

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

**CALL TO ORDER**

**SALUTE TO COLORS**

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

**MAYOR'S STATEMENT AS TO COMPLIANCE WITH P.L. 1975**

Adequate Notice of this Meeting has been provided according to the Open Public Meetings Act, Assembly Bill 1030. Notice of this Meeting was included in the Annual Meeting Notice sent to the New Jersey Herald and the Daily Record on January 2, 2013 and was placed on the Official Bulletin Board in the Municipal Building.

In the event the Mayor and Council have not addressed all items on this Agenda by 11:00 PM and they are of the opinion that they cannot complete the Agenda in a reasonable time period, the Mayor and Council may exercise their option to continue this meeting at an agreed to date, time and place within ten (10) days of this meeting. Please turn off all cell phones for the duration of this Meeting.

**ROLL CALL**

Council Members:

Councilman Thornton – Present  
Councilwoman Kuncken – Present  
Councilman Depew - Present

Councilwoman Thistleton - Absent  
Councilman Graham - Present  
Councilman Benson - Present

Mayor Maio – Present

**COUNCIL COMMITTEE REPORTS**

**Public Safety – Councilwomen Kuncken/Thistleton**

**Police, Fire, Ambulance, Court & Violations Bureau, Emergency Management** – Councilwoman Kuncken reported that the Fire Department report for January states there were 12 calls, 108 man hours, 4 drills and 1 meeting.

Councilwoman Kuncken reported that the Ambulance Squad report for January states there were 53 in town calls, 25 calls in Stanhope, 26 calls in Netcong, 2 standbys and one out of town call to Mount Olive for a total of 54 calls. They treated 30 patients, made 30 trips to the hospital for a total of 781 miles travelled and 179 hours and 58 minutes of volunteer hours.

Councilwoman Kuncken reported that the Police Department, for the month of January, reported there were 135 moving violations and the citations by violation totaled 89, which were broken down by category.

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

– Councilman Benson reported that the tax collections for the year have increased. All the percentages are not indicated in the report. This year's collections were \$638,871 compared to \$580,700 last year. Percentages are down which need to be reviewed with regard to timing issues. Rents for water and sewer collections are down. This may be a timing issue.

**Community Development – Councilmen Thornton/Graham**

**Zoning, Construction, Code Enforcement, Economic Development, Chamber of Commerce, Downtown Revitalization** – Councilman Thornton reported that the billboard on Route 206, that was destroyed by Hurricane Sandy, was reconstructed by CBS Outdoor without the permission of the property owner, Stanhope Mountain Associates. The Zoning Officer has sent notification to CBS Outdoor to take the billboard down. Stanhope Mountain Associates has requested information from the Zoning Officer regarding possible commercial development of the property.

The first meeting for the Stanhope Spring Festival was held in January. At that meeting, Councilwoman Kuncken agreed to handle the arrangements for the Friday Pig Roast and Mayor Maio will prepare publicity flyers. Councilman Thornton stated that a volunteer is still needed to organize the car show. The Recreation Commission will handle the rides as they have done in the past.

**Municipal Infrastructure – Councilmen Graham/Thornton**

**Water Distribution, Sewer Collection System, Road Construction & Maintenance, Buildings & Grounds** – Councilman Graham had no report.

**Information Technology – Councilmen Depew/Benson**

**Acquisition of Hardware & Software, Technical Equipment Services, Telecommunication, Cable Television Franchise** – Councilman Depew stated that the proposal for the new website was scheduled to be sent out to several vendors this week however, Administrator McNeilly has noted in his report that funds were not budgeted for the website. In late September, if the funds are available, the proposal can be sent out at that time. Mayor Maio stated that this issue should be readdressed at that time.

**Boards/Commissions – Councilwoman Thistleton/Councilman Depew**

**Board of Health, Regional Planning Board, Environmental Commission, Musconetcong Sewerage Authority, Sanitation & Recycling, Recreation Commission, Shade Tree Commission, Land Use Board** – Mayor Maio stated that no report is available at this time. Mayor Maio reminded the Council that the Easter Bunny is scheduled to ride thorough the Borough on Saturday, March 16<sup>th</sup> and the Annual Easter Egg Hunt will be held on Saturday, March 23<sup>rd</sup>.

**ADMINISTRATOR’S REPORT**

**Cross River Fiber** – Administrator McNeilly stated that Fred Brody from Cross River Fiber will be attending the March 26<sup>th</sup> meeting.

**Ambulance Squad** – Administrator McNeilly reported that the Ambulance Squad has sent the ambulance out to have the box removed and remounted on the new chassis. A temporary ambulance has been provided by the manufacturer. There is a purchase order being processed for the remaining portion of Stanhope’s contribution. The payment needs to be made in full upon delivery. Administrator McNeilly stated that he has spoken with Rich Kuncken on this matter. Netcong Borough is also processing the paperwork necessary for their portion of the remaining payment. Mayor Maio asked Administrator McNeilly to make sure that the purchase order is included on the next bills list.

**Website RFP** – Administrator McNeilly stated that the RFP for the new Borough website has not been sent out due to the fact that this year’s budget does not provide the funds necessary. This issue will be readdressed in September if funds become available.

**Pet Waste Clean Up** – Administrator McNeilly stated that a couple of residents have attended Council meetings and the Borough has received several complaints about the pet waste problem. Administrator McNeilly proposed the following ideas to raise public awareness of the law regarding pet waste removal.

- Purchase of signage – 50 metal signs at \$18 each to attach to existing signs on Linden Avenue, High Street, Church Street, Kelly Place and Main Street;
- Send out a Nixle advisory reminder;

- Post information on the Borough website;
- Purchase promotional giveaways – trash bag dispenser with information printed on them instructing owners to be responsible and pick up after their pets. Administrator McNeilly suggested an order be placed for 500 at a cost of \$1.57 each. These could be handed out when pets are licensed or at the rabies clinic. Approximately 300 dogs are registered in the Borough. Once the census is completed that number should increase. Funds could be utilized from Clean Communities. This is waste and it is a public hazard;
- Stanhope Day – The Environmental Commission could distribute information stating the environmental and public health hazard associated with pet waste. Administrator McNeilly stated that he spoke with Owen Newson, a member of the Environmental Commission, and he will address this issue at their next meeting;
- Enforcement – The current law states: Any person violating any provision of this chapter shall, upon conviction, be punishable by a fine not exceeding \$1,250 or imprisonment for a term not exceeding 90 days or a period of community service not exceeding 90 days, or any combination thereof. Each violation of any of the provisions of this chapter and each day that such offense shall continue shall be deemed to be separate and distinct offenses.

Administrator McNeilly asked the Governing Body for their input on the proposal. Mayor Maio asked if funds are available to purchase signs. Administrator McNeilly stated that the cost would be approximately \$500 and funds are available in the signage budget. Councilman Benson stated that this was an issue years ago and it is a matter that needs to be brought to the resident's attention. Mayor Maio stated that the parks, especially Musconetcong Park and Salmon Park, need to have signs posted. Administrator McNeilly replied that he would order the signs through the co-op and the ordinance will be printed on them. Councilwoman Kuncken is of the opinion that the signs may help but there will still be people that will not comply. Councilman Graham stated that a considerable amount of money was spent to try and eliminate this problem at the condominiums and there are still people that do not comply. Councilman Graham is of the opinion that the Nixle program should not be used for this purpose. A flyer should be distributed at the rabies clinic stating that the ordinance is going to be enforced.

Councilman Thornton asked if a resident takes a picture of the offense occurring can it be enforced. Mayor Maio stated if the resident is willing to file a complaint it can be enforced by the Police Department.

Councilman Graham asked if the funds could be used from the animal trust. Administrator McNeilly stated that a considerable amount of the funds in the trust will be used for the census. Mayor Maio stated that the promotional bag holder should be given to residents that purchase a license and not distributed at the rabies clinic. Councilman Depew stated that many people that utilize the rabies clinic are from other towns.

The Governing Body agreed to purchase the signs and the giveaway item which will be distributed to the residents that purchase a license. Administrator McNeilly will work with the Environmental Commission to have information regarding this issue presented at Stanhope Day.

10 Mountain Terrace – Administrator McNeilly stated that several phone calls have been received from the homeowner of 10 Mountain Terrace regarding a drainage issue. Bill Storms, DPW Superintendent, and Administrator McNeilly have visited the location and observed that the road pitch and the sinking of the curb along the property is directing water down the driveway. Administrator McNeilly stated that Bills Storms sent him a memo stating that in his opinion the Borough Engineer should review this issue. Much discussion took place regarding the drainage options. The Governing Body agreed to have Eric Keller, Borough Engineer, review the drainage issue. Administrator McNeilly will inform the Governing Body of Mr. Keller's findings.

Fire Department – Administrator McNeilly stated that Spectrum Communications has installed all of the high frequency equipment. Several tests have been performed on the internal system utilizing the base station at the fire house to communicate with the portable radios and the fire

trucks. The tests performed well. The test for the signal strength through the tie line from Sparta was not working properly but that has been corrected. The Fire Department is waiting for Sparta Dispatch to switch over to the new system. Mayor Maio asked when the changeover will take place. Administrator McNeilly stated a date has not been set.

Administrator McNeilly stated that Chief Card has received a request from the Recreation Commission asking the Fire Department to escort the Easter Bunny around the Borough. The Governing Body stated that the Fire Department has done this in the past and may do so again with just one truck.

MEL Training for Elected Officials - Administrator McNeilly stated that D&H will be holding the MEL Training for elected officials in April at the Hopatcong Senior Center. This course was originally scheduled for November but had been cancelled. The course is also going to be available online for anyone that is unable to attend. This will allow the Borough to be 100% compliant and will provide the Borough with a credit of \$250 for each official that completes the training.

Administrator McNeilly stated that the DPW has begun their training in order to be fully compliant on that level as well.

Lee Purcell – Administrator McNeilly stated that the application for the water system improvement is being reviewed by NJEIT. The NJEIT is working with Mr. Purcell to clarify some issues. Mr. Purcell is also working with Cliff Lundin from Sussex County Soil Conservation with regard to their questions. This project is larger than they are accustomed to. The project is moving along.

Councilman Benson asked Administrator McNeilly why Sussex County Soil Conservation is involved. Administrator McNeilly replied that anytime a large amount of soil is disturbed they need to be involved as to the staging of the soil, where the equipment is being stored etc. Part of this project is located in Morris County but Sussex County Soil Conservation will take the lead on this project. There is concern about the river crossing as well. Councilman Benson asked if there are any other partners that may be needed for available land to store gravel. Administrator McNeilly stated that Mr. Purcell is of the opinion that no staging will be needed. If however staging becomes necessary, Sussex County Soil Conservation will need to be notified 48 hours in advance. Administrator McNeilly is of the opinion that should any staging be required it can be done at the DPW yard.

Mountain Terrace - Councilman Thornton asked Administrator McNeilly if work has begun on the residence located on Mountain Terrace that the Governing Body spoke about at the January meeting. Administrator McNeilly stated that construction permits have been issued and there is activity at that location.

## **COUNCIL DISCUSSION**

Laddey, Clark & Ryan Workshop – Mayor Maio stated that several Council members attended the workshop sponsored by Laddey, Clark and Ryan. Councilwoman Kuncken stated that she, Councilman Thornton and Councilman Graham attended. The workshop covered personnel handbooks, personnel procedures and other issues. The handbook should be reviewed annually and there are some new categories that may need to be added. Examples of new categories are social media, use of personal technology devices and the use of legalized medical marijuana. They also stressed the importance of keeping accurate overtime records. Councilman Thornton stated that the importance of keeping the handbook updated with the changing laws of the State was discussed.

Councilman Benson asked how overtime relates to compensation time and how is that differentiated. Councilman Graham stated there are wage and hour personnel versus salaried personnel. Mayor Maio stated that wage and hour personnel receive overtime. They do not receive comp time.

Councilman Graham stated there was a discussion about an ongoing lawsuit for an individual that was salaried but there was a disagreement as to the definition of what was considered a salaried employee. The salaried employee could be someone who works 8:00AM – 4:00PM or it

could be someone that is on call 24/7. Councilman Benson asked how the Borough can differentiate. Mayor Maio replied that generally a salaried employee is defined as a supervisory position that is on call 24/7. That employee would receive comp time. A department head or department manager that works 8:00AM – 5:00PM and is asked to work until 11:00PM for example would have to agree to receive comp time. If they refused the employer must pay overtime wages. Councilman Graham stated that the workshop was stressing the importance of having the information defined in the handbook. If the information is not printed in the handbook the employer may be liable for someone to challenge it.

Councilman Benson stated that due to the fact that the handbook was created only five to seven years ago it is his opinion that it should be reviewed. Councilwoman Kuncken suggested that Finance and Administration should meet with Administrator McNeilly and Bob Merryman to review the handbook. Administrator McNeilly stated that he and Bob Merryman do review the handbook every year with regard to employee liability practices which are updated. Mayor Maio stated that Administrator McNeilly and the Finance and Administration Committee need to schedule a meeting to review the handbook.

Councilman Thornton stated the issue of emails and texting were also addressed during the workshop. Mayor Maio stated that Facebook, twitter and all of these types of issues need to be addressed. Councilman Graham stated that in the event that someone sends out an email at 2:00AM and it is responded to at 4:00AM that does not mean that the employee should be compensated for responding at that time. The hours that an employee is expected to work need to be defined in the standard operating procedures.

Councilwoman Kuncken stated that every employee must have a copy of the handbook and a record must be kept that they have received it. In addition, any updates that are issued must be distributed and the employee must sign that they have received them. Councilwoman Kuncken is of the opinion that the workshop brought up many issues of importance. Councilman Graham stated that many elements of this program would have been beneficial for Dana Mooney.

Tax Assessors Meeting - Mayor Maio stated that she, Councilman Thornton and Councilwoman Thistleton attended the Tax Assessors meeting in Lafayette which was informative. The message that was stressed is that you are not a Tax Assessor and the Tax Assessor does not work for you. The Borough Attorney has explained this to the Governing Body several times in the past. The meeting was well attended and lots of questions were addressed. Many communities in the County are dealing with reassessments. Councilman Thornton stated that he found the meeting to be very informative.

James McNeilly Community Service Award – Mayor Maio stated that the James McNeilly Community Service Award is a \$75 award that is presented annually to a student from Stanhope School. A letter has been received from the Stanhope School asking if the Governing Body will provide the award again this year. Councilman Depew asked if the amount could be raised to \$100. Councilman Benson stated that the amount was established many years ago and he is of the opinion that the amount of the award should be re-examined. Councilman Thornton asked if a bond is issued. Mayor Maio stated in the past a bond was issued but is no longer acceptable.

On motion by Councilman Depew, seconded by Councilman Benson and unanimously carried by the following roll call vote, approval was granted to provide \$100 for the James McNeilly Community Service Award.

Roll Call:

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

Mayor Maio asked the Clerk to make the arrangements necessary to provide the award.

Senate Bill S-2364 and Assembly Bill A-3553 (Early Voting) – Mayor Maio stated that Senate Bill S-2364 and Assembly Bill A-3553, both of which deal with early voting, would require the municipal building to be open on Saturdays and Sundays and extended hours during the week. There has been a modification to these bills but municipal personnel would still be required to work additional hours and this is unfunded. There has been discussion about the possibility of

having funding available that would require the municipalities to submit payment requests for reimbursement of expenses that will be incurred. The Governing Body discussed the several options that are currently available for registered voters to vote early. Mayor Maio stated there is a resolution on the agenda this evening opposing these bills.

Assembly Bill No 3780 (Short Sale Data to Assess Real Property and Determine Ratios) – Mayor Maio stated that Assembly Bill No. 3780 would allow for short sales or distressed sales for homes to be factored into an appeal or an evaluation. Mayor Maio stated that she is of the opinion that the bill states that if short sales account for 20% of the sales in the community, over the past three years, they are to be included in the Tax Assessors evaluation and in an appeal. Three years is a long time and we may be on a downturn in home sales but would still be suffering the ill effects of this bill. Mayor Maio asked that a resolution opposing this bill be included for the next meeting unless any members of the Council had an objection. The Governing Body had no objections.

Waterloo Road - Councilwoman Kuncken stated there is a large hole at the entrance to the bridge on Waterloo Road. Administrator McNeilly replied that the County is responsible for the road, the bridge and the approaches. There was a lengthy discussion regarding the condition of the road. Administrator McNeilly stated that the County has been contacted but he will contact them again.

2013 Capital Budget – Mayor Maio asked the Council to refer to the capital projects list that was provided by the CFO prior to the meeting. The yellow highlighted items are proposed and green projects are funded but are waiting to be started. The following projects were discussed:

Fire Department - The proposed projects for the Fire Department will follow 3 and 5 year plans that the Governing Body has established for the air bottles, air masks and personal protection equipment.

Police Department - The proposed project for the Police Department is for the replacement of the Detective's vehicle.

DPW - Mayor Maio stated that the DPW has requested a plow and 2 box spreaders this year. Councilman Benson asked if the brine treatment has been researched. Administrator McNeilly stated that the liquid pre-treat system has been funded through an existing ordinance. Councilman Benson asked if the Borough has looked into the creation of the brine. Administrator McNeilly described the equipment needed and how the process will be implemented.

Administrator McNeilly stated that he walked through the DPW garage and it is in serious need of renovation. There are laws that require on time and off time for plowing and currently there are no accommodations for the off time hours available. There is a space above the kitchen and bathroom area where a second floor could be created to provide a sleeping area for the times when there are extended snow storms. Mayor Maio asked if the work would be done in house. Administrator McNeilly confirmed that the work will be done by the DPW and Tom Pershouse, Construction Official, will be involved in the project. The Governing Body agreed that renovations need to be made to the DPW garage.

Administrator McNeilly stated that the DPW employees are anxious to begin work on this project and they are also excited about receiving training. Recently all five employees were able to attend two of the classes together.

The DPW has requested a new truck to replace the 2000 Ford pickup truck. In the future, there is a 1990 truck that is currently the oldest truck in use which will have to be replaced. The approximate cost to replace that truck is \$160,000. The current truck has lasted over 25 years and the next should last at least 30 years.

Repair and Maintenance of Infrastructure – These projects include the Maple Terrace roadway reconstruction and the pedestrian walkway project from Route 183 to Acorn Street. The State is behind in approving the grants due to Hurricane Sandy. These projects are dependent on the funds being provided by the State. The third project is for the materials for paving and crack sealing.

Building & Grounds Repair/Maintenance – The Main Street lighting was previously funded. The Municipal parking lot is a leftover project from last year as well as the Main Street lighting. The garage roof needs to be repaired. Administrator McNeilly stated that the bid for the roof will be ready for the first meeting in April.

Water Utility – Funds have been budgeted for the radio read units and the touchpads. Administrator McNeilly described how the radio read units and touchpads work to read the meters.

The inside water meters need to be replaced and the DPW Superintendent has requested that 20% of the meters in the Borough be replaced each year for five years.

Administrator McNeilly stated that the variable frequency drives (VFD) prevent the motors from going on and off repeatedly and reduces the strain on the motors in addition to reducing the energy costs. There are VFD's already installed on well #4 and #5 and the water tower. Well #5 was most likely spared during the storm due to the fact that a VFD was in place. Wells #2 and #3 need to have variable frequency drives installed.

Rehabilitation of Well #4 is a project to be addressed this year. Administrator McNeilly stated that several years ago an outside company was hired for the rehabilitation of Well #3 because the performance was degrading. This allowed the performance of Well #3 to be reinstated back to its original performance number which is still in effect today. Bill Storms is requesting that the same procedure be performed on Well #4 to bring its performance back to 100%.

The purchase of a generator for Well #3 is awaiting mitigation. The original plan was to have the generator placed between Wells #3 and #4 to be used by both wells but that is not advantageous. The revised plan is to place the generator close to Well #3 and have it secured and fenced in. This will provide the Borough with a second well with a generator.

Sewer Utility – These projects include the radio read units and the new manhole covers. Administrator McNeilly stated that Eric Keller, Borough Engineer, needs to be consulted with regard to the manhole cover project. Mayor Maio stated that Mr. Keller should be contacted and asked to attend a meeting soon with regard to the manhole cover project. There is another project pending to inspect and clean two sections of the sewer main. This project can be held back until 2014.

## **NEW BUSINESS**

### **INTRODUCTION AND APPROVAL OF THE 2013 MUNICIPAL BUDGET**

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

#### **Resolution 075-13**

#### **RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF STANHOPE INTRODUCING THE 2013 MUNICIPAL BUDGET**

**BE IT RESOLVED** that the attached Statements of Revenues and Appropriations shall constitute the Municipal Budget for the 2013 calendar year; and

**BE IT FURTHER RESOLVED** that a Summary of said Budget shall be published in the *New Jersey Herald* and the public hearing and final adoption shall be held on April 9, 2013 at 8:00 p.m. at the Municipal Building at which time and place objections to the 2013 Municipal Budget may be presented by taxpayers or other persons of interest.

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

Mayor Maio stated for the public's benefit that the property tax levy is 1.29%. The Borough is under the levy cap and the appropriations cap without any exclusions. The average municipal increase on a home valued at \$191,400 should be \$2.28.

Roll Call:

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

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

## **RESOLUTIONS**

### **Resolution 076-13**

### **RESOLUTION SUPPORTING THE CLICK IT OR TICKET SAFETY BELT MOBILIZATION FOR MAY 20 THROUGH JUNE 2, 2013**

**WHEREAS**, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a safety belt; and

**WHEREAS**, use of a safety belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

**WHEREAS**, the National Highway Traffic Safety Administration estimates that 135,000 lives were saved by safety belt usage nationally between 1975 and 2000; and

**WHEREAS**, the State of New Jersey will participate in the nationwide Click It or Ticket seat belt mobilization from May 20 through June 2, 2013 in an effort to raise awareness and increase seat belt usage through a combination of enforcement and education; and

**WHEREAS**, the Division of Highway Traffic Safety has set a goal of increasing the seat belt usage rate in the state from the current level of 94.51% to 100%; and

**WHEREAS**, a further increase in seat belt usage in New Jersey will save lives on our roadways;

**THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Stanhope declares its support for the Click It or Ticket seat belt mobilization both locally and nationally from May 20 through June 2, 2013 and pledges to increase awareness of the mobilization and the benefits of seat belt use.

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

### **Resolution 077-13**

### **RESOLUTION APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY SAFE AND SECURE COMMUNITIES PROGRAM ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY**

**WHEREAS**, the Mayor and Council of the Borough of Stanhope wishes to apply for funding for a project under the Safe and Secure Communities Program; and

**WHEREAS**, the Mayor and Council of the Borough of Stanhope have reviewed the accompanying application and have approved said request; and

**WHEREAS**, the project is a joint effort between the Department of Law and Public Safety and the Borough of Stanhope for the purpose described in the application;

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



- 1) As a matter of public policy the Mayor and Council of the Borough of Stanhope wishes to participate to the fullest extent possible with the Department of Law and Public Safety.
- 2) The Attorney General of New Jersey will receive funds on behalf of the applicant.
- 3) The Division of Criminal Justice shall be responsible for the receipt and review of the applications for said funds.
- 4) The Division of Criminal Justice shall initiate allocations to each applicant as authorized by law.

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

**Resolution 078-13**

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF STANHOPE GRANTING APPROVAL TO THE AMERICAN LEGION, MUSCONETCONG POST 278 TO CONDUCT A PARADE ON MEMORIAL DAY, MONDAY, MAY 27, 2013**

**WHEREAS**, the Borough of Stanhope received a request from the American Legion, Musconetcong Post 278 to conduct their annual Memorial Day Parade through the Borough of Stanhope; and

**WHEREAS**, said parade is scheduled for Monday, May 27, 2013 to begin at 1:00 p.m. at the College Road School in Netcong and end at the American Legion, Musconetcong Post 278 on Route 183 in Stanhope.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Stanhope, County of Sussex, State of New Jersey, hereby grants approval to the American Legion, Musconetcong Post 278 to hold a parade on Memorial Day, Monday, May 27, 2013 to begin at 1:00 p.m. at the College Road School in Netcong and end at the American Legion, Musconetcong Post 278 on Route 183 in Stanhope.

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

**Resolution 079-13**

**RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF WATER & SEWER FEES**

**WHEREAS**, the homeowner was making weekly payments toward his Water & Sewer fees due; and

**WHEREAS**, the amount of the weekly payments accrued on the account because they were calculated incorrectly, resulting in a credit on the account; and

**WHEREAS**, the Chief Finance Officer has requested that the homeowner revise his method of making payments to reduce the need for future refunds on the account, and to start this process advises a refund at this time to begin the recommended monthly payment schedule as outlined in a letter dated February 20, 2013;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Stanhope, that a warrant be drawn to the former homeowner listed below in the designated amount representing a refund of overpayment of Water & Sewer fees and interest paid:

Block	Lot	Qual	Name & Address	Amount
11501	2	C0104	Christopher Cygan 6104 Audubon Court Stanhope, NJ 07874	\$ 254.99

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

**Resolution 080-13**

**A RESOLUTION OPPOSING SENATE BILL S-2364 AND ASSEMBLY BILL A-3553 WHICH PROPOSE TO EXPAND THE OPPORTUNITIES FOR REGISTERED VOTERS TO CAST THEIR BALLOTS AT AN ELECTION WITH THE STATE OF NEW JERSEY**

**WHEREAS**, Senate Bill S-2364 and Assembly Bill A-3553 propose to expand the opportunities for registered voters to cast their ballots at an election within the State of New Jersey; and

**WHEREAS**, the goal of accommodating voters in pursuit of greater participation in the democratic process is a worthy goal; but

**WHEREAS**, the said bill as it is currently drafted involves proposals that would increase workloads, add more costs to the election process, and ultimately serve to confuse voters more than it would accommodate their needs; and

**WHEREAS**, the opportunity for “Early Voting” already exists in the State of New Jersey through the Vote by Mail ballot process.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Stanhope in the County of Sussex does hereby oppose Bill S-2364 and Bill A-3553 for the following reasons:

1. Current State Law provides that the County Clerk shall mail sample ballots for Primary Election on or before 12 noon on Wednesday preceding election (N.J.S.A. 19:23-34). The proposed Bill requires polling places to be open beginning 15 days before an election. This bill creates an inherent conflict between the date upon which the County Clerk is required to mail sample ballots and the date upon which sample ballots must be posted in polling places. It creates a situation in which the County Clerk will be obligated to mail sample ballots to voters, inviting them to come vote on Election Day, who will have already cast their votes, creating confusion for the average voter and citizen. It will also pressure county Clerks to have sample ballots available earlier than the statutory date upon which said sample ballots need to be provided to the general public via mail.
2. The requirement that a single polling place must be kept open ten (10) hours a day, Monday through Saturday, and on Sundays for eight (8) hours, beginning fifteen (15) days before an election up until two (2) days before an election will create additional expense on County Boards of Election, who will be required to staff this said polling place with poll workers who will be required to handle voters that come from every voting district within a municipality as opposed to a single voting district at each polling place on election day.
3. The Sussex County Board of Elections points out that the average age of Poll workers in Sussex County is 72 years. The bill would require complete re-training of poll workers on how to handle paper ballots on the Early voting days as opposed to the electronic voting done on Election day; many current poll workers will not be interested or physically capable of staffing polling places for such extended periods of time for two (2) straight weeks; hiring new poll workers and training them will be required to staff the early voting locations; costs will be incurred in transporting election materials to and from each early voting location every day in order to maintain chain of custody for protecting the integrity of the ballots cast; overtime costs would be incurred for staffing the Board of Elections offices each day and each

evening, all of which adds up to an estimated additional expense exceeding \$150,000 per election.

4. The Bill creates a conflict for Municipal clerks who are required, by law, to be in their offices during the hours that polls are open for an election. Additionally, many municipalities now rely on their Public Works employees to set up and take down polling places. This will create overtime issues on municipalities.
5. The Bill requires a central location be utilized for the early voting polling place. In many instances, this will require the use of the municipal building for seven (7) days a week, for two (2) weeks prior to the election, for up to 12 hours a day. This creates an inherent conflict with already-scheduled court sessions, meetings of governing bodies, meetings of various boards such as Planning Boards, Zoning Boards, Recreation Commissions, and Boards of Health, which will require re-scheduling and postponing hearings on applications before those bodies, in turn creating inconvenience for the general public and increased costs for the municipality.
6. The Sussex County Board of Elections estimates that, taking all factors into consideration, the total cost of setting up and conducting the first early voting election would be \$680,000, and the cost of each early voting election thereafter would be \$198,000.
7. This represents an unfunded mandate, creating unnecessary additional burden and expense on the county and local levels of government, and provides no meaningful increase in the opportunity for New Jersey voters to “vote early” because current state law and established procedures allow a voter to download a Vote By Mail Ballot application, mail in that application, receive a Vote by Mail ballot, and cast their ballot, without ever having to leave their own home or business location.

**BE IT FURTHER RESOLVED**, the Mayor and Council of the Borough of Stanhope do hereby call upon its representatives in the State Legislature to oppose the adoption of this bill.

**AND, BE IT FURTHER RESOLVED**, that a copy of this Resolution shall be sent to the Office of the Governor; Senator Paul A. Sarlo, Budget & Appropriations Chair; Assemblyman Vincent Prieto, Budget Chair; Senators Nia Gill and Jim Whelan, the Sponsors of Bill S-2364; Assemblypersons Daniel R. Benson, Herb Conaway, Jr., Craig J. Coughlin, Wayne P. DeAngelo, Patrick J. Diegnan, Jr., Sheila Y. Oliver, and John Wisniewski, the Sponsors of Bill A-3553; Senator Steven Oroho and Assemblywoman Alison McHose, who represent this District; the Sussex County Board of Elections; and the New Jersey League of Municipalities.

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

**Resolution 081-13**

**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. 2012-19, representing 2011 property taxes and/or utility charges on Block 11501, Lot 2, C0270, known as 15270 Aspen Court, assessed to Ivan & Sherrin Martinez, and;

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

To Lienholder:	Elliot Loeb-Keogh Plan 1605 U.S. Highway 1, Apt. C101 Jupiter, Florida 33477
Redemption Amount:	Tax Title Lien #2012-19 and Interest to Date of Meeting     \$     2,057.58 Premium Paid by Lienholder     _____ 0.00
Total From Current Fund:	\$     2,057.58

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

**PAYMENT OF BILLS**

**Resolution 082-13**

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

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

Roll Call:

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

**AGENDA ITEMS**

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

**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.

**ADJOURNMENT**

On a motion by Councilman Depew, seconded by Councilman Graham, and unanimously carried by voice vote the meeting was adjourned at 9:25 P.M.

Approved:

Linda Chirip  
Deputy Clerk  
For Ellen Horak  
Borough Clerk