

**MAYOR AND COUNCIL
REGULAR MEETING
January 24, 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:

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

Mayor Maio – Present

PRESENTATION

Environmental Commission Trails Grant – Mayor Maio invited Janice Hunts and John Rogalo from the Environmental Commission and Kathy Murphy from Mt. Olive to begin their presentation. Mayor Maio acknowledged the members of the Environmental Commission in the audience and thanked them for attending. Mr. Rogalo distributed a letter to the Mayor and Council along with a copy of written material and photos explaining the opportunity for a trail connection with Mt. Olive. Mr. Rogalo reported that several meetings have been held with Mt. Olive's Open Space Committee. Two different sites were reviewed. One was the existing trail along the base of Plane Street across from the existing concrete bridge to the Morris Canal towpath. The other and less expensive option is the Houdaille Road Bridge which would utilize the existing bridge ironwork spanning the Musconetcong River to support a wooden deck and rail for pedestrian use. Steve Ellis, Northern Region Superintendent of State Parks, is on board and will follow up with a written document as required by the State in order to proceed with the grant application and implementation. An engineer would have to inspect the structure to make sure that the footings and steel work are capable of supporting a pedestrian bridge. A design needs to be created for a wooden pedestrian bridge and perhaps a handicap platform for fishing. The grant must be submitted by February 15th. The grant amount would not exceed \$25,000. One of the requirements is that a 20% contribution from the recipient of the grant must be made. Stanhope's total contribution would be \$3,125. Mt. Olive would be responsible for the same. There are no up-front costs to apply for the grant. Any volunteer work or donated materials can count toward in-kind services. Kathy Murphy is of the opinion that this is a great opportunity to build an eco-tourism connection between the two towns. The trail would allow people to walk from the Sussex Branch Trail at Waterloo Village down through the Trade Zone along the Morris Canal and come out at the Netcong train station or into Stanhope. The Morris Canal is a beautiful spot and a local heritage site that many people are unaware of. This connection across the Houdaille Road Bridge will allow residents on the other side of Route 183 to cross safely at a traffic light and have access to this area of town. All land connections are in place. A few parking spaces would be necessary, 1 in Mt. Olive, 1 at Plane Street and 2 at the Houdaille Road Bridge. In addition, trail markers would need to be put up and trail kiosks could be built by the Boy Scouts to post maps. The only unknown cost at the present time is the pedestrian bridge. Sussex County and Morris County branch engineers have been contacted along with the Morris County Park System who have more experience with these type of bridges. If the information for the bridge is not ready in time, the grant application request amount can be reduced. The bridge portion can be addressed at a future time. Mt. Olive has been awarded several grants for their trail system and all matching funds have been met with in-kind services. Mayor Maio

asked if the Morris County Park Service can supply the information required. Ms. Murphy believes that they will be able to provide valuable information. Ms. Murphy is also reaching out to the state bridge engineers because they own the bridge. If the structure is deemed unable to support the wooden structure, a plan for a prefab structure could be formulated to submit for a grant in the future. The Environmental Commission requested a resolution of support from the Governing Body authorizing the commission to move ahead with the grant application. No funding would be required at this time. This action will not have an effect on the current budget. Ms. Murphy has spoken with the Mayor and Administrator at Mt. Olive and they have indicated they are on board with this proposal. A presentation will be made to the Mt. Olive Governing Body on Tuesday. Councilwoman Kuncken clarified that Ms. Murphy will take care of all the paperwork and submission of the grant. Ms. Murphy stated that the Plane Street location has a discrepancy with the deed that needs to be clarified prior to beginning a project in that area. The State does own both sides of the river which should allow the problem to be resolved easily.

Mr. Stein read the following resolution.

Resolution 053-12

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF STANHOPE AUTHORIZING THE ENVIRONMENTAL COMMISSION TO SUBMIT A JOINT GRANT APPLICATION WITH THE MT. OLIVE OPEN SPACE COMMITTEE

WHEREAS, the New Jersey Department of Environmental Protection has available a National Recreation and Trails Grant program; and

WHEREAS, funding is available to be applied for under said program for a possible bridge to connect trails in Mt. Olive Township, Morris County and Stanhope Borough, Sussex County; and

WHEREAS, the Stanhope Borough Environmental Commission and the Mt. Olive Township Open Space Committee wish to submit a joint application for up to \$31,250, of which \$25,000 would be a grant and 20% would be an in-kind donation split evenly between the Township of Mt. Olive and the Borough of Stanhope; and

WHEREAS, the Governing Body of the Borough of Stanhope believes it is in the best interest of the public to go forth with such a program;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stanhope that the Stanhope Environmental Commission is hereby authorized to submit a joint grant application with the Mt. Olive Township Open Space Committee to the NJDEP for a grant not exceeding \$31,250 for a bridge connection between said municipalities.

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

Mayor Maio and the Council extended their thanks to everyone involved in the project.

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.

Alan Bookspan, 2nd Assistant Chief Stanhope Fire Department, 10 Towpath Lane, stated that he was speaking on behalf of Chief Card and 1st Assistant Chief Ellicott who were unable to attend tonight's meeting. At the end of last year the Fire Department held an open house for the Mayor and Council. At that time, the program *I Am Responding* was introduced. The program has been working very well with the exception of a few minor problems on the Sparta dispatch side. Internally the program has been working very well for the Fire Department. Mr. Bookspan extended an invitation to the Governing Body to participate in the program. Administrator McNeilly and the OEM Coordinator have already supplied their information to be included into the system and they receive copies of every fire call, meetings, drills and special announcements. The information can be delivered to cell phones as text messages or emailed. Any information that is sent internally will be forwarded to the Mayor and Council as well as any calls that are sent to the Fire Department from Sparta via text, which does not happen often. All the Council Members and Mayor Maio have requested to be added to the system. Mayor Maio thanked Mr. Bookspan for the invitation.

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

MINUTES FOR APPROVAL

Mayor Maio read aloud the list of minutes being presented for approval:

December 6, 2011 Work Session/Agenda Meeting & Closed Session
December 13, 2011 Regular Business Meeting

On motion by Councilman Benson, seconded by Councilman Graham and unanimously carried by voice vote, the above listed minutes were approved.

CORRESPONDENCE (List Attached)

On motion by Councilwoman Kuncken, seconded by Councilwoman Thistleton and unanimously carried by voice vote the list of correspondence was accepted and ordered placed on file.

ADMINISTRATOR'S REPORT

Hopatcong Animal Control Agreement – Administrator McNeilly received the 2012-2013 ACO agreement. The only change from the existing agreement is the rate increase. The two year rate increase is set at 2%. Copies will be distributed to the Board of Health and the Mayor and Council. Administrator McNeilly requested this item be placed on the February agenda.

Plaster Mill – Administrator McNeilly reported that he met with Wayne Dietz, Risk Manager, regarding the possible brush removal inside the fenced area around the Plaster Mill. Wayne was very concerned about anyone, not just employees, working in that area. The danger of collapse is a real possibility. Unless the walls are professionally stabilized, Mr. Dietz is of the opinion that no one should be inside the fenced area. He also recommended that additional signs be placed on the fence. Mayor Maio directed Administrator McNeilly to investigate the cost of what would be required to stabilize the Plaster Mill. This would be an inquiry only. It is not a commitment to go ahead with any work at this time.

County Fire Marshall – Administrator McNeilly spoke with Joe Inga, Sussex County Fire Marshall, regarding questions that were raised at the January 10th Mayor and Council meeting. Mr. Inga stated that the properties which fall under Life Hazard Use (gas stations, factories, stores greater than 12,000 sq.ft., rooming houses, bars, restaurants, and medical facilities) pay fees established by the State. The fees are paid directly to the State regardless of who performs the inspections. The State then reimburses the enforcement agency 65% of the fees collected. Sussex County has created a fee schedule for Non-Life Hazard Use (all other uses that don't fall under Life Hazard). These fees are paid to and retained by the County. The fees typically range between \$30 - \$60 per year. The fees collected from Non-Life Hazard and the 65 % reimbursement from the State for Life Hazard cover the costs of the program. No additional costs would be incurred by the municipality. Stanhope and Byram are the only remaining towns in Sussex County that are still covered by the State. Buildings that are owned by the Borough would be included in the inspections. The Borough and the Fire Department will receive reports on what is inspected and the activity that is taking place in the Borough for the non-life hazard uses. Councilwoman Kuncken stated the Borough and the Fire Department would find it beneficial to know what conditions exist in the various non-life hazard facilities. The Governing Body was concerned about the additional cost to the owners. Administrator McNeilly will contact Joe Inga to schedule a presentation to the Governing Body for February 14th or the 28th.

Millennium Strategies – Administrator McNeilly contacted Millennium Strategies. He is waiting for a representative to return the call to schedule a meeting date.

Sparta Road Water Line – Administrator McNeilly stated that the bid specifications for the next phase of the water line replacement on Sparta Road need to move forward. Mr. Stein stated that the Engineer will have to supply the bid specifications. Mayor Maio directed Administrator McNeilly to move forward with this project.

Chlorinator System – Administrator McNeilly reported that approval for the new chlorinator system has been received from DEP. Lee Purcell will be forwarding a letter to the Borough outlining the cost specification prep and bid opening for review.

Building – Administrator McNeilly distributed floor plans of the existing Police Department and the proposed changes to the court administrator room. Chief Pitttigher plans to use the vacated space to make a detective room and an evidence room. The evidence room would not have a dropped ceiling and will only have access through the detective’s office. The Detective and the Chief would have the only keys to access that area. The existing doors would be removed and walls installed. A new wall dividing the area would be installed. All carpeting will be removed, new solid core doors installed, sheet rocked ceilings with venting. The evidence room will be lined with plywood, chicken wire and sheet rock and new lighting. These are the critical changes which need to be addressed immediately. The contractor will supply the licensed electrician and obtain the proper construction permits. Mr. Stein stated this is below the bid threshold but above the quotation threshold which requires more than one quotation to be obtained. Mr. Stein advised that two more quotes should be obtained but a minimum of one is required.

In the future changes also need to be made to the Sergeants & Detective Room, the Patrol Room, the vestibule and the corridor. Mayor Maio suggested that Administrator McNeilly put plans together with the specific changes that are requested. The Governing Body want the plans to include everything that needs to be addressed.

The funding for the renovations is coming from a previous building grant that the Borough has saved for this purpose.

On motion by Councilwoman Kuncken, seconded by Councilman Graham, and carried by the following unanimous roll call vote, the Administrator was directed to select the most advantageous bid after receiving another competitive bid.

Roll Call:

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

Mayor Maio asked Administrator McNeilly what the status is on the email blast project. Administrator McNeilly had nothing new to report on this project.

COUNCIL COMMITTEE REPORTS

Public Safety – Councilwomen Kuncken/Thistleton

Police, Fire, Ambulance, Court & Violations Bureau, Emergency Management – Councilwoman Kuncken reported that the Police Department has gone to a new system. The report format has been changed. Public Safety will review this new report next week to better understand the format. The total number of calls for the month of December was 343. The Fire Department had 8 calls answered, 4 drills, 1 meeting, 2 miscellaneous details totaling 15 activities for a total number of man hours volunteered of 275.

Finance & Administration – Councilman Benson/Councilwoman Kuncken

Councilman Benson reported that the utility collection reports for the month of December were as follows. Water rents totaled \$89,381 compared to \$65,053 a year ago. Sewer rents were \$191,609 compared to \$144,560 a year ago. The difference in amounts is due to the timing of the billing last year. Councilman Benson requested that property tax collections be included in the reporting process. Mayor Maio asked Administrator McNeilly to have the tax collection report added to the monthly reports.

Community Development – Councilmen Murphy/Graham

Zoning, Construction, Code Enforcement, Economic Development, Chamber of Commerce, Downtown Revitalization – Councilman Graham reported that he and Councilman Murphy will meet soon to discuss Community Development.

Municipal Infrastructure – Councilmen Graham/Murphy

Water Distribution, Sewer Collection System, Road Construction & Maintenance, Buildings & Grounds – Councilman Graham reported that he and Councilman Murphy will meet soon to discuss Municipal Infrastructure.

Information Technology – Councilmen Depew/Benson

Acquisition of Hardware & Software, Technical Equipment Services, Telecommunication, Cable Television Franchise – Councilman Depew wants to review the Borough website to make sure that all pages are updated. Councilman Depew will schedule a meeting with Councilman Benson in the near future.

Boards/Commissions – Councilwoman Thistleton/Councilman Depew

Board of Health, Regional Planning Board, Environmental Commission, Musconetcong Sewerage Authority, Sanitation & Recycling, Recreation Commission, Shade Tree Commission, Land Use Board – Councilwoman Thistleton reported that she was unable to attend the last Recreation Commission meeting due to a conflict with the Board of Health meeting. The Board of Health now has full membership. The rabies clinic will be held on April 20th. There is a new sanitarian that lives locally in Stanhope. The Board informed her what they look for on a monthly basis. Janett Gibbons is the new Board of Health President. Councilwoman Thistleton attended the Environmental Commission meeting. Councilwoman Thistleton was unable to attend the Shade Tree Commission meeting.

COUNCIL BUSINESS

Use of Municipal Building (Friends of Waterloo Village) – Councilman Graham stated that he is a trustee of the Friends of Waterloo Village. Meetings are held at the Byram Municipal Building but there are some conflicts. Councilman Graham asked for approval to allow the Friends of Waterloo Village to use the meeting room at Borough Hall for meetings that cannot be held in Byram. Councilman Graham would take responsibility for the building.

Motion was made by Councilman Depew to allow the Friends of Waterloo Village to utilize Stanhope Borough Hall for their meetings, seconded by Councilman Benson***, and unanimously carried by voice vote the motion was granted. Mayor Maio stated the use is granted as long as a conflict does not exist with any of the Borough’s boards or commissions.

OLD BUSINESS

Ordinance for Public Hearing and Final Adoption

Mayor Maio offered the following ordinance for public hearing and final adoption:

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 Councilman Graham, and carried by the following unanimous roll call vote, the above ordinance was adopted.

Mayor Maio opened the meeting to the public for comment on this ordinance only. Seeing no one from the public wishing to speak, Mayor Maio closed the public portion of the meeting.

Roll Call:

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

On motion by Councilman Benson, seconded by Councilman Depew 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 043-12

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF STANHOPE AUTHORIZING REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER

WHEREAS, the Tax Collector has received payment for the redemption of Tax Title Lien No. 2011-07, representing 2010 property taxes and/or utility charges on Block 11501, Lot 2, C0018, known as 118 Alpine Court, assessed in 2012 to Franco Paonessa, and;

WHEREAS, the Tax Collector certifies that reimbursement is now required to be made to the following lien holder for the required redemption amounts as shown below:

To Lienholder:	US Bank Cust/Emp IV, Cap One 2 Liberty Place, 50 South 16 th Street Philadelphia, PA 19102		
Redemption Amount:	Tax Title Lien #2011-07 and		
	Interest to Date of Meeting	\$	3,041.41
	Premium Paid by Lienholder		<u>3,700.00</u>

Total From Current Fund:	\$	3,041.41
Total From Tax Premium Account		3,700.00

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Stanhope, County of Sussex, State of New Jersey, that the Borough Treasurer be authorized to prepare the necessary check as stated above and to forward same to the lien holder.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the Borough Chief Financial Officer/Tax Collector.

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

Resolution 044-12 RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF STANHOPE AUTHORIZING REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER

WHEREAS, the Tax Collector has received payment for the redemption of Tax Title Lien No. 2011-10, representing 2010 property taxes and/or utility charges on Block 11501, Lot 2, C0209, known as 12209 Dell Place, assessed to Kathleen M Masnbery, and;

WHEREAS, the Tax Collector certifies that reimbursement is now required to be made to the following lien holder for the required redemption amounts as shown below:

To Lienholder:	Elliot Loeb-Keogh Plan 1 Lakeview Road Saratoga Springs, NY 12866	
Redemption Amount:	Tax Title Lien #2011-10 and Interest to Date of Meeting	\$ 162.16
	Premium Paid by Lienholder	<u> 0.00</u>
Total From Current Fund:	\$	162.16
Total From Tax Premium Account		0.00

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Stanhope, County of Sussex, State of New Jersey, that the Borough Treasurer be authorized to prepare the necessary check as stated above and to forward same to the lien holder.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the Borough Chief Financial Officer/Tax Collector.

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

Resolution 045-12 RESOLUTION AUTHORIZING THE AWARD OF NON FAIR AND OPEN CONTRACTS FOR PROFESSIONAL SERVICES FOR THE BOROUGH OF STANHOPE FOR THE YEAR 2012

WHEREAS, the Borough of Stanhope has a need for professional services for the year 2012 of Borough Attorney, Borough Labor Attorney, Borough Prosecutor, Borough Engineer, Borough Auditor and Borough Planner; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the position of each of the agreements will exceed \$17,500.00; and

WHEREAS, the anticipated term of each contract is one year; and

WHEREAS, Laddey, Clark & Ryan, LLP has submitted a proposal to provide legal services as Borough Attorney and Borough Prosecutor for the year 2012; and

WHEREAS, Robert J. Merryman, Esq. of the firm Apruzzese, McDermott, Mastro & Murphy has submitted a proposal to provide legal services as Borough Labor Attorney for the year 2012; and

WHEREAS, Robert Beinfield, Esq. of the firm Hawkins, Delafield and Wood has submitted a proposal to provide legal services as Borough Bond Attorney for the year 2012; and

WHEREAS, Omland Engineering Associates, Inc. has submitted a proposal indicating that it will provide engineering services as Municipal Engineer for the Borough of Stanhope for the year 2012; and

WHEREAS, Nisivoccia & Company, LLP has submitted a proposal indicating that it will provide auditing services as Municipal Auditor for the Borough of Stanhope for the year 2012; and

WHEREAS, Scarlett S. Doyle, PP of John Cilo, Jr. Associates, Inc. has submitted a proposal indicating that she will provide professional planning services as Borough Planner for the Borough of Stanhope for the year 2012; and

WHEREAS, each of the aforesaid professionals has completed and submitted a Business Entity Disclosure Certification certifying that they have not made any reportable contributions to a political or candidate committee in the Borough of Stanhope in the previous one year and that the contract will prohibit said professional from making any reportable contribution through the term of the contract; and

WHEREAS, each of the aforesaid professionals has completed and submitted a Political Contribution Disclosure Form; and

WHEREAS, the Chief Financial Officer of the Borough of Stanhope has certified the availability of funds for this contract pursuant to NJAC 5:30-5.4;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stanhope that the Mayor and Clerk be and the same are hereby authorized to execute individual agreements with each Borough Professional named herein above; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that notice of the above contract shall be published by the Borough in accordance with the provisions of the Local Public Contracts Law.

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

Roll Call:

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

Resolution 046-12

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES FOR THE BOROUGH OF STANHOPE FOR THE YEAR 2012 FOR CONFLICT COUNSEL

WHEREAS, the Borough of Stanhope has need for professional legal services for the year 2012 for Borough Conflict Counsel; and

WHEREAS, it is not anticipated that the value of the contract will exceed \$17,500.00; and

WHEREAS, the anticipated term of the contract is one year; and

WHEREAS, Mark J. Hontz, Esq. has submitted a proposal indicating that he will provide legal services to the Borough as Conflict Counsel for the year 2012; and

WHEREAS, the agreement with Mr. Hontz shall not exceed the bid threshold of N.J.S.A. 40A:11-1 et seq. and therefore the provisions of N.J.S.A. 19:44A-8 are not applicable thereto; and

WHEREAS, the Chief Financial Officer of the Borough of Stanhope has certified the availability of funds for this contract pursuant to N.J.S.A. 5:30-5.4;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stanhope that the Mayor and Clerk be and the same are hereby authorized to execute an agreement with Mr. Hontz as Municipal Conflict Counsel for the Borough of Stanhope for the year 2012.

On motion by Councilwoman Kuncken, 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 – absent
Councilman Depew -yes	Councilman Graham - yes
Councilman Thistleton – yes	Councilman Benson – yes

Resolution 047-12

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF STANHOPE WAIVING TAXES FOR AN ERRONEOUS ADDED ASSESSMENT ON BLOCK 10903 LOT 1 FOR 2011

WHEREAS, a construction permit was taken out for “installation of wood burning fireplace & chimney system” and after receipt of approval by the construction official, an added assessment was placed on the property for the 2011 tax year after attempt(s) were made to inspect but no one was available at the house; and,

WHEREAS, a letter was sent to the taxpayer dated 23 September 2011 advising of the 12 month added assessment of \$3,500 and that a bill would be forwarded “in/about mid-October due/payable Nov. 1, 2011.” And such tax bill was forwarded for the sum of \$105.95 by the Tax Collector; and,

WHEREAS, in mid-December, 2011, the taxpayer came into the office to contest the added assessment by advising the Tax Assessor that the permit was not for a new fireplace but only for a renovation of the existing chimney and fireplace which was already on the tax records; the taxpayer further advised the Tax Assessor that he had tried to reach out to her several times but after checking his records, realized he had emailed incorrectly thus the Tax Assessor had no knowledge of the problem and was unable to correct the error in a timely manner; and,

WHEREAS, the assessor had previously inspected the house, reviewed the records, and removed the added assessment value from the tax records for the 2012 tax year; and,

WHEREAS, the added assessment is erroneous as the fireplace and chimney were currently on the tax records; and,

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 authorizes the Tax Collector to write off the taxes of \$ 105.95 which were due on November 1, 2011.

On motion by Councilman Depew, 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 – absent
Councilman Depew -yes	Councilman Graham - yes
Councilman Thistleton – yes	Councilman Benson – yes

Resolution 048-12

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF STANHOPE AUTHORIZING THE
ISSUANCE OF RAFFLE LICENSE RA-579 and RA-580**

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-579	Lenape Valley PTSA	05/05/12	Tricky Tray
RA-580	Lenape Valley PTSA	05/05/12	On Premise 50/50

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

Resolution 049-12

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF STANHOPE AUTHORIZING THE
ISSUANCE OF RAFFLE LICENSE RA-581**

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-581	VFW Post #2347 Lakeland	04/22/2012	Off-Premise 50/50

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 Councilwoman Kuncken and unanimously carried by voice vote the foregoing resolution was duly adopted.

MAYOR'S APPOINTMENTS

Resolution 050-12

RESOLUTION APPROVING THE MAYOR’S APPOINTMENT OF BENJAMIN M. ELLICOTT, AS AN ACTIVE MEMBER TO THE STANHOPE FIRE DEPARTMENT

Mayor’s appointment of Benjamin M. Ellicott, as an active member to the Stanhope Fire Department.

BE IT RESOLVED by the Council of the Borough of Stanhope, County of Sussex, State of New Jersey that they do hereby concur with the Mayor’s appointment of Benjamin M. Ellicott, as an active member to the Stanhope Fire Department.

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

Resolution 051-12

RESOLUTION APPROVING THE MAYOR’S APPOINTMENT OF ZACHARY M. ELLICOTT, AS AN ACTIVE MEMBER TO THE STANHOPE FIRE DEPARTMENT

Mayor’s appointment of Zachary M. Ellicott, as an active member to the Stanhope Fire Department.

BE IT RESOLVED by the Council of the Borough of Stanhope, County of Sussex, State of New Jersey that they do hereby concur with the Mayor’s appointment of Zachary M. Ellicott, as an active member to the Stanhope Fire Department.

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

Mayor Maio stated that both of these young men have been members of the Junior Fire Fighters Program. They have reached the legal age at which they can become full-fledged firemen. The Governing Body is delighted to see the progress from that group. Don Drake stated that another Junior Fire Fighter turned 18 today and will be submitting her application.

PAYMENT OF BILLS

Resolution 052-12

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 24, 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 Councilwoman Kuncken and carried by the following unanimous roll call vote the foregoing resolution was duly adopted.

Roll Call:

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

ATTORNEY REPORT

Mr. Stein stated that he had nothing to report at this time.

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.

Janice Hunts, 17 Reeve Avenue, stated that the Environmental Commission should be involved in any activity at the Plaster Mill. The Environmental Commission would like to use the area as a trail head for the area trails around the canal. Mrs. Hunts asked that the Environmental Commission be kept informed. Mayor Maio stated that at this time the only concern is the stabilization of the area and should any issues develop the Environmental Commission will be informed.

Peggy Findley, 88 Main Street, is of the opinion that the Historical Society at one time had some historical architects look at the Plaster Mill area and wanted to know if they have been contacted. Councilwoman Kuncken stated that at this time the Plaster Mill structure is rapidly changing and in order to keep anyone from getting injured the Borough is seeking information on what can be done to stabilize the area. Mayor Maio stated that she has been in contact with the Historical Society. Years ago there was some stabilization done but due to the fact that the structure did not have a roof, the building has deteriorated. Mrs. Findley asked if the condition of the road in front of the Post Office could be repaired. Mayor Maio asked Administrator McNeilly to have the DPW Superintendent inspect the location.

Councilman Graham commented on an email received from Maureen Kaman, Tax Assessor, regarding the school board election. Councilman Graham attended the Stanhope School Board meeting where the decision was made by the Stanhope School Board to move to November elections. A vote was taken to eliminate the vote of the annual budget and to move the election. Ms. Kaman's letter addresses concerns for issues that occur after school board elections are held and how that will affect the collection of taxes. Much discussion took place regarding this issue. Councilman Graham asked to have clarification on how the procedures and changes will affect the Borough. Mayor Maio asked Administrator McNeilly to contact the Stanhope School Board to clarify what their position is and to contact Lenape Valley to see what their plans are as well. Ms. Kaman should also be contacted to address her concerns.

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:

2 Personnel
1 Attorney-Client
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 Councilwoman Kuncken, seconded by Councilman Graham, 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 9:55 P.M. with all present.

DISCUSSION

Mayor Maio reminded Council that a special meeting for the budget is scheduled for Tuesday, February 7, 2012 at 7:00 PM.

Mayor Maio also said that a water tower special meeting will be scheduled for Tuesday, February 14, 2012 at 6:30 PM provided that Bill Storms, DPW Superintendent, is available to attend. If Mr. Storms cannot attend an alternate date will be chosen.

On motion by Councilwoman Kuncken, seconded by Councilman Benson and carried by the following unanimous roll call vote, the Governing Body authorized the Administrator to spend up to \$1,500 for temporary help for the Construction Department.

Roll Call:

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

Mayor Maio stated that a request was made by the Chamber to include information about the Spring Festival in the water bill mailing for March. There were no objections.

ADJOURNMENT

On a motion by Councilwoman Kuncken, seconded by Councilwoman Thistleton, and unanimously carried by voice vote the meeting was adjourned at 10:00 P.M.

Approved:

Linda Chirip
Deputy Clerk
For Ellen Horak
Borough Clerk