

**MAYOR AND COUNCIL  
WORK SESSION AND  
AGENDA MEETING  
February 12, 2013  
8:00 P.M.**

**CALL TO ORDER**

**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 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:

Councilman Thornton – Present

Councilwoman Kuncken – Present (left at 8:48PM)

Councilman Depew - Present

Councilwoman Thistleton - Present

Councilman Graham - Present

Councilman Benson - Present

Mayor Maio – Present

**PRESENTATION**

Mayor Maio thanked the students and teachers from the Stanhope Valley Road School for the wonderful job they did in preparing the cover for this year's Borough calendar. Certificates of Appreciation were presented to each of the participants: Alexandra Poisseroux, Keith Kondapi, Kristen Harris, Dominick Cecere and Ms. Denise Schoch.

Ms. Schoch thanked the parents and the Mayor and Council. Ms. Schoch stated that the students put in a great deal of effort and they provided the pictures, edited them and did the layout for the cover. The students were extremely motivated and they are very talented. Ms. Schoch believes that these students will go far in life and they will be very successful.

**PRESENTATION**

Lee Purcell (Water System Improvement Phase I) – Mr. Purcell stated that he is here this evening to deliver a status report for the Water System Improvement Phase I. The NJDEP project numbers are listed as 01 for the water mains and 02 for the storage tank rehabilitation. The State has two programs and each application is separate. Mr. Purcell stated that he, Administrator McNeilly, Councilman Graham, Mr. Stein and Bond Counsel attended a seminar that was held a few weeks ago. There is a 75% and 25% formula for funding.

The first priority is to have everything in order and ready to be filed by March 4<sup>th</sup>. Administrator McNeilly will be filing the paperwork electronically on Friday, March 1<sup>st</sup>. After March 4<sup>th</sup> there is a period of time, which could be as long as 6 months, before the Borough can go out to bid and secure the NJDEP project certification. Mr. Purcell's office will assist the Bond Counsel, Mr. Stein and the auditor to make sure everything is in order. Both construction projects have to be

awarded prior to NJDEP issuing the project certification. The funds will be available at a zero percent interest loan rate until the formal loan closing which will take place in April or May of 2014.

A geotechnical study has to be conducted and a report compiled in order to know how much rock will have to be removed from the ground. The amount of rock to be excavated has to be determined within 10% plus or minus.

The Borough will schedule a meeting with the Sussex County Road Department to make sure they are in line with the project. A detour plan will have to be determined by the County. A meeting will have to be scheduled with the Mount Olive Township engineering department and the road department to secure their input for the project for the area along Continental Drive for the line cutting to the Borough wells. All this information will be included in the bid document.

Much discussion took place about the properties along Brooklyn Road and the various options for the construction. Mayor Maio asked when the Borough will be speaking with the County. Mr. Purcell replied after March 4<sup>th</sup> the meeting can be scheduled. Mayor Maio stated that the construction cannot take place during school hours. Mr. Purcell stated that the best plan would be to begin at the end of June and conclude before Labor Day in 2014. Mr. Purcell stated that the more conditions that are put into the construction bid, the higher the costs will be.

Administrator McNeilly asked if the Borough can take advantage of the water trench opening to go to surface for bypass. Mr. Purcell is of the opinion that this can be done at the time of construction.

Councilman Graham asked when the plan will be available in order to alert the residents and businesses that are located in that area. There is a pre-school that operates 12 months a year, the Lutheran Church has Vacation Bible School in the summer and the high school runs several summer programs. Mr. Purcell suggested that several Borough wide meetings should be held to explain the project, as well as several neighborhood meetings beginning in April. Administrator McNeilly stated that the area along Brooklyn Road is a major thoroughfare for people going to and from work. Mr. Purcell stated that the construction crews will work on 50 feet per day which will amount to two full months. A lengthy discussion took place regarding the detour options and the fact that arrangements need to be made for first responders.

Mr. Purcell presented a tentative construction schedule which is as follows:

1. Advertisement for Receipt of Bids ..... September 2013
2. Receive Bids .....October 2013
3. Award of Construction Contract..... December 2013
4. Pre-Construction Meeting (Start of Construction)..... January 2014
5. NJEIT Formal Loan Closing.....April/May 2014
6. Completion of Construction..... September 2014
7. Final Inspection with NJDEP.....October 2014
8. Project Completion Certification .....November 2014
9. 1<sup>st</sup> Year Performance Certification .....November 2015

Mayor Maio asked if the nine months includes the refurbishing of the tank. Mr. Purcell affirmed this and stated the tank is a parallel contract. The pipelines have a higher ranking in the priority list for the State than the rehabilitation of the tank. Mr. Purcell is of the opinion that if the tank cannot be refurbished because they are unable to fund it at the same time, the water mains will go ahead and the Borough will have to follow up with the refurbishing of the tank.

Councilman Graham asked Mr. Purcell when the engineering will be ready for the internal piping that the Borough is planning. Mr. Purcell replied that the specifications are complete. They are being typed and will then be reproduced. The specifications will change slightly after the geotechnical study is completed. Administrator McNeilly asked if the geotechnical study will be specifically for Brooklyn Road. Mr. Purcell stated that the focus will be on Brooklyn Road but there are other areas of the Borough that will be studied. Administrator McNeilly asked when the geotechnical study will be done. Mr. Purcell stated the study cannot take place while there is ice on the roads. Administrator McNeilly stated the County will have to be

contacted. The bond is on file with the County to open the road which should allow for the process to move quickly.

Administrator McNeilly stated he has a copy of the Engineering Professional Services Agreement for Mr. Purcell's company which has been reviewed by Mr. Purcell and Mr. Stein. The resolution will be prepared for adoption at the next meeting.

### **ADMINISTRATOR'S REPORT**

Borough Hall Renovation – Administrator McNeilly stated that the carpeting will be installed on February 21<sup>st</sup> or 22<sup>nd</sup>. The furniture will be delivered on February 25<sup>th</sup>. The new doors have been keyed the same and the handles are ADA compliant. The existing doors are also going to have ADA compliant handles installed at this time. Blinds will be ordered for the windows.

Well #5 – Administrator McNeilly reported that the bid request for the replacement of the emergency generator is on the agenda tonight. The delivery is anticipated to be 90 days after the signing of the Purchase Order. Councilman Graham stated that during the power outage the Borough was one of few towns that were able to supply water. Administrator McNeilly stated a future discussion will be held to discuss purchasing a generator to be placed between wells 3 and 4 that will feed both wells. There is another emergency option available due to the interconnection with Netcong.

Police Department – Administrator McNeilly stated that Chief Pittigher has provided a sample resolution for the Commission on Accreditation of Law Enforcement Agencies (CALEA) which was used by Mount Olive Township. This is a standard format used by the Joint Insurance Fund (JIF) for the members that choose to accept the grant.

Cross River Fiber – Administrator McNeilly stated that a representative from Cross River Fiber will be present at the March 26<sup>th</sup> meeting. The Governing Body asked that the resolution not be on the agenda for that meeting to allow time for review.

Solid Waste and Recycling – Administrator McNeilly stated that the Infrastructure Committee met last week to discuss solid waste and recycling. The solid waste format and schedule will remain the same. The recycling bid will have two options. This information was sent to Mr. Stein and he has provided a proposal. In 2008 this was bid as two separate contracts. Administrator McNeilly stated the proposal has sections A and B for the solid waste contract and C has a subsection of C1 and C2 for recycling. C1 is the source separated recycling materials which will be collected once per week with comingled collected one week and cardboard/paper collected the following week. C2 is the single stream which would be collected every other week. This will allow the Borough to obtain bids for both options and to determine which is most advantageous. Discussion took place regarding the option of having the recycling hauled and owned by the hauler or if the Borough hire a hauler but would retain ownership of the recycling. It was determined that having the Borough retain ownership was a diminishing market and not in the Borough's best interest. Administrator McNeilly asked the Governing Body how they would like to go to bid. Councilman Graham asked for a day to review the contract prior to Mr. Stein being contacted. Administrator McNeilly stated the goal is to have this prepared for the February 26<sup>th</sup> meeting. The frequency of the collection schedule was discussed. Mayor Maio asked Administrator McNeilly to contact Mr. Stein tomorrow to inform him that the bid will be done as two separate contracts. Councilman Graham stated he will review the contract by tomorrow morning.

Councilwoman Kuncken excused herself and had to leave the meeting at 8:48 P.M.

Website Request For Proposal (RFP) – Administrator McNeilly provided a copy of the RFP for the website re-design, development, implementation and hosting for the Borough's website. Mayor Maio asked when the committee intends to present the RFP. Councilman Depew stated as soon as the Governing Body approves the RFP it will be sent out. Mayor Maio asked the Governing Body to review the document and provide any comments or changes by Monday, February 18<sup>th</sup>.

Certified Public Manager's Course – Administrator McNeilly stated that the Certified Public Manager's Course will be held every Friday in Wayne from March 1<sup>st</sup> through December 20<sup>th</sup>.

Mayor Maio stated that if Administrator McNeilly is accepted into the program the commitment that was made to Mr. Purcell to transfer the information on Friday, March 1st, needs to be completed on Thursday, February 28<sup>th</sup>.

JCP&L Invitation – Administrator McNeilly stated that an invitation has been received by the Borough to attend a tour of the JCP&L Regional Dispatch Office and attend a presentation of their storm response and outage restoration process on Thursday, February 21<sup>st</sup> at 1:30 P.M. Administrator McNeilly asked the Governing Body to inform him if they would like to attend. The RSVP must be sent by Monday, February 18<sup>th</sup>.

JCP&L Power Distribution Map – Administrator McNeilly reported that John Anderson has provided several color coded copies of the power distribution map for the substations and the circuits serving Stanhope Borough. The map also states how many customers are fed by each of the substations. Administrator McNeilly distributed copies to all the member of the Governing Body.

Nixle – Administrator McNeilly stated that on Friday evening, during the snow storm, he sent a test message through the Nixle system. Some members of the Governing Body stated that they received the message, others did not. On Wednesday Administrator McNeilly will run another test with the representative from Nixle to have the system up and running.

## **COUNCIL DISCUSSION**

Laddey, Clark & Ryan Seminar - Mayor Maio stated that the Governing Body received an invitation to attend a seminar being held by Laddey, Clark & Ryan on Tuesday, February 19<sup>th</sup>, regarding employment policies. The seminar is free for municipal employees and elected officials. Mayor Maio asked the Governing Body to RSVP to the Clerk as soon as possible.

Stanhope Home & School Association (request for donation) – Mayor Maio stated that a request has been received from the Stanhope Home & School Association requesting a donation. Originally the request was sent to the Borough but the Clerk informed the HSA that the Borough cannot make donations. The request has been forwarded to the members of the Governing Body in case they would like to make a donation on their own.

Summer Recreation Program – Councilwoman Thistleton stated all the feedback regarding the Summer Recreation Program last year was positive. This year the Recreation Commission would like to make some changes. Last year the Borough provided a \$50 savings off of the registration fee to the first 100 children that signed up. The cost for one week is \$180.00 for children from grades 1 through 9. The full day program is run from 8:30 A.M. to 3:30 P.M. The morning program is for the same age group and is held from 8:30 A.M. to 12:00 at a cost of \$110.00. The afternoon program is for the same age group and is held from 12:00 to 3:30 P.M. at a cost of \$100.00. The four and five year old program runs from Monday through Thursday from 8:30 A.M. to 12:00 at a cost of \$70.00.

This year the Recreation Commission would like to limit the incentive offer to the first 50 residents that register. Last year only 13 children enrolled in the program. The Recreation Commission would like to offer five “camperships” to Stanhope families that have a financial hardship. Councilwoman Thistleton stated that she has contacted Jeanne Schwartz, Overseer of the Poor, for her assistance. The entire costs for those children would be covered by the Borough regardless of which program they choose. The information would be kept confidential. In the event that all five campers choose to attend for the week, the cost would be \$900.00 which the Recreation Commission has in their budget already. If 50 residents sign up from Stanhope Borough and receive the \$50 incentive, that total cost would be \$2,500. The total program costs under those circumstances would amount to \$3,400.00. Councilwoman Thistleton asked for approval to move forward with the “campership program” which would allow some children who cannot afford to attend camp an opportunity to enjoy this summer camp program.

Mayor Maio suggested that all the qualifying families should be contacted by letter explaining the program arrangements. If more than five registrations are received a lottery can be held. Councilwoman Thistleton stated that the campers could also be chosen on a first come first serve basis. The campers that receive the “campership” this year would not be eligible to receive this again next year unless everyone else declines. Councilwoman Thistleton requested approval

from the Governing Body for the Recreation Commission to offer the “campership program” to the Stanhope residents. Mayor Maio polled the Council and the results of that poll are as follows: Councilman Depew – yes, Councilman Benson – yes, Councilman Thornton - yes, Councilman Graham – yes, Councilwoman Thistleton – yes, Councilwoman Kuncken – absent. The Governing Body approved the Recreation Commission’s request. Councilwoman Thistleton will provide a letter to Mrs. Schwartz to inform the residents.

Request for Refund (Christopher Cygan) – Mayor Maio asked the Clerk if there is a resolution for this refund. Ellen Horak, Municipal Clerk, replied that the resolution has not been drafted at this time. Mayor Maio stated that Christopher Cygan fell behind on his water and sewer bill. In order to catch up he began making \$25.00 weekly payments to the Borough automatically transferred from his bank to the Borough. This allowed him to catch up but he has now overpaid and has a credit of \$396.00. A water and sewer bill will be mailed out soon. Toni Grisaffi, Utility Collector, contacted Mr. Cygan and returned some of his checks. Dana Mooney, CFO who was present in the audience, stated that carrying credits in water and sewer is not advisable. Ms. Mooney also stated that Mr. Cygan’s bill is a flat amount and therefore he is aware of the exact amount of his quarterly bill. Ms. Mooney stated that Mr. Cygan’s next water and sewer bill will be in the amount of \$220.00. The Governing Body approved Mr. Cygan’s refund to be issued after the next water and sewer bill payment is made. A discussion took place regarding the issue of partial payments and the problems that exist. Mayor Maio asked Ms. Mooney to speak with Mr. Cygan and explain why the Borough cannot continue to receive payments in this manner and arrange a better solution. Ms. Mooney will prepare a resolution for the next meeting to refund the remaining balance and she will contact Mr. Cygan.

#### 2013 Municipal Budget –

6-1 Land Use Board – Mayor Maio asked Dana Mooney, CFO, to obtain last year’s copy of the resolution that states the monthly salary for the Land Use Board Secretary. The Governing Body made the decision to decrease the line item for Attorney & Other Professional Services from \$2,500 to \$2,000, a decrease of \$500 and to decrease the line item for Engineering from \$900 to \$500, a decrease of \$400. A total of \$900 was deducted from the Land Use Board budget.

6-1 Regional Planning Board – The budget has not been received to date from the Regional Planning Board. Mayor Maio stated that the ordinance that created the board states that the municipalities must pay the allocated budgeted amount.

6-3 Construction – Much discussion took place regarding the salaries for the Construction Department. The Governing Body agreed to hold the salaries for the Electrical Subcode, Plumbing Subcode and Fire Subcode to the same amounts as last year. Ms. Mooney will obtain information regarding supplies and the amount of funds needed for that line item.

Stipends – The Governing Body discussed the issue of stipends and agreed to have all stipends remain at the set amount without an increase.

6-5 Zoning Officer – The Housing Liaison position salary will remain the same as last year.

7-1 Insurance – A lengthy discussion took place regarding the JIF policy that allows for a payment of \$742.54 to reduce the co-insurance number from \$250,000 to \$100,000. This does not decrease any amount from the budget. Ms. Mooney stated that \$15,000 is reserved and an additional \$10,000 will be added to this totaling \$25,000 which will be put in reserve as of this year. If the Borough adds this insurance policy, carries it forward and maintains the policy for a cost of \$743, then next year the \$10,000 could be eliminated. The budget for the EPL deductible is \$10,743. Administrator McNeilly stated this insurance would allow for a \$20,000 deductible and \$100,000 co-insurance if something were to occur. Administrator McNeilly stated this issue has been discussed in great length at the JIF meetings. Every town has grappled with this issue. Administrator McNeilly stated it is his recommendation, as Commissioner, and that of the Risk Manager to carry the insurance at a cost of \$743. Mayor Maio asked how much money should be put into the reserve. Administrator McNeilly stated that if there is an incident \$20,000 will be paid upfront and the first \$100,000 of the costs will also be paid if this insurance is purchased. If the insurance is not purchased, the Borough would be required to pay \$20,000 upfront and the first quarter of a million dollars of the suit. Administrator McNeilly is of the opinion that the Borough should continue to add \$10,000 to the reserve every year until it accumulates to

\$70,000 or whatever amount the Governing Body is comfortable with. These funds will still only cover a single event.

Ms. Mooney will review the Group Health Insurances again now that the Police Department salaries have been determined. Mayor Maio asked what the percentage of increase in health insurance is for this year. Ms. Mooney stated she does not have that information at this time. There are two employees that have waived their health insurance. There was a calculation error noted for the unemployment insurance that Ms. Mooney will correct.

*5-1 Legal Services and Engineering Services* – Councilman Depew stated there are no major road projects scheduled for this year and asked if the funds should be reduced. Councilman Graham is of the opinion that the funds should not go below \$15,000. Administrator McNeilly suggested the funds be set at \$18,000. The Governing Body approved Administrator McNeilly's suggestion.

Mayor Maio scheduled a Mayor and Council Special Meeting for February 19, 2013 at 7:00 P.M. to discuss the budget. Mayor Maio asked Ellen Horak, Municipal Clerk, to advertise the meeting.

Ms. Mooney distributed information regarding the financing for two police cars. Ms. Mooney stated that she asked Chief Pittigher why there was \$9,000 in interest. Ms. Mooney stated that Chief Pittigher reviewed the figures and the interest has decreased by \$1,500. Councilman Graham asked for an analysis of leasing versus purchasing. In this economy leasing may not be the best option. Mayor Maio stated that the vehicles were discussed at a recent Public Safety meeting and she is of the opinion that the costs were not acceptable. Mayor Maio asked Ms. Mooney to find out what the interest rate is for the lease.

## **NEW BUSINESS**

### **Ordinance for Introduction [Public Hearing on February 26, 2013]**

Mayor Maio offered the following ordinance for introduction which was read by title:

#### **Ordinance 2013-01**

#### **CALENDAR YEAR 2013 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Borough of Stanhope in the County of Sussex finds it advisable and necessary to increase its CY 2013 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Mayor and Council hereby determines that a 1.5 % increase in the budget for said year, amounting to \$51,066.00 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS** the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Mayor and Council of the Borough of Stanhope, in the County of Sussex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2013 budget year, the final

appropriations of the Borough of Stanhope shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased BY 3.5 %, amounting to \$119,154.00, and that the CY 2013 municipal budget for the Borough of Stanhope be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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

Roll Call:

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

On motion by Councilman Depew, seconded by Councilman Graham 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 052-13**

### **RESOLUTION AUTHORIZING THE AWARD OF NON FAIR AND OPEN CONTRACTS FOR PROFESSIONAL SERVICES FOR THE BOROUGH OF STANHOPE FOR THE YEAR 2013**

**WHEREAS**, the Borough of Stanhope has a need for professional services for the year 2013 of Borough Attorney; and

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

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

**WHEREAS**, Richard Stein, Esq. of the firm Laddey, Clark & Ryan, LLP has submitted a proposal to provide legal services as Borough Attorney for the year 2013; and

**WHEREAS**, the aforesaid professional 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**, the aforesaid professional 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 a professional service agreement with Laddey, Clark & Ryan, LLP; 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 Benson, seconded by Councilman Thornton, and carried by the following majority roll call vote, the foregoing resolution was adopted.

Councilman Graham asked if this is an increase from \$16,500 to \$17,500. Councilman Graham stated that he objects to this increase. Mayor Maio confirmed this is an increase and that it is the first increase since 2008.

Roll Call:

Councilman Thornton - yes	Councilwoman Thistleton - yes
Councilwoman Kuncken – absent	Councilman Graham - no
Councilman Depew - no	Councilman Benson – yes

**Resolution 053-13**

**RESOLUTION AUTHORIZING THE AWARD OF NON FAIR AND OPEN CONTRACTS FOR PROFESSIONAL SERVICES FOR THE BOROUGH OF STANHOPE FOR THE YEAR 2013**

**WHEREAS**, the Borough of Stanhope has a need for professional services for the year 2013 of Borough Bond Attorney; and

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

**WHEREAS**, the anticipated term of said contract is one year; 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 2013; and

**WHEREAS**, the aforesaid professional 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**, the aforesaid professional 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 a professional service agreement with Hawkins, Delafield and Wood ; 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 Graham, seconded by Councilwoman Thistleton, and unanimously carried by the following roll call vote, the foregoing resolution was adopted.



Roll Call:

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

**Resolution 054-13**

**RESOLUTION AUTHORIZING THE AWARD OF NON FAIR AND OPEN CONTRACTS FOR PROFESSIONAL SERVICES FOR THE BOROUGH OF STANHOPE FOR THE YEAR 2013**

**WHEREAS**, the Borough of Stanhope has a need for professional services for the year 2013 of Borough Labor Attorney; and

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

**WHEREAS**, the anticipated term of said contract is one year; 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 2013; and

**WHEREAS**, the aforesaid professional 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**, the aforesaid professional 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 a professional service agreement with Apruzzese, McDermott, Mastro & Murphy; 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 Graham, seconded by Councilman Depew, and unanimously carried by the following roll call vote, the foregoing resolution was adopted.

Roll Call:

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

**Resolution 055-13**

**RESOLUTION AUTHORIZING THE AWARD OF NON FAIR AND OPEN CONTRACTS FOR PROFESSIONAL SERVICES FOR THE BOROUGH OF STANHOPE FOR THE YEAR 2013**

**WHEREAS**, the Borough of Stanhope has a need for professional services for the year 2013 of Borough Engineer; and

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

**WHEREAS**, the anticipated term of said contract is one year; 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 2013; and

**WHEREAS**, the aforesaid professional 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**, the aforesaid professional 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 a professional service agreement with Nisivoccia & Company, LLP; 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 Graham, seconded by Councilman Depew, and unanimously carried by the following roll call vote, the foregoing resolution was adopted.

Roll Call:

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

**Resolution 056-13**

**RESOLUTION AUTHORIZING THE AWARD OF NON FAIR AND OPEN CONTRACTS FOR PROFESSIONAL SERVICES FOR THE BOROUGH OF STANHOPE FOR THE YEAR 2013**

**WHEREAS**, the Borough of Stanhope has a need for professional services for the year 2013 of Borough Engineer; and

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

**WHEREAS**, the anticipated term of said contract is one year; 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 2013; and

**WHEREAS**, the aforesaid professional 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**, the aforesaid professional 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 a professional service agreement with Omland Engineering Associates, Inc.; 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 Councilman Graham, and unanimously carried by the following roll call vote, the foregoing resolution was adopted.

Roll Call:

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

**Resolution 057-13**

**RESOLUTION AUTHORIZING THE AWARD OF NON FAIR AND OPEN CONTRACTS FOR PROFESSIONAL SERVICES FOR THE BOROUGH OF STANHOPE FOR THE YEAR 2013**

**WHEREAS**, the Borough of Stanhope has a need for professional services for the year 2013 of Borough Engineer; and

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

**WHEREAS**, the anticipated term of said contract is one year; 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 2013; and

**WHEREAS**, the aforesaid professional 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**, the aforesaid professional 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 a professional service agreement with John Cilo, Jr. Associates, Inc.; 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 Councilman Thornton, and carried by the following majority roll call vote, the foregoing resolution was adopted.

Roll Call:

Councilman Thornton - yes	Councilwoman Thistleton - yes
Councilwoman Kuncken – absent	Councilman Graham - no
Councilman Depew - yes	Councilman Benson – no

**Resolution 058-13**

**RESOLUTION AUTHORIZING REIMBURSEMENT TO HIGH POINT CONDOMINIUM ASSOCIATION FOR SOLID WASTE COLLECTION AND DISPOSAL**

**WHEREAS**, the High Point Condominium Association is located in the Borough of Stanhope; and

**WHEREAS**, pursuant to the provisions of the Qualified Community Act, N.J.S.A. 40:67-23.2, the Condominium Association is entitled to receive certain services from the Borough or to receive compensation for said services in lieu of Borough providing same; and

**WHEREAS**, the Borough has elected to reimburse the High Point Condominium Association for the collection and disposal of solid waste in lieu of providing said services; and

**WHEREAS**, the Qualified Community Act requires the execution of a written Agreement between the Borough and the Condominium Association prior to the Borough reimbursing the Association for the services in question; and

**WHEREAS**, the Borough has a defined cost for the collection and disposal of municipal solid waste under a Contract entered into with *Blue Diamond Disposal, Inc.*; and

**WHEREAS**, pursuant to the provisions of the Act, the Borough shall reimburse the Association at the Borough’s cost or the Association’s cost for the collection and disposal of municipal solid waste, whichever is less; and

**WHEREAS**, a form of Agreement has been prepared by the Borough Attorney to be entered into with the High Point Condominium Association which Agreement is attached hereto and made a part hereof.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Clerk are hereby authorized to execute said Agreement on behalf of the Borough; and

**BE IT FURTHER RESOLVED** that the Chief Financial Officer is authorized to issue payment to the High Point Condominium Association to reimburse the Association for the collection and disposal of municipal solid waste for the period of January 1, 2013 through December 31, 2013 provided that the Borough has received written proof from the Condominium Association as to its costs for the collection and disposal of municipal solid waste for the Association.

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

Roll Call:

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

**Resolution 059-13**

**RESOLUTION AUTHORIZING REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER**

**WHEREAS**, the Tax Collector has received payment for the redemption of Tax Title Lien No. 2010-08, representing 2009 property taxes and/or utility charges on Block 11004, Lot 5, known as 11 Ridge Road, assessed to Stephen B & Marisol Grissom, 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 for Pro Capital I, LLC 50 South 16 <sup>th</sup> St, Suite 1950 Philadelphia, PA 19102
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Redemption Amount:	Tax Title Lien #2010-08 and Interest to Date of Meeting	\$ 4,235.62
	Premium Paid by Lienholder	<u>0.00</u>
Total From Current Fund:		\$ 4,235.62
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 Graham, seconded by Councilman Depew, and unanimously carried by voice vote, the foregoing resolution was adopted.

**Resolution 060-13                      RESOLUTION AUTHORIZING BID FOR 80KW DIESEL GENERATOR FOR WELL NO. 5**

**WHEREAS**, the Borough of Stanhope operates a municipal water system, including backup generators for providing municipal water service during power outages; and

**WHEREAS**, the 80KW backup diesel generator for Well No. 5 is in need of replacement; and

**WHEREAS**, the cost for the acquisition and installation of the 80KW diesel generator for Well No. 5 is anticipated to exceed the bid threshold, pursuant to the Local Public Contracts Law; and

**WHEREAS**, the Borough has prepared bid specifications to publicly bid for the purchase and installation of a 80KW diesel generator.

**NOW, THEREFORE**, be it resolved by the Mayor and Council of the Borough of Stanhope that the Borough is hereby authorized to publically advertise for the receipt of sealed competitive bids for the purchase and installation of a new 80KW diesel generator for Well No. 5; and

**BE IT FURTHER RESOLVED** that said bids shall be received and publically opened on Tuesday, February 26, 2013 at 10:00am.

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

Roll Call:

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

**Resolution 061-13                      RESOLUTION AUTHORIZING REIMBURSEMENT TO STONEGATE CONDOMINIUM ASSOCIATION FOR SOLID WASTE COLLECTION AND DISPOSAL**

**WHEREAS**, the Stonegate Condominium Association is located in the Borough of Stanhope; and

**WHEREAS**, pursuant to the provisions of the Qualified Community Act, N.J.S.A. 40:67-23.2, the Condominium Association is entitled to receive certain services from the Borough or to receive compensation for said services in lieu of Borough providing same; and

**WHEREAS**, the Borough has elected to reimburse the Stonegate Condominium Association for the collection and disposal of solid waste in lieu of providing said services; and

**WHEREAS**, the Qualified Community Act requires the execution of a written Agreement between the Borough and the Condominium Association prior to the Borough reimbursing the Association for the services in question; and

**WHEREAS**, the Borough has a defined cost for the collection and disposal of municipal solid waste under a Contract entered into with *Blue Diamond Disposal, Inc.*; and

**WHEREAS**, pursuant to the provisions of the Act, the Borough shall reimburse the Association at the Borough's cost or the Association's cost for the collection and disposal of municipal solid waste, whichever is less; and

**WHEREAS**, a form of Agreement has been prepared by the Borough Attorney to be entered into with the Stonegate Condominium Association which Agreement is attached hereto and made a part hereof.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Clerk are hereby authorized to execute said Agreement on behalf of the Borough; and

**BE IT FURTHER RESOLVED** that the Chief Financial Officer is authorized to issue payment to the Stonegate Condominium Association to reimburse the Association for the collection and disposal of municipal solid waste for the period of January 1, 2013 through December 31, 2013 provided that the Borough has received written proof from the Condominium Association as to its costs for the collection and disposal of municipal solid waste for the Association.

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

Roll Call:

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

#### **MAYOR'S ACCEPTANCE OF RESIGNATION**

##### **Resolution 062-13**

##### **MAYOR'S ACCEPTANCE OF THE RESIGNATION OF JAMES KLINDER FROM THE STANHOPE ENVIRONMENTAL COMMISSION WITH COUNCIL CONCURRENCE**

**BE IT RESOLVED** by the Council of the Borough of Stanhope that they do hereby concur with the Mayor's acceptance of James Klinder's resignation as an appointed member on the Environmental Commission, effective immediately.

Mayor Maio stated that Mr. Klinder has resigned due to the fact that he has moved out of town.

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

#### **PAYMENT OF BILLS**

##### **Resolution 063-13**

##### **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 February 12, 2013 and on file and available for public inspection in the Office of the Chief Finance Officer and approved by the Chief Finance Officer for payment, be paid.

On motion by Councilman Benson, seconded by Councilman Graham and unanimously carried by the following roll call vote the foregoing resolution was duly adopted with the exception of two bills from the Fire Department to be held for clarification. The bills to be held are as follows: 1. Fire Department - Spectrum Communications \$1,098 air compressor for the engine. Councilman Benson asked if this is new equipment or a repair. Administrator McNeilly was unsure why this bill is from Spectrum Communications. 2. Fire Department – National Medal of Honor, Citation Bars for Hurricane Sandy \$272. Councilman Benson asked what activity warranted these awards. Much discussion took place regarding these bills and they were held for further clarification.

Roll Call:

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

Correction to Resolution 058-13 and 061-13 - Administrator McNeilly stated that the solid waste agreements for Highpoint Condominiums and Stonegate Condominiums need to be amended. The dates for the municipal service agreement for solid waste are effective from January 1, 2013 to May 31, 2013. The resolutions are written through the end of the year. The dates need to be amended on both resolutions in order to concur with the solid waste contract.

On motion by Councilman Benson, seconded by Councilwoman Thistleton, and unanimously carried by the following roll call vote the date of December 31, 2013 was amended to read May 31, 2013 for Resolution 058-13 and was adopted as amended.

Roll Call:

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

On motion by Councilwoman Thistleton, seconded by Councilman Graham, and unanimously carried by the following roll call vote the date of December 31, 2013 was amended to read May 31, 2013 for Resolution 061-13 and was adopted as amended.

Roll Call:

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

## **AGENDA ITEMS**

All items listed on the Agenda for February 26, 2013 were approved.

Administrator McNeilly stated that the acceptance of the bid for the generator may be on the agenda for February 26<sup>th</sup>.

Administrator McNeilly stated that the annual request for the Fire Department’s installation dinner has been received. Administrator McNeilly asked for approval to sign the purchase order. Mayor Maio polled the Council for their approval. The results are as follows: Councilman Graham – yes, Councilwoman Thistleton - yes, Councilman Thornton - yes, Councilman Benson - yes, Councilman Depew – yes. Administrator McNeilly was granted approval by the Governing Body to process the purchase order.

## **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.

### **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 - Comp Time Request  
2 Contracts

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

Mayor and Council went into Closed Session at 10:30 P.M.

At the conclusion of the Closed Session, Mayor and Council reconvened the public meeting at 10:35 P.M. with all present.

### **DISCUSSION**

Mayor Maio stated that the County Board of Taxation is holding a seminar on February 21<sup>st</sup> at the Lafayette House at 6:00 PM to discuss the role of the Tax Assessor and how that position interacts with the municipality. Councilman Graham and Mayor Maio stated they will be attending. Mayor Maio asked the remaining members of the Governing Body to RSVP to the Clerk no later than tomorrow.

### **ADJOURNMENT**

On a motion by Councilman Graham, seconded by Councilman Depew, and unanimously carried by voice vote the meeting was adjourned at 10:37 P.M.

Approved:

Linda Chirip  
Deputy Clerk  
For Ellen Horak  
Borough Clerk