

**MAYOR AND COUNCIL  
REGULAR MEETING  
March 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 Kuncken – Present  
Councilman Depew – Present

Councilwoman Thistleton – Present  
Councilman Graham – Present  
Councilman Benson – Present

Mayor Maio – Present

**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.

Douglas Wright 9 Kennedy Road, Morris Plains – Mr. Wright requested to re-establish the roof over the porch on the building he owns on Kelly Place. Mr. Wright stated that a review of his zoning application by Arlene Fisher determined that the front of the home is located in the right of way for the road. For this reason Mrs. Fisher recommended that he appear before the Mayor and Council.

Mr. Stein stated that he did discuss this issue with the Zoning Officer. The building in question is the older building located at the 90 degree angle on Kelly Place. According to the tax records this residence was built in the 1850's. The deed for the property describes the tax lot and block just like it is on the tax map. It shows a 30 foot wide road there which does not match up with anything historically. A 33 foot wide road is common but a 30 foot wide road is unusual. The survey of the property would actually show the building being in the right of way of the road or at least where the porch is going to be. Mr. Stein stated that he advised Mrs. Fisher to have Mr. Wright appear before the Governing Body because the Land Use Board cannot entertain the application because he is looking to build on property that he does not own. Permission from the property owner is required. This situation is unique in that the intent to build is clearly outside of the pavement but it appears to be located in what might be considered the Borough's road.

Mr. Stein stated that the first step for Mr. Wright is to ask the Governing Body for permission to build in the right of way. The Council may grant permission for him to apply to the Land Use Board and if permission is granted a letter would be sent to the Land Use Board stating that the Mayor and Council give permission for the applicant to proceed with his application, but this is not an endorsement or rejection, it is just permission to proceed with the application.

Mayor Maio expressed her opinion that a decision may set a precedent on any future requests for construction in the right of way. Councilman Graham stated in his opinion it does not set a precedent because this is specific to this building. Mr. Wright stated that the concrete and floor of the porch still remain. The roof was removed several years ago because it had rotted and he wants to re-establish the roof. Councilwoman Kuncken asked Mr. Wright if he planned on extending beyond the existing porch. Mr. Wright stated there would be a slight overhang but he would not be creating a new footprint. Councilman Graham asked Mr. Stein if this issue will establish a precedent. Mr. Stein replied that these types of cases would have to be reviewed by the Governing Body on a case by case basis. This is not an uncommon issue in the older part of Stanhope or in Sussex County. Mr. Stein has represented other towns that took a hard line position and would not allow building in the right of way under any circumstance and other towns have allowed owners to build as long as they were not on the pavement but with the understanding that they did so at their own risk in the event that the town at some point decided to widen the road. Mr. Stein stated it is hard to foresee Kelly Place ever being widened but the possibility exists.

Mr. Wright stated that without the porch roof a lot of water that has gotten into the façade of the building and rotted the wood. Replacing the roof will prevent further water damage. The sheathing will have to be replaced. Mr. Wright did submit a construction permit to Tom Pershouse who in turn referred him to the Zoning Officer. Mr. Wright's plan is to pull off the front of the building down to the sheathing. The rotted wood will be replaced, the porch roof will be added, the building will be resided, new fire egress windows installed and insulation added. Mayor Maio stated that if the Council grants approval to perform the work in the right of way then the Zoning Officer and the Construction Official will make the determination as to whether or not an application has to be made to the Land Use Board. Mr. Wright presented a picture of his plan. Mr. Wright stated that the posts will sit on the existing porch. The original porch was there for 100 years and was removed approximately 10 years ago. Mr. Wright and several of the Council members stated that they are of the opinion that the porch will enhance the appearance of the building.

On motion by Councilwoman Kuncken, seconded by Councilman Depew, and unanimously carried by voice vote, approval was granted authorizing Mr. Wright to apply to the Zoning Officer and/or Land Use Board to re-establish the front porch at 14, 16 and 18 Kelly Place.

Owen Newson, 8 Kelly Place, stated that he wanted to formally introduce himself as the President of the Musconetcong Foundrymen Historical Society. In the event that the Mayor and Council have any questions regarding the Musconetcong Foundrymen Historical Society they may contact him. Mr. Newson stated that they will be having a luncheon on April 28th honoring Lorraine Bender as Volunteer of the Year. Invitations have been sent to the Mayor and Council. A walking tour of Stanhope is scheduled for May 19<sup>th</sup>. The walk will be led by Brian Morrell and will begin at the Presbyterian Church at 1:00PM.

Seeing no one further 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:

February 12, 2013	Agenda & Work Session Meeting & Closed Session
February 19, 2013	Special Budget Meeting
February 26, 2013	Regular Business 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 Graham, seconded by Councilwoman Kuncken 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 Police Department had 80 violations for the month of February. The Police Department has two types of reports one of which lists incidents by offense code. The moving violations have the greatest number of incidents.

Councilwoman Kuncken stated Chief Pittigher has informed her that the SUV has been repaired and is currently in use. Chief Pittigher is of the opinion that replacing the engine may not be feasible. The research into the issue indicates that there may be additional costs of up to \$6,000. The Police Department will continue to use the SUV as long as possible. When the new all-wheel drive vehicles have been used for the winter, a determination will be made as to whether or not an SUV is needed.

Councilwoman Kuncken stated that the Police Department uses the Spillman System for reporting and communication which has had various issues for quite some time. The issues became worse during Hurricane Sandy. The Police Department will stop using this system sometime this year. Councilwoman Kuncken stated that Chief Pittigher has informed her that this may result in the need for collective or individual equipment. At this time no further information is available. Mayor Maio asked Councilwoman Kuncken to have the Public Safety Committee continue to monitor the issue and report back to the Governing Body.

Councilwoman Kuncken stated Chief Pittigher has informed her that the accreditation program is waiting for the fifth town to sign on and he will keep her posted.

The Ambulance Squad had 50 calls for the month of February. There were 24 calls in Stanhope, 26 calls in Netcong, one out of town call in Hopatcong and one out of town call in Flanders. The squad transported 34 patients, made 34 trips to the hospital for a total of 896 miles and 165 hours 22 minutes of volunteer time.

**Finance & Administration – Councilman Benson/Councilwoman Kuncken** – Councilman Benson stated that the tax collections have increased, compared to last year, by approximately \$200,000. The collections for the month were down substantially, which may be due to a timing difference. The first quarter collections are down about 2% on tax collections which may also be due to timing. The utility accounts for the year are down substantially compared to last year. The water utility has decreased by \$2,000 and the sewer utility has decreased by \$6,000. The CFO is providing a month by month spreadsheet that will help to monitor the accounts more accurately. Mayor Maio asked if the switch in base rates from sewer to water will impact the accounts. Councilman Benson replied that on a month to month basis they will be impacted but the utility spreadsheet will help to monitor the switch.

### **Community Development – Councilmen Thornton/Graham**

#### **Zoning, Construction, Code Enforcement, Economic Development, Chamber of**

**Commerce, Downtown Revitalization** – Councilman Thornton stated that all code violations and complaints have been addressed or are in the process of being brought into compliance. One exception is the billboard on Route 206 located by the Black Forest. Councilman Thornton stated that last month he reported that the billboard had been reconstructed by CBS Outdoor without the property owner's knowledge. The Zoning Officer sent a notice of violation to CBS Outdoor and yesterday the Zoning Officer received a letter from a law firm representing CBS Outdoor stating that the billboard was not been completely destroyed by the storm and that CBS Outdoor had the right to repair and restore the billboard. The Zoning Officer has photographs of the billboard to the contrary.

Councilman Thornton stated that he spoke with Arlene Fisher, Zoning Officer, regarding an issue with 133 Route 183 and the storage of vehicles. Councilman Thornton said that Mrs. Fisher is dealing with a similar issue in Fredon Township. There is a resident in Fredon that is storing 40 vehicles in a residential zone. Ms. Fisher has taken that resident to court and won. The case has also gone to the Appellate Court and won and is now going to the Supreme Court. Stanhope's ordinance does not state a limit on the number of vehicles permitted in a residential zone and Councilman Thornton suggested that the Governing Body review the ordinance to determine if changes should be made. The issue at 133 Route 183 is a commercial property and

that issue is being brought into compliance. Mayor Maio asked Administrator McNeilly if Mrs. Fisher has indicated that there are any problems in the Borough. Administrator McNeilly replied that there are no issues at the present time. Councilman Thornton stated in his opinion it may be a good idea to review the ordinance to prevent a problem in the future. Mayor Maio asked Administrator McNeilly to review the ordinance and consult with Mrs. Fisher and Mr. Stein. Councilman Graham asked if the key element is used vehicles versus stored. Councilman Thornton stated that the resident in Fredon is arguing because the vehicles are all registered and insured. Mr. Stein stated there are two common ordinance requirements. One is that commercial vehicles cannot be stored in residential zones and the other is that all vehicles must be licensed, registered and operable, not necessarily insured. Generally there is not a finite number stated.

Councilman Thornton stated that the next meeting for the planning of the Stanhope Spring Festival is scheduled for tomorrow at 7:00 PM at the Whistling Swan.

#### **Municipal Infrastructure – Councilmen Graham/Thornton**

**Water Distribution, Sewer Collection System, Road Construction & Maintenance, Buildings & Grounds** – Councilman Graham asked Administrator McNeilly to report on the storm drain issue on Dell Road. Administrator McNeilly stated that last Friday the DPW was attempting to clear one of the storm drains on Dell Road and they were unable to clear the blockage. The DPW dug up the pipe and found that it had disintegrated. The pipe was replaced and when water was run through it, another blockage was found. There is a 600 foot section of pipe that has collapsed. They also discovered that the catch basins had been covered over with old metal signs years ago when the road was widened instead of being moved back and then the road was laid over the top of them. Bill Storms has ordered plastic pipe, which will last indefinitely, and three new precast catch basins. Normally the catch basins would be built on site but there is constant water running in this area which will have to be diverted in order to install the catch basins. There is a concern in one area where there is a telephone pole right behind the back of the catch basin. That catch basin may have to be abandoned and moved. Councilman Graham stated that this area has running water all year long.

#### **Information Technology – Councilmen Depew/Benson**

**Acquisition of Hardware & Software, Technical Equipment Services, Telecommunication, Cable Television Franchise** – Councilman Depew had no report.

#### **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** – Councilwoman Thistleton stated that the Recreation Commission held the annual Easter Egg Hunt on Saturday which was very well run and organized and had the largest attendance ever. Councilwoman Thistleton stated she has been participating in the Easter Egg Hunt for the past 12 years and they have never had such a turnout. The Recreation Commission made up 125 goody bags and they ran out of them even though the weather was cold.

Councilwoman Thistleton stated that the weekend before the Easter Egg Hunt the Easter Bunny rode around town with Mayor Maio until the snow started falling.

Councilwoman Thistleton stated that the Mount Airy bus trip is almost sold out. The cost is \$25 which includes the transportation, \$25 in casino money and a \$10 food voucher.

The Summer Recreation program is moving forward. Netcong School will be undergoing construction this summer and as a result the Recreation Commission has requested the use of Stanhope School for all six weeks. There is a Board of Education tomorrow night and they are hoping to receive approval for the use of the school.

Councilwoman Thistleton stated that the Board of Health did not meet due to a lack of a quorum.

#### **ADMINISTRATOR'S REPORT**

**Cross River Fiber** – Administrator McNeilly stated that Fred Brody of Cross River Fiber had to reschedule due to the holiday. Mr. Brody will attend the April 23<sup>rd</sup> meeting.

10 Mountain Terrace – Administrator McNeilly stated that he met with Eric Keller and Bill Storms to discuss the drainage issue at 10 Mountain Terrace. Mr. Keller is working on the issue and will have a preliminary report available for the April 23<sup>rd</sup> meeting.

Fire Department – Administrator McNeilly reported that Sparta Dispatch is now utilizing the new high frequency radio system, while simultaneously broadcasting on the low band for a brief transition period. The fire sirens are no longer in use but the weekly test will still be done on Saturday's for a short time. Administrator McNeilly stated that he has spoken with Chief Card and there are some issues that are still being worked out. Once those issues are resolved the payment can be made to Spectrum Communications.

DPW Roof – Administrator McNeilly stated that he has been working with Mr. Stein on the bid specifications for the DPW roofing system. A resolution to advertise should be prepared by the April 9<sup>th</sup> meeting. Mr. Stein stated that the doors will be included as well.

Main Street Lighting – Administrator McNeilly reported that he will be meeting with John Murphy from Holophane on Thursday to review the updated options for lowering the wattage on the streetscape lights. Mr. Murphy will be bringing samples of the LED technology. Mayor Maio stated that the disadvantage of the LED lights was the intensity. The wattage was lower but they were much brighter. The wattage will be changing from 175 to 60 or 70. Mayor Maio stated that the Governing Body agrees that the new technology should be looked into however; they are not going to accept the manufacturer's recommendation. The Mayor and Council will want to see the actual product in use prior to agreeing to change the lighting.

Riggs Sewer Ejector – Administrator McNeilly reported that Bill Storms has received 2 of the 3 required price quotes for the installation of the sewer ejector system. When all the quotes have been received, the contract will be drawn up.

Water System Improvement Project – Administrator McNeilly stated that the DEP is continuing to review the engineering plans and Mr. Purcell's office is updating the designs based on the recommendations of the DEP.

Councilman Graham asked Administrator McNeilly to explain the letter from NJDEP regarding the water quality test that was performed. Administrator McNeilly replied that approximately 8 months ago there was a complaint filed relative to an odor in the water. NJDEP took water samples and one of the test points was the sink located at Borough Hall. This sink is also used by the DPW when they conduct their water tests. The NJDEP report states that there was an odor in the water. Councilman Graham asked if the Borough is required to address the issue. Administrator McNeilly replied that no action needs to be taken odor and hardness are considered secondary standards because they relate to aesthetic quality. Mayor Maio stated that she spoke with one of the office staff and they stated that at the time of the inspection NJDEP said there was no odor in the water.

Councilman Graham stated that last year the Borough was late in getting started with the grant process with Millennium Strategies. Councilman Graham asked Administrator McNeilly if any progress has been made for this year. Administrator McNeilly stated that he has not received any grant information for this year. Administrator McNeilly will contact Millennium Strategies and inform the Governing Body when information is available.

Mayor Maio asked Administrator McNeilly if any feedback has been received from the State regarding the release of the Local Aid Grants. Administrator McNeilly will check on the status.

Councilman Benson stated that there is a location in the Borough where the alarm has sounded a total of 22 times. Councilman Benson asked why this was occurring. Councilman Graham stated that he responded to one of the calls and it is located at a home that was abandoned and there is construction work being done there periodically. The neighbors are calling it in because they can hear the alarm sounding. Administrator McNeilly stated that the home has been empty for more than four years and to his knowledge there is no electric service.

Mayor Maio stated that there have been ongoing issues with false alarms. In other communities there are penalties for exceeding a certain number of false alarms. When the alarms go off and they are false alarms our volunteers and equipment are being sent out to respond. Mayor Maio

stated that the Borough should consider adopting an ordinance. Administrator McNeilly stated that the I Am Responding program is alerting us to the calls. The alarm at 22 Young Drive has now gone off three times in the last week and a half. There was a fire alarm at 108 Route 183 that was aggressively handled by the Fire Marshal to address that problem. Councilman Graham stated that the problem at 22 Young Drive has not been solved. The Fire Department has gone through the building but they were unable to find a problem. Mayor Maio stated that a limit needs to be set and a penalty incurred for false alarms over a set amount. Councilman Graham stated that many towns have penalties for false burglar alarms. Mr. Stein stated there are many ordinances that will provide a penalty. Usually after the third false alarm within a certain amount of time there is a fine imposed on the property owner. Much discussion took place regarding the issue of false alarms. Mr. Stein will draft an ordinance for review by the Governing Body. Administrator McNeilly will check with the Fire Department and dispatch to find out if the issue at 22 Young Drive has been determined.

## **COUNCIL BUSINESS**

*ANJEC Open Space Grant (Environmental Commission)* – Mayor Maio invited John Rogalo, Environmental Commission Chairman, to come forward to explain the ANJEC Open Space Grant. Mr. Rogalo stated the Environmental Commission received information that there is an Open Space Grant available through ANJEC which is a \$1,500 grant to be used for a project that will advance local open space stewardship and help raise the profile of the Environmental Commission in the community through publicity and public participation or collaboration of local groups. Two thirds of the grant is paid up-front and the balance is paid when the project is complete. Commission members and local volunteers must provide at least 80 hours of labor toward the project. There is no cash match required and the application is due by Friday, April 19<sup>th</sup>. The grants will be announced on May 3<sup>rd</sup>. The Environmental Commission would like to apply for this grant to defray the costs of a clean-up behind the Plaster Mill including the clearing of the storm drain outlet and flow to Furnace Pond. Mr. Rogalo passed out pictures and explained that there used to be a flash block that used to deflect the flow that came out of the drain from Main Street. The flash block is now filled with gravel and this has caused erosion. The Environmental Commission would like to clean up the area and perhaps install a small walking bridge for access to the trails.

Mr. Rogalo stated that last year a clean-up was done to remove trees that had fallen from a snow storm that occurred two years ago. A nice trail was created at that time. Hurricane Sandy has done damage to that area. Mr. Rogalo provided pictures of the damage and stated that this will be the focus of this year's clean-up. Mayor Maio asked Mr. Rogalo if he has contacted the State to bring in the chipper again this year. Mayor Maio stated that last year that worked out very well. Mr. Rogalo stated that he will contact the State prior to the clean-up that is scheduled for April.

Mr. Rogalo stated that the Environmental Commission would like to plant a commemorative tree in honor of Lorraine Bender instead of presenting her with a plaque. The Environmental Commission would like to purchase a kousa dogwood tree and a small plaque to be placed at the tree. Mrs. Bender is a founding member of the Environmental Commission and has served on the commission for 40 years. Mr. Rogalo stated that several years ago plantings were done at Musconetcong Avenue Park. This would be a larger tree and by placing it in one of the gated areas it would help to protect it. There are multiple gates at this location and this could be used as a commemorative area for the future recipients. Mayor Maio stated that the deer have done damage to many of the trees in that area and suggested spending a little more money in order to purchase a heartier tree.

Mr. Rogalo stated that the Environmental Commission had a discussion two years ago with respect to the Plaster Mill. The Borough did a nice job in cleaning plants out of the area but they will grow back. This is a public area and it is surrounded by a chain link fence. The Environmental Commission would like to take the walls down to a safe height, use the stone to fill the center, install pavers and create an open air patio with benches, put up signs explaining the site and Stanhope's contribution to the industrial era and the canal days. This would provide a resting point along the trail that would be inviting to the public. This is an issue that has been discussed for over 10 years but nothing has been done.

Mayor Maio stated that when she and Administrator McNeilly met with the grant writers initially, the Plaster Mill was one of the projects that they asked the grant writers to find grants for. There have been many different opinions as to what should be done with the Plaster Mill. Mr. Rogalo stated that he is speaking on behalf of the Environmental Commission but invited Owen Newson to speak on behalf of the Musconetcong Foundrymen Historical Society. Mr. Newson stated that he is a member of the Environmental Commission as well and he is personally in agreement with the plan that Mr. Rogalo has presented for the Plaster Mill. Mr. Newson stated that he will speak with the Musconetcong Foundrymen Historical Society and ask for their opinion on the project. Mayor Maio stated that the Plaster Mill has been in a push pull situation for many years. The Plaster Mill is fenced because it is a ruin and it is not safe. Mayor Maio asked Mr. Newson to speak with the Historical Society and then collectively come back before the Governing Body and state what they would like to do with the Plaster Mill. Mr. Newson stated that the National Register and the Canal Society would have to be consulted.

Councilman Graham stated that a conversation about lowering the walls took place two years ago and then a letter was received from the Canal Society stating not to do that and that there was money available and the mill should be rebuilt. Mayor Maio stated that the Environmental Commission and the Historical Society need to come to an agreement with the Borough. Councilman Graham stated that would be a great cornerstone to the trail system. Mr. Newson stated there is a grant with Mt. Olive for \$25,000 which includes signage. Councilwoman Kuncken stated that the groups involved all need to come together and agree to what should be done. In the event that there is one group that does not agree then a majority decision needs to be agreed upon. Mayor Maio stated that she had suggested that some of the stones in the Plaster Mill be used to make benches. Mayor Maio stated that the Borough owns the Plaster Mill. Administrator McNeilly stated that the Canal Society by State Charter has control within 300 feet of the center line and all the way through. Mayor Maio asked the Environmental Commission and the Musconetcong Historical Society to come to an agreement and then the Canal Society will have to be consulted. Administrator McNeilly asked that all concerns, ideas and requests be submitted in writing.

Mr. Rogalo asked if the Environmental Commission can move forward with the grant application. Mayor Maio stated that if no money is required from the Borough and it is a definite improvement for the community, and if no one has any objection they may move forward. Mr. Stein asked Mr. Rogalo to leave a copy of the grant with the Municipal Clerk and he will review the application.

On motion by Councilwoman Kuncken, seconded by Councilman Graham, and unanimously carried by voice vote, approval was granted to the Environmental Commission to submit a 2013 ANJEC Open Space Small Grant up to \$1,500.

Mayor Maio thanked Mr. Rogalo for attending this meeting.

## **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 2013-02**

**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 Councilwoman Kuncken, seconded by Councilman Benson, 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 that is ordinance is for the purchase of a generator for Well 5 that ceased working after Hurricane Sandy.

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 April 9, 2013]

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

#### **Ordinance 2013-03**

#### **AN ORDINANCE OF THE BOROUGH OF STANHOPE COUNTY OF SUSSEX, NEW JERSEY FIXING THE SALARY AND WAGES FOR BOROUGH EMPLOYEES AND OFFICIALS**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Stanhope, New Jersey as follows:

SECTION 1. That the Annual salary, wage and compensation to be paid to Borough employees and officials in 2013 be as follows:



Mayor	\$ 3,013.00
Borough Council Member	2,739.00
Administrator	94,078.00
Borough Clerk	56,146.00
Deputy Borough Clerk	33,379.00
Registrar	3,400.00
Deputy Registrar	1,640.00
Chief Financial Officer/ Tax Collector	92,296.00
Utility Collector/ Asst to Tax Collector	40,700.00
Accounts Payable	22,289.00
Tax Assessor	24,615.00
Custodian	7,225.00

**POLICE DEPARTMENT**

Chief of Police	As per contract
Sergeant	As per contract
Sergeant's Stipend	As per contract
Detective's Stipend	As per contract
Patrolman	As per contract
Clerk Typist - Police Dept.	31,844.00
Police Matron	\$20.56 per hour
Police Matron – Call-out	\$50.00 per call-out
Special Officer	\$19.91 per hour
Crossing Guard	\$13.95 per hour

**DEPARTMENT OF PUBLIC WORKS**

Superintendent	\$ 79,282.00
Water Operator	6,076.50
Sewer Operator	6,076.50
Water T-1 License Stipend	3,500.00
Public Works Repairer	As per contract
Laborer	As per contract
Part-time Laborer	\$12.00 to \$12.83 per hour

**CONSTRUCTION DEPARTMENT**

Construction Official	21,403.00
Fire Subcode Official	3,174.00
Plumbing Subcode Official	3,649.00
Electrical Inspector	9,186.00
Zoning Officer	10,084.00
Code Enforcement Officer	10,496.00
Municipal Housing Stipend	2,016.00
Clerical –Construction	8,105.00

**BOARDS AND COMMISSIONS:**

Land Use Secretary	\$ 8,719.00
Board of Health Secretary	4,118.00
Secretary to:	
Shade Tree	\$25.00 per month*
Environmental Commission	\$25.00 per month*
Recreation Commission	\$25.00 per month*

\*submission of monthly minutes required.

**SECTION 2.** Salaries and wages for all Borough employees and officials shall be paid in bi-weekly installments as nearly equal as possible.

**SECTION 3.** Unless otherwise provided herein, remuneration for all employees shall be retroactive to January 1<sup>st</sup> of each year.

SECTION 4. The salaries and wages herein established shall be in lieu of any and all fees to which the respective incumbents of said offices might otherwise be entitled by statute or ordinance; which fees shall immediately upon collection thereof be paid over to the Treasurer for use of the Borough except as otherwise provided herein.

SECTION 5. The Borough shall pay medical insurance premiums in accordance with State law, collective bargaining agreements and the Borough's elected participation in any State health benefit program for all eligible employees and their eligible dependents.

SECTION 6. The terms and conditions of all collective bargaining agreements negotiated between the Borough and any bargaining unit representing Borough employees are hereby incorporated into this Ordinance.

SECTION 7. All Ordinances and Resolutions, or parts thereof, inconsistent herewith are hereby repealed.

SECTION 8. This Ordinance shall become effective immediately upon final adoption and publication as required by law.

On motion by Councilman Graham, 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

On motion by Councilman Benson, 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 083-13**

### **RESOLUTION OPPOSING ASSEMBLY BILL 3780**

**WHEREAS**, Assembly Bill 3780 was introduced on February 7, 2013; and

**WHEREAS**, said Bill would amend N.J.S.A. 54:1-35.3 by requiring that short sales shall be included in determining true value in certain circumstances and that the Director of the Division of Taxation shall utilize short sales in certain circumstances to determine the ratio of aggregate assessed to aggregate true valuation of real estate in each municipality; and

**WHEREAS**, said bill would further amend the rule establishing valuation standards to include the use of short sales; and

**WHEREAS**, short sales are by their nature transactions as a result of the Seller's distressed financial circumstances; and

**WHEREAS**, the determination of the ratio of aggregate assessed to aggregate true valuation has previously excluded all sales other than true arm's length transactions; and

**WHEREAS**, Assembly Bill 3780 attempts to include short sales as being arm's length transactions in certain circumstances; and

**WHEREAS**, the Governing Body is of the opinion that the use of short sales under any circumstances in determining the ratio of aggregate assessed to aggregate true valuation would result in skewed and irrational results and would disrupt not only the assessment process, but would also unjustly influence the municipal tax burden as compared to other municipalities in the county;

**NOW, THEREFORE**, be it resolved by the Mayor and Council of the Borough of Stanhope that it does hereby oppose the adoption of Assembly Bill 3780; and

**BE IT FURTHER RESOLVED** that copies of this Resolution be forwarded to the Honorable Chris Christie, Governor, State of New Jersey, State House, P.O. Box 001, Trenton, NJ 08625; Honorable Sheila Y. Oliver, Speaker of the New Jersey Assembly, Suite 202, 15-33 Halsted Street, East Orange, NJ 07018; members of the Assembly Financial Institutions and Insurance Committee – Honorable Jack M. Ciattarelli, 1 East High St., Somerville 08876; Honorable Sean T. Kean, Bldg 2A, 1955 Highway 34, Wall, NJ 07719; Honorable John F. McKeon, 250 Main St., Madison, NJ 07940; Honorable Gabriela Mosquera, Suite 1, 129 Johnson Rd., Turnersville, NJ 08012; Honorable Gary S. Schaer, Suite 302, 1 Howe Ave., Passaic, NJ 07055; Honorable L. Grace Spencer, 223 Hawthorne Ave., Newark, NJ 07112; Honorable John S. Wisniewski, Suite A, 132 Main St., Sayreville, NJ 08872; Honorable Alison McHose, 115 Demarest Road, Suite 2B, Sparta, NJ 07871; the New Jersey League of Municipalities, 222 West State Street, Trenton, NJ 08608; all Sussex County Municipal Clerks; and the Sussex County Board of Taxation.

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

Mayor Maio stated this resolution opposes the Bill that permits the use of distressed sales in the use of establishing the equalized ratio for the municipality.

**Resolution 084-13**                      **RESOLUTION AUTHORIZING EXECUTION OF LENAPE MUNICIPAL ALLIANCE AGREEMENT**

**WHEREAS**, the Lenape Municipal Alliance consists of volunteers from the Township of Byram and the Borough of Stanhope; and

**WHEREAS**, the Lenape Municipal Alliance applied for funding to the Governor's Council on Alcoholism and Drug abuse through the County of Sussex for calendar year 2013 in the amount of \$11,420,00; and

**WHEREAS**, the New Jersey Governor's Council on Alcoholism and drug Abuse, pursuant to N.J.S.A. 26:2B-1 et seq. and N.J.A.C. 17:40-1.1 et seq., has awarded a grant to the County of Sussex in response to the Request for Proposal submitted by the Sussex County Division of Community and Youth Services for the Lenape Municipal Alliance;

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and Council of the Borough of Stanhope, do hereby authorize the Administrator to execute the Lenape Municipal Alliance Agreement on behalf of the Borough of Stanhope.

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

Mayor Maio asked Administrator McNeilly if this agreement is the same as it has been in the past. Administrator McNeilly replied that the agreement is the same.

**MAYOR'S APPOINTMENT**

**Resolution 085-13**                      **RESOLUTION OF THE MAYOR AND COUNCIL APPROVING THE MAYOR'S APPOINTMENT OF EFSTRATIOS KALEMANIS TO THE SHADE TREE COMMISSION WITH COUNCIL CONCURRENCE**

Mayor's appointment to the Shade Tree Commission with Council concurrence as follows:

Efstratios Kalemanis to fill a vacant 1-year term as Alternate #1, with said term to expire December 31, 2013.

**BE IT RESOLVED** by the Council of the Borough of Stanhope that they do hereby concur with the Mayor's appointment of Efstratios Kalemanis to the Shade Tree Commission to fill a vacant 1-year term as Alternate #1 effective immediately, with said term to expire December 31, 2013.

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

Mayor Maio stated that a number of people have come forward asking to serve on various boards and commissions. Mayor Maio stated there are three people who are interested in serving on the Recreation Commission. Mayor Maio stated one of the applicants has been working with the Recreation Commission and therefore Mayor Maio is inclined to appoint her to the position because she has been doing the work for quite some time. There are open positions on the Environmental Commission and openings for alternates on the Land Use Board and Shade Tree Commission. Mayor Maio will ask the other two individuals if they would be interested in serving on those boards or commissions.

Councilwoman Kuncken asked Mr. Stein what the procedure is when more than one person applies for a position. Councilwoman Kuncken asked if the Governing Body has a role in knowing what the qualifications or abilities are for the applicants. Mr. Stein replied that technically and legally the Governing Body does not have that right. This is the Mayor's appointment with Council concurrence. The Council could refuse to concur. Mr. Stein stated that a Recreation Commission can have from three to seven members and up to two alternates. The Borough's ordinance is set at five members and no alternates. The Governing Body could increase that number if they so choose. Four more seats can be added. Mayor Maio stated that she offered that option to the Governing Body in the past but there did not seem to be an interest in changing the ordinance. Mayor Maio stated that the Recreation Commission has requested additional members. Councilwoman Thistleton stated that the Recreation Commission members volunteer a great deal of time and having more members would be beneficial. Mayor Maio suggested that alternates be added to the Recreation Commission. Mr. Stein will draft an ordinance to add an Alternate #1 and Alternate #2 to the Recreation Commission and leave the membership at five. Mr. Stein stated that ad-hoc committees can be created when additional assistance is needed. Mayor Maio will speak with the other two applicants to see if they would like to fill any of the open positions currently available.

**PAYMENT OF BILLS**

**Resolution 086-13**

**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 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 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 – yes
Councilwoman Kuncken -yes	Councilman Graham - yes
Councilman Depew – yes	Councilman Benson – yes

## **ATTORNEY REPORT**

Mr. Stein stated on the current in-rem foreclosure action there is a property owned by Fresh Start Opportunities, Block 11801 Lot 13. Fresh Start Opportunities became the owners of the property through their own in-rem foreclosure action. The property is the largest single piece in this particular action. The property consists of 17.76 acres which is located behind the high school. The foreclosing party, in doing their due diligence, has found that the property is heavily impacted with wetlands. They have offered the property to the Lenape Board of Education but they are not interested. Fresh Start Opportunities is working with the NJDEP in an attempt to have a building area designated on the property. The NJDEP has suggested that the land be offered to the Nature Conservancy but that has not worked out.

Mr. Stein stated that Fresh Start Opportunities owes approximately \$40,000 in back taxes through the end of the year. Mr. Stein stated that they have asked for an extension of time. Mr. Stein informed them that if they needed a week or ten days he has the authority to grant that but if they need more time than that a letter of request would have to be sent to the Governing Body. They did send a letter and Mr. Stein has forwarded that letter to the Mayor and Council which explains why they want an open ended extension. Mr. Stein stated on one hand they are tax lien buyers and but they do provide a service by providing the Borough with tax money that we otherwise would not have. There are several options for the Borough to choose from. The first is to say no and inform them that they have 45 days to redeem or the Borough will foreclose. The second is to allow 60 days then foreclosure would take place. This probably would not be enough time for DEP to respond. The third option is to allow for redemption in installments, which is a specific procedure allowed in the statute that would give the property owner up to 36 months to redeem a delinquent tax sale certificate. The Governing Body can adopt a resolution to authorize it and the property owner would have to make payments, which generally the statute says must be made in equal payments over the time that you are allowing the redemption. If the Governing Body grants a 3 year redemption, the property owner would owe \$61,000 in taxes during that time and that would be a payment just shy of \$1,700 per month for 36 months and the amount over or under would be made with the final payment.

Mayor Maio asked what happens if they miss a payment. Mr. Stein replied that the Borough keeps the money and the foreclosure process would begin again. The property would actually be listed as being redeemed. The Tax Collector would sign an affidavit that the property was redeemed from the foreclosure action and the rest of the foreclosure would proceed. Councilman Graham stated that financial gains would be made and he is of the opinion that the third option should be chosen. The Governing Body agreed to move forward with 3 year plan to allow for the redemption in installments.

Administrator McNeilly asked Mr. Stein to explain what happens at the 45 day point in the foreclosure. Mr. Stein stated that the 45 days expires in April and the day after Mr. Stein will be at Borough Hall to have the Tax Collector sign several affidavits. Mr. Stein will sign as well. The packet is then sent to the title company, because it is faster for them to get this through the office of foreclosure than trying to do this on our own. This should take approximately 3 weeks. The final judgment is sent back to the Borough with an electronic seal from the clerk of the superior court and then Mr. Stein will send this to be recorded and the process is complete and the Borough owns the property. Administrator McNeilly asked if the former property owner can redeem after that point. Mr. Stein replied that under court rules anyone can, within one year from the date of an entry of a judgment, file a motion to vacate the judgment but they have to show compelling reasons to a judge why it should be vacated. Usually when this is done they try to find something that was done wrong during the foreclosure process as a compelling reason which is why Mr. Stein uses a title company. The title company will verify that everything has been done properly.

Administrator McNeilly asked how soon a commercial property has to wait to be marketed. Mr. Stein stated that the property can be marketed immediately. The buyer's title insurance company may raise a caveat or check to see that the foreclosure was done correctly.

Mr. Stein stated that comments have been received from the Office of Cable Television regarding the draft renewal ordinance. They want the Borough to include an extension of service. There are a few parcels of land that could be built on and technically Cablevision would have to extend service to those parcels so it has been added. For the free service the Borough

had asked for all public buildings, schools, etc. to be included as set forth on the exhibit. The Office of Cable Television wanted the exhibit removed or an actual exhibit added so it has been removed. The sections have been renumbered and the Municipal Clerk has sent it to the Office of Cable Television. This has been reviewed by Cablevision and may be available for first reading in April.

Mr. Stein stated that Administrator McNeilly received a letter from the Lake Musconetcong Community Association, who had originally contacted the Fire Department, stating that they would like to donate ice rescue throw ropes. The ropes would be put up around the lake in boxes mounted on poles which would provide a rope in case of an emergency. This is a donation that the Borough would have to accept because it becomes part of the public safety infrastructure of the Borough. Mayor Maio asked what the Borough's liability is if the rope is used and breaks and the other issue is that the Borough does not own the lake. Mayor Maio does not know if the Borough has the authority to make this decision. Administrator McNeilly stated that he has contacted D&H for their input. Much discussion took place about the use and location of the ropes. Councilman Graham stated that it is sad that the world in which we live causes our first concern to be the liability and not the good that the ropes could do in the light of the tragedy that occurred at Budd Lake and there have been near tragedies at Lake Musconetcong. Councilwoman Kuncken stated that the primary responsibility for ice rescue is the Ambulance Squad. They have the equipment and the training. A discussion should take place with the Ambulance Squad to see what equipment they have for this purpose. Councilman Graham stated that this equipment would be accessed prior to the ambulance squad getting to the scene and he is of the opinion that the Borough should look into the issue. The Ambulance Squad went to the Lake Board and discussed this issue and that is how this issue began. Administrator McNeilly stated that the Lake Board had contacted the Fire Department and the Fire Department directed the request to be made to the Borough Administrator. Much discussion took place as to the use of the equipment and who would own the equipment. Mayor Maio stated that at its deepest Lake Musconetcong is only four feet deep. Mr. Stein stated that this issue needs to be vetted prior to any decisions being made. Mayor Maio asked Administrator McNeilly to contact the Lake Association and let them know that the request is on hold and once Administrator McNeilly hears back from risk management he needs to let the Governing Body know what their input is.

Mr. Stein stated that a letter was received earlier this month from Rockwood Properties referencing a project that was discussed quite some time ago about a development plan for a piece of property. Mr. Stein distributed copies of the new alignment for Sparta Road (in Sparta they call it Stanhope Road). They want to develop this property and they want assurances that it is still an option to connect to the old part of the Borough's road. This is the Format property. Mr. Stein stated they have a lot of work to do but at this point they are looking for access. Councilwoman Kuncken stated that the issue would have to be determined by the Land Use Board. Mr. Stein stated that Old Stanhope Road is still a public street, it was never abandoned. Administrator McNeilly stated that anything on this side of the bridge belongs to the Borough. The Borough allowed for a new section of Sparta Road to be developed to meet the bridge but what is referred to as the bike path has not been abandoned. Much discussion took place regarding the section of road in question. Mr. Stein stated that he is of the opinion that the piece between the two roads is owned by the State. It was the DOT that obtained the right of way for the realignment. Mr. Stein stated that he had supplied the DOT representative with some information that he had. The property is not landlocked. Councilwoman Kuncken stated that a formal discussion has not taken place regarding the project. Mayor Maio asked that assuming the Borough owns the property do we agree to allow access. Mr. Stein will draft a letter that states that the right of way has not been abandoned and it is still a municipal right of way. Councilman Graham would like know who had blocked the access and did they have the authority to do so. Mr. Stein stated that accurate information will be gathered.

### **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.

John Rogalo stated that last spring in the process of getting the harvester into the water there was a pump station for the sewer mains that had malfunctioned and caused an algae bloom. At the time Mr. Rogalo stated that he left a message for Bill Storms. Administrator McNeilly stated that the Port Morris Pump Station does belong to the Borough but he was unaware of any

incident that occurred. Administrator McNeilly stated that whenever something out of the ordinary occurs 911 should be called.

Nicole Member, Environmental Commission, stated that the Clean Communities Day event will be held on Saturday, April 27<sup>th</sup> at Salmon Memorial Park and the Valley Road School. There is an ANJEC roadshow scheduled to discuss open space preservation and walkable/bikeable communities. This will be held on Thursday, May 9<sup>th</sup> at 7:30 PM at the Borough Hall and all are invited to attend.

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 Councilman Graham, and unanimously carried by voice vote the meeting was adjourned at 9:40 P.M.

Approved:

Linda Chirip  
Deputy Clerk  
For Ellen Horak  
Borough Clerk