

**MAYOR AND COUNCIL  
REGULAR MEETING  
February 26, 2013  
7:00 P.M.**

**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 Thistleton – Present
Councilwoman Kuncken – Present	Councilman Graham – Present
Councilman Depew – Present	Councilman Benson – Present

Mayor Maio – Present

**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 – Contract
3. It is anticipated at this time that the above stated subject matter(s) will be made public at the conclusion of each individual specified subject matter.
4. This resolution shall take effect immediately.

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

Mayor and Council went into Closed Session at 7:31 P.M.

At the conclusion of the Closed Session, Mayor and Council reconvened the public meeting at 7:35 P.M. with all present.

There was a 25 minute recess. The meeting resumed at 8:00 P.M.

## **SALUTE TO COLORS**

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

## **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 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:

January 1, 2013	Reorganization Meeting
January 8, 2013	Agenda & Work Session Meeting & Closed Session
January 22, 2013	Regular Business Meeting & Closed Session

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

## **CORRESPONDENCE (List Attached)**

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

## **COUNCIL COMMITTEE REPORTS**

Mayor Maio asked that the Committee Reports be waived until the meeting on March 12<sup>th</sup> due to the inclement weather this evening

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

## **ADMINISTRATOR'S REPORT**

The Governing Body reviewed Administrator McNeilly's written report and accepted the report as presented.

## **COUNCIL BUSINESS**

*Cablevision* – Mayor Maio stated that the Governing Body agreed to drafting an ordinance based on the understanding that Cablevision was going to provide a \$12,000 grant in exchange for a 15 year contract. Cablevision informed the Borough that a \$2,600 payment would be made upfront and \$600 a year would be paid until the balance of the grant was paid off. The \$600 per year payment would only be sent upon written request from the Borough each year. The Governing Body did not agree to these terms.

Mayor Maio stated that she spoke with Mr. Viapree, from Cablevision, and Mr. Stein sent a letter as well. Mayor Maio stated that she was told by Mr. Viapree that this option had been discussed with the Borough in the past. Mayor Maio stated that she had chaired the committee regarding the renewal and this option was not discussed. Mayor Maio stated that Mr. Viapree told her this arrangement was also discussed with the former Administrator. Mayor Maio informed Mr. Viapree that the former Administrator had been gone for the last three years. Mayor Maio stated that she told Mr. Viapree that he would have to meet with the Council and the residents of the Borough at a public meeting because this arrangement was unacceptable.

Mr. Stein stated that he received an email and a letter from Cablevision with an alternate proposal. Mr. Stein stated that he sent a letter to Cablevision stating that if Cablevision was not going to pay the grant the Borough would only renew for one year. Mr. Stein stated that the reply he received from Mr. Viapree said that NJ State law does not limit the renewal terms but

there is a Federal law minimum of three years. Cablevision has offered a three year contract with no grant or a 15 year renewal with a \$12,000 grant. The first payment of \$6,000 would be made upfront and after five or six years the balance of \$6,000 would be paid; provided Cablevision does not change to a system wide franchise like Verizon where there is one franchise for the entire State.

Mayor Maio stated that the Borough's option now is to accept the 15 year renewal with the \$6,000 upfront. Mr. Stein stated that the next step would be to authorize the Clerk to officially send the ordinance to the office of Cablevision for their review and approval and then the Borough would introduce and adopt it. Mayor Maio asked the Council for any alternate suggestions. Councilman Thornton asked if there was originally a five year and 15 year plan. Mayor Maio replied that those offers are no longer available. Councilman Depew asked if the previous payments were paid in full upfront. Mayor Maio and Mr. Stein confirmed that payments in the past were paid upfront.

Mayor Maio polled the Council and asked if they are in favor of the 15 year renewal with the \$6,000 payment upfront and the hope that the remaining \$6,000 will follow in the future. The results of the poll are as follows: Councilman Depew- yes, but he stated he does not like the plan; Councilman Benson – yes; Councilman Thornton – yes, but he stated it is not right; Councilwoman Kuncken – yes, but also stated that she does not like the option; Councilwoman Thistleton – yes; Councilman Graham – yes. Mayor Maio asked the Clerk to send the ordinance to the office of Cablevision.

Board of Health (Animal Census) – Mayor Maio stated the dog census was discussed at the last meeting. The Borough has significantly more dogs and cats than are being licensed. The dog census is done every two years. The census in the past has been done by taking the previous year's licensee list and contacting those residents that have not relicensed for the current year. The ordinance that the Borough is governed by states that the Borough will conduct a full door to door canvas every two years.

Mayor Maio invited all the members of the Board of Health to come forward at this time. Janett Gibbons, Board of Health President, stated that she has lived in the Borough for 40 years and during her time on the Board of Health there have been several methods used for the census. Several years ago an auxiliary police officer did conduct a door to door census. Ms. Gibbons stated there are not enough funds in the Board of Health budget to cover the costs of a door to door census. Mayor Maio stated the Animal Trust provides the funding. Ms. Gibbons stated that \$2,000 is set aside each year from the Animal Trust for the spay and neuter program. Monique McNeilly, Board of Health Secretary, stated that once the \$2,000 has been depleted the program ends. Dana Mooney, CFO, stated there is over \$8,000 in the Animal Trust and she is of the opinion that this is enough funding to conduct the census.

Mayor Maio stated that by hiring college students or other people that are out of work the census could be completed in two to three weeks. Administrator McNeilly stated that he spoke to Chief Pittigher and there are three entities that can conduct the canvas. They are the Chief of Police, Animal Control Officer, whose contract clearly states that he will not conduct a census, or a person designated by resolution by the Governing Body. The Borough has one special officer that could conduct the census. Ms. Gibbons stated that in the past there was an issue with liability regarding the hiring of college students. In the past the special officer provided the Clerk with information about animals which have moved, were deceased or unlicensed and he can issue a summons if necessary. Administrator McNeilly stated that the officer's hours are flexible and he is available for a certain amount of time in the summer including nights and weekends.

Mayor Maio stated the Borough does not have an accurate count of how many animals there are in the Borough and the revenues from those animal licenses are not being collected. Ms. Gibbons stated that the Board of Health will assist. Ms. McNeilly stated that the paperwork has to be filled out by September 1<sup>st</sup>. Mayor Maio suggested a start date of May 2<sup>nd</sup> to begin the census. Administrator McNeilly suggested that a letter be sent to Chief Pittigher explaining the door to door census and to check for Special Officer Kurt Reddling's availability. The census can be publicized at the rabies clinic, and a Nixle message can be sent.

The Governing Body agreed to have the special officer conduct the animal census. Ms. McNeilly stated there have been as many as 120 animals vaccinated at the rabies clinic. Mr. Stein asked if someone was available at the clinic to issue the licenses. Councilman Benson stated that the computer system is needed to issue the licenses. Ms. McNeilly stated that the paperwork to apply for a license is handed out at the clinic.

Administrator McNeilly stated that information regarding radon was sent out in the water bills. Ms. McNeilly stated that the cost of the kits is \$10 each.

Ms. Gibbons stated that Ms. McNeilly will send a letter to the Police Department regarding the census. Mayor Maio asked Ms. McNeilly to copy Administrator McNeilly on the letter.

Laddey, Clark & Ryan Workshop – Mayor Maio stated that the Laddey, Clark & Ryan Workshop discussion will be tabled until the next meeting.

American Legion – Memorial Day Parade Request – Mayor Maio stated that the American Legion has requested permission to hold a Memorial Day Parade. The resolution will be on the Agenda in March.

2013 Municipal Budget – Mayor Maio asked Dana Mooney, CFO, to come forward at this time to discuss the budget. Mayor Maio stated that significant changes were made at the last budget meeting. The Public Safety Committee met with the Fire Department last night, which was the last remaining department, and they made significant changes. Mayor Maio asked Ms. Mooney not to run an updated copy of the budget at this time but she did ask for a recap with a couple of different options. One of the options is to increase the budget by \$40,000 in consideration of the new contracts for both solid waste and recycling. The information gathered from the neighboring communities who recently obtained new contracts was not beneficial in determining what the Borough's costs may be.

Ms. Mooney distributed information which will cover the various scenarios taking into account the changes that were discussed at the last budget meeting. Ms. Mooney also provided pages for the changes in the Fire Department O/E budget, the solid waste budget pages which may be increased to \$40,000, corrections for the Police Department vehicles due to the fact that the years on two of the vehicles were incorrect and two pages for the condominiums. Changes were made last week to the budgets for the condominiums and even if the increase in the solid waste costs increase by 10%, the budget can still be reduced by \$6,500, which is a combination of the two. Ms. Mooney stated that she had overestimated. The maximum cost per year with the price per household is \$45,600, which is the amount charged out last year. If the costs increase by 10%, the amount would be \$50,160 therefore \$58,000 is still over stated. This budget was decreased by \$2,000 already but it could safely be lowered to \$50,200. Stonegate's charges are very low because they do not submit their bills and they do not send the proper documentation. If the billing was done properly the cost would be \$19,338 per year. With a 10% increase the cost would be \$21,272. This amount can be changed to \$21,300 which would make the total \$93,500 instead of \$100,000, a difference of \$6,500.

Ms. Mooney stated that she spoke with Ray Sarinelli, Auditor, and he was concerned that she had anticipated such a high amount of revenue for delinquent taxes and he recommended reducing that. Ms. Mooney reduced that amount by \$20,000 for all the scenarios.

Ms. Mooney stated that Scenario A includes the reductions in the Fire Department Budget and changes from the last budget meeting which makes the total budget amount at \$4,547,357.26. This is a 0.24% levy increase. This scenario does not include any reductions to the condominiums.

Ms. Mooney stated that Scenario B takes into consideration Scenario A plus a reduction of \$20,000 in surplus. Councilman Graham explained for the benefit of Councilman Thornton, the newest Council member who has not been through this process before, that surplus is the amount of money that is there at the end of the year which will replenish itself by the end of the year. The \$1,500,000 is actually higher than was predicted last year by approximately \$300,000. Ms. Mooney is of the opinion that next year the Borough will do well due to the FEMA funds that have been received which will go to surplus at the end of the year. Mr. Sarinelli predicts that the

Borough will recoup \$650,000 at the end of 2013. Ms. Mooney stated that if \$700,000 is used and \$650,000 is recouped, the Borough would be at \$50,000 less than what there is right now.

Councilman Graham asked if the amount for the reserve for uncollected taxes was shown to Mr. Sarinelli. Ms. Mooney stated that Mr. Sarinelli has seen the entire budget and he will be here for the adoption of the budget.

Ms. Mooney stated that Scenario C includes Scenario A plus an increase of \$40,000 for solid waste and recycling. This is a 1.49% levy increase.

Ms. Mooney stated that even without using any banking and no matter which scenario is chosen the Borough is not touching banking for the levy cap or the appropriation cap. Councilman Graham asked if there are any exclusions included. Administrator McNeilly replied that the Borough is all in. Councilman Graham stated it is important for the residents to know that no loop holes are being used to raise the taxes.

Mayor Maio confirmed that the changes that were made at the last meeting, plus the changes to the Fire Department and adding the \$40,000 back in, brings the budget to 1.49%. Mayor Maio asked Ms. Mooney what the calculation would be if the \$6,500 is decreased from the condominiums. Ms. Mooney stated the amount would be 1.29%.

Ms. Mooney stated that Scenario D includes Scenario A plus a reduction in surplus of \$10,000, an increase in the budget of \$40,000 for solid waste and recycling and a \$6,500 reduction to the budget for the condominiums.

Councilwoman Kuncken stated that the Governing Body is attempting to obtain as low an increase as possible while keeping in mind that we are looking to the future and we have certain variables. The Governing Body does not want to put the Borough in a position, as we move forward with the 2% cap, which will cause other issues. Councilwoman Kuncken and Mayor Maio asked Councilman Benson for his opinion. Councilman Benson stated that he would like to keep the costs as low as possible but we must be pragmatic about going forward. There are other issues we are going to have to deal with next year. Councilman Graham asked Councilman Benson for his opinion on the surplus number. Councilman Benson is of the opinion that the Borough uses too much surplus and would like to trim that back. Councilman Benson is of the opinion that the use of the surplus should be limited because of the Borough's opportunities going forward and not knowing what Federal and State money will be available. Councilman Benson is in favor of reducing the amount of surplus used by \$20,000. Councilwoman Kuncken and Mayor Maio are of the opinion that it may not work if the \$20,000 deduction is taken and the \$40,000 is added for solid waste.

Mayor Maio asked what was used from surplus last year. Ms. Mooney stated that \$700,000 was used and \$891,000 was replenished. Councilwoman Kuncken asked what the amount was without adding in the FEMA funds. Ms. Mooney stated that the FEMA money last year was minimal. Mayor Maio stated the Borough replenished over \$150,000 of what was anticipated. Councilman Graham stated that the Borough is still replenishing at a rate higher than what we are spending by a substantial amount. Councilman Graham agrees with Councilman Benson that the keeping a certain amount in surplus is necessary and with the 2% issues that is going to get harder to achieve. Mayor Maio stated that the history has been that the Borough has been able to replenish the funds and last year was able to replenish \$170,000 over. Much discussion took place regarding the issue of the solid waste contract and the funds being set aside for that. Mayor Maio asked what the 1.29% calculates to in dollars. Ms. Mooney stated the average residence in the Borough is valued at \$191,401. The 1.29% calculates to a \$2.28 increase per residence. This figure does not include the schools or the county.

At this time the police officers interrupted the meeting because the panic alarm was going off. Administrator McNeilly was able to turn the alarm off.

Mayor Maio asked Administrator McNeilly to contact the elementary school and the high school to set up a meeting to discuss their budgets.

Councilwoman Kuncken stated she is comfortable with adding the \$40,000 for the solid waste and recycling, leaving surplus at \$700,000, remove the \$6,500 from the condominiums and apply the other changes which were agreed to which brings the budget to 1.29%. Mayor Maio polled the other Council members. Councilman Depew, Councilman Benson, Councilman Thornton, Councilwoman Thistleton and Councilman Graham were all in favor of going with the budget plan as stated by Councilwoman Kuncken.

Ms. Mooney stated that the water and sewer budget needs to be reviewed. Councilman Graham asked if the changes have been implemented to the water and sewer rates. Ms. Mooney stated the first water and sewer bill have been mailed out with the new changes. These changes were effective as of the first of the year. Administrator McNeilly stated that a key point is that by changing the rate, the Borough now has this entire year and probably next year before the first payment for the bond is due.

Mayor Maio asked Ms. Mooney if anything has been added or charged to water and sewer that is not normally done. Mayor Maio also asked if any percentages were changed. Ms. Mooney replied that nothing has been changed. Ms. Mooney stated that the amount that is being paid off on notes has been increased by \$10,000. Councilman Benson asked if all the allocations are the same. Ms. Mooney confirmed that the allocations are the same and stated that the percentages for the salaries have remained the same. Bill Storms reduced the line item for water main breaks and repairs. Councilman Benson asked if the funds for vehicle repairs are sufficient. Administrator McNeilly is of the opinion that these figures are acceptable.

Ms. Mooney stated that prior to introducing the budget she will consult with Mr. Sarinelli with regard to the water and sewer budget. Much discussion took place regarding the water and sewer utility figures. No changes were made by the Governing Body to the water and sewer utility.

Ms. Mooney stated that the capital items will be discussed on March 12<sup>th</sup> prior to the budget being introduced.

## **OLD BUSINESS**

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

Mayor Maio offered the following ordinance for public hearing and final adoption 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 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. Mayor Maio stated this is an appropriation that allows the Borough to access funds in case of an emergency. Councilman Graham stated this allows for the amount of funds below the cap that are not used this year to be used next year. Mayor Maio stated the funds stay in that bank for three years and the Borough has never used them.

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

Roll Call:

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

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

## **NEW BUSINESS**

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

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

#### **Ordinance 2013-02**

**ORDINANCE PROVIDING FOR THE ACQUISITION AND INSTALLATION OF A NEW GENERATOR BY THE BOROUGH OF STANHOPE, IN THE COUNTY OF SUSSEX, NEW JERSEY, AND APPROPRIATING \$35,000 THEREFOR, CONSTITUTING PROCEEDS OF OBLIGATIONS OF THE BOROUGH HERETOFORE ISSUED.**

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF STANHOPE, IN THE COUNTY OF SUSSEX, NEW JERSEY, AS FOLLOWS:**

Section 1. The improvement described in Section 2 of this ordinance is hereby authorized to be made or acquired by The Borough of Stanhope, New Jersey, as a general improvement, and there is hereby appropriated therefor the sum of \$35,000, said sum constituting proceeds of obligations of the Borough heretofore issued and not now necessary for

financing the purpose for which issued and now available for financing the said improvement or purpose.

Section 2. The improvement or purpose for the financing of which the appropriation is made as provided in Section 1 of this ordinance is the acquisition and installation of a new generator for use in connection with a water well of the Borough, including all equipment, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved.

Section 3. It is the opinion of the Borough Council of the Borough, as the governing body thereof, that it is in the best interest of the Borough that \$35,000, constituting proceeds of obligations of the Borough heretofore issued under Ordinance No. 2010-03 of the Borough, shall be appropriated to and used to finance costs, including incidental expenses, of the improvement or purpose above described in Section 2 of this ordinance.

Section 4. The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

Section 5. This ordinance shall take effect after final passage as provided by law.

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

Roll Call:

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

Mayor Maio stated that the bid opening was held this morning. Mr. Stein stated that he has reviewed the bids. There were five bids received and they are all in order. There is a resolution on the agenda for this evening to award the bid to the lowest bidder.

On motion by Councilwoman Kuncken, seconded by Councilwoman Thistleton 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 064-13                      RESOLUTION AUTHORIZING THE EXECUTION OF THE COLLECTIVE BARGAINING AGREEMENT WITH PBA LOCAL 138**

**WHEREAS**, the Collective Negotiations Agreement between the Borough of Stanhope (“Borough”) and the Policemen’s Benevolent Association Local No. 138 (“PBA”) expired on December 31, 2012; and

**WHEREAS**, the Borough and the PBA have been in negotiations for a new collective agreement since that time; and

**WHEREAS**, representatives of the Borough and the PBA involved in collective negotiations have reached an agreement on terms and conditions for a new collective negotiations agreement and have recommended those terms to the full membership of the PBA and the governing body of the Borough of Stanhope for approval; and



**WHEREAS**, it has been determined by the Mayor and Council that the terms agreed to by the parties, which are contained in a written memorandum of agreement, for the period from January 1, 2013 through December 31, 2016, will provide a fair and reasonable level of benefits and compensation for Borough employees who are members of the PBA bargaining unit for the next four (4) years; now therefore

**IT IS HEREBY RESOLVED** this 26<sup>th</sup> day of February, 2013, that the Mayor and Borough Council hereby approve the terms of the Memorandum of Agreement negotiated between the Borough and the PBA; and

**BE IT FURTHER RESOLVED** that the Mayor and Borough Clerk are hereby authorized and directed to sign any and all contracts, agreements or amendments necessary to effectuate these approved terms and conditions.

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

Roll Call:

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

Mayor Maio stated that the contract with the PBA has been settled for a four year contract at a salary increase of 1.75% per year. There are no other stipulations in the contract. This has been a good negotiation period with the Police Department and the Governing Body is pleased with the outcome.

**Resolution 065-13**

**RESOLUTION AUTHORIZING THE TERMS OF A NEW COLLECTIVE NEGOTIATIONS AGREEMENT BETWEEN THE BOROUGH OF STANHOPE AND THE OPEIU LOCAL NO. 32**

**WHEREAS**, the Collective Negotiations Agreement between the Borough of Stanhope (“Borough”) and the OPEIU Local No. 32 (“OPEIU”) expired on December 31, 2012; and

**WHEREAS**, the Borough and the OPEIU have been in negotiations for a new collective agreement since that time; and

**WHEREAS**, representatives of the Borough and the OPEIU involved in collective negotiations have reached an agreement on terms and conditions for a new collective negotiations agreement and have recommended those terms to the full membership of the OPEIU and the governing body of the Borough of Stanhope for approval; and

**WHEREAS**, it has been determined by the Mayor and Council that the terms agreed to by the parties, which are contained in a written memorandum of agreement, for the period from January 1, 2013 through December 31, 2016, will provide a fair and reasonable level of benefits and compensation for Borough employees who are members of the OPEIU bargaining unit for the next four (4) years; now therefore

**IT IS HEREBY RESOLVED** this 26<sup>th</sup> day of February, 2013, that the Mayor and Borough Council hereby approve the terms of the Memorandum of Agreement negotiated between the Borough and the OPEIU; and

**BE IT FURTHER RESOLVED** that the Mayor and Borough Clerk are hereby authorized and directed to sign any and all contracts, agreements or amendments necessary to effectuate these approved terms and conditions.

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

Roll Call:

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

Mayor Maio stated that this resolution is for the DPW contract. The contract is also for four years with a salary increase of 1.75% per year. The Governing Body is pleased with the contract terms and so are the DPW employees.

**Resolution 066-13**

**RESOLUTION APPROVING THE TERMS OF A NEW EMPLOYMENT AGREEMENT BETWEEN THE BOROUGH OF STANHOPE AND CHIEF OF POLICE**

**WHEREAS**, the Employment Agreement between the Borough of Stanhope (“Borough”) and the Chief of Police Steven J. Pittigher (“Chief”) expired on December 31, 2012; and

**WHEREAS**, the Borough and the Chief have been in negotiations for a new agreement since that time; and

**WHEREAS**, representatives of the Borough and the Chief have reached an agreement on terms and conditions for a new employment agreement and have recommended those terms to the governing body of the Borough of Stanhope for approval; and

**WHEREAS**, it has been determined by the Mayor and Council that the terms agreed to by the parties, which are contained in a written employment agreement for the period from January 1, 2013 through December 31, 2016, will provide a fair and reasonable level of benefits and compensation for the Chief for the next four (4) years; now therefore

**IT IS HEREBY RESOLVED** this 26<sup>th</sup> day of February, 2013, that the Mayor and Borough Council hereby approve the terms of the Employment Agreement negotiated between the Borough and the Chief; and

**BE IT FURTHER RESOLVED** that the Mayor and Borough Clerk are hereby authorized and directed to sign any and all contracts, agreements or amendments necessary to effectuate these approved terms and conditions.

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

Roll Call:

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

Mayor Maio stated that the Chief’s contract runs concurrently with the PBA contract. When that contract renews the Borough renews the contract with the Chief.

**Resolution 067-13**

**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. 2012-09, representing 2011 property taxes and/or utility charges on Block 11203, Lot 22, known as 10 Kelly Place, assessed to John C. Diehl, 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

Redemption Amount: Tax Title Lien #2012-09 and  
Interest to Date of Meeting \$ 5,062.72  
Premium Paid by Lienholder 0.00

Total From Current Fund: \$ 5,062.72  
Total From Tax Premium Account 0.00

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

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

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

**Resolution 068-13**

**RESOLUTION AUTHORIZING THE AWARD OF NON-FAIR AND OPEN CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES FOR THE REHABILITATION OF THE MUNICIPAL WATER SYSTEM**

**WHEREAS**, the Borough of Stanhope has a need for professional engineering services for the rehabilitation of the municipal water system; and

**WHEREAS**, Lee T. Purcell Associates has submitted a proposal to provide professional engineering services to the Borough, including planning and design period services, bid period services, construction period services including services required for New Jersey Environmental Infrastructure Trust funding for the water system improvements and all NJDEP permits and approvals required; and

**WHEREAS**, the Borough Attorney has reviewed and approved the proposed form of agreement with Lee T. Purcell Associates, subject to the addition of an Addendum to Agreement between the Borough and Lee T. Purcell Associates; and

**WHEREAS**, Lee T. Purcell Associates has agreed to the requested form of Addendum to Agreement; and

**WHEREAS**, the Chief Financial Officer has determined and certified in writing that the value of the professional services will exceed \$17,500; and

**WHEREAS**, the anticipated term of the contract is for two (2) years, or until such time as all construction has been completed; and

**WHEREAS**, Lee T. Purcell Associates has completed and submitted a Business Entity Disclosure Certification certifying that they have not made any reportable contributions to a political candidate or candidate committee in the Borough of Stanhope in the previous one (1) year and that the contract will prohibit said professional from making any reportable contributions through the term of the contract; and

**WHEREAS**, Lee T. Purcell Associates 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 N.J.A.C. 5:30-5.4;

**NOW, THEREFORE**, be it resolved by the Mayor and Council of the Borough of Stanhope that the Mayor and Clerk be and the same are hereby authorized to execute an agreement with Lee T. Purcell Associates; and

**BE IT FURTHER RESOLVED**, that the Business Entity Disclosure 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 Depew and unanimously carried by the following roll call vote, the foregoing resolution was duly adopted.

Councilwoman Kuncken asked Councilman Benson if this is the pay down amount for engineering. Councilman Benson stated that this is going to be a part of the NJEIT financing and will allow the Borough to make those payments. Administrator McNeilly stated that there was a predesigned contract that has been completed and satisfied with a final payment to be approved tonight. This is the next phase. Mr. Stein stated that the planning and design will be rolled into the NJEIT funding and the Borough will be reimbursed. Administrator McNeilly stated the application cannot be submitted on Thursday without the agreement in place.

Roll Call:

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

**Resolution 069-13**

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF STANHOPE AUTHORIZING THE ISSUANCE OF RAFFLE LICENSE RA-587**

**WHEREAS** the following Raffle Application has been submitted for Mayor and Council approval;

**WHEREAS** on January 22, 2013 the Mayor and Council approved the request from the Stanhope Borough Senior Citizens Club to waive the Borough's fees for their 2013 raffle licenses;

<b><u>Raffle #</u></b>	<b><u>Applicant</u></b>	<b><u>Type of Game</u></b>	<b><u>Dates</u></b>
RA-587	Stanhope Borough Senior Citizens	50/50	March 28, 2013 April 25, 2013 May 23, 2013 June 27, 2013 July 25, 2013 August 22, 2013 September 26, 2013 October 24, 2013 November 21, 2013

and;

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

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

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

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

**Resolution 070-13**

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR SOLID WASTE COLLECTION AND DISPOSAL**

**WHEREAS**, the Borough of Stanhope currently provides for the collection and disposal of municipal solid waste for certain properties located in the Borough; and

**WHEREAS**, the Borough's current contract for the collection and disposal of municipal solid waste expires as of May 31, 2013; and

**WHEREAS**, the Borough wishes to continue to provide for the limited collection and disposal of municipal solid waste; and

**WHEREAS**, the Borough Attorney has prepared Bid Specifications in accordance with the Local Public Contracts Law and NJDEP Regulations for the collection and disposal of municipal solid waste, including the required Notice to Bidders;

**NOW, THEREFORE**, be it resolved by the Mayor and Council of the Borough of Stanhope that the Borough is hereby authorized to advertise for a new contract for the collection and disposal of municipal solid waste effective June 1, 2013 in accordance with the prepared bid Specifications.

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

Roll Call:

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

Mayor Maio stated this resolution is for the new garbage contract. The current contract expires on May 31, 2013. Mr. Stein stated that the bids will be received on May 9<sup>th</sup>. State statute for Local Public Contract Law for any solid waste requires a 60 day period of advertisement which must be placed in the Borough's official newspaper and one newspaper with statewide circulation. Mayor Maio asked if the recycling contract must be advertised in the same way. Mr. Stein replied that it does not.

**Resolution 071-13**

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR RECYCLABLE MATERIALS COLLECTION AND DISPOSAL**

**WHEREAS**, the Borough of Stanhope currently provides for the collection and disposal of municipal recyclable materials for certain properties located in the Borough; and

**WHEREAS**, the Borough's current contract for the collection and disposal of municipal recyclable materials expires as of May 31, 2013; and

**WHEREAS**, the Borough wishes to continue to provide for the limited collection and disposal of municipal recyclable materials; and

**WHEREAS**, the Borough Attorney has prepared Bid Specifications in accordance with the Local Public Contracts Law and NJDEP Regulations for the collection and disposal of municipal recyclable materials, including the required Notice to Bidders;

**NOW, THEREFORE**, be it resolved by the Mayor and Council of the Borough of Stanhope that the Borough is hereby authorized to advertise for a new contract for the collection and disposal of municipal recyclable materials effective June 1, 2013 in accordance with the prepared bid Specifications.

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

Roll Call:

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

**Resolution 072-13**

**RESOLUTION AWARDING CONTRACT FOR 80 KW  
DIESEL GENERATOR FOR WELL NO. 5**

**WHEREAS**, the Borough of Stanhope heretofore advertised for the receipt of sealed competitive bids for an 80 KW Diesel Generator for Well No. 5; and

**WHEREAS**, the Borough accepted sealed competitive bids on February 26, 2013 for the 80 KW Diesel Generator for Well No. 5; and

**WHEREAS**, the Borough of Stanhope received five (5) sealed competitive bids in the following amounts: Envirocon, LLC - \$29,517.00, Procomm Systems, Inc. - \$33,840.00, Power with Prestige Inc. - \$33,700.00, Facility Solutions Group - \$34,950.00 and Wire's Electrical Shop - \$39,300.00.

**WHEREAS**, the Borough Attorney has reviewed the bids for compliance with the Local Public Contracts Law and the Borough's bidding requirements; and

**WHEREAS**, Envirocon, LLC is the lowest responsive, responsible bidder for the Borough's request for bids on February 26, 2013;

**NOW, THEREFORE**, be it resolved by the Mayor and Council of the Borough of Stanhope that the Borough does hereby award a bid to Envirocon, LLC in an amount not to exceed \$29,517.00;

**BE IT FURTHER RESOLVED**, that the award of this bid is subject to certification of the availability of funds by the Chief Financial Officer; and

**BE IT FURTHER RESOLVED**, that the Borough Clerk shall notify all bidders on February 26, 2013 of the award of the bid to Envirocon, LLC; and

**BE IT FURTHER RESOLVED**, that the bid bond of all other bidders be returned to said bidder.

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

Mayor Maio stated that this purchase will replace the 38 year old generator that sputtered through Hurricane Sandy to operate Well #5. Without that generator the Borough would have had water but not in the quantity that we did. The Borough was a very fortunate community to not have a problem with water during that power outage. This is a brand new generator and hopefully it will last for at least 30 years. Administrator McNeilly stated that the Borough is utilizing several components that are already in place which has reduced the costs. Mayor Maio stated that the cost of the generator alone is approximately \$24,000. Councilman Graham thanked Administrator McNeilly for acting quickly to obtain the replacement and to Bill Storms for keeping the generator functioning during the storm.

**MAYOR’S APPOINTMENT**

**Resolution 073-13**

**RESOLUTION APPROVING THE MAYOR’S APPOINTMENT OF MATTHEW J. STITT, AS AN ACTIVE MEMBER TO THE STANHOPE FIRE DEPARTMENT**

Mayor’s appointment of Matthew J. Stitt, as an active member to the Stanhope Fire Department.

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

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

**PAYMENT OF BILLS**

Mr. Stein stated that the following resolution is being amended to include two additional bills for Spectrum Communications in the amount of \$1,098.91 and National Medal of Honor in the amount of \$272.50. Resolution of the Mayor and Council of the Borough of Stanhope Authorizing payment of bills as amended.

**Resolution 074-13**

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

Roll Call:

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

**ATTORNEY REPORT**

Mr. Stein stated that he had nothing to report.

**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.

Peggy Findley, 88 Main Street, asked if the Senior Citizens Club had submitted a budget request for 2013. Mayor Maio stated that the Senior Citizens Club has been budgeted for \$3,000 which is the same amount as last year.

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

**ADJOURNMENT**

On a motion by Councilman Depew, seconded by Councilwoman Kuncken, and unanimously carried by voice vote the meeting was adjourned at 9:20 P.M.

Approved:

Linda Chirip  
Deputy Clerk  
For Ellen Horak  
Borough Clerk