The appropriate officials are hereby authorized to execute the findings and determination for the above application and shall forward same to the Legalized Games of Chance Control Commission (LGCCC) for review.
2. That the above license shall be issued pending LGCCC approval, pursuant to N.J.A.C. 13.1 et seq.

On motion by Councilman Graham, seconded by Councilman Benson and unanimously carried by voice vote the foregoing resolution was duly adopted.

Resolution 039-12 **RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF STANHOPE AUTHORIZING THE ISSUANCE OF RAFFLE LICENSE RA-578**

WHEREAS the following Raffle Applications with required fees have been submitted for Mayor and Council approval;

<u>Raffle #</u>	<u>Applicant</u>	<u>Date</u>	<u>Type of Game</u>
RA-578	Stanhope Hose Co #1	07/15/12	Off-Premise Raffle

and;

WHEREAS said Raffle Application has been provided to the Mayor, Council and Police Department for their review;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stanhope, County of Sussex, State of New Jersey, the following:

3. The appropriate officials are hereby authorized to execute the findings and determination for the above application and shall forward same to the Legalized Games of Chance Control Commission (LGCCC) for review.
4. That the above license shall be issued pending LGCCC approval, pursuant to N.J.A.C. 13.1 et seq.

On motion by Councilman Benson, seconded by Councilman Graham and unanimously carried by voice vote the foregoing resolution was duly adopted.

MAYOR'S APPOINTMENTS

Resolution 040-12

MAYOR'S APPOINTMENTS TO COUNCIL COMMITTEES WITH COUNCIL CONCURRENCE

BE IT RESOLVED by the Council that they do hereby concur with the Mayor's appointments to the Council Committees for the year 2012 as follows.

Committee	Chair	Member
Finance/Administration	James Benson	Diana Kuncken
Public Safety	Diana Kuncken	Doreen Thistleton
Community Development	Brian Murphy	George Graham
Infrastructure	George Graham	Brian Murphy
Technology	Michael Depew	James Benson
Boards/Commissions	Doreen Thistleton	Michael Depew

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stanhope, County of Sussex, State of New Jersey, that they do hereby concur with the Mayor's appointments herein for the year 2012.

On motion by Councilwoman Kuncken, seconded by Councilman Murphy and unanimously carried by voice vote the foregoing resolution was duly adopted.

Resolution 041-12

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF STANHOPE APPROVING THE MAYOR'S APPOINTMENT OF MARIA GRIZZETTI TO THE RECREATION COMMISSION WITH COUNCIL CONCURRENCE

Mayor's appointment to the Recreation Commission with Council concurrence as follows:

Maria Grizzetti to fill the unexpired 5-year term of a vacant seat, effective January 10, 2012, with said term to expire December 31, 2014.

BE IT RESOLVED by the Council of the Borough of Stanhope that they do hereby concur with the Mayor's appointment of Maria Grizzetti to the Recreation Commission to fill the vacant seat with an unexpired 5-year term effective January 10, 2012, with said term to expire December 31, 2014.

On motion by Councilman Benson, seconded by Councilwoman Kuncken and unanimously carried by voice vote the foregoing resolution was duly adopted.

Mayor Maio stated the Recreation Commission is now fully staffed for the first time in many years. Administrator McNeilly reported that he received a memo from a resident that was also interested. Administrator McNeilly will have him contact Councilwoman Thistleton to see if he could serve as an alternate on the commission.

PAYMENT OF BILLS

Resolution 042-12

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF STANHOPE AUTHORIZING PAYMENT OF BILLS

WHEREAS, the Chief Finance Officer has certified that funds are available in the proper account; and

WHEREAS, the Chief Finance Officer has approved payment upon certification from the Borough Department Heads that the goods and/or services have been rendered to the Borough;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stanhope that the current bills list, dated January 10, 2012 and on file and available for public inspection in the Office of the Chief Finance Officer and approved by the Chief Finance Officer for payment, be paid.

On motion by Councilman Benson, seconded by Councilman Graham and carried by the following unanimous roll call vote the foregoing resolution was duly adopted.

Roll Call:

Councilwoman Kuncken - yes	Councilman Murphy – yes
Councilman Depew -yes	Councilman Graham - yes
Councilman Thistleton – yes	Councilman Benson – yes

AGENDA ITEMS

All items listed on the Agenda for January 24, 2012 were approved.

CITIZENS TO BE HEARD

Mayor Maio opened the meeting to the public after advising attendees that there is a five (5) minute time limit for each speaker.

Nancy Hoyt, 33 Lawrence Avenue, asked to have plastic bag recycling added to the recycling information. The plastic bags can be recycled by returning them to Shop Rite. Mayor Maio stated they can also be brought to the DPW yard.

Don Drake, 2 Summit Street, is of the opinion that the Plaster Mill was turned over to the Musconetcong Foundrymen approximately 30 years ago and an agreement exists between the Foundrymen and the Borough of Stanhope that states no tax dollars would be expended on that facility. Mr. Drake suggested that the Borough investigate the issue to see if the agreement was amended before going ahead with any work to be done at the Plaster Mill. Mayor Maio asked the Clerk to investigate the issue.

Don Drake, SWAC Representative, reported that information has been sent to the area schools with recycling information and there is a contest being run to get the children involved in designing a new container. The information the Borough will be distributing will reinforce what the children are being taught at the schools. The County also recycles hard plastic such as; milk crates, toys, cabinets etc. Lafayette did a test and a considerable amount of hard plastic was collected. There is a company in Mine Hill that pays for these items when they are delivered to their location. Perhaps these items could be collected at the DPW yard and the town could sell them to the Mine Hill located in Mine Hill. Councilman Murphy asked if recycling is allowed to be taken out of the county. Administrator McNeilly reported that the recycling does not have to stay in the county. Councilwoman Kuncken asked if Mr. Drake could gather more information with regard to the contest to see if the results might tie in with the information the Borough is going to distribute.

Seeing no one from the public wishing to speak, Mayor Maio closed the public portion of the meeting.

CLOSED SESSION

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231 P.L. 1975 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stanhope, County of Sussex, New Jersey as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter-specified subject matter(s).
2. The general nature of the subject matter(s) to be discussed is as follows:
 - 1 Personnel
 - 1 Contract – Shared Court
3. It is anticipated at this time that the above stated subject matter(s) will be made public at the conclusion of each individual specified subject matter.
4. This resolution shall take effect immediately.

On motion by Councilman Benson, seconded by Councilman Depew, and carried by unanimous voice vote, the foregoing resolution was adopted.

Mayor and Council went into Closed Session at 9:15 P.M.

At the conclusion of the Closed Session, Mayor and Council reconvened the public meeting at 9:45 P.M. with all present.

ADJOURNMENT

On a motion by Councilwoman Kuncken, seconded by Councilman Murphy, and unanimously carried by voice vote the meeting was adjourned at 9:45 P.M.

Approved:

Linda Chirip
Deputy Clerk
For Ellen Horak
Borough Clerk