

**MAYOR AND COUNCIL  
REGULAR MEETING  
January 28, 2014  
7:00 P.M.**

**CALL TO ORDER**

**SALUTE TO COLORS**

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

**COUNCIL PRESIDENT'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 2, 2013 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 Zdichocki – Present	Councilman Depew – Present
Councilman Thornton – Present	Councilwoman Thistleton – Present
Councilwoman Kuncken – Present	Councilman Benson – Present

Mayor Maio – Present

**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.

Seeing no one from the public 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:

September 10, 2013	Work Session/Agenda Meeting & Closed Session
September 24, 2013	Regular Business Meeting
November 26, 2013	Closed Session
December 17, 2013	Closed Session

On motion by Councilwoman Kuncken, seconded by Councilman Depew and unanimously carried by voice vote the above listed minutes were approved. Councilman Benson abstained from the minutes of September 10, 2013 and September 24, 2013.

**CORRESPONDENCE (List Attached)**

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

## **COUNCIL COMMITTEE REPORTS**

On motion by Councilwoman Kuncken, seconded by Councilman Benson, and unanimously carried by voice vote the Council Committee Reports were waived.

### **ADMINISTRATOR'S REPORT**

*Municipal Infrastructure* – Administrator McNeilly stated the Municipal Infrastructure Committee is scheduled to meet this Thursday with the energy consultant to prepare for the community outreach for the Electric Aggregation Program.

*Public Safety* – Administrator McNeilly stated that the new detective's car arrived this morning.

*Technology* – Administrator McNeilly reported that he and Councilman Depew updated the RFP for the new website. Vendors are reviewing the RFP and will provide comments.

*2014 Lake Musconetcong Treatment* – Administrator McNeilly stated that he received the Lake Board's 2014 request for assistance in treating the lake. This year the cost is \$1,066.00. Payment will be made directly to the Lake Board. Much discussion took place regarding the insurance regulations.

*Loss Control Report* – Administrator McNeilly stated that copies have been distributed to the Governing Body. This year's inspection was passed with no major deficiencies. Councilman Benson asked if the DPW attend the training courses that are available throughout the year. Administrator McNeilly stated that DPW does attend and they are up to date with their certifications.

*Maple Terrace / Mountain Terrace* – Administrator McNeilly reported that he and Eric Keller, Borough Engineer, met with Bill Storms, DPW Superintendent, for a final design review. The Fire Department has also provided input. Mr. Keller will be attending the Mayor and Council Meeting on February 11<sup>th</sup> to present the final plans. The Governing Body will have to authorize going out to bid and advertise. The current plan is to accept bids on March 18<sup>th</sup> and award on March 25<sup>th</sup>. The contractor would then have 30 days to mobilize and the construction window would be 60-70 days. Discussion took place regarding the length of time for the project.

*Property Sale* – Administrator McNeilly stated that the signs are in place and he has spoken with the realtor. The realtor has received several inquiries. Interest for both properties is good.

*Animal Control Agreement* – Administrator McNeilly stated he is waiting for the agreement to be sent from Hopatcong Borough.

*Pre-Treat System* – Administrator McNeilly reported that the pre-treat system has been delivered. The vendor will assemble the tank system onsite. The weather needs to be warmer for the work to be done. Administrator McNeilly stated that the final setup of the system will be done inside the bay so that it can be used this year. Once a pad is installed and bollards are in place the tank will be moved outside.

Mayor Maio asked Administrator McNeilly how the gas pumps are working. Administrator McNeilly stated that the system is working well. The first report will be available on Monday.

### **COUNCIL BUSINESS**

*2014 Municipal Budget* – Mayor Maio stated that Dana Mooney, CFO, updated the budget pages to include the changes that were made last week. Mayor Maio stated that Ms. Mooney will update the Council's books if they leave them in her office. Mayor Maio stated that she asked Ms. Mooney to check on the Cablevision Grant. Administrator McNeilly stated that a response was received. Mayor Maio stated that Ms. Mooney told her the payment will not be made to the Borough until the second quarter. Mayor Maio asked Mr. Stein what the agreement with Cablevision states. Much discussion took place regarding the agreement. Mr. Stein asked Administrator McNeilly to forward the email he received from Cablevision and he will follow up on it.

Mayor Maio stated that Ms. Mooney's memo indicates that two new servers are required which will cost \$4,600. Administrator McNeilly stated that the servers are nearing time for replacement.

Mayor Maio stated that Ms. Mooney informed her that the funds for the Court have to remain as an expense. Ms. Mooney will be asked to explain this item at the next budget meeting.

Administrator McNeilly stated that a non-capital item should be added for two temporary public works employees for the summer. Administrator McNeilly stated that he spoke with Bill Storms, DPW Superintendent, about hiring summer help. Administrator McNeilly suggested that two people be hired for a 15 week period, full time, as seasonal temporary help at \$14 per hour. As seasonal employees there are no benefit costs. This will amount to an expenditure of approximately \$20,000 for both employees. Mayor Maio stated that in the past the employees were not hired full time. Administrator McNeilly stated that if they are hired full time that would allow for two full crews led by a repairer with a full time employee and a temporary employee. They could then manage and operate the teams for projects throughout the Borough such as, flushing hydrants, meter installation, grass cutting and park maintenance. Mayor Maio is of the opinion this will create a labor problem with the union. The original plan was to hire part time employees for mowing, clipping and other summer work. Much discussion took place regarding the duties of the repairers and the issue of full time seasonal employees versus part time seasonal employees. Councilwoman Kuncken stated that Bob Merryman should be contacted to address some of these concerns. Administrator McNeilly will contact Mr. Merryman. Administrator McNeilly stated that the funds need to be set aside for summer help. The Governing Body agreed that funds should be added to the budget for the summer employees and Mayor Maio made a notation to address this matter with the CFO.

Mayor Maio stated that a memo was received from the Fire Department. Administrator McNeilly stated that the Governing Body had requested that the Fire Department reduce their budget by \$380. Chief Card approved a \$380 reduction from fire prevention. Mayor Maio stated this change is not included on the revised budget sheets. Administrator McNeilly will speak with the CFO regarding this line item correction. Mayor Maio stated that the Fire Department has adjusted the budget as requested. No further changes are necessary at this time.

Mayor Maio stated the Police Department has responded to the Governing Body's questions. Administrator McNeilly stated that the questions raised were in regard to equipment purchase, equipment repair, professional training, contracts and permits and ammunition. Councilwoman Kuncken stated some of the training will be different this year due to the accreditation program. The Police Department budget is complete at this time.

The Mayor and Council agreed that further discussion regarding the budget would have to wait until Dana Mooney, CFO, can be present.

Councilman Depew asked if funds are budgeted to repair the Main Street crosswalks. Administrator McNeilly stated that the crosswalks have been leveled out to avoid injury. Administrator McNeilly has asked Mr. Keller, Borough Engineer, to provide a solution for the crosswalks. The Town of Newton has removed the brick crosswalks. Mayor Maio and Councilwoman Kuncken stated that a great deal of research was done into the special crosswalks prior to the installation and they are of the opinion that the crosswalks were not installed properly.

WNTI Request (Stanhope House Event) – Mayor Maio stated that an email has been received from WNTI requesting permission to have a band parade down Main Street to the Stanhope House on Sunday, February 23<sup>rd</sup>. Councilman Thornton stepped down from this discussion. Much discussion took place regarding the event and the Governing Body did not have enough information to grant the request. It was agreed that the band could utilize the sidewalks to travel down Main Street. Administrator McNeilly will convey the Governing Body's decision to WNTI.

Councilman Thornton rejoined the Council.

## **NEW BUSINESS**

### **ORDINANCES**

Mayor Maio read the following ordinances for introduction by title.

*Ordinances for Introduction [Public Hearing on February 25, 2014]*

**Ordinance 2014-01**                    **AN ORDINANCE TO AUTHORIZE THE SALE OF BLOCK NO. 11703, LOT NO. 1 AND BLOCK NO. 11703.01, LOT 1 LOCATED AT 246 U.S. HIGHWAY 206 STANHOPE, NEW JERSEY**

**WHEREAS**, the Borough of Stanhope is the owner of all those lots, parcels and tracts of land as hereinafter set forth in Schedule A, which land is not needed or required for municipal use; and

**WHEREAS**, said lots have no improvements located thereon; and

**WHEREAS**, the Mayor and Council of the Borough of Stanhope have deemed it in the best interest of the Borough of Stanhope to sell the lot to the highest bidder at an open public auction sale pursuant to the provisions of N.J.S.A. 40A:12-13(a);

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Stanhope that:

1. The Borough of Stanhope shall sell, pursuant to the provisions of N.J.S.A. 40A:12-13(a), the property set forth in Schedule A attached hereto.
2. After final passage of this Ordinance, the Borough of Stanhope shall sell the property set forth in Schedule A after offering same at a public auction to the highest bidder at the advertised time and place, which sale shall occur at the Stanhope Borough Municipal Building, 77 Main Street, Stanhope, New Jersey.
3. The said property shall be sold subject to the following terms and conditions:
  - (a) The said property shall be sold for not less than the amount set forth in Schedule A.
  - (b) The sale shall be made at public auction, after legal advertisement of this Ordinance and public notice of this sale, and shall be to the highest bidder.
  - (c) The Borough does not warrant or certify title to the property and in no event shall the Borough of Stanhope be liable for any damages to the purchaser-successful bidder if title is found unmarketable for any reason and the purchaser-successful bidder waives any and all right in damages or by way of liens against the Borough. The sole remedy being the right to receive a refund prior to closing of the deposit paid in the event title is found unmarketable. It shall be the obligation of the successful purchaser to examine title to said premises prior to the closing. In the event of closing and a later finding of defect of title, the Borough shall not be responsible for same, shall not be required to refund money or correct any defect in title or be held liable for damages.
  - (d) Acceptance of the highest bid shall constitute a binding agreement of sale and the purchaser shall be deemed to agree to comply with the terms and conditions of the sale herein contained.
  - (e) The purchaser shall be required to pay no later than the conclusion of the public sale ten percent (10%) of the bid, in cash or check; said payment shall be returned to the purchaser without interest, if the title to said property is legally determined to be unmarketable, providing claim is made therefor within sixty (60) days after the sale.
  - (f) A Bargain and Sale Deed without covenants will be delivered at the office of the Borough Clerk on or before sixty (60) days after the date of the sale, at which time and place the balance of the purchase price shall be required to be paid in cash or bank check. The Mayor and Clerk are hereby authorized to execute said Deed.
  - (g) The Deed of Conveyance will be subject to all matters of record, which may affect title herein, what an accurate survey may reveal, the Ordinances of the Borough of Stanhope and reserving an easement for all natural or constructed drainage systems, waterways, water and sewer easements on the premises and the continued right of maintenance and flow thereof.
  - (h) The purchaser shall also pay to the Borough of Stanhope the cost of preparation of this Ordinance and the Deed of Conveyance plus all charges of sale, including the cost of

advertisement, the notice of public sale and all other instruments necessary or required by law at the time of the sale.

- (i) The purchaser, in addition to the purchase price and the Borough's costs of sale set forth in subparagraph (h), shall also be required to pay directly to the Borough's real estate agent a Buyer's premium equal to five percent (5%) of the purchase price.
- (j) The property will be sold subject to 2014 taxes, pro-rated from the date of sale.
- (k) The Governing Body does hereby reserve the right to withdraw this offer to sell, or upon completion of the bidding to accept or reject any or all bids for said property or to waive any informality in relation thereto.

4. This Ordinance shall take effect after final passage and publication according to law.

On motion by Councilwoman Kuncken, seconded by Councilwoman Thistleton, and unanimously carried by the following roll call vote, the above ordinance was introduced.

Roll Call:

Councilwoman Zdichocki – yes	Councilman Depew – yes
Councilman Thornton - yes	Councilwoman Thistleton – yes
Councilwoman Kuncken - yes	Councilman Benson – yes

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

**Ordinance 2014-02**

**AN ORDINANCE TO AUTHORIZE THE SALE OF BLOCK NO. 11207, LOT NO. 11, LOCATED AT 67-69 MAIN STREET STANHOPE, NEW JERSEY**

**WHEREAS**, the Borough of Stanhope is the owner of all those lots, parcels and tracts of land as hereinafter set forth in Schedule A, which land is not needed or required for municipal use; and

**WHEREAS**, said lot has no improvements located thereon; and

**WHEREAS**, the Mayor and Council of the Borough of Stanhope have deemed it in the best interest of the Borough of Stanhope to sell the lot to the highest bidder at an open public auction sale pursuant to the provisions of N.J.S.A. 40A:12-13(a);

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Stanhope that:

- 4. The Borough of Stanhope shall sell, pursuant to the provisions of N.J.S.A. 40A:12-13(a), the property set forth in Schedule A attached hereto.
- 5. After final passage of this Ordinance, the Borough of Stanhope shall sell the property set forth in Schedule A after offering same at a public auction to the highest bidder at the advertised time and place, which sale shall occur at the Stanhope Borough Municipal Building, 77 Main Street, Stanhope, New Jersey.
- 6. The said property shall be the sold subject to the following terms and conditions:
  - (l) The said property shall be sold for not less than the amount set forth in Schedule A.
  - (m) The sale shall be made at public auction, after legal advertisement of this Ordinance and public notice of this sale, and shall be to the highest bidder.
  - (n) The Borough does not warrant or certify title to the property and in no event shall the Borough of Stanhope be liable for any damages to the purchaser-successful bidder if title is found unmarketable for any reason and the purchaser-successful bidder waives any and all right in damages or by way of liens against the Borough. The sole remedy being the right to receive a refund prior to closing of the deposit paid in the event title is found unmarketable. It shall be the obligation of the successful purchaser to examine title to said premises prior to the closing. In the event of closing and a later finding of defect of title, the Borough shall not

be responsible for same, shall not be required to refund money or correct any defect in title or be held liable for damages.

- (o) Acceptance of the highest bid shall constitute a binding agreement of sale and the purchaser shall be deemed to agree to comply with the terms and conditions of the sale herein contained.
- (p) The purchaser shall be required to pay no later than the conclusion of the public sale ten percent (10%) of the bid, in cash or check; said payment shall be returned to the purchaser without interest, if the title to said property is legally determined to be unmarketable, providing claim is made therefor within sixty (60) days after the sale.
- (q) A Bargain and Sale Deed without covenants will be delivered at the office of the Borough Clerk on or before sixty (60) days after the date of the sale, at which time and place the balance of the purchase price shall be required to be paid in cash or bank check. The Mayor and Clerk are hereby authorized to execute said Deed.
- (r) The Deed of Conveyance will be subject to all matters of record, which may affect title herein, what an accurate survey may reveal, the Ordinances of the Borough of Stanhope and reserving an easement for all natural or constructed drainage systems, waterways, water and sewer easements on the premises and the continued right of maintenance and flow thereof.
- (s) The purchaser shall also pay to the Borough of Stanhope the cost of preparation of this Ordinance and the Deed of Conveyance plus all charges of sale, including the cost of advertisement, the notice of public sale and all other instruments necessary or required by law at the time of the sale.
- (t) The purchaser, in addition to the purchase price and the Borough's costs of sale set forth in subparagraph (h), shall also be required to pay directly to the Borough's real estate agent a Buyer's premium equal to five percent (5%) of the purchase price.
- (u) The property will be sold subject to 2014 taxes, pro-rated from the date of sale.
- (v) The Governing Body does hereby reserve the right to withdraw this offer to sell, or upon completion of the bidding to accept or reject any or all bids for said property or to waive any informality in relation thereto.
- (w) The successful bidder shall be required to construct a new building on the property site, consisting of two stories with a retail, business office or professional use for the first floor and residential apartment(s) for the second floor. The street façade of the proposed building shall be subject to the prior review and approval of the Borough Council.
- (x) The successful bidder shall have a period of 180 days from the date of closing to apply to the Stanhope Borough Land Use Board for site plan approval for the development of the property in accordance with the above specifications. The successful bidder shall diligently pursue said site plan approval before the Borough's Land Use Board. The successful bidder shall then have 180 days from the date of preliminary or final site plan approval to commence construction of the approved building and shall diligently pursue construction through the issuance of Certificates of Occupancy. In the event that the successful bidder shall fail to comply with any of the conditions or timeline set forth above, the Borough reserves the right to assess a \$100.00 per day penalty for each and every day that the successful bidder is not in compliance with these conditions of sale.

4. This Ordinance shall take effect after final passage and publication according to law.

On motion by Councilman Depew, seconded by Councilwoman Kuncken and unanimously carried by the following roll call vote, the above ordinance was introduced.

Roll Call:

Councilwoman Zdichocki – yes	Councilman Depew – yes
Councilman Thornton - yes	Councilwoman Thistleton – yes
Councilwoman Kuncken - 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 Clerk to post the ordinance and authorized publication of same.

## **RESOLUTIONS**

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

### **Resolution 053-14**

#### **RESOLUTION AUTHORIZING ADOPTION OF STANDARD OPERATING PROCEDURES-RULES AND REGULATIONS FOR THE STANHOPE BOROUGH POLICE DEPARTMENT PURSUANT TO CHAPTER 37 OF THE CODE OF THE BOROUGH OF STANHOPE**

**WHEREAS**, all police departments are required to have adopted written rules and regulations under a Standard Operating Procedure manual; and

**WHEREAS**, the Governing Body of the Borough of Stanhope pursuant to Section 12 of Chapter 37 of the Borough Code has heretofore adopted and has incorporated by reference into the Borough Code said Police Department Rules and Regulations under Standard Operating Procedures; and

**WHEREAS**, the Police Department has completed a comprehensive review and revision of its Standard Operating Procedures-Rules and Regulations, dated January 28, 2014, a copy of which is on file with the Borough Clerk and Police Department; and

**WHEREAS**, the Chief of Police has recommended to the Governing Body the adoption of the new Standard Operating Procedures-Rules and Regulations; and

**NOW, THEREFORE**, be it resolved by the Mayor and Council of the Borough of Stanhope that pursuant to Section 37-12 of the Borough Code, the Stanhope Police Department Standard Operating Procedures-Rules and Regulations, dated January 28, 2014, be and the same is hereby adopted and shall be in immediate effect.

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

Mayor Maio stated that copies of this information were distributed a few weeks ago to the Governing Body and she asked if anyone had any questions. Mr. Stein stated that he and Mr. Merryman have reviewed the documents. Administrator McNeilly stated that he has reviewed the information. The Governing Body did not have any questions.

Roll Call:

Councilwoman Zdichocki – yes

Councilman Depew – yes

Councilman Thornton – yes

Councilwoman Thistleton – yes

Councilwoman Kuncken – yes

Councilman Benson – yes

### **Resolution 054-14**

#### **RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT EXCEEDING \$2,300,000 WATER BONDS, SERIES 2014, OF THE BOROUGH OF STANHOPE, IN THE COUNTY OF SUSSEX, NEW JERSEY, AND PROVIDING FOR THEIR SALE TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN AGREEMENTS IN CONNECTION THEREWITH**

**WHEREAS**, the Borough of Stanhope, in the County of Sussex (the “Local Unit”), New Jersey, has determined that there exists a need within the Local Unit to acquire, construct, renovate, install or refinance the Project (the “Project”), as defined in each of that certain Loan Agreement (the “Trust Loan Agreement”) to be entered into by and between the Local Unit and the New Jersey Environmental Infrastructure Trust (the “Trust”) and that certain Loan Agreement (the “Fund Loan Agreement” and, together with the Trust Loan Agreement, the “Loan Agreements”) to be entered into by and between the Local Unit and the State of New

Jersey, acting by and through the New Jersey Department of Environmental Protection (the “State”), all pursuant to the State fiscal year 2014 New Jersey Environmental Infrastructure Trust Financing Program (the “Program”);

**WHEREAS**, the Local Unit has determined to finance or refinance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the Trust (the “Trust Loan”) and the State (the “Fund Loan” and, together with the Trust Loan, the “Loans”) pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively;

**WHEREAS**, to evidence the Loans, each of the Trust and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit’s Water Bond, Series 2014A, to the State (the “Fund Loan Bond”) and Water Bond, Series 2014B, to the Trust (the “Trust Loan Bond” and, together with the Fund Loan Bond, the “Local Unit Bonds”) pursuant to the terms of the Local Bond Law of the State, constituting Chapter 2 of Title 40A of the Revised Statutes of the State (the “Local Bond Law”), other applicable law and the Loan Agreements;

**WHEREAS**, the Local Unit Bonds have been authorized pursuant to a bond ordinance of the Local Unit adopted on November 27, 2012, entitled: “Bond ordinance providing for the improvement of the water supply and distribution system in and by the Borough of Stanhope, in the County of Sussex, New Jersey, appropriating \$2,300,000 therefor and authorizing the issuance of \$2,300,000 bonds or notes of the Borough for financing such appropriation”;

**WHEREAS**, the Trust and the State have expressed their desire to close in escrow the making of one or more Loans, the issuance of one or more Local Unit Bonds and the execution and delivery of one or more Loan Agreements, all pursuant to the terms of an Escrow Agreement (the “Escrow Agreement”) to be entered into by and among the Trust, the State, the escrow agent named therein and the Local Unit; and

**WHEREAS**, N.J.S.A. §40A:2-27(a)(2) of the Local Bond Law allows for the sale of the Trust Loan Bond and the Fund Loan Bond to the Trust and the State, respectively, without any public offering, and N.J.S.A. §58:11B-9(a) allows for the sale of the Trust Loan Bond to the Trust without any public offering, all under the terms and conditions set forth in the following resolution.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF STANHOPE, IN THE COUNTY OF SUSSEX, NEW JERSEY** (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

**Section 1. Award of the Local Unit Bonds.** In accordance with N.J.S.A. §40A:2-27(a) (2) of the Local Bond Law and N.J.S.A. §58:11B-9(a), the Local Unit hereby sells and awards its (a) Trust Loan Bond to the Trust in accordance with the provisions of this resolution and (b) Fund Loan Bond to the State in accordance with the provisions of this resolution.

**Section 2. Basic Terms of the Local Unit Bonds; Delegation of Power to Make Certain Determinations.** The chief financial officer of the Local Unit or the treasurer of the Local Unit (the “Chief Financial Officer”) is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions established by the Trust and the State under the Loan Agreements and the terms and conditions of this resolution, the following items with respect to the Trust Loan Bond and the Fund Loan Bond:

- (a) The aggregate principal amount of the Trust Loan Bond to be issued and the aggregate principal amount of the Fund Loan Bond to be issued, which amounts in the aggregate shall not exceed \$2,300,000;
- (b) The maturity or maturities and annual and semi-annual principal installments of the Local Unit Bonds, which maturity or maturities shall not exceed twenty (20) years from the date of the Local Unit Bonds;
- (c) The date or dates of the Local Unit Bonds;



- (d) The interest rates of the Local Unit Bonds, provided that the effective interest rate of the Trust Loan Bond does not exceed eight per centum (8%) and that the interest rate on the Fund Loan Bond is zero per centum (0%);
- (e) The purchase price for the Local Unit Bonds;
- (f) The terms and conditions under which the Local Unit Bonds shall be subject to redemption prior to their stated maturities; and
- (g) Such other matters with respect to the Local Unit Bonds as may be necessary, desirable or convenient in connection with the sale, issuance and delivery thereof, including adjusting the title of the Local Unit Bonds to reflect the issuance thereof in a calendar year other than 2014.

**Section 3. Determinations Conclusive.** Any determination made by the Chief Financial Officer pursuant to the terms of this resolution shall be conclusively evidenced by the execution and attestation of the Local Unit Bonds by the parties authorized under Section 4(c) of this resolution.

**Section 4. Further Terms of the Local Units Bonds.** The Local Unit hereby determines that certain terms of the Local Unit Bonds shall be as follows:

- (a) The Fund Loan Bond shall be issued in a single denomination and shall be numbered RA-1, or as may otherwise be determined by the Chief Financial Officer. The Trust Loan Bond shall be issued in a single denomination and shall be numbered RB-1, or as may otherwise be determined by the Chief Financial Officer;
- (b) The Local Unit Bonds shall be issued in fully registered form (convertible to bearer as therein provided) and shall (unless converted to bearer) be payable to the registered owners thereof as to both principal and interest in lawful money of the United States of America;
- (c) The Local Unit Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, imprinted, engraved or reproduced thereon and attested by the manual signature of the Local Unit Clerk or Deputy Local Unit Clerk; and
- (d) In order to distinguish the Local Unit Bonds from other bonds of the Local Unit, the Local Unit Bonds shall have such letters and/or numbers incorporated in their titles as shall be determined by the Chief Financial Officer.

**Section 5. Forms of the Local Unit Bonds.** The Trust Loan Bond and the Fund Loan Bond shall be substantially in the form set forth in the Trust Loan Agreement and the Fund Loan Agreement, respectively.

**Section 6. Authorized Parties.** The law firm of Hawkins Delafield & Wood LLP, bond counsel to the Local Unit, is hereby authorized to arrange for the printing of the Local Unit Bonds, which law firm may authorize McCarter & English, LLP, bond counsel to the Trust and the State for the Program, to arrange for same. The Local Unit auditor and financial advisor, if any, are hereby authorized to prepare the financial information necessary in connection with the issuance of the Local Unit Bonds. The Mayor, the Chief Financial Officer, the Local Unit Administrator and the Local Unit Clerk (each, an "Authorized Official") are hereby severally authorized to execute any certificates necessary or desirable in connection with the financial and other information.

**Section 7. Report to the Local Unit.** The Chief Financial Officer is hereby directed to report in writing to this Council at the next meeting of this Council next following the closing with respect to the Local Unit Bonds as to the terms of the Local Unit Bonds authorized to be determined by the Chief Financial Officer pursuant to and in accordance with the provisions of this resolution.

**Section 8. Delivery of the Local Unit Bonds.** Each Authorized Official is hereby authorized to execute any certificate or document necessary or desirable in connection with the sale of the Local Unit Bonds and is hereby further authorized to deliver same to the Trust and the State upon delivery of the Local Unit Bonds and the receipt of payment therefor in accordance with the Loan Agreements.

**Section 9. Execution of Agreements.** The Trust Loan Agreement, the Fund Loan Agreement and the Escrow Agreement (collectively, the “Financing Documents”) are hereby authorized to be executed and delivered on behalf of the Local Unit by an Authorized Official (other than the Local Unit Clerk) in substantially the forms required and traditionally used by the Trust and the State (which forms are available from the Trust and the State), with such changes as such Authorized Official, in his or her sole discretion, after consultation with counsel and any advisors to the Local Unit (the “Local Unit Consultants”) and after further consultation with the Trust, the State and their representatives, agents, counsel and advisors (collectively, the “Program Consultants” and, together with the Local Unit Consultants, the “Consultants”), shall determine, such determination to be conclusively evidenced by the execution of each such Financing Document by an Authorized Official (other than the Local Unit Clerk). The Local Unit Clerk is hereby authorized to attest to the execution of the Financing Documents by an Authorized Official and to affix the corporate seal of the Local Unit to such Financing Documents.

**Section 10. Authorized Actions.** The Authorized Officials are hereby further severally authorized to (i) execute and deliver and the Local Unit Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officials or the Local Unit Clerk, as applicable, in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Financing Documents and the Local Unit Bonds and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such document, instrument or closing certificate by the party authorized under this resolution to execute such document, instrument or closing certificate and (ii) perform such other actions as the Authorized Officials deem necessary, desirable or convenient in relation to the execution and delivery thereof.

**Section 11. Multiple Document Sets.** Notwithstanding any other provision of this resolution to the contrary, if in connection with the participation of the Local Unit in the Program, the State and the Trust require that the Local Unit execute more than one set of documents, the provisions of this resolution shall be deemed to apply to the Local Unit Bonds and the Financing Documents related to each set of documents; provided, however, that in no event may the aggregate principal amount of all Local Unit Bonds issued and delivered pursuant to the provisions of this resolution be in excess of the amount referred to in Section 2(a) hereof.

**Section 12. Interim Financing.** In anticipation of the issuance of the Local Unit Bonds, the Local Unit hereby authorizes, if necessary or desirable, the issuance, sale and award of an interim bond anticipation note (the “Interim Local Unit Note”) pursuant to the Trust’s Interim Financing Program. The Interim Local Unit Note shall be substantially in the form provided by the Trust in the Interim Financing Program’s loan agreement. The execution and delivery of the Interim Local Unit Note shall be in the same manner as herein prescribed with respect to the Local Unit Bonds. An Authorized Official is hereby authorized to determine, pursuant to the terms and conditions established by the Trust and the State under the Interim Financing Program’s loan agreement and the terms and conditions of this resolution, the following items with respect to the Interim Local Unit Note: (a) the aggregate principal amount of the Interim Local Unit Note to be issued, which amount shall not exceed \$2,300,000; (b) the maturity of the Interim Local Unit Note, which shall be no later than one year after the date of issuance thereof; (c) the date of the Interim Local Unit Note; (d) the interest rate of the Interim Local Unit Note, which shall not exceed 2% per annum; (e) the purchase price for the Interim Local Unit Note; and (f) such other matters with respect to the Interim Local Unit Note as may be necessary, desirable or convenient in connection with the sale, issuance and delivery thereof. The Authorized Officials are hereby further severally authorized to manually execute and deliver and the Local Unit Clerk is hereby further authorized to attest by manual signature to such execution and to affix, imprint, engrave or reproduce the corporate seal of the Local Unit to any document, instrument or closing certificate deemed necessary, desirable or convenient by the

Authorized Officials or the Local Unit Clerk, as applicable, in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Interim Local Unit Note and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such document, instrument or closing certificate by the party authorized under this resolution to execute such document, instrument or closing certificate.

**Section 13. Capitalized Terms.** All capitalized words and terms used but not defined in this resolution shall have the meanings ascribed to such words and terms, respectively, in the preambles to this resolution.

**Section 14. Prior Action.** All action taken to date by the officers, employees and agents of the Local Unit with respect to the Local Unit Bonds hereby are approved, ratified, adopted and confirmed.

**Section 15. Effective Date.** This resolution shall take effect immediately.

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

Roll Call:

Councilwoman Zdichocki – yes

Councilman Thornton – yes

Councilwoman Kuncken – yes

Councilman Depew – yes

Councilwoman Thistleton – yes

Councilman Benson – yes

**Resolution 055-14**

**RESOLUTION AUTHORIZING THE AWARD OF NON FAIR AND OPEN CONTRACTS FOR PROFESSIONAL SERVICES FOR THE BOROUGH OF STANHOPE FOR THE YEAR 2014**

**WHEREAS**, the Borough of Stanhope has a need for professional services for the year 2014 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 2014; 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 2014; 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 2014; 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 2014; 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 2014; 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 2014; 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 Councilwoman Thistleton, seconded by Councilwoman Zdichocki and unanimously carried by the following roll call vote, the foregoing resolution was duly adopted.

Roll Call:

Councilwoman Zdichocki – yes	Councilman Depew – yes
Councilman Thornton – yes	Councilwoman Thistleton – yes
Councilwoman Kuncken – yes	Councilman Benson – yes

**Resolution 056-14**

**RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES FOR THE BOROUGH OF STANHOPE FOR THE YEAR 2014 FOR CONFLICT COUNSEL**

**WHEREAS**, the Borough of Stanhope has need for professional legal services for the year 2014 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**, Robert Morgenstern, Esq. has submitted a proposal indicating that he will provide legal services to the Borough as Conflict Counsel for the year 2014; and

**WHEREAS**, the agreement with Mr. Morgenstern 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. Morgenstern as Municipal Conflict Counsel for the Borough of Stanhope for the year 2014.

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

Roll Call:

Councilwoman Zdichocki – yes  
Councilman Thornton – yes  
Councilwoman Kuncken – yes

Councilman Depew – yes  
Councilwoman Thistleton – yes  
Councilman Benson – yes

**Resolution 057-14**

**RESOLUTION AUTHORIZING DISCHARGE OF  
MORTGAGE 21 ELM STREET, BLOCK 10807, LOTS 18  
AND 19**

**WHEREAS**, The Borough of Stanhope heretofore made an Affordable Housing Program Mortgage Loan to Shirley Kohl for the property at 21 Elm Street, Block 10807, Lots 18 and 19 on the Tax Maps of the Borough of Stanhope; and

**WHEREAS**, a mortgage was given to secure said loan in the amount of \$9,000.00, which mortgage was recorded in the Sussex County Clerk's Office on January 27, 1999 in Mortgage Book 3401, at Page 261; and

**WHEREAS**, the loan has been repaid in full to the Borough and must be discharged of record in the Sussex County Clerk's Office;

**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 a Discharge of Mortgage, Book 3401, Page 261; and

**BE IT FURTHER RESOLVED** that the Discharge be provided to the property owner to discharge the Mortgage of Record with the Sussex County Clerk.

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

Councilwoman Kuncken asked for clarification of the resolution. Mr. Stein stated this was a small cities home improvement loan that was made to Shirley Kohl, who passed away several years ago. Her estate has been settled and the buyer has sent a check from the closing for \$9,000 which will be returned to the fund.

Roll Call:

Councilwoman Zdichocki – yes  
Councilman Thornton – yes  
Councilwoman Kuncken – yes

Councilman Depew – yes  
Councilwoman Thistleton – yes  
Councilman Benson – yes

**Resolution 058-14**

**RESOLUTION AMENDING RESOLUTION 027-14**

**WHEREAS**, on January 7, 2014 the Mayor and Council adopted Resolution 027-14 authorizing the 2014 installment payment for two 2013 Ford Interceptor Sedan police vehicles under a least purchase agreement with Ford Motor Credit Company in the amount of \$22,930.00; and

**WHEREAS**, the amount of \$22,930.00 is incorrect for the 2014 installment payment; and

**WHEREAS**, the correct installment payment for 2014 is \$24,428.33;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Stanhope that Resolution 027-14 be and hereby is amended to provide for the 2014 installment payment of \$24,428.33.

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

Mayor Maio stated that this resolution is being amended due to an incorrect dollar amount on the previous resolution.

Roll Call:

Councilwoman Zdichocki – yes  
Councilman Thornton – yes  
Councilwoman Kuncken – yes

Councilman Depew – yes  
Councilwoman Thistleton – yes  
Councilman Benson – yes

### **MAYOR'S APPOINTMENT**

#### **Resolution 059-14**

#### **RESOLUTION APPROVING THE MAYOR'S APPOINTMENT OF THE BOROUGH'S REPRESENTATIVE TO THE MUSCONETCONG SEWERAGE AUTHORITY WITH COUNCIL CONCURRENCE**

Mayor's appointment of Brian McNeilly as the Borough representative to the Musconetcong Sewerage Authority with Council Concurrence.

**BE IT RESOLVED** by the Council of the Borough of Stanhope that they do hereby concur with the Mayor's appointment of Brian McNeilly as the Borough's representative to the Musconetcong Sewerage Authority for a 5-year term effective February 1, 2014;

**BE IT FURTHER RESOLVED** that the Clerk be and is hereby directed to send a certified copy of this resolution to the New Jersey Secretary of State.

On motion by Councilwoman Thistleton, seconded by Councilwoman Zdichocki and unanimously carried by voice vote, the foregoing resolution was duly adopted.

### **PAYMENT OF BILLS**

#### **Resolution 060-14**

#### **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 28, 2014 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 unanimously carried by the following roll call vote, the foregoing resolution was duly adopted.

Roll Call:

Councilwoman Zdichocki – yes  
Councilman Thornton – yes  
Councilwoman Kuncken – yes

Councilman Depew – yes  
Councilwoman Thistleton – yes  
Councilman Benson – yes

### **ATTORNEY REPORT**

Mr. Stein had no report.

Mayor Maio asked Mr. Stein for an update on Mountain Terrace. Mr. Stein replied that his last communication to Mr. Pipes on December 19, 2013 informed Mr. Pipes that the marketing plan was incorrect with regard to the taxes. Mr. Pipes had stated that the property would be taxed at 75% of the assessed value. Mr. Stein informed Mr. Pipes that the property would be taxed at the full assessed value and that Mr. Pipes must correct the marketing plan and submit the new plan to the Borough. Mr. Stein emailed Mr. Pipes today and informed him that the marketing plan

must be received by the end of this week. Mr. Stein stated at this time the house is assessed at approximately \$218,000.

### **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.

Seeing no one from the public wishing to speak, Council President Kuncken 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 – Potential Litigation (Capitol Care)
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 unanimously carried by voice vote, the foregoing resolution was adopted.

Mayor and Council went into Closed Session at 8:20 P.M.

At the conclusion of the Closed Session, Mayor and Council reconvened the public meeting at 9:00 P.M. with all present.

### **ADJOURNMENT**

On a motion by Councilwoman Kuncken, seconded by Councilwoman Zdichocki, and unanimously carried by voice vote the meeting was adjourned at 9:00 P.M.

Approved:

Linda Chirip  
Deputy Clerk for  
Ellen Horak  
Borough Clerk