

**MAYOR AND COUNCIL  
REGULAR MEETING  
February 25, 2014  
7:00 P.M.**

**CALL TO ORDER**

**SALUTE TO COLORS**

Mayor Maio invited all those present to stand in a salute to the 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 8, 2014 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 – absent	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.

Tom Bruno, 110 Main Street, stated that his taxes have increased 33% from 2012 to 2013. Mr. Bruno asked the Governing Body for an explanation as to why the rate has increased by 17%. Administrator McNeilly asked Mr. Bruno if he has spoken with the Tax Assessor. Mr. Bruno replied that he has not spoken with the Tax Assessor. Mayor Maio suggested that Mr. Bruno meet with the Tax Assessor to have his concerns and questions answered. Mr. Bruno stated that he will contact her.

Ros Bruno, 110 Main Street, asked how many students in the Borough attend Lenape Valley Regional High School. Administrator McNeilly replied there are significantly less students from Stanhope than from Byram and more than attend from Netcong. Councilwoman Kuncken stated there is a very convoluted formula to calculate costs that is used by the State for a regional school district. Lenape Valley Regional High School belongs to Stanhope, Netcong and Byram. It is not a sending district school. Mayor Maio stated that the formula is based on property values, population and school population. Administrator McNeilly stated that Stanhope was recently reassessed, but if one of the other two towns is due for a reassessment that can affect the figures. The population is also taken into consideration which can cause the figures to change from year to year. Mayor Maio stated that Lenape Valley Regional High School is now accepting students from other districts through the State program which brings in additional revenue. Mr. Bruno stated that the rate per \$100 of assessed value rose. Mayor Maio stated that the Tax Assessor is the only person that can provide the answers that the Bruno's are requesting. Councilwoman Kuncken suggested that Mr. Bruno contact the school board administrator if he would like more information on the formula that is used. Administrator McNeilly stated that the school budget is capped at 2%.

Heinz, Black Forest Inn, stated that he has the same tax issues as the Bruno's. He asked how the Tax Assessor determines the rate. Administrator McNeilly replied that the Tax Assessor, based on true market value, determines the value of all the properties. There is a budget created by the Borough and all it takes to move that monetary requirement from one property to another is for a property value to have gone up substantially, maintained substantially or for the value to have dropped on a property. The overall tax collections have not climbed much in the last three years. The Borough's budget increase was only 1.3% last year. There is a tax appeal process for property owners who are of the opinion that their property assessment is not correct. Administrator McNeilly stated that the municipal portion of the budget comprises 27% of the tax amount. Much discussion took place regarding the assessment for the Black Forest. Heinz thanked the Mayor and Council.

Seeing no one further 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:

October 8, 2013	Work Session/Agenda Meeting & Closed Session
January 7, 2014	Reorganization Meeting
January 7, 2014	Special Meeting
January 14, 2014	Work Session/Agenda Meeting & Closed Session

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

### **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**

#### **Public Safety – Councilwomen Kuncken/Thistleton**

**Police, Fire, Ambulance, Court & Violations Bureau, Emergency Management –** Councilwoman Kuncken stated that the Fire Department for the month of January responded to 7 calls totaling 90.25 man hours. They responded to 1 mutual aid call and held 3 meetings for a total of 440.5 hours in total for the month.

Councilwoman Kuncken reported that the Police Department had 66 violations for January.

Councilwoman Kuncken stated that the Ambulance Squad for the month of January had 49 calls, 23 in Stanhope, 30 in Netcong, 3 standbys, 1 out of town call to Byram and 10 mutual aid calls to Roxbury for an overall total of 67 calls. They transported 36 patients for a total of 36 trips to the hospital. The total number of hours volunteered were 204 hours and 8 minutes.

Councilwoman Kuncken stated that the Police Department is working on the certification program. Three quarters of the policies have been reformatted into conformance. Three quarters of the certification preparation packet for evaluation has been completed. The evaluation of proofs will begin at the end of March. Training for specific Officers will begin in March. The recommended facility modifications are being performed by the DPW. Issues are being addressed with regard to fencing, locks, securing of evidence and panic buttons. Administrator McNeilly stated that the Borough contracts with a company that charges a monthly fee to monitor the panic buttons who in turn would contact dispatch in the case of an emergency. Administrator McNeilly was informed by Chief Pittigher that the panic buttons can be reprogrammed to be directly connected to dispatch. There was an extra cost for the programming but this will eliminate the need for the monthly monitoring contract.

#### **Finance & Administration – Councilman Benson/Councilwoman Kuncken**

Councilman Benson reported that the tax collection reports for the first month have a nominal change as compared to last year. The utility rents have seen a slight reduction in the sewer collections due to the rate change. It may take a few more months to see the benefit on the water utility.

**Community Development – Councilwoman Zdichocki/Councilman Thornton**  
**Zoning, Construction, Code Enforcement, Economic Development, Chamber of Commerce, Downtown Revitalization – No Report.**

**Municipal Infrastructure – Councilman Thornton/Councilwoman Zdichocki**  
**Water Distribution, Sewer Collection System, Road Construction & Maintenance, Buildings & Grounds** – Councilman Thornton stated that due to the recent weather there have been a total of 96 regular man hours and 304 overtime hours. The Borough used 50 tons of salt, 150 tons of sand grit and 425 gallons of liquid brine. The report generated from the new gas system states 300 gallons of gasoline and 425 gallons of diesel were used during the recent storm.

**Information Technology – Councilmen Depew/Benson**  
Councilman Depew stated that the Borough is waiting for additional quotes to be received to rebuild the website.

**Boards/Commissions – Councilwoman Thistleton/Councilman Depew**  
Councilwoman Thistleton stated that the Recreation Commission will hold an Easter Egg Hunt on April 5<sup>th</sup> at Musconetcong Park, a trip to the Sands Casino will take place on May 3<sup>rd</sup> and Family Fun Day will be held on July 13<sup>th</sup>. The Board of Health will hold the free rabies clinic on April 11<sup>th</sup> from 6PM-8PM at the firehouse.

## **ADMINISTRATOR’S REPORT**

**Municipal Infrastructure** – Administrator McNeilly reported there was a snow storm that occurred from February 13 – 15. This took a tremendous toll on man, machine and materials. The 9 year old plow frame, which has been welded back together several times, on one of the DPW trucks could not be saved. Small amounts of salt have been delivered.

**Police Department** – Administrator McNeilly stated that the Police Department is moving ahead with the Certification Program. One of the policies and procedures requires that the officers are not allowed to handle any cash transactions. The reports that are generated require a fee of five cents to be paid. The Police Department has requested to have the fee eliminated for this service. Last year the total amount of funds received was \$12. Mr. Stein stated that a motion can be made in order to waive the fee immediately and a change to the ordinance will have to be adopted.

On motion by Councilwoman Kuncken, seconded by Councilman Depew and unanimously carried by voice vote, approval was granted to waive the five cent fee for accident reports picked up in person by the involved party, effective immediately.

Mr. Stein stated that he will prepare an ordinance for the next meeting to codify this motion. Mayor Maio asked Administrator McNeilly to inform Chief Pittigher of the decision to waive the fee. Administrator McNeilly stated that he will contact Chief Pittigher.

Administrator McNeilly stated that Chief Pittigher has requested to have an ordinance that would specifically address the procedure for processing background checks for the Ambulance Squad, similar to the one for the Fire Department. Mayor Maio stated that the Ambulance Squad is separate from the Borough and it is her opinion that the Governing Body does not have the right to adopt an ordinance. Mr. Stein stated that he is of the opinion that the current ordinance does include the Ambulance Squad. Councilwoman Kuncken stated that Chief Pittigher needs clarification of the process to be followed for the background checks. Administrator McNeilly read the current ordinance aloud which does include the Ambulance Squad. Much discussion took place regarding the wording for the ordinance. Mr. Stein will speak with Chief Pittigher and review the ordinance to determine if the process needs to be clarified.

Curfew - Administrator McNeilly stated that he received a memo from Chief Pittigher regarding curfew. Mr. Stein explained the legalities of curfew and loitering ordinances. The Borough's existing curfew ordinance can be altered to be put into effect when the Governing Body deems it necessary. Mayor Maio asked the Council if they were in favor of revising the ordinance. All were in agreement. Mr. Stein stated that he will make the necessary revisions for the next meeting.

2% Cap on Interest Arbitration Awards - Administrator McNeilly asked the Governing Body if they would like to adopt a resolution in support for the legislature to make permanent the 2% cap on interest arbitration awards. Discussion took place regarding this issue. Mr. Stein stated that the sample resolution could be used. Mayor Maio asked Administrator McNeilly to provide the Clerk with the information necessary to prepare the resolution.

Fire Department – Administrator McNeilly stated that a letter has been received from the Fire Department asking for clarification on hydrant clearing after major snow storms. Administrator McNeilly stated that with regard to the Borough's insurance, this would be considered a drill for the Fire Department and would be covered by the worker's compensation and insurance. Councilwoman Kuncken stated that a text message was sent out about a week ago stating that the Fire Department members were going to meet to clean out the fire hydrants. Councilwoman Kuncken stated that she was initially pleased that the Fire Department was helping out. After reading the letter she was disappointed. Stanhope is a small community and from time to time we experience unusual situations, hurricanes, storms flooding major snow storm. We have not experienced a winter like this since 1995-1996. We do not have the resources that larger towns have and we need to band together to make life better in our community. Councilwoman Kuncken stated that she appreciates their efforts and was prepared to commend their efforts for pitching in and digging out the hydrants. However, she was offended for our DPW after reading this letter and disappointed. Councilwoman Kuncken stated that Stanhope's DPW worked countless hours and they do a phenomenal job. To use the word neglect is wrong. Our DPW would never neglect this community. This letter should never have reached the Mayor and Council. This is business issue and should have been taken up with the Administrator who could have addressed the issue and answered the question. This was taken to a level that was not necessary. Mayor Maio stated that she agrees with Councilwoman Kuncken. We put ourselves in the position as a municipality to do the best we can for all our residents. This came across as a smack to our DPW that they did not deserve and do not deserve. This was an extraordinary series of storms. Mayor Maio stated in her neighborhood the residents usually clear the hydrants. This time that did not occur because there was too much snow and it froze quickly. She appreciates what the Fire Department does but does not appreciate the tone of the letter. She does not appreciate that the letter was not signed by an individual and that it was addressed to the Mayor and Council. This was town business that should have been handled from the department manager to the Administrator. She hopes in the future that such issues will be handled in that manner.

Councilwoman Thistleton stated that she had guests that were visiting during the storms. Her guests were so impressed at how well the Borough was maintained by so few DPW employees. Mayor Maio asked Administrator McNeilly to take care of this issue with the Fire Department.

Administrator McNeilly stated that he checked with the neighboring municipalities to find out how they handle hydrant clearing. Some communities require that the nearest homeowner is responsible for the hydrant. In other towns the fire department or public works takes responsibility. Some communities participate in a program called adopt a hydrant. The last time we had this much snow was 18 years ago. Administrator McNeilly stated that he will convey the Governing Body's comments and concerns to the Fire Chief.

Councilman Benson stated that he noticed a separation along the canal area when coming up Main Street. Administrator McNeilly stated there was a drop due to the deep frost. There was an area in front of the Municipal Building that had dropped but it has corrected itself. The initial fix will be to fill it in and when the weather permits the area will have to be milled as a trench and repaired.

Dana Mooney, CFO, present in the audience, commented and praised the DPW for their valiant attempt to read the meters. There was just too much snow. Estimated bills will be sent out and

the bills will be prepared on Thursday. Mayor Maio stated that at least five members from the Senior Citizen Group will be volunteering to stuff envelopes.

### **COUNCIL DISCUSSION**

*Water/Sewer Bill (Sal Corvino)* – Mayor Maio stated that a letter has been received from Sal Corvino regarding his water/sewer bill. Administrator McNeilly stated that Mr. Corvino owns the property at 265 and 263 Route 206. There were two residences on the property located at 265 Route 206 which have been torn down. The base fee is being charged for the two existing lines that used to service the residences. Mr. Corvino has not made a written request to have the service removed. Mr. Stein stated that the Borough made Mr. Corvino tear down the two houses. Mayor Maio stated if Mr. Corvino does not intend to rebuild he would have to request to have the service removed. Mr. Stein stated that the service would have to be removed and capped off at the street. In the future, if Mr. Corvino rebuilds, he would have to pay several thousand dollars to have the service reinstalled. Councilwoman Kuncken stated that in the past Mr. Corvino had inquired about building a COAH home. Mr. Stein stated that hookups for properties with multiple uses are done by EDU. Mr. Corvino has 3 EDU's on that property which have been established over the years by paying his user fees. Mr. Stein stated that Mr. Corvino could put up an apartment building with 3 units or a commercial building with that number of units without making any additional payments. But if the lines are removed, he will have 1 EDU and if he wants to increase those in the future he will have to pay the hookup fees for the additional EDU's. Councilman Benson stated that while it is easy to be sympathetic of the situation, it is the Borough's capital plan for water and sewer and in order to remain fair and consistent that plan has to be followed. Mayor Maio asked the Council if their decision is to require Mr. Corvino to pay his bill as issued. There were no objections. Administrator McNeilly stated that Mr. Corvino states in his letter that there was an error in where his payment was applied. Administrator McNeilly stated that he confirmed the amounts with the Utility Collector and the amounts received are correct. Mayor Maio asked that a letter be sent to Mr. Corvino as soon as possible. Mr. Stein replied that he will work with Administrator McNeilly on the letter.

*2014 Municipal Budget* – Mayor Maio invited Dana Mooney, CFO, to come forward. Ms. Mooney stated that she spoke with Ray Sarinelli, Borough Auditor, and Bob Beinfeld, Bond Attorney, regarding the \$2.3 million water project. Ms. Mooney stated that in preparing the budget a figure had to be determined for the payment that will be due. An estimate has been budgeted for the August 1<sup>st</sup> payment along with a bond principal payment. The bond anticipation note payment has been reduced from \$133,500 to \$100,000. The interest on the bond was decreased for the \$2.3 million from \$25,000 has been decreased to \$17,250 and the \$70,000 bond principal payment has been added. This increases the water budget by \$28,750. We are anticipating high and the funds that are left will go into surplus. Therefore the additional surplus is being used to do this. The Borough cannot anticipate more than what was collected last year without obtaining permission. This will be the first full year for collections with the rate change. Surplus will be generated from the rents.

Ms. Mooney asked if any changes were made to the current fund budget at the last meeting. Mayor Maio stated that no changes were made. A final decision must be made regarding the percentage increase for the non-bargaining unit personnel. The question is whether or not the increase percentage should be 1.75%, as currently budgeted. Councilwoman Kuncken stated that the contract personnel percentage is 1.75%. Mayor Maio stated that the municipal levy according to this budget with the 1.75% increase is a .64% increase. Based on the average home value, a \$19.00 increase will be incurred from the municipal side. Mayor Maio polled the Council asking for approval to provide a 1.75% increase for the non-bargaining unit personnel. The results of the poll are as follows:

Roll Call:

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

The 1.75% increase for the non-bargaining unit personnel was unanimously approved. Mayor Maio asked if there were any additional questions regarding the basic operating budget. Seeing none, Mayor Maio stated that Ray Sarinelli will be in attendance at the March 11<sup>th</sup>

meeting and the budget will be introduced. The budget will be adopted at the April 8<sup>th</sup> meeting, which meets all the State guidelines. Administrator McNeilly asked when the capital portion will be available if it is approved on the night of the 8th. Ms. Mooney stated that it is available right away but there are items that require ordinances to be in place first.

The capital budget discussion began. Ms. Mooney stated that she has received a quote of \$4,517 for the new server for administration. She has rounded that figure to \$4,600 which would be from the capital surplus fund and would be available 10 days after adoption. Two replacement computers will be purchased with the cablevision grant funds. Ms. Mooney stated that these funds could be used for the server. Mayor Maio stated that the Cablevision funds should not be used for the server. Those funds will be available in the event that there is a computer failure during the year. Ms. Mooney stated that the Construction Department software and annual maintenance of \$1,200 totals \$6,700. Mayor Maio stated the infrastructure figures are required from Eric Keller. Administrator McNeilly stated that the sidewalk project from Dell Road to Acorn Street and the James Street project will only be undertaken if the grants that were applied for are received. The Maple Terrace and Mountain Terrace Reconstruction Project is bonded and is about to be awarded on March 18<sup>th</sup>. Ms. Mooney asked for authority to obtain the bond ordinance. Mayor Maio stated that the project has been approved.

Additional capital items were reviewed. Administrator McNeilly asked the CFO for a clarification on when the funds will be available for the various capital items. Mr. Stein stated that once the ordinance is adopted there is a ten day wait period. The CFO stated that the items being paid from capital that would be available in a month and ten days' time are the construction software, administrative server, Police Department server and the meter replacements. The CFO stated that she can ask the bond attorney to draw up a bond ordinance for the sign, the Fire Department items, the Ford Taurus and the Maple Terrace and Mountain Terrace Reconstruction Project. These items can be introduced at the April 8<sup>th</sup> meeting after the budget is adopted and 20 days after the ordinances are adopted the funds would be available by early June.

Mayor Maio thanked Ms. Mooney and Administrator McNeilly for their assistance in preparing this year's budget.

## **OLD BUSINESS**

### *Ordinances for Public Hearing and Final Adoption*

Mayor Maio offered the following ordinances for public hearing and final adoption which were read by title:

**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 Councilman Benson, seconded by Councilwoman Kuncken, and unanimously carried by the following roll call vote, the above ordinance was adopted.

Mayor Maio opened this portion of the meeting for public comment on this ordinance only.

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

Roll Call:

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

On motion by Councilwoman Thistleton, 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.

**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 adopted.

Mayor Maio opened this portion of the meeting for public comment on this ordinance only.

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

Roll Call:

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

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

**Ordinance 2014-03**

**CALENDAR YEAR 2014 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 .5% 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 2014 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 3.0 % increase in the budget for said year, amounting to \$104,040.80 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 2014 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 \$121,308.93, and that the CY 2014 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 Benson, seconded by Councilwoman Kuncken, and unanimously carried by the following roll call vote, the above ordinance was adopted.

Mayor Maio opened this portion of the meeting for public comment on this ordinance only.

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

Roll Call:

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

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

## **NEW BUSINESS**

### **Resolutions**

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

#### **Resolution 067-14**

**AUTHORIZE SHARED SERVICES AGREEMENT WITH SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY FOR THE PROVISION OF CERTIFIED RECYCLING PROFESSIONAL SERVICES TO CERTIFY AND SUBMIT THE 2013 RECYCLING TONNAGE REPORT TO NJDEP**

**WHEREAS**, New Jersey’s Recycling Enhancement Act (REA) requires that reports or other recycling-related documents be signed/certified by a Certified Recycling Professional (CRP); and

**WHEREAS**, the Uniform Shared Services and Consolidation Act (N.J.S.A 40A:65-1, et, seq.) (hereinafter, “the Act”) provides that local units of government may enter into a contract to provide or receive any service that either local unit participating in the Agreement is empowered to provide or receive within its own jurisdiction, including services incidental to the primary purposes of any of the participating units (N.J.S.A. 40A:65-4); and

**WHEREAS**, the Borough of Stanhope will prepare the 2013 Recycling Tonnage Report; and

**WHEREAS**, the Borough of Stanhope has requested the services of the SCMUA in the form of the District Recycling Coordinator as a Certified Recycling Professional to certify and submit the required 2013 Borough of Stanhope Recycling Tonnage Report to NJDEP by April 30, 2014; and

**WHEREAS**, SCMUA has the qualified staff to certify the Recycling Tonnage Report prepared by the Borough of Stanhope and electronically submit it to NJDEP on behalf of the Borough of Stanhope under the terms and conditions set for in the Shared Services Agreement.

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

1. The Mayor is hereby authorized to sign the Shared Services Agreement with SCMUA, for the provision of a Certified Recycling Professional Services to certify and submit the 2013 Recycling Tonnage Report to NJDEP.
2. 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 – absent	Councilman Depew – yes
Councilman Thornton - yes	Councilwoman Thistleton – yes
Councilwoman Kuncken - yes	Councilman Benson – yes

## **PAYMENT OF BILLS**

### **Resolution 068-14**

### **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 February 25, 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 – absent	Councilman Depew – yes
Councilman Thornton - yes	Councilwoman Thistleton – yes
Councilwoman Kuncken - yes	Councilman Benson – yes

### **ATTORNEY REPORT**

Mr. Stein stated that 14 Mountain Terrace is coming to a satisfactory conclusion. The residence is being sold for \$175,000. The Salt & Light Company is taking back a \$47,000 mortgage with a 10 year declining balance to eliminate any chance of a windfall profit for the HUD qualified buyer. They have a contract that has gone through attorney review and is complete. It is on its way to closing. This sale will not be an allowable comparison for tax appeals. The house is being sold on an income qualified basis and the Tax Assessor and the Tax Board will not accept it as a comp. Mayor Maio asked what the assessed value is. Mr. Stein stated the assessed value is \$218,800 which was established by our Tax Assessor. Mayor Maio stated that the property taxes will be based on that assessed value.

### **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:

2 – Personnel
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 8:25 P.M.

At the conclusion of the Closed Session, Mayor and Council reconvened the public meeting at 8:35 P.M. with all present.

Mayor Maio asked for a motion to approve 32 hours comp time for the DPW Supervisor in compliance with the existing policy.

On motion by Councilwoman Kuncken, seconded by Councilman Depew and unanimously carried by voice vote 32 hours of comp time was approved for the DPW Supervisor in compliance with the existing policy.

**ADJOURNMENT**

On a motion by Councilman Depew, seconded by Councilman Thornton, and unanimously carried by voice vote the meeting was adjourned at 8:36 P.M.

Approved:

Linda Chirip  
Deputy Clerk for  
Ellen Horak  
Borough Clerk