

**MAYOR AND COUNCIL
WORK SESSION AND
AGENDA MEETING
April 10, 2012
8:00 P.M.**

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 3, 2012 and was placed on the Official Bulletin Board in the Municipal Building.

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

ROLL CALL

Council Members:

Councilwoman Kuncken - Present	Councilman Murphy - Absent
Councilman Depew - Present	Councilman Graham - Present
Councilwoman Thistleton - Present	Councilman Benson - Absent

Mayor Maio – Present

PRESENTATION

Mayor Maio invited representatives from the Sussex County Department of Environmental & Public Health Services to come forward to begin their presentation on “Tobacco-Free for a Healthy New Jersey”. There is an ordinance on the agenda regarding smoke free outdoor zones in the Borough. Helen Homeijer is a Stanhope resident for the past 36 years and is here this evening as the Senior Public Health Nurse for the Sussex County Department of Environmental & Public Health Services and as the Sussex County Cancer Coalition Coordinator. Ms. Homeijer stated that tonight’s presentation is a program advocating for smoke free parks and recreation areas to save children, the elderly and adults with chronic disease who are most at risk from second hand smoke. Children should see role models that do not promote smoking as an accepted social practice and actions speak louder than words. Ms. Homeijer introduced Cindy Meakem, Center for Prevention and Counseling and Coordinator of Tobacco Free for Northern New Jersey and Alan Kantz, Program Manager of Global Advisory for Smoke Free Policy (GASP). Ms. Homeijer stated that The Center for Disease Control is advocating for smoke free parks and recreation areas in the State of New Jersey. In Sussex County 23.2% of the residents smoke. Cigarette smoke contains more than 7,000 chemicals and compounds. Hundreds of these are toxic and at least 69 are known to cause cancer. Smoking accounts for 30% of all cancer deaths and 87% of all lung cancer deaths. In Sussex County we have a higher than state average rate for incidence of disease for females and also mortality rate for lung cancer in females. We are 8.9% above the state average for disease in females and 8.5% for death of females from lung cancer. People who smoke have a 15 – 30% increased risk of lung cancer, a 10% increased risk for laryngeal or voice box cancer, 5% increased risk for oral cancer, 3% increased risk for urinary tract cancer including the bladder, 4% for pancreatic cancer and 2 times the risk for stomach, liver and cervical cancer. People generally relate cigarette smoking and tobacco use to lung cancer and oral cancer but all of these cancers can be caused by tobacco use.

Mr. Kantz from GASP reported on the legal aspects of how a tobacco free policy works. Approximately 132 of the over 550 municipalities in New Jersey have adopted some type of smoke free outdoor policy. Municipalities have the authority do adopt this ordinance under the NJ Smoke Free Air Act which was put into law in 2006. This is the same law that allowed restaurants, bars, work places and any public indoor areas to be smoke free. The law also requires that any school property indoor and outdoor must be smoke free as well as any property that is used for a school function. Mr. Kantz stated that by adopting a smoke free parks and

recreation area it makes the areas that may be used by schools smoke free at all times. About half of the municipalities that have adopted smoke free policies have adopted 100% smoke free policies. The 100% policies are better for the air, cause less confusion and are easier to enforce. In the majority of the municipalities when the policy is understood and respected by the residents and properly enforced it works well. By reducing the exposure of smoking to young people, this policy will help to keep children from smoking at a young age and as a result they will be less likely to smoke as adults.

Cindy Meakem reported that the average age for children to begin smoking is between 12 and 17. The average age for a child to become an everyday smoker is 15.1 years. In the United States tobacco is responsible for 1 in 5 deaths annually. That equates to 443,000 people annually. Half of all long term smokers dies early from smoking related diseases. Diabetes has been linked to tobacco use as well. Many of the high school students are chewing tobacco. Major league baseball does not allow chewing tobacco on the fields any longer. Several municipalities have also outlawed the electronic cigarettes. It is hard to determine from a distance if someone is smoking a regular cigarette or an electronic one. The electronic cigarettes are not FDA approved and the health risks are unknown. Smoking shortens a woman's life by 14.5 years. There are 62,000 deaths each year as a result of breathing in second hand smoke. Ms. Meakem thanked the Mayor and Council for allowing them to attend the meeting and discuss the issue.

Mayor Maio thanked the presenters for their time and stated that the Governing Body has an ordinance on the agenda for tonight regarding the smoke free parks and recreation areas. Councilwoman Kuncken asked Mr. Kantz about the possibility of residents not understanding the ordinance and what other towns have found is suitable enforcement. Mr. Kantz responded that typically the enforcement is a matter of just telling people that smoking is not allowed. A tiered fine can be implemented similar to the one for the Smoke Free Air Act which is \$250 for a first offense, \$500 for a second and subsequent violations are \$1,000. Generally for an outdoor ordinance the fines for a first offense may be \$50 and go up from there.

Councilman Graham stated that he is going to request that the ordinance be tabled for this evening. Councilman Graham wants to make sure that the ordinance is done correctly. There are enforcement issues, penalties, signage and how is this going to be implemented. In June there is a street festival which needs to be prepared for. Adoption of an ordinance will mean that most of the Stanhope community will be smoke free so this needs to be addressed correctly. Ms. Homeijer stated that the American Cancer Society has agreed to provide signage. The signage is standard but does provide an area for penalties to be listed on a type of permanent sticker at no cost. Administrator McNeilly stated that the Little League Field is not Borough owned property. Ms. Homeijer stated that she would contact Little League and discuss the smoke free policy and perhaps signage could be provided for them as well. The Governing Body believes that this area is already a smoke free zone. Ms. Homeijer stated that signage is very important. Having signs posted will help enforcement. Other residents will usually point out to someone that an area is designated no smoking especially if there are signs to reinforce the law. Councilwoman Kuncken stated that she is of the opinion that the Governing Body is in favor of adopting a smoke free ordinance and as a result of the information that has been presented tonight revisions will be made in order to have an ordinance in place that will fit the needs of the community. Mayor Maio stated that the proposed ordinance as it is currently written does not contain all the information necessary. Ms. Homeijer stated that Vernon Township and Paramus have strong ordinances. Councilman Graham asked if there are smoke free ordinances in place for state parks. Stanhope has a substantial amount of property that is leased from the state. Ms. Homeijer stated that she would have to check with the state regarding that issue. Mayor Maio suggested that the ordinance indicate Borough owned or leased properties. Mr. Kantz suggested that the ordinance not specifically state how the signage should read to allow for various types of signs to be used. The signs provided by the American Cancer Society word their signs differently. The Mayor and Council received packets of information for review. The Governing Body thanked Ms. Homeijer, Ms. Meakem and Mr. Kantz for their time and the information that they provided.

ADMINISTRATOR'S REPORT

Sparta Road Water Phase 2 – Administrator McNeilly reported that the second phase of the water line replacement consists of 900 linear feet that extends from one end of Lenape Drive to the other end of Lenape Drive. The section from Lenape Drive to the SCARC group home on Sparta Road was done last year. The time frame for moving forward with this project for this summer is tight. The Borough needs to provide for the temporary water bypass. Lenape Drive can be used for the water and traffic bypass. Mayor Maio stated that the schools will need to be contacted prior to the start of this project. Administrator McNeilly stated that this project needs to be done in the summer. There will not be any water or traffic disruption and Sparta Road will be able to be closed off entirely. Councilman Graham stated that the residents of Lenape Drive will need to be notified. Administrator McNeilly projects that the Borough could go out to bid in May provided that the resolution can be adopted at the next Mayor and Council Meeting. This will allow the project to begin in July or August.

Ambulance – Administrator McNeilly reported that he has spoken with the Administrator in Netcong regarding the Borough's position on bonding for a new ambulance. Netcong should be in a position to bond with their capital projects, which will include the ambulance, at the end of May or early June. The two Administrators will meet with a representative from the ambulance squad to write a work plan that will ensure that everything lines up around the availability of funding from both Boroughs. Mayor Maio asked Administrator McNeilly to have the document reviewed by the Borough Attorney once it is available. Administrator McNeilly stated that there is a state law which says if money is donated to an outside entity for capital purchase, you must retain ownership of that asset. Both Boroughs will be listed as lien holders on the equipment just as they have done in the past.

Plaster Mill – Administrator McNeilly reported that Wayne McCabe will submit his proposal document later this week.

FEMA – Administrator McNeilly stated that he met with the Borough's FEMA representative again today to close out the paperwork for the two storms that occurred in 2011. The FEMA representative will be back tomorrow to finalize the report. A project worksheet in the amount of \$2,500 for repairs has been completed for Roberts Place.

Mt. Olive Grant Writer – Administrator McNeilly met with Sean Canning, Administrator of Mt. Olive, last week to discuss a grant writer shared service. Administrator Canning and Kathy Murphy are preparing a presentation. Kathy Murphy prepares all of the grants for Mt. Olive which includes emergency management, police, fire, infrastructure, trails and parks.

Detective's Office (former Court Clerk's Office) – Administrator McNeilly stated that there were some electrical issues located behind the paneling that have been corrected. The project should be complete by next week.

Water System Upgrade – Administrator McNeilly reported that Lee Purcell's proposal has been received and copies have been distributed. Administrator McNeilly is of the opinion that in order to be prepared for an October 1st funding cycle, this project should move forward by the end of the month. Councilman Graham suggested that an Infrastructure Meeting be scheduled to discuss the proposal. Mayor Maio stated that all information regarding the water system upgrade should be discussed at the Mayor and Council Meeting in order to keep everyone informed. In the event that an Infrastructure Meeting is held, results of that meeting need to be brought back to the Mayor & Council for any decisions that need to be made. Administrator McNeilly suggested that Lee Purcell attend the April 24th Mayor and Council Meeting.

Borough Hall Panic Alarm – Administrator McNeilly reported that the hard wired panic alarm system was disrupted during the construction in the old Court Clerk's Office. Administrator McNeilly spoke with the alarm company and an upgrade to wireless panic buttons is available. This would allow for greater flexibility for the staff to have access to them should the need arise. The new panel will allow for a radio transmit option to enhance communication which would support the installation of 6-8 hard wired centrally monitored smoke detectors for Borough Hall. The monthly monitoring costs will increase slightly and the hardware costs would be approximately \$1,800. Mayor Maio asked if money is budgeted for this item. Administrator McNeilly stated that this is included in the building upgrade budget.

Video Camera System – Administrator McNeilly stated that he will be meeting with the vendor for the video camera system early next week. The video system will be installed at Musconetcong Park and the Public Works property. The installation will take two days to complete.

Councilwoman Kuncken asked the Administrator if the port-a-john will be delivered on time. Administrator McNeilly stated that it will be delivered on May 24th as scheduled.

PUBLIC HEARING ON BUDGET

Mayor Maio welcomed Ray Sarinelli, the Borough Auditor, and Dana Mooney, CFO, to come forward to discuss the budget. Mr. Sarinelli stated that the process for this evening is to hold the public hearing, close the hearing and adopt the budget as introduced. The budget was introduced a month ago. This year the Borough is able to certify the budget and adopt it. Mr. Sarinelli commented that every budget generally has one or two items that drive the entire cost for any kind of increase and in the case of Stanhope it is the police and fire retirement pension. The entire budget has increased about \$60,000 and taxes have increased about \$50,000, which is the approximate increase to the police and fire retirement pension. All of the other costs have been managed very well. The shared court service has saved the Borough money. Salaries have been negotiated or reductions have been made to other line items which allowed for all but one of the line items to have a zero increase. In order to achieve this 50-70 other line items were reviewed

in detail. Overall, the tax levy is increasing by less than 1% of all of the taxes combined from the regional and local schools and the county. Mr. Sarinelli is of the opinion that this is a good budget. This is not a one year budget. There is a plan in place. The surplus regeneration in all of the funds is reasonable. Future adjustments in the utility rates have been discussed but for now everything is stable.

Dana Mooney, CFO, stated that there has been some talk in the County regarding the levy increases. The Borough is allowed to go up 2% and there are some exclusions. That meant that the Borough could have potentially increased the levy by \$130,000. The Borough did not use any of the exclusions and the levy was only increased by \$52,500. As a result taxes have been kept down. Councilman Graham stated that this is very important. The budget number is a real honest number; it does not have exclusions or anything carved out. Councilwoman Kuncken stated that as a Governing Body all the line items were reviewed. Councilwoman Kuncken commended the department heads, administrator, CFO and all the people who worked on the preliminary budget items. There are departments with zero increases for this year. Mayor Maio stated that the budget was achieved without any reduction in services and no plans to reduce services. Mayor Maio thanked everyone, including Mr. Sarinelli and Dana Mooney, for doing a great job this year on the budget.

PUBLIC HEARING ON THE 2012 MUNICIPAL BUDGET

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

Resolution 091-12 **RESOLUTION OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF STANHOPE AUTHORIZING READING OF
THE MUNICIPAL BUDGET BY TITLE**

WHEREAS, N.J.S.40A:4-8 provides that the budget may be ready by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full Governing Body, provided that at least one (1) week prior to the date of public hearing a complete copy of the approved budget, as advertised, has been posted in the Municipal Building, the local public library and copies have been made available by the Clerk to persons requesting them; and

WHEREAS, these conditions have been met;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Stanhope, County of Sussex, State of New Jersey, that the 2012 Municipal Budget shall be read by title at this public hearing for same.

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

Roll Call:

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

Resolution 092-12 **RESOLUTION OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF STANHOPE ADOPTING THE 2012
MUNICIPAL BUDGET**

BE IT RESOLVED by the Governing Body of the Borough of Stanhope, County of Sussex, that the budget herein before set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$4,494,450.68 for municipal purposes.

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

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

Roll Call:

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

OLD BUSINESS

Ordinance for Public Hearing and Final Adoption

Mayor Maio offered the following ordinance for public hearing and final adoption:

Ordinance 2012-04

CAPITAL ORDINANCE APPROPRIATING \$13,000.00 FROM THE WATER CAPITAL FUND TO SUPPLEMENT ORDINANCE 08-10/11-08 FOR IMPROVEMENTS TO THE WATER SYSTEM TO BE UNDERTAKEN BY THE BOROUGH OF STANHOPE IN THE COUNTY OF SUSSEX, NEW JERSEY.

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

Section 1. The sum of \$13,000.00 is hereby appropriated from the Water Capital funds of the Borough of Stanhope for the purposes set forth above. \$13,000.00 shall be drawn from Water Capital Fund Balance. Such sums are available by virtue of provision in a previously adopted budget or budgets of the borough for capital improvement purposes.

Section 2. The capital budget of the Borough of Stanhope is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 3. This ordinance shall take effect as provided by the law.

On motion by Councilman Graham, seconded by Councilman Depew, and carried by the following unanimous roll call vote, the above ordinance was adopted.

Mayor Maio stated that this ordinance pertains to the water chlorinator. Mayor Maio opened the meeting to the public for comment on this ordinance only. Seeing no one from the public wishing to speak, Mayor Maio closed the public portion of the meeting.

Roll Call:

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

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

NEW BUSINESS

Mayor Maio offered the following ordinance for introduction: [Public Hearing April 24, 2012]

**Ordinance 2012-05 AN ORDINANCE OF THE BOROUGH OF STANHOPE
AMENDING AND SUPPLEMENTING CHAPTER 144 OF
THE CODE OF THE BOROUGH OF STANHOPE
ENTITLED “FOOD HANDLING” BY REVISING
LICENSING FEES**

SECTION I.

BE IT ORDAINED, by the Board of Health of the Borough of Stanhope that Section 144-3 of the Code of the Borough of Stanhope entitled “License Required; Fee” be amended by revising Subsection “D” to read as follows:

There shall be a charge of fifty dollars (\$50.00) for each such license, except that any school or non-profit organization shall be exempt from such license fee.

SECTION II. When Effective

This ordinance shall become effective upon passage and publication as required by law.

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

Councilwoman Kuncken asked for clarification and what the implications will be of adopting this ordinance. Councilman Graham questioned how this ordinance will affect the non-profit groups. Mayor Maio asked Administrator McNeilly if information was received from the Board of Health. Councilwoman Thistleton stated that the Sanitarian said that the non-profits have not been inspected in the past and they should have been done. The church for example has sinks and refrigeration and there is a checklist of items that the Board of Health would inspect. Councilman Graham asked if the inspections are done periodically or are they event driven. Administrator McNeilly stated that inspections are done on a rotating schedule. The ultimate goal is to ensure public safety from profit and non-profit groups that are selling food. Administrator McNeilly is of the opinion that the new Sanitarian is trying to capture any group that is selling food to the public. Mayor Maio stated that her understanding is that if a food product is being offered for sale it needs to be inspected. Councilman Graham and Councilwoman Kuncken are of the opinion that this ordinance does not address any of the issues aside from the fee. Administrator McNeilly stated that ordinances are added in subsets to the ordinance book. Mayor Maio stated that she does not want to speak on behalf of the attorney that drafted the ordinance but her opinion is that the ordinance is based on the fact that the Governing Body has accepted Chapter 144 and this ordinance is just stating that non-profits do not have to pay for a license. Councilman Graham stated that we are not expanding or contracting. The Sanitarian has to inspect what is necessary. Councilman Graham is concerned that the wording of the ordinance may result in other issues. Administrator McNeilly stated that entities within the Borough that are operating a retail food operation should be inspected. Administrator McNeilly is of the opinion that the Sanitarian is saying that according to Section 144-2 which states who should be inspected; this ordinance will state that no fee will be charged to non-profits. Councilwoman Thistleton stated that she is not aware of any reference to non-profits in Chapter 144 which is why the issue was brought forward.

Roll Call:

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

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

(Tabled) Ordinance 2012-06

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 106 OF THE CODE OF THE BOROUGH OF STANHOPE ENTITLED "PEACE AND GOOD ORDER" BY ADDING A NEW ARTICLE IV TO PROHIBIT SMOKING OR THE USE OF TOBACCO-RELATED PRODUCTS WITHIN THE BOROUGH'S PARKS, PLAYGROUNDS, RECREATION AREAS, BOROUGH HALL AND DEPARTMENT OF PUBLIC WORKS

On motion by Councilman Graham, seconded by Councilwoman Kuncken, and unanimously carried by voice vote, the above ordinance was tabled.

Ordinance 2012-07

AN ORDINANCE OF THE BOROUGH OF STANHOPE, COUNTY OF SUSSEX, STATE OF NEW JERSEY AMENDING CHAPTER 84 "FIRE PREVENTION" OF THE CODE OF THE BOROUGH OF STANHOPE TO ADD ARTICLE II "KEY LOCK BOX SYSTEM"

WHEREAS, the Mayor and Council of the Borough of Stanhope have determined that the health, safety and welfare of the citizens of the Borough of Stanhope are promoted by requiring certain structures to have key lock box entry systems installed on the exterior; and

WHEREAS, the key lock box entry system is being adopted nationally and will operate on a master key basis that will expedite entry into structures by the Stanhope Borough Fire Department during times of emergency; and

WHEREAS, the key lock box entry system will eliminate forced entries into structures thereby avoiding costly and time-consuming efforts in gaining access to locked structures during an emergency.

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

SECTION I.

Chapter 84 "Fire Prevention" of the Code of the Borough of Stanhope is hereby amended and supplemented to add the additional Article II entitled "Key Lock Box System" to read as follows:

84-11 - Definition:

Lock Box: An Underwriter's Laboratory type secured box or vault of a size and style approved by the Stanhope Borough Fire Marshall or his designee, which contains key(s) for the exclusive use of the Stanhope Borough Fire Department to access the premises in an emergency.

84-12 - Key Lock Box Required:

The following structures equipped with or required to be equipped with fire detection or fire suppression systems or equipment shall have a Key Lock Box installed at or near the main entrance of each structure or such other location as required by the Stanhope Borough Fire Marshall or his designee:

- A. Commercial or business structures protected by an automatic alarm system or automatic suppression system, or such structures that are secured in a manner that restricts access during an emergency.
- B. Governmental structures, churches, schools and nursing care facilities.
- C. Multi-family residential structures that have restricted access through locked doors and have a common corridor for access to living units.

84-13 - Key Lock Box Location, Contents and Installation:

- A. The Stanhope Borough Fire Marshall or his designee shall approve in writing the type of Lock Box.
- B. The Stanhope Borough Fire Marshall or his designee shall approve the installation location of the Lock Box.
- C. The Lock Box shall be installed as per manufacturer specifications and approved by the Stanhope Borough Fire Marshall or his designee.
- D. The owner of each structure required to have a Lock Box shall, at all times, be required to keep the following in the Lock Box, as required by the Stanhope Borough Fire Marshall or his designee:
 - a. Keys to locked points of ingress, whether on interior or exterior of such buildings.
 - b. Keys to the locked mechanical rooms.
 - c. Keys to the locked elevator rooms.
 - d. Keys to the elevator controls.
 - e. Keys to any fence or secured areas.
 - f. All access or combination codes to locked points of egress or ingress, whether on interior or exterior of such buildings.
 - g. A "business size" card containing the emergency contact person and phone number for such building or unit.

84-14 - Maintenance and Associated Cost:

In the event the key to the structure is changed or re-keyed, the owner/operator of the building shall immediately notify the Stanhope Borough Fire Marshall or his designee and provide the updated access key. The key to the lock shall be secured in the key box. The property owner shall assume all associated costs for the purchase and installation of a Key Box(s).

84-15 - Compliance:

- A. The owner(s) of a structure subject to this ordinance in existence on the effective date of this ordinance shall have one hundred fifty (150) days from its effective date to comply with this ordinance.
- B. The owner(s) of each newly constructed structure subject to this ordinance shall have a lock box installed and operational in accordance with this ordinance prior to issuance of a certificate of occupancy.

84.16 - Violations and Penalties

Any building owner or operator violating any provision of this Lock Box Ordinance shall be subject to a fine of \$100.00 for every violation of this ordinance. The existence of a violation for a period of up to 30 continuous days shall constitute a single violation. The Stanhope Borough Fire Marshall shall notify the responsible party of any violation in writing. Within 30 days of the service of such notice, the owner/operator shall correct the violation or show why the structure was not subject to this ordinance. The Stanhope Borough Fire Marshall shall consider such information, reaffirm or rescind the Lock Box fine and notify the owner of his/her decision by mail. The owner/operator may appeal the decision of the Stanhope Borough Fire Marshall within 20 days after service of the notice of decision by submitting an appeal in writing to the Mayor and Council which shall hold a hearing thereon and shall affirm, reverse or modify the decision of the Stanhope Borough Fire Marshall.

SECTION II.

This ordinance shall take effect immediately upon final passage and publication as required by law.

On motion by Councilwoman Kuncken, seconded by Councilman Graham, and carried by the following unanimous roll call vote, the above ordinance was adopted.

Roll Call:

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

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

Ordinance 2012-08 AN ORDINANCE AMENDING CHAPTER 100 ‘LAND DEVELOPMENT’ OF THE CODE OF THE BOROUGH OF STANHOPE BY PROHIBITING OUTDOOR FURNACES IN ALL ZONES [Public Hearing on May 22, 2012]

WHEREAS, the Mayor and Council of the Borough of Stanhope have, in the interest of public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the Borough of Stanhope, considered the fire hazards and air pollution generated by outdoor furnaces; and

WHEREAS, outdoor furnaces typically employ smoldering fires and short smokestacks that can create heavy smoke close to the ground, creating both a nuisance and spreading particles posing a threat to the lungs and heart; and

WHEREAS, the Mayor and Council of the Borough of Stanhope have reviewed written materials from the United States Department of Environmental Protection, the New Jersey Department of Environmental Protection and the Sussex County Board of Health regarding the health threats posed by outdoor furnaces; and

WHEREAS, the Mayor and Council of the Borough of Stanhope have discussed the practical difficulties of investigating and enforcing existing New Jersey regulations on emissions from outdoor furnaces, N.J.A.C. 7:27-3, and the probable expenditure of scarce enforcement resources on the enforcement of any partial or qualified ban that could be enacted on outdoor furnaces; and

WHEREAS, the Mayor and Council of the Borough of Stanhope take cognizance of the population density and comparatively small average property size of properties within the Borough of Stanhope, which exponentially enhances the health threats of smoke from an outdoor furnace to numbers of surrounding neighbors compared to the impact of outdoor furnaces in more rural areas.

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

SECTION I.

Section 100-3 “Definitions” of the Code of the Borough of Stanhope is hereby amended to add the following definition:

Outdoor Furnace: Any equipment, device, appliance or apparatus, or any part thereof, which is: (a) installed, affixed or situated outdoors; (b) wood, biomass and/or pellet-fed; and (c) utilized for the purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source. This term includes but is not limited to wood boilers.

SECTION II.

The definition of “Accessory Building, Structure or Use” in Section 100-3 of the Code of the Borough of Stanhope is hereby amended to read as follows:

A building, structure or use which is customarily associated with, subordinate and incidental to and detached from the principal building, structure or use and which is located on the same lot therein, including but not limited to garages, carports, barns, kennels, sheds, swimming pools with a holding capacity of greater than 500 gallons, decks or roof structures. Any such building or structure directed attached to the principal building shall be considered part of the principal building. Outdoor furnaces are excluded from the definition of Accessory Building, Structure or Use and are prohibited in all zones. No accessory structure shall be permitted to house or enclose any outdoor furnace.

SECTION III.

This ordinance shall take effect after passage and publication as required by law.

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

Roll Call:

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

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

Mayor Maio asked the Borough Clerk to send this ordinance to the Land Use Board. The Borough Clerk stated that the next Land Use Board meeting will be held on May 14, 2012. Mayor Maio stated that the public hearing for this ordinance will be held on May 22, 2012.

RESOLUTIONS

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

Resolution 086-12 RESOLUTION AWARDING CONTRACT FOR TABLET CHLORINATION SYSTEMS

WHEREAS, the Borough of Stanhope heretofore advertised for the receipt of sealed competitive bids for Tablet Chlorination Systems for the Municipal Wells; and

WHEREAS, the Borough of Stanhope accepted sealed competitive bids on March 22, 2012 for Tablet Chlorination Systems for the Municipal Wells; and

WHEREAS, the Borough of Stanhope received one sealed competitive bid from Coyne Chemical, Inc. in the amount of \$41,891.00; and

WHEREAS, the Borough Attorney has reviewed the bid for compliance with the Local Public Contracts Law and the Borough’s bidding requirements; and

WHEREAS, Coyne Chemical, Inc. is the lowest responsive, responsible bidder for the Borough’s request for bids on March 22, 2012; and

WHEREAS, the Borough's Consulting Engineer concurs in the recommendation of the award of a bid to Coyne Chemical, Inc.;

NOW, THEREFORE, be it resolved by the Mayor and Council of the Borough of Stanhope that the Borough does hereby award a bid to Coyne Chemical, Inc. for Tablet Chlorination Systems for the Municipal Wells; and

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

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

Roll Call:

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

Resolution 093-12 RISK MANAGEMENT CONSULTANT

WHEREAS, the Borough of Stanhope has resolved to join the Morris County Municipal Joint Insurance Fund, following a detailed analysis; and

WHEREAS, the bylaws of said Funds require that each Governing Body appoint a RISK MANAGEMENT CONSULTANT to perform various professional services as detailed in the bylaws; and

WHEREAS, the Board of Fund Commissioners established a fee equal to six percent (6%) of the Municipal assessment which expenditure represents reasonable compensation for the services required and was included in the cost considered by the Governing Body; and

WHEREAS, the judgmental nature of the Risk Management Consultant's duties renders comparative bidding impractical;

NOW THEREFORE, be it resolved that the Mayor and Council of the Borough of Stanhope does hereby appoint Wayne F. Dietz of D&H Alternative Risk Solutions, Inc. as its Risk Management Consultant in accordance with the Fund's bylaws; and

BE IT FURTHER resolved that the Governing Body is hereby authorized and directed to execute the Risk Management Consultant's Agreement annexed hereto and to cause a notice of this decision to be published according to NJSA 40A:11-5 (1) (a) (i).

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

Administrator McNeilly stated that this appointment will be made at the annual reorganization meeting in the future.

Roll Call:

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

Resolution 094-12 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 2012 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 Councilman Depew, seconded by Councilwoman Kuncken, and carried by the following unanimous roll call vote, the foregoing resolution was duly adopted.

Roll Call:

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

PAYMENT OF BILLS

Resolution 095-12

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 April 10, 2012 and on file and available for public inspection in the Office of the Chief Finance Officer and approved by the Chief Finance Officer for payment, be paid.

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

Roll Call:

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

AGENDA ITEMS

All items listed on the Agenda for April 24, 2012 were approved with the exception of Ordinance 2012-06 an ordinance to amend and supplement Chapter 106 of the code of the Borough of Stanhope entitled “Peace and Good Order” by adding a new Article IV to prohibit smoking or the use of tobacco-related products within the Borough’s parks, playgrounds, recreation areas, Borough Hall and Department of Public Works which was tabled.

Mayor Maio stated that the Borough Clerk distributed copies of two resolutions opposing Senate bills concerning the Open Public Meetings Act and OPRA and the changes that are being discussed. Mayor Maio asked the Council to read through those resolutions.

Councilman Graham stated that the Sussex County League of Municipalities sent out a resolution and explanation of the Permit Extension Act. Councilman Graham asked the Mayor and Council to review the information and advise him of their opinions.

Mayor Maio stated that the Chief of Police has requested that a waiver for peddler's licenses be implemented for Stanhope Day. This is based on information from other communities where vendors that have licenses in town don't sign up for their township festivals. This would allow all the vendors to participate without having to purchase a license for the day.

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.

Don Drake, Solid Waste Advisory Council (SWAC) Representative for Stanhope, stated that the landfill will be closing in 2018. SWAC has recommended to the freeholders that they commence with the process to obtain permits for a transfer station. This is a 2 year minimum process, possibly 4 years. SWAC has been reviewing different types of technologies that are available. The size of the transfer station will be determined by what happens in 2015. SWAC has reached out to Morris and Warren Counties looking at a larger sub region but they have no interest. Sussex County is going to be on their own. There are different types of technology available, both foreign and domestic. The DEP does not want to hear about any foreign technology. The DEP does not trust the reports or the test results. There is a company presently working with the casinos in Atlantic City to come up with some better methods. Presentations are done every few months at the SWAC meetings. Mr. Drake will forward electronic copies of the information presented to Administrator McNeilly. Mayor Maio asked if the freeholders have begun the process of obtaining a permit for the transfer station. Mr. Drake reported that at the SWAC meeting this evening a formal letter was drafted with the basic requirements which will be sent to the freeholders. Councilman Graham asked if flow control will be maintained in the same way. Councilman Graham is opposed to maintaining the flow control aspect because every time another hand is involved the costs increase. The Borough's garbage is trucked to Lafayette and then they truck it somewhere else which results in the Borough paying top dollar over and over which makes no sense and is a waste of energy. Mr. Drake stated that flow control will be in place until 2018 when the landfill closes in order to increase revenues. Mr. Drake has asked about the \$18 million dollar closure fund but has not received an answer to date. Administrator McNeilly asked if anyone has questioned what happens to the \$10 host fee per ton which is going to Lafayette. Mr. Drake stated that Lafayette also receives free garbage handling. Mayor Maio stated that the bottom line is that if they are not hosting garbage in their municipality then they are not entitled to receive that fee. Administrator McNeilly stated that the \$10 per ton host fee has allowed Lafayette to keep their municipal tax rate at zero up until four years ago. Mayor Maio asked Mr. Drake if this issue has been addressed. Mr. Drake responded in the negative and stated that the issue would fall to the freeholders. Mr. Drake stated that the recent ruling allowing for the landfill to use tarps daily instead of covering with eight inches of dirt may extend the closure date. Administrator McNeilly stated that stricter enforcement will also help to extend the closure date. Mr. Drake stated that the Health Department issued 20 notices of dumpster violations for containing items that are not allowed such as recycling materials. Mayor Maio thanked Mr. Drake for his report.

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

Councilman Graham stated that there was a fire on Thursday night in Netcong. Councilman Graham praised the training and efforts of Stanhope's fire department. Councilman Graham was impressed with the way that coordination of mutual aid was handled by all the towns involved. While Stanhope's firefighters were in Netcong, Hopatcong firefighters were in Stanhope. There were firefighters from as far away as Morris Plains that were assisting. This was a tragic fire where a gentleman lost his life. Councilman Graham commended all of the firefighters for their service. Councilman Depew stated that he had heard from various people how well all the departments worked together and coordinated their efforts. Councilman Depew thanked the fire department.

CLOSED SESSION

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231 P.L. 1975 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

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

1. The public shall be excluded from discussion of and action upon the hereinafter-specified subject matter(s).
2. The general nature of the subject matter(s) to be discussed is as follows:

1 Contract – Shared Court
1 Potential Litigation

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

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

Mayor and Council went into Closed Session at 9:10 P.M.

At the conclusion of the Closed Session, Mayor and Council reconvened the public meeting at 9:35 P.M. with all present.

ADJOURNMENT

On a motion by Councilwoman Kuncken, seconded by Councilman Graham, and unanimously carried by voice vote the meeting was adjourned at 9:35 P.M.

Approved:

Linda Chirip
Deputy Clerk
For Ellen Horak
Borough Clerk