

**MAYOR AND COUNCIL  
REGULAR MEETING  
April 23, 2013  
7:00 P.M.**

**SALUTE TO COLORS**

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

Mayor Maio asked all those present to remain standing to observe a moment of silence in memory of Joey Johnson who passed away this morning after a long and hard battle with cancer.

**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

**PRESENTATION**

Mayor Maio asked those present to join her in congratulating Councilman George Graham, who as of tomorrow, will be Freeholder George Graham. Mayor Maio stated that Councilman Graham's past six years of service on the Council have been appreciated and he has done a great job for the Borough. Mayor Maio stated that as Councilman Graham heads north to become Freeholder she expects him to continue to do great things for the Borough and knows that he will. Mayor Maio presented Councilman Graham with a gift from the Borough, a mantle clock, and thanked him for his service and wished him continued good work and good luck. Mayor Maio presented a bouquet of flowers to Councilman Graham's wife, Gail, and thanked her for her support through the years.

Councilman Graham stated that he has been very fortunate. He joined the Council not looking for anything in return other than to just do something for his town. After attending meeting upon meeting something more gets accomplished every day. This town and the residents are all about volunteerism. Councilman Graham stated there are 4 firemen here tonight that get called out all the time along with the EMT's. The Shade Tree Commission and Environmental Commission are all volunteers that make up a small town. People that do not come from a small town do not understand this. Councilman Graham thanked everyone on the Council for they have all taught him something, even those that have not been here very long. He does not know if he will be able to teach anyone at the Freeholder Board but they will have things to teach him. Councilman Graham appreciates everything and has enjoyed the six and a half years of working for the Borough. He is also going to miss the new Council Room.

Mayor Maio announced a fifteen minute recess to congratulate Councilman Graham and enjoy some refreshments. The meeting resumed at 8:11 PM.

## **PRESENTATIONS**

*Cross River Fiber* – Mayor Maio invited Fred Brody from Cross River Fiber to come forward to make his presentation. Mayor Maio stated that Cross River Fiber has requested to run lines through the Borough. The Governing Body has asked Mr. Brody to attend tonight’s meeting to explain the purpose for the lines.

Mr. Brody stated that Cross River Fiber is a Competitive Local Exchange Carrier (CLEC) as it is called by the authority that is granted to it by the Board of Public Utilities (BPU). It is considered a telecommunications company, although it does not provide television or telephone service. The BPU and the legislature have decided to enhance and create more competition and diversity in these services and as a result companies like Cross River Fiber have come into existence. Cross River Fiber is a dark fiber as opposed to lit fiber. Companies such as Verizon, Comcast and Cablevision are considered lit services. With lit services the more you use, the more you pay. With dark fiber the companies and entities that lease the fiber are sophisticated enough to light it themselves and manage the networks, servers and equipment. Using plumbing as a comparison, Cross River is running the “piping” and the companies that lease, run their own product through it. Cross River is building a back bone through parts of the State in order to connect the customers to a “carrier hotel”, as it is called, in Newark which is located in the old Bamberger’s building where all the equipment and servers are located. The customers are hospitals, data centers, municipalities and county governments.

Mr. Brody stated the BPU requires Cross River to obtain permission from the municipalities and/or County prior to going to the utility companies where they will lease space. Cross River does have permission from the State. Once permission is granted, a price will be negotiated with the customer and at that time the route will be determined. The fees will then be negotiated with the utility companies for “make ready work” to prepare the poles to make them ready to run the fiber and then Cross River pays a fee per pole.

Mayor Maio asked Mr. Brody if the destination for the lines is Newton. Mr. Brody replied that they are working with the Sussex County offices in Newton and the local hospital. Mayor Maio asked what roads in the Borough would be used to run the lines. Mr. Brody replied that he does not know what roads will be accessed at this time. Once the route is determined Cross River will contact the Borough with that information and will make arrangements with the Police Department, at Cross River’s expense, to provide safety measures while the fiber is run. Councilwoman Kuncken asked if there is a benefit for the Borough to allow the fiber to be run. Mr. Brody replied yes and no. Mr. Brody stated the benefit will be that the Borough will have a high capacity broadband pipe that could be used by the local government. However, due to the low population of the Borough there may not be a use for this service which is generally used by the stock exchange or data centers. Councilwoman Kuncken asked what path is going to be taken to connect to Newton. Mr. Brody replied that currently they are working with Newton, Roxbury and Andover. Roxbury will be reviewing this information on Thursday night. Mr. Brody stated that he handles the easement rights and does not have the actual account information.

Councilman Graham stated he was informed today that the County has a grant to bring dark fiber up to the County and they are tying in County services to eventually reach out to municipalities but will also be reaching out to hospitals so that they can work with other hospitals. Mayor Maio asked Mr. Brody if any new construction would be involved. Mr. Brody stated there would be no construction. Cable will be run along the existing lines. Mr. Brody stated the work will be done in the least invasive way possible. In the future if any of the poles need to be moved or the roads widened all the costs and responsibilities are Cross Rivers.

Mr. Stein stated that an ordinance will have to be adopted similar to that of Cablevision and then a resolution adopted after the ordinance is passed. Mr. Stein provided Mr. Brody with his contact information and asked Mr. Brody to have his legal department email him a draft ordinance and resolution. Mr. Brody stated he will follow up with his legal department.

Mr. Brody stated that Stanhope is a wonderful town with very warm and friendly people. The Governing Body thanked Mr. Brody for attending tonight’s meeting.

## **PROCLAMATIONS**

Mayor Maio read the following Proclamations:

### **Arbor Day Proclamation**

**WHEREAS**, in 1872 this holiday, called *Arbor Day*, was first observed with the planting of more than one million trees; and

**WHEREAS**, *Arbor Day* is observed by many states across the country for the community planting of trees; and

**WHEREAS**, trees are a renewable resource and provide many benefits to the community, including air purification, noise reduction, shade and energy savings; and

**WHEREAS**, trees in our community enhance the economic vitality of business areas, and beautify our community; and

**WHEREAS**, planting trees and maintaining older trees provide an opportunity for community interaction, volunteerism, economic development and environmental conservation;

**NOW, THEREFORE**, I, Rosemarie Maio, Mayor of the Borough of Stanhope, do hereby proclaim April 26, 2013 as *Arbor Day* in our community and encourage all citizens to protect our trees and woodlands and to take advantage of the benefits of the parks and other natural areas in our community.

Mayor Maio stated that the proclamation will be hung at Borough Hall and one will be provided to the Shade Tree Commission. Tree City USA has notified the Borough that we have been named a Tree City for the fifth consecutive year. Janice Hunts, a representative from the Shade Tree Commission who was present in the audience, stated that the Borough has received a crystal display award from Tree City USA which was presented to the Governing Body at this time. Paula Zeff-Murphy, Shade Tree Commission member, displayed a new Tree City USA flag and new signs. Mrs. Hunts thanked the Governing Body and the DPW for their support and stated that she hopes everyone enjoys the parks and the changes that have come about. In the next few months Mrs. Hunts will have an album depicting the changes like those that have occurred at Salmon Park. Mayor Maio thanked Mrs. Hunts and Mrs. Zeff-Murphy for their efforts with the Shade Tree Commission.

### **Relay for Life of Sussex County Proclamation**

**WHEREAS**, *Relay For Life* is the signature activity of the American Cancer Society and celebrates cancer survivors and caregivers, remembers loved ones lost to the disease, and empowers individuals and communities to fight back against cancer; and

**WHEREAS**, money raised during *Relay for Life of Sussex County* supports the American Cancer Society's mission of saving lives and creating a world with less cancer and more birthdays – by helping people stay well, by helping people get well, by finding cures for cancer and by fighting back; and

**WHEREAS**, *Relay for Life* helped fund more than \$150 million in cancer research last year;

**NOW, THEREFORE**, I, Rosemarie Maio, Mayor of the Borough of Stanhope, do hereby proclaim the week of May 13, 2013 as “**RELAY FOR LIFE DAYS**” and encourage citizens to participate in the *Relay for Life* event at Sussex County Community College from 4:00 p.m. Saturday to 6:00 p.m. Sunday.

Mayor Maio stated this proclamation is so appropriate given today's sad news. Lenape Valley High School will also be holding a Relay for Life in the near future and Mayor Maio stated that everyone should watch for that information as that event will be closer to home.

## **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.

Nancy Hoyt, 33 Lawrence Avenue, congratulated Councilman Graham and stated she is sorry to lose him as a Council member. Ms. Hoyt stated there is Borough property near her home located from Canfield Street to Route 183 that accumulates trash. In the past Ms. Hoyt stated that she has tried to maintain the area but is unable to do so any longer. Ms. Hoyt asked if the Borough or some other entity would be able to clean up the area. Administrator McNeilly replied this is an issue of manpower but he will contact the Sheriff's Department to see if that work detail could be handled by their program.

Gloria Spencer, 3 Linden Avenue, stated she reported a dead opossum on Linden Avenue but it has not been removed to date. There is also a raccoon that is out during the day. Administrator McNeilly replied that if the animals are startled during the day they will be out. If the animal is out and acting strangely or causing a problem the police must be called at that time. Ms. Spencer stated that the Stanhope House has now opened the Beer Garden and she asked that the Governing Body take measures to see that the music and noise does not get out of hand. Administrator McNeilly stated that if there is a problem the police need to be called. Councilwoman Kuncken stated there are noise restrictions based on the time of day.

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:

March 12, 2013	Agenda & Work Session Meeting
March 26, 2013	Regular Business Meeting

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

## **CORRESPONDENCE (List Attached)**

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

## **COUNCIL COMMITTEE REPORTS**

Mayor Maio requested that the Council Committee Reports be waived for this evening unless there is an issue that needs to be addressed at this time.

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

**Board of Health, Regional Planning Board, Environmental Commission, Musconetcong Sewerage Authority, Sanitation & Recycling, Recreation Commission, Shade Tree Commission, Land Use Board** – Councilwoman Thistleton stated she has distributed copies of the Summer Recreation Commission flyer to the Governing Body. The flyers are ready to be distributed to the residents.

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

#### **Police, Fire, Ambulance, Court & Violations Bureau, Emergency Management –**

Councilwoman Kuncken stated the Annual Pig Roast, to benefit the Fire Department and the Ambulance Squad, will be held on Friday, June 7<sup>th</sup> at Shakey Jake's. The cost for a ticket is \$30. Anyone interested in purchasing a ticket should contact Councilwoman Kuncken or Borough Hall.

## **ENGINEER'S REPORT**

Mayor Maio welcomed Eric Keller, Borough Engineer, and invited him to come forward to give his report.

Mr. Keller stated that he, Administrator McNeilly and Bill Storms visited Mountain Terrace. Mr. Keller stated that in order to assess the situation we need a good heavy rain. We need to see how it comes off the hill from Sagamore. The survey crews will need to determine the elevations in order to understand what the condition of the road is from a vertical sense. There are no outward signs that can be seen downstream on the lower side of the road in the way of a washout. The land drops off significantly down to Elizabeth Street. The sanitary manholes need to be checked to make sure that water is not getting in there. There have been some breaks and issues with the sewer system. Mr. Keller stated at this point they are collecting base information, researching and observing to formulate a plan.

Mayor Maio asked if it is just the one home that is experiencing a problem. Mr. Keller replied that the left side of the road, with Maple Terrace to your back, is on a slope. The curb line appears to be straight and there are no cracks in it but the pavement has settled in front of it. There is some differing feedback that we are receiving from what we see. If there was a sloping of the underlying soil, the curbing would likely go with it. The concrete footing would only bridge a slope so far. Councilman Benson asked if the storm drain was part of the problem. Mr. Keller replied that the storm drain is located on the uphill side of the street. Councilman Depew asked if the problem could be solved by installing a storm drain near 10 Mountain Terrace and running it into the existing storm drain. Mr. Keller replied that Mountain Terrace has a storm drain every 150 or 200 feet. Administrator McNeilly stated that the elevations need to be determined first. Mayor Maio stated if that is the next step then it needs to be done. Mr. Keller stated that there are 3-4 inlets on both sides which should catch the water. Mr. Keller thinks that because the center line of the road has dropped the water comes down the hill and then shoots across the road and ends up in the driveway. Mayor Maio asked Mr. Keller when work can begin. Mr. Keller replied within the next few weeks. He will schedule the surveying department and will put together a proposal. The cost is estimated to be \$1,600.

Councilman Graham asked how long this problem has existed. Mayor Maio stated there is a new owner and the previous owner did not mention it. Administrator McNeilly stated that the driveway is in an extremely deteriorated condition. It shows that this problem has existed for quite some time. The new owner brought it to our attention. Councilman Graham asked if this is a shared problem. Mr. Keller replied that he cannot say at this time. In the 7 years that he has been the Municipal Engineer that is one part of Mountain Terrace that he has never been to except to pass through to somewhere else. Mayor Maio stated this may be water coming off Sagamore Road. Mr. Keller replied it may very well be but it appears to be a small area unless we are missing something in the dry conditions.

Mayor Maio asked Mr. Keller what the status is for the sewer project inspection. Administrator McNeilly stated that they are in the process of acquiring pricing. This project may be scheduled for this year or next year. It will require running pipe from Lawrence Avenue all the way back. Mr. Keller stated depending on the funding levels it may need to be done from Lawrence Avenue to Walton Street which covers all the piping along the lake that feeds the Port Morris substation which is approximately half a mile in total. Mayor Maio asked if that is being worked on along with the manholes. Mr. Keller confirmed that the manholes are being worked on too. Administrator McNeilly stated as soon as the capital is cleared we can refine it and put the documents together.

### **ADMINISTRATOR'S REPORT**

*Lake Rescue Boxes* - Administrator McNeilly stated that at the last meeting there was a discussion regarding the boxes. Input was needed from risk management and Mr. Stein before reporting back to the President of the Lake Association. Mr. Stein stated that risk management says if you consent to the boxes and the ropes there is going to be a municipal obligation to inspect them periodically in a relatively short space of time, a week to 10 days. An employee must make sure they are there and not damaged in any way, frayed or vandalized and are safe for their intended purpose. There would be a continuing obligation if the Borough accepts the donation from the Lake Association. The risk manager is super conservative but he did say every week the inspections should be performed.

Councilwoman Kuncken stated that the letter from the risk manager mentioned that a written log must be kept. Mr. Stein confirmed that an inspection log would need to be kept stating the date, employee, time the box was opened and the rope manually examined. A record has to be kept. Councilman Benson asked who would be responsible to perform the inspection. Administrator McNeilly stated it is a public safety item and therefore they would be responsible. Councilwoman Kuncken asked who specifically from public safety would do the inspections. Administrator McNeilly stated the Police Department would be responsible. Mayor Maio stated it has to be the police because the inspection has to be done by an employee of the Borough. Councilman Depew asked where the boxes would be located. Administrator McNeilly replied that the Borough has not committed to accepting the boxes yet but the speculation is that they will be located at the park behind the gas station and at Musconetcong Park down by pump station.

Councilwoman Kuncken stated that the bottom line is that there is a benefit in an emergency. Seconds count when someone has fallen through the ice or in open water and Councilwoman Kuncken stated she does not want to minimize that but ultimately should something happen and the rope fails or is missing the liability will fall to the Borough. Mr. Stein replied that it is a paradox of sorts. Under the tort claims law, municipalities are immune from liability where they make a decision on how municipal resources are to be spent or devoted. If the Borough decides not to do a rescue rope program then you are not liable. If you decide to do the program it has to be done correctly and safely.

Mayor Maio stated even if the inspections are done every week and something goes wrong the Borough is liable. Mr. Stein stated that anyone can sue at any time for any reason. It is whether you win or not that counts. If the Borough has a periodic program where the recommendation made by the risk manager states an inspection is required every 7-10 days to verify the rope is available, that would generally give the Borough protection for having executed the safety function in good faith. There will be situations where the rope is going to be too short or it may have been stolen but, if you are going to have the boxes they have to be policed, inspected and the Borough has to make sure that the equipment is available and can be used for its intended purpose.

Councilman Graham stated this issue came about as a result of the situation that occurred at Budd Lake this winter. At the Lake Board Meeting the members of the Ambulance Corp were present and the ropes were discussed as something positive that could be put in place in the event that someone fell through the ice. The ropes are designed for this purpose. The rope is only going to be for a small area, it is not going to reach all the way across the lake. Councilman Graham stated that it is terrible that when you try to do something right and the insurance industry and everybody else say you cannot do it because you are then responsible for it. Sending a police officer there every week is excessive. Mayor Maio asked what happens if there is an emergency on Tuesday and the police officer cannot check the ropes. On Wednesday the inspection is not part of the routine and the rope is not checked. Councilman Graham asked if there is a way to just make this a best faith effort. It could be three years from now that the rope is actually going to be needed.

Councilman Benson stated that the function of a rope toss has many variables from who is throwing it to how long it is. Councilwoman Thistleton asked if training for the use of the rope is required. Administrator McNeilly stated that community instruction is required which can be done by putting the information on the Borough calendar. Councilwoman Thistleton stated that she had heard that the boxes once opened would sound an alarm. Administrator McNeilly stated that he was told by Jeter Riggs that the boxes which were purchased do have some sort of buzzer inside of them. Roxbury and Netcong are also battling with the same issue and they have different risk managers than the Borough does. The officers would have to work out a checklist and add it to their routine that would have to be determined by Chief Pitttigher. If it is removed or there is damage to the box we need to be able correct that. Administrator McNeilly stated that multiple spare ropes would have to be kept in order to replace damaged or missing ropes. Every patrol car is equipped with throw ropes and the police do respond quickly.

Administrator McNeilly stated he is concerned because both the properties in question are leased by the Borough from the State of NJ. Administrator McNeilly asked if the State needs to be involved in the decision. Mr. Stein stated that the leases between the Borough and the State of NJ have a statement which says the Borough will indemnify and hold harmless the State of NJ

for any claim as it relates to the use of the property. Mr. Stein stated that means the State will look at the indemnification clause and that will make any problems that arise Stanhope's problem. Mayor Maio stated the Governing Body has still not made a decision regarding this issue. Councilman Graham asked Administrator McNeilly if he is in contact with Roxbury or Netcong and if so perhaps the Borough can follow their lead. Mayor Maio stated that the other towns have not resolved this issue as yet. Mayor Maio asked Administrator McNeilly to follow up with Roxbury and Netcong.

Fire Department Bucket Drop – Administrator McNeilly stated the Fire Department bucket drop does not conflict with Ambulance Squad's.

North Linden Avenue – Administrator McNeilly stated that the debris of telephone poles and wires on North Linden Avenue that were left from the storm have been taken care of.

Public Safety – Administrator McNeilly stated there will be a Public Safety meeting on Monday. A meeting needs to be scheduled with Millennium Strategies and Public Safety to prepare the base information and requirements for grants that will be available in May, June and July. Mayor Maio stated there are public safety grants that relate to equipment for the fire department. The conversation can begin at Monday's meeting to determine what type of training and additional needs the Fire Department has.

Renovations – Administrator McNeilly stated that the work in the Police Department should be done in a week and a half. Once the work is completed the trailer will be removed and then the parking lot work will begin. The goal is to have the parking lot completed by the end of May. Parking will be available in the back and out front. The Police cars may be staged in the lot next door so they will have their own driveway in and out. This will only be temporary. The work on the parking lot will take two to three weeks. This will be the final project for this phase of the renovation.

## **COUNCIL BUSINESS**

Arbor Day Ceremony - Mayor Maio stated that the Governing Body has been invited to attend the Arbor Day ceremony at Valley Road School on Thursday. Anyone that is interested in attending needs to notify the Clerk.

Arbor Day Cleanup – Mayor Maio stated the Arbor Day Cleanup is scheduled for Saturday and is sponsored by the Shade Tree Commission and the Environmental Commission. The cleanup will take place at Valley Road School, the paths through the woods from the condominiums to the high school, Salmon Park and along the Towpath. The cleanup will begin at 9:00AM at the Valley Road School and behind the post office. All volunteers are welcome and encouraged to attend.

Luncheon for Lorraine Bender – Mayor Maio stated the Foundrymen Historic Society is honoring Lorraine Bender for her years of volunteer service at a luncheon at the Fire house on Sunday. Anyone interested in attending should contact Paula Zeliff-Murphy or Janice Hunts. You can pay at the door but please let them know ahead of time if you plan on attending as it is a catered event.

Crosswalks – Councilman Depew stated the crosswalk by the antique store is missing some of the brick. Mayor Maio replied that she has spoken to Administrator McNeilly about this issue. Administrator McNeilly replied that warmer weather is needed before repairs can be made. Mr. Keller will be consulted to find a permanent solution to the problem. It appears that cars are sliding across that area and that may be what has caused the problem. The other crosswalks are holding up well. Councilman Graham stated that the island has held up. Administrator McNeilly stated that black top may be used temporarily. Mayor Maio stated that she does not want to see black top used. The problem needs to be fixed. Councilman Depew asked if the crosswalks have a guarantee. Mayor Maio replied that the Borough has the paint for the sidewalks and we know the process and what has to be done.

**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 2013-04**

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 44 OF THE CODE OF THE BOROUGH OF STANHOPE ENTITLED “BOARD OF RECREATION COMMISSIONERS” BY PROVIDING FOR THE APPOINTMENT OF TWO ALTERNATE MEMBERS TO THE BOARD**

**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 44-2 “Appointment of Members; terms; vacancies; compensation” is hereby amended to read as follows:

- A. The Board of Recreation Commissioners shall be comprised of five (5) members and two (2) alternate members who shall be designated as Alternate No. 1 and Alternate No. 2. All members shall be residents of the Borough and appointed by the Mayor with the advice and consent of the Council.
- B. Members first appointed to the Board shall serve for terms of one (1), two (2), three (3), four (4) and five (5) years. Appointments thereafter shall be for terms of five (5) years each. The length of the terms of the alternate members shall be the same as the length of the terms of the regular members of the Board of Recreation Commissioners. If two alternates are appointed, their terms shall be staggered by the appointment of one of the alternates for an initial term that is a year less than a regular term.
- C. Whenever a vacancy occurs among the Commissioners, the Mayor shall appoint a replacement with the advice and consent of the Council for the unexpired term only.
- D. Commissioners shall serve without compensation.

**SECTION II. When Effective**

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

On motion by Councilman Benson, seconded by Councilman Graham 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 the Recreation Commission has requested additional members due to their expanded activities which will be done by adding two alternate members.

Seeing no one 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 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.

## **NEW BUSINESS**

### **Ordinance for Introduction [Public Hearing on May 14, 2013]**

Mayor Maio offered the following ordinances for introduction which were read by title:

#### **Ordinance 2013-05**

#### **AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 120 OF THE CODE OF THE BOROUGH OF STANHOPE, SUSSEX COUNTY, NEW JERSEY, ENTITLED “STREETS AND SIDEWALKS” BY ADOPTING ARTICLE IV TO ALLOW FOR CHARITABLE SOLITICATION IN PUBLIC STREETS**

**WHEREAS**, the provisions of N.J.S.A. 39:4-60 of the Motor Vehicle Code of the State of New Jersey provides that no person shall stand in the roadway of a highway to stop, impede, hinder or delay the progress of a vehicle for the purpose of soliciting the purchase of goods, merchandise or tickets or for the purpose of soliciting contributions for any cause; and

**WHEREAS**, N.J.S.A. 39:4-60 further provides that a municipal governing body may by ordinance authorize charitable organizations as defined in N.J.S.A. 45:17A-20 to solicit contributions in the roadway of a highway other than an interstate highway or toll road; and

**WHEREAS**, the Governing Body of the Borough of Stanhope is of the opinion that it is in the general interest of the public to allow duly qualified charitable organizations to solicit contributions in the public roadways of the Borough of Stanhope under certain circumstances.

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

#### **SECTION I.**

1. Article IV of Chapter 120 of the Code of the Borough of Stanhope to be entitled “Charitable Solicitations” is hereby adopted.

2. The Borough of Stanhope hereby authorizes charitable organizations as defined in N.J.S.A. 45:17A-20 to solicit contributions in the roadways of the Borough.

3. Prior to conducting any charitable solicitation in any roadway in the Borough, the charitable organization shall first apply in writing to the Governing Body for authorization to conduct such charitable solicitation by identifying the charitable organization and the date, location and hours of the proposed charitable solicitation. If approved, the Governing Body shall adopt a resolution specifically authorizing the date, location and hours for the charitable solicitation. The charitable organization shall strictly comply with the limitations of any approval granted by the Governing Body.

4. The Governing Body may, as a condition of authorizing any charitable solicitation, require written proof from the charitable organization that it is duly qualified to solicit contributions, pursuant to the provisions of N.J.S.A. 45:17A-20.

5. In the event that the charitable organization seeks to conduct a solicitation on any county highway or at the intersection of any municipal road and a county highway, the charitable organization shall, in addition to receiving the approval of the Borough of Stanhope, also receive the approval of the Sussex County Board of Chosen Freeholders before conducting any such charitable solicitation.

6. In the event that the charitable organization seeks to conduct a solicitation on any state highway or at the intersection of any municipal road and a state highway, the charitable organization shall, in addition to receiving the approval of the Borough of Stanhope, also receive the approval of the Commissioner of Transportation before conducting any such charitable solicitation.

## **SECTION II - WHEN EFFECTIVE**

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

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

Mayor Maio stated this ordinance will allow the Fire Department, in this particular case, to hold a bucket drop.

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 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 2013-06**

### **AN ORDINANCE GRANTING MUNICIPAL CONSENT FOR THE OPERATION OF A CABLE TELEVISION SYSTEM WITHIN THE BOROUGH OF STANHOPE, NEW JERSEY TO CSC TKR, LLC, D/B/A CABLEVISION OF MORRIS TO BE DESIGNATED AS CHAPTER A156 OF THE CODE OF THE BOROUGH OF STANHOPE AND ENTITLED “CABLE TELEVISION FRANCHISE”**

**WHEREAS**, the governing body of the Borough of Stanhope (hereinafter referred to as the “Borough”) determined that CSC TKR, LLC, d.b.a Cablevision of Morris, (hereinafter referred to as “the Company” or “Cablevision”) had the technical competence and general fitness to operate a cable television system in the Borough, and by prior ordinance granted its municipal consent for Cablevision to obtain a non-exclusive franchise (the “Franchise”) for the placement of facilities and the establishment of a cable television system in the Borough; and

**WHEREAS**, by application for renewal consent filed with the Borough and the Office of Cable Television on or about September 19, 2012, Cablevision has sought a renewal of the Franchise; and

**WHEREAS**, the Borough having held public hearings has made due inquiry to review Cablevision’s performance under the Franchise, and to identify the Borough’s future cable-related needs and interests and has concluded that Cablevision has substantially complied with its obligations under the Franchise and applicable law and has committed to certain undertakings responsive to the Borough’s future cable-related needs and interests;

**WHEREAS**, the governing body of the Borough has accordingly concluded that the consent should be renewed subject to the requirements set forth below; and that, provided Cablevision’s proposal for renewal embodies the commitments set forth below, the Borough’s municipal consent to the renewal of the Franchise should be given; and

**WHEREAS**, imposition of the same burdens and costs on other competitors franchised by the Borough is a basic assumption of the parties;

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

## **SECTION 1. DEFINITIONS**

For the purpose of this Ordinance the terms defined above shall have the meanings there indicated, and the following additional terms shall have the following meanings:

- (a) “Act” or “Cable Television Act” shall mean that statute of the State of New Jersey relating to cable television, known as the Cable Television Act, N.J.S.A. 48:5A-1 et seq.
- (b) “Application” shall mean Cablevision’s application for Renewal of Municipal Consent, which application is on file in the Borough Clerk’s office and is incorporated herein by reference and made a part hereof, except as modified, changed, limited or altered by this Ordinance.
- (c) “Board” shall mean the Board of Public Utilities of the State of New Jersey or its successor agency.
- (d) “Borough” shall mean the governing body of the Borough of Stanhope in the County of Sussex, and the State of New Jersey.
- (e) “Company” shall mean CSC TKR, LLC d.b.a Cablevision of Morris, “Cablevision” the grantee of rights under this Ordinance.
- (f) “FCC” shall mean the Federal Communications Commission.
- (g) “Federal Act” shall mean that federal statute relating to cable communications commonly known as the Cable Communications Policy Act of 1984, 47 U.S.C. Section 521 et seq. and the Telecommunications Act of 1996, or as those statutes may be amended.
- (h) “Federal Regulations” shall mean those federal regulations relating to cable television services, 47 C.F.R. Section 76.1 et seq. (and, to the extent applicable, any other federal rules and regulations relating to cable television, including but not limited to, those described in 47 C.F.R. Section 76.3), or as such regulations may be amended.
- (i) “Standard installation” shall mean the installation of drop cable to a customer’s premise where the distance from the point of entry into the building being served is less than 150 feet from the active cable television system plant.
- (j) “State” shall mean the State of New Jersey.
- (k) “State Regulations” shall mean those regulations of the State of New Jersey Board of Public Utilities relating to cable television. N.J.A.C. 14:17-1.1 et seq. and N.J.A.C. 14:18-1 et seq., or as such regulations may be amended.

## **SECTION 2. STATEMENT OF FINDINGS**

A public hearing concerning the consent herein granted to Cablevision was held after proper public notice pursuant to the terms and conditions of the Act. Said hearing having been held and fully open to the public, and the municipality having received all comments regarding the qualifications of Cablevision to receive this consent, the Borough hereby finds Cablevision possesses the necessary legal, technical, character, financial and other qualifications to support municipal consent, and that Cablevision’s operating and construction arrangements are adequate and feasible.

## **SECTION 3. GRANT OF AUTHORITY**

The Borough hereby grants to Cablevision its non-exclusive consent to place in, upon, along, across, above, over, and under its highways, streets, alleys, sidewalks, public ways, and public places in the municipality poles, wires, cables, and fixtures necessary for the maintenance and operation in the Borough of a cable television system or other communications facility, and for the provision of any communication service over such facilities. Operation and construction, pursuant to said consent, is conditioned upon prior approval of the Board of Public Utilities.

#### **SECTION 4. DURATION OF FRANCHISE**

This consent granted herein shall be non-exclusive and shall be for a term of fifteen (15) years from the date of issuance of a Certificate of Approval by the Board.

#### **SECTION 5. EXPIRATION AND SUBSEQUENT RENEWAL**

If Cablevision seeks successive consent, it shall, prior to the expiration of this consent, apply for a municipal consent and certificate of approval in accordance with N.J.S.A 48:5A-16, and applicable state and federal rules and regulations. In accordance with N.J.S.A. 48:5A-25.1, both the Borough and Cablevision shall be bound by the terms of this municipal consent until such time as Cablevision converts the municipal consent (and any certificate of approval) into a system-wide franchise.

#### **SECTION 6. FRANCHISE TERRITORY**

The consent granted under this Ordinance to Cablevision shall apply to the entirety of the Borough and any property hereafter annexed.

#### **SECTION 7. SERVICE AREA**

Cablevision shall be required to proffer video programming service along any public right-of-way to any person's residence within the portion of the Franchise territory, as described in the Application for municipal consent, at Cablevision's schedule of rates for standard and nonstandard installation.

#### **SECTION 8. EXTENSION OF SERVICE**

Cablevision shall extend service along any public right of way outside its service area to those residences within the franchise territory which are located in areas that have a residential density of twenty-five (25) homes per mile or greater, or areas with less than twenty-five (25) homes per mile where residents agree to share the costs of such extension in accordance with the line extension formula as provided by the Company in its Application for municipal consent

#### **SECTION 9. FRANCHISE FEE**

Pursuant to the terms and conditions of the Cable Television Act, Cablevision shall pay to the Borough, as an annual franchise fee, a sum equal to two (2%) percent of the actual gross revenues received from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception services in the Borough. In the event applicable law hereinafter permits a larger franchise fee to be collected, but does not fix the amount thereof, the Borough and Cablevision shall negotiate in good faith with respect to the amount thereof; provided, however, that nothing herein shall be construed to permit the Borough to require payment of a franchise fee by Cablevision that is higher than the fee paid by all other cable television service providers offering service in the Municipality.

#### **SECTION 10. FREE SERVICE**

Cablevision shall, upon written request, provide free of charge, one (1) standard installation and monthly cable television reception service to all State or locally accredited public schools and all municipal public libraries, as well as municipal buildings located within the Borough.

Upon written request from the Borough, the Company shall provide to state and locally accredited elementary and secondary schools and municipal public libraries in the Borough, without charge, the following: (1) one standard installation per school or library; (2) one cable modem per installation; and, (3) basic cable modem service for the term of this Ordinance for each installation. This offer shall be subject to the terms, conditions and use policies of the Company, as those policies may exist from time to time.

Upon written request from the Borough, the Company shall provide to (1) one municipally owned facility, without charge, the following: (1) one standard installation; (2) one cable modem per installation; and (3) basic cable modem service for the term of this Ordinance for each installation. This offer shall be subject to the terms, conditions and use policies of the Company as those policies may exist from time to time.

#### **SECTION 11. CONSTRUCTION/SYSTEM REQUIREMENTS**

Cablevision shall perform construction and installation of its plant and facilities in accordance with applicable State and federal law. The Company shall be subject to the following additional construction requirements with respect to the installation of its cable plant and facilities in the Borough:

(a) In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways or other surfaces, the Company shall at its sole expense restore and replace such disturbances in as good a condition as existed prior to the commencement of said work.

(b) If at any time during the period of this consent, the municipality shall alter or change the grade of any street, alley or other way or place, the Company, upon reasonable notice by the Borough shall remove or relocate its equipment, at its own expense.

(c) Upon request of a person holding a building or moving permit issued by the Borough, the Company shall temporarily move or remove appropriate parts of its facilities so as to permit the moving or erection of buildings or for the performance of other work. The expense of any such temporary removal or relocation shall be paid in advance to the Company by the person requesting the same. In such cases, the Company shall be given not less than fourteen (14) days prior written notice in order to arrange for the changes required.

(d) During the exercise of its rights and privileges under this consent, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks and public places of the Borough so as to prevent the branches of such trees from coming in contact with the wires, cables, conduits and fixtures of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance for the Company's facilities.

#### **SECTION 12. TECHNICAL AND CUSTOMER SERVICE STANDARDS**

Cablevision shall comply with the technical and customer service standards established for the cable industry under applicable federal and State laws, rules and regulations.

#### **SECTION 13. LOCAL OFFICE OR AGENT**

Cablevision shall establish and maintain during the entire term of this consent a local area business office or agent for the purpose of receiving, investigating and resolving complaints regarding the quality of service, equipment malfunctions and similar matters. Said office shall be open daily during normal business hours, and in no event less than 9:00 a.m. to 5:00 p.m., Monday through Friday, with the exception of holidays.

#### **SECTION 14. DESIGNATION OF COMPLAINT OFFICER**

The Office of Cable Television is hereby designated as the complaint officer for the Borough pursuant to the provisions of N.J.S.A. 48:5A-26. All complaints shall be reviewed and processed in accordance with N.J.A.C. 14:17-6.5.

#### **SECTION 15. LIABILITY INSURANCE**

Cablevision agrees to maintain and keep in force and effect at its sole cost at all times during the term of this consent, sufficient liability insurance naming the Borough as an additional insured, and insuring against loss by any such claim, suit, judgment, execution or demand in an amount of at least one million dollars (\$1,000,000) per occurrence for property damage and bodily injury, including death, from or arising out of the Cablevision's operations hereunder.

## **SECTION 16. PERFORMANCE BOND**

Cablevision shall obtain and maintain, at its sole cost and expense, during the entire term of this Agreement, a bond to the municipality in the amount of twenty-five thousand dollars (\$25,000.00). Such bond shall be to insure the faithful performance of its obligations as provided in this Franchise.

## **SECTION 17. RATES**

A. The rates of the Company for cable television service shall be subject to regulation to the extent permitted by federal and State law.

B. Cablevision shall implement a senior citizen discount in the amount of ten percent (10%) off the monthly broadcast basic level of cable television service rate to any person sixty-two (62) years of age or older, who subscribes to cable television services provided by the Company, subject to the following:

- (i) Such discount shall only be available to eligible senior citizens who do not share the subscription with more than one person in the same household who is less than sixty-two (62) years of age; and,
- (ii) In accordance with N.J.S.A. 48:5A-11.2, subscribers seeking eligibility for the discount must meet the income and residence requirements of the Pharmaceutical Assistance to the Aged and Disabled program pursuant to N.J.S.A. 30:4D-21; and,
- (iii) The senior discount herein relates only to the broadcast basic level of cable television service, and shall not apply to any additional service, feature, or equipment offered by the Company, including any premium channel services and pay-per-view services; and,
- (iv) Senior citizens who subscribe to a level of cable television service beyond expanded basic service, including any premium or per channel a la carte service, shall not be eligible for the discount; and,

A. The Company shall have no further obligation to provide the senior discount herein in the event that (a) the Company converts the municipal consent granted herein to a system-wide franchise in accordance with N.J.S.A. 48:5A-25.1; or (b) upon Board approval of a certification that another cable television service provider offering services to residents of the Township files, in accordance with N.J.S.A. 48:5A-30(d), is capable of serving sixty percent (60%) or more of the households within the Township. In the event the Company does cease providing a senior discount pursuant to this provision, it shall comply with all notice requirements of applicable law.

## **SECTION 18. EMERGENCY USES**

Cablevision shall be required to have the capability to override the audio portion of the system in order to permit the broadcasting of emergency messages by the Borough pursuant to state and federal requirements. The Company shall in no way be held liable for any injury suffered by the Borough or any other person, during an emergency, if for any reason the municipality is unable to make full use of the cable television system as contemplated herein. The Borough shall utilize the state-approved procedures for such emergency uses.

## **SECTION 19. EQUITABLE TERMS**

In the event that the service of another multi-channel video program provider not subject to the Borough's regulatory authority within the Borough creates a significant competitive disadvantage to Cablevision, the Company shall have the right to request from the Borough lawful amendments to its Franchise that relieve it of burdens which create the unfair competitive situation. Should the Company seek such amendments to its Franchise, the parties agree to negotiate in good-faith appropriate changes to the Franchise in order to relieve the Company of such competitive disadvantages. If the parties can reach an agreement on such terms, the

Borough agrees to support the Company's petition to the Board for modification of the consent in accordance with N.J.S.A 48:5A-47 and N.J.A.C. 14:17-6.7.

If the parties are unable to reach an agreement on appropriate amendments to the franchise, the Borough acknowledges that the Company shall have the right to petition the Board directly for such amendments in accordance with N.J.S.A. 48:5A-47 and N.J.A.C. 14:17-6.7; provided, however, the Borough shall be under no obligation to support Cablevision's request for such relief from the Board.

In any subsequent municipal consent, Borough shall require, at a minimum, the same terms and conditions of any other provider of multi-channel video programming subject to the Borough's regulatory authority as those contained in the instant consent. In the event such subsequent consent does not contain the same terms and conditions as the instant consent, Borough agrees to support the Company's petition to the Board for modification of the consent in accordance with N.J.S.A. 48:5A-47 and N.J.A.C. 14:17-6.7 to relieve the Company of competitive disadvantages identified in the Company's petition.

#### **SECTION 20. REMOVAL OF FACILITIES**

Upon expiration, termination or revocation of this Ordinance, Cablevision at its sole cost and expense and upon direction of the Board, shall remove the cables and appurtenant devices constructed or maintained in connection with the cable services authorized herein, unless Cablevision, its affiliated entities or assignees should, within six (6) months after such expiration, termination or revocation obtain certification from the FCC to operate an open video system or any other federal or state certification to provide telecommunications.

#### **SECTION 21. PUBLIC, EDUCATIONAL, AND GOVERNMENTAL ACCESS**

A. Cablevision shall continue to make available non-commercial public, educational and governmental (PEG) access services available to the residents of the Borough as described in the Application for municipal consent. All Cablevision support for PEG access shall be for the exclusive benefit of Cablevision's subscribers.

B. The Borough agrees that Cablevision shall retain the right to use the PEG access channel, or portion thereof, for non-PEG access programming, during times when the Borough is not utilizing the channel for purposes of providing PEG access programming. In the event that the Company uses said PEG access channel for the presentation of such other programming, the PEG programming shall remain the priority use and the Company's rights with respect to using the channel for non-PEG programming shall be subordinate to the Borough's provision of PEG access programming on such channel.

C. Cablevision shall have discretion to determine the format and method of transmission of the PEG access programming provided for in this Section 20.

D. Cablevision shall provide the Borough with a one-time PEG grant of up to twelve thousand dollars (\$ 12,000.00) payable as follows: (1) an initial grant payment of six thousand (\$6,000.00) within 60 days of the issuance of the Certificate of Approval by the Board of Public Utilities (the "Initial Grant"); and (2) a grant of six thousand dollars (\$6000.00) following the sixth year of the issuance of the Certificate of Approval, upon written request by the Borough (the "Final Grant"). The Final Grant shall be payable to the Borough within ninety (90) days from receipt of the Borough's written request. Cablevision shall not be obligated to make any additional payments beyond year seven of the franchise term.

E. The Borough agrees that the Initial Grant and the Annual Grant provided pursuant to Paragraph D, shall be used for the exclusive support of PEG access programming, such as the purchase and/or rental of PEG access equipment and facilities. On request, the Borough shall provide Cablevision with a certification of compliance with this Section 20(E).

F. The Company shall have no further obligation to provide any PEG grant payments due and payable after the date upon which the Company converts the municipal consent granted herein to a system-wide franchise in accordance with N.J.S.A. 48:5A-25.1.

## **SECTION 22. INCORPORATION OF APPLICATION**

All of the commitments contained in the Application and any amendment thereto submitted in writing to the Borough by the Company except as modified herein, are binding upon Cablevision as terms and conditions of this consent. The Application and any other written amendments thereto submitted by Cablevision in connection with this consent are incorporated in this Ordinance by reference and made a part hereof, except as specifically modified, changed, limited, or altered by this Ordinance, or to the extent that they conflict with State or federal law.

## **SECTION 23. CONSISTENCY WITH APPLICABLE LAWS**

This consent shall be construed in a manner consistent with all applicable federal, State and local laws, as such laws, rules and regulations may be amended from time to time.

## **SECTION 24. SEPARABILITY**

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

## **SECTION 25. NOTICE**

Notices required under this Ordinance shall in writing and shall be mailed, first class, postage prepaid, to the addresses below. Either party may change the place where notice is to be given by providing such change in writing at least thirty (30) days prior to the time such change becomes effective. The time to respond to notices under this Ordinance shall run from receipt of such written notice.

Notices to the Company shall be mailed to:

Cablevision Systems Corporation  
111 Stewart Avenue  
Bethpage, NY 11714  
Attention: Vice President for Government/Public Affairs, New Jersey

With a copy to:

Cablevision of Morris  
1111 Stewart Avenue  
Bethpage, NY 11714  
Attention: Legal Department

Notices to the Borough shall be mailed to:

Borough of Stanhope  
77 Main Street  
Stanhope, New Jersey 07874  
Attention: Borough Administrator

## **SECTION 26. REPEALER**

All ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed.

## **SECTION 27. EFFECTIVE DATE AND BOARD OF PUBLIC UTILITY APPROVAL**

This Ordinance shall take effect after final passage and publication in accordance with law. The franchise shall take effect upon issuance of a Certificate of Approval as issued by the Board of Public Utilities that incorporates the material terms of this Ordinance. Nothing herein shall alter the right of the Company to seek modification of this Ordinance in accordance with N.J.S.A 48:5A-47 and N.J.A.C. 14:17-6.7.



On motion by Councilman Benson, 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 Graham, 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 099-13                      RE: LACKAWANNA CUTOFF – QUIET ZONE**

**WHEREAS**, New Jersey Transit has acquired title to the lands formerly comprising the “Lackawanna cutoff” extending from Port Morris, Morris County to Scranton, Pennsylvania; and

**WHEREAS**, said rail line is in the process of being redeveloped for active rail service; and

**WHEREAS**, due to age several below or above grade crossings for the Lackawanna cutoff have been removed which would require a grade crossing for any future rail construction; and

**WHEREAS**, such a below grade crossing was removed in the Borough of Stanhope at Brooklyn Road also known as Sussex County Route 602; and

**WHEREAS**, the Federal Railroad Administration (“FRA”) requires municipalities to petition the FRA for Quiet Zone designations in accordance with FRA’s interim final rule on the use of locomotive horns at highway – rail grade crossings (49 CFR, Part 222 and 229); and

**WHEREAS**, the Governing Body of the Borough of Stanhope on February 27, 2007 adopted Resolution 065-07 formally petitioning the FRA for a quiet zone designation for the Lackawanna Cutoff at Brooklyn Road, Sussex County Route 602; and

**WHEREAS**, the County of Sussex requires official confirmation from the Borough of Stanhope that no organized pedestrian trail is located at the grade crossing and further that the Borough has no intention of establishing an organized trail at the grade crossing in the future; and

**WHEREAS**, there is no organized trail at the grade crossing; and

**WHEREAS**, the Borough of Stanhope has no intention of establishing an organized trail at the grade crossing in the future;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Stanhope that the Governing Body does hereby petition the County of Sussex for a quiet zone designation at the grade crossing at Brooklyn Road also known as County Route 602; and

**BE IT FURTHER RESOLVED**, that the Borough of Stanhope has not and shall not establish an organized trail at the grade crossing at Brooklyn Road also known as Sussex County Route 602.

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

**Resolution 100-13**

**RESOLUTION AUTHORIZING REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER**

**WHEREAS**, the Tax Collector has received payment for the redemption of Tax Title Lien No. 2012-01, representing 2011 property taxes and/or utility charges on Block 10301, Lot 6.02, known as 164 Brooklyn Road, assessed to Richard J Stanley Jr., and;

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

To Lienholder:	Elliot Loeb-Keogh Plan 1605 U.S. Highway 1, Apt. C101 Jupiter, Florida 33477		
Redemption Amount:	Tax Title Lien #2012-01 and Interest to Date of Meeting	\$	1,575.80
	Premium Paid by Lienholder		<u>200.00</u>
Total From Current Fund:		\$	1,575.80
Total From Tax Premium Account			200.00

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

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

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

**Resolution 101-13**

**RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$2,262,445 BOND ANTICIPATION NOTES OF THE BOROUGH OF STANHOPE, IN THE COUNTY OF SUSSEX, NEW JERSEY**

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

Section 1. Pursuant to a bond ordinance of the Borough of Stanhope, in the County of Sussex (herein called "local unit"), entitled: "Bond ordinance providing for the acquisition of a new and additional fire truck by the Borough of Stanhope, in the County of Sussex, New Jersey, appropriating \$600,000 therefor and authorizing the issuance of \$571,000 bonds or notes of the Borough for financing such appropriation", finally adopted on June 28, 2005 (#2005-9), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$173,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 2. Pursuant to a bond ordinance of the local unit entitled: "Bond ordinance providing for the acquisition of new and additional firefighting equipment by the Borough of Stanhope, in the County of Sussex, New Jersey, appropriating \$50,000 therefor and authorizing the issuance of \$47,600 bonds or notes of the Borough for financing such appropriation", finally adopted on June 28, 2005 (#2005-10), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$13,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 3. Pursuant to a bond ordinance of the local unit entitled: "Bond ordinance providing for the acquisition of new and additional police equipment by the Borough of Stanhope, in the County of Sussex, New Jersey, appropriating \$70,000 therefor and authorizing the issuance of \$66,600 bonds or notes of the Borough for financing such appropriation", finally

adopted on December 19, 2006 (#2006-13), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$30,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 4. Pursuant to a bond ordinance of the local unit entitled: “Bond ordinance providing for the improvement of Elm Street and Grove Road and Grove Road in and by the Borough of Stanhope, in the County of Sussex, New Jersey, appropriating \$265,000 therefor and authorizing the issuance of \$259,000 bonds or notes of the Borough for financing such appropriation”, finally adopted on March 27, 2007 (#2007-2), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$151,900 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 5. Pursuant to a bond ordinance of the local unit entitled: “Bond ordinance providing for the acquisition of new and additional equipment by the Borough of Stanhope, in the County of Sussex, New Jersey, appropriating \$30,000 therefor and authorizing the issuance of \$38,000 bonds or notes of the Borough for financing such appropriation”, finally adopted on May 29, 2007 (#2007-06) (as amended by excess proceeds ordinance #2009-13), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$17,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 6. Pursuant to a bond ordinance of the local unit entitled: “Bond ordinance providing for the improvement of the Municipal Building in and by the Borough of Stanhope, in the County of Sussex, New Jersey, appropriating \$236,000 therefor and authorizing the issuance of \$224,700 bonds or notes of the Borough for financing such appropriation”, finally adopted on May 29, 2007 (#2007-05), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$130,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 7. Pursuant to a bond ordinance of the local unit entitled: “Bond ordinance providing for the improvement of various roads in and by the Borough of Stanhope, in the County of Sussex, New Jersey, appropriating \$250,000 therefor and authorizing the issuance of \$238,000 bonds or notes of the Borough for financing such appropriation”, finally adopted on June 26, 2007 (#2007-9) (joined by the Borough with #2007-12) (as amended by excess proceeds ordinance #2009-13), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$165,100 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 8. Pursuant to a bond ordinance of the local unit entitled: “Bond ordinance amending a bond ordinance of the Borough of Stanhope, in the County of Sussex, New Jersey, heretofore adopted, making a supplemental appropriation of \$75,000 for the improvement of various roads in and by the Borough and authorizing the issuance of \$71,000 bonds or notes of the Borough for financing such supplemental appropriation”, finally adopted on May 20, 2008 (#2008-2), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$55,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 9. Pursuant to a bond ordinance of the local unit entitled: “Bond ordinance providing for the improvement of Main Street and Grove Road in and by the Borough of Stanhope, in the County of Sussex, New Jersey, appropriating \$335,000 therefor and authorizing the issuance of \$326,900 bonds or notes of the Borough for financing such appropriation”, finally adopted on May 20, 2008 (#2008-3), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$120,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 10. Pursuant to a bond ordinance of the local unit entitled: “Bond ordinance providing for the improvement of various roads in and by the Borough of Stanhope, in the County of Sussex, New Jersey, appropriating \$250,000 therefor and authorizing the issuance of \$238,000 bonds or notes of the Borough for financing such appropriation”, finally adopted on September 30, 2008 (#2008-9), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$70,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 11. Pursuant to a bond ordinance of the local unit entitled: “Bond ordinance providing for the improvement of the sanitary sewerage system in and by the Borough of Stanhope, in the County of Sussex, New Jersey, appropriating \$126,000 therefor and authorizing the issuance of \$120,000 bonds or notes of the Borough for financing such appropriation”, finally adopted on September 30, 2008 (#2008-11), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$20,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 12. Pursuant to a bond ordinance of the local unit entitled: “Bond ordinance appropriating \$421,900, and authorizing the issuance of \$230,000 bonds or notes of the Borough, for various improvements or purposes authorized to be undertaken by the Borough of Stanhope, in the County of Sussex, New Jersey”, finally adopted on July 21, 2009 (#2009-08), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$191,095 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 13. Pursuant to a bond ordinance of the local unit entitled: “Bond ordinance providing for the improvement of the water supply and distribution system in and by the Borough of Stanhope, in the County of Sussex, New Jersey, appropriating \$250,000 therefor and authorizing the issuance of \$237,500 bonds or notes of the Borough for financing such appropriation”, finally adopted on May 25, 2010 (#2010-03), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$87,500 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 14. Pursuant to a bond ordinance of the local unit entitled: “Bond ordinance appropriating \$500,000, and authorizing the issuance of \$285,000 bonds or notes of the Borough, for various improvements or purposes authorized to be undertaken by the Borough of Stanhope, in the County of Sussex, New Jersey”, finally adopted on May 25, 2010 (#2010-04), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$250,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 15. Pursuant to a bond ordinance of the local unit entitled: “Bond ordinance providing for the acquisition of new and additional equipment by the Borough of Stanhope, in the County of Sussex, New Jersey, appropriating \$90,000 therefor and authorizing the issuance of \$85,500 bonds or notes of the Borough for financing such appropriation”, finally adopted on November 23, 2010 (#2010-13), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$73,850 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 16. Pursuant to a bond ordinance of the local unit entitled: “Bond ordinance providing for the acquisition of new and additional firefighting equipment by the Borough of Stanhope, in the County of Sussex, New Jersey, appropriating \$37,000 therefor and authorizing the issuance of \$35,200 bonds or notes of the Borough for financing such appropriation”, finally adopted on July 12, 2011 (#2011-13), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$34,000 shall be issued for the purpose of temporarily financing the

improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 17. Pursuant to a bond ordinance of the local unit entitled: “Bond ordinance providing for the improvement of the water supply and distribution system (Sparta Road - Phase II) in and by the Borough of Stanhope, in the County of Sussex, New Jersey, appropriating \$120,000 therefor and authorizing the issuance of \$120,000 bonds or notes of the Borough for financing such appropriation”, finally adopted on May 22, 2012 (#2012-10), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$120,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 18. Pursuant to a bond ordinance of the local unit entitled: “Bond ordinance providing for the acquisition of new and additional vehicular equipment for use by the water utility of the Borough of Stanhope, in the County of Sussex, New Jersey, appropriating \$60,000 therefor and authorizing the issuance of \$60,000 bonds or notes of the Borough for financing such appropriation”, finally adopted on June 26, 2012 (#2012-14), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$60,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 19. Pursuant to a bond ordinance of the local unit entitled: “Bond ordinance appropriating \$359,000, and authorizing the issuance of \$341,000 bonds or notes of the Borough, for various improvements or purposes authorized to be undertaken by the Borough of Stanhope, in the county of Sussex, New Jersey”, finally adopted on June 26, 2012 (#2012-15), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$341,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 20. Pursuant to a bond ordinance of the local unit entitled: “Bond ordinance providing for the improvement of the sanitary sewerage system in and by the Borough of Stanhope, in the County of Sussex, New Jersey, appropriating \$60,000 therefor and authorizing the issuance of \$60,000 bonds or notes of the Borough for financing such appropriation”, finally adopted on June 26, 2012 (#2012-16), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$60,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 21. Pursuant to a bond ordinance of the local unit entitled: “Bond ordinance providing for the improvement of the water supply and distribution system in and by the Borough of Stanhope, in the County of Sussex, New Jersey, appropriating \$2,300,000 therefor and authorizing the issuance of \$2,300,000 bonds or notes of the Borough for financing such appropriation”, finally adopted on November 27, 2012 (#2012-18), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$100,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefor.

Section 22. Pursuant to the provisions of Section 40A:2-26 of the Local Bond Law of New Jersey, particularly paragraph (f) thereof and in lieu of the sale of more than one issue of bonds as provided for in said Local Bond Law, the several issues of bonds of this local unit authorized pursuant to bond ordinances of the local unit hereinabove in Sections 1 to 21 described, shall be combined into a single and combined issue of bonds in the principal amount of \$2,262,445.

Section 23. The following matters in connection with said Bond Anticipation Notes are hereby determined:

(a) All notes issued hereunder shall mature at such times as may be determined by the chief financial officer or treasurer (the “chief financial officer”) of the local unit, provided that no note issued pursuant to Sections 1 to 21 hereof shall mature later than (i) one year from the date of the first such note issued pursuant to the respective ordinances referred to in said Sections, and (ii) three years from the date of the first note issued pursuant to each such respective ordinance unless the local unit shall have paid and retired amounts of such notes sufficient to allow it, in accordance with provisions of Section 40A:2-8 of the Local Bond Law, to renew a portion thereof beyond the third anniversary date of the first of such notes;

(b) All notes issued hereunder shall bear interest at such rate or rates as may be determined by the chief financial officer of the local unit; and

(c) The notes shall be in the form prescribed by resolution heretofore adopted by the governing body of this local unit determining the form of Bond Anticipation Notes issued pursuant to the Local Bond Law, and any such notes may be signed or sealed by officers of the local unit in any manner permitted by Section 40A:2-25 of said Local Bond Law notwithstanding that said form or resolution may otherwise provide.

Section 24. The chief financial officer of the local unit is hereby authorized and directed to determine all matters in connection with said notes not determined by this or a subsequent resolution, and the chief financial officer’s signature upon said notes shall be conclusive as to such determinations.

Section 25. The chief financial officer of the local unit is hereby authorized to sell said Bond Anticipation Notes from time to time at public or private sale in such amounts as chief financial officer may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefor.

Section 26. The chief financial officer of the local unit is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of said notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official Statement with respect to said notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to said notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to said notes in accordance with Rule 15c2 12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the local unit, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on said notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

Section 27. Any instrument issued pursuant to this resolution shall be a general obligation of the local unit, and the local unit’s faith and credit are hereby pledged to the punctual payment of the principal of and interest on said obligations and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 28. The chief financial officer of the local unit is authorized and directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser.

Section 29. This resolution shall take effect immediately.

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

Roll Call:

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

**Resolution 102-13**

**RESOLUTION AUTHORIZING REFUND OF  
REDEMPTION MONIES TO OUTSIDE LIEN HOLDER**

**WHEREAS**, the Tax Collector has received payment for the redemption of Tax Title Lien No. 2010-17, representing 2009 property taxes and/or utility charges on Block 11501, Lot 2, CO317, known as 17317 Aspen Court, assessed to Terrence Martone, and;

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

To Lienholder:	US Bank Cust for Pro Capital I, LLC 50 South 16 <sup>th</sup> St, Suite 1950 Philadelphia, PA 19102
Redemption Amount:	Tax Title Lien #2010-17 and Interest to Date of Meeting \$ 5,757.95 Premium Paid by Lienholder <u>0.00</u>
Total From Current Fund:	\$ 5,757.95
Total From Tax Premium Account	0.00

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

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

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

**Resolution 103-13**

**RESOLUTION RE: BLOCK NO. 11801, LOT NO. 13,  
ASSESSED TO FRESH START OPPORTUNITIES, LLC**

**WHEREAS**, the Borough of Stanhope holds Tax Sale Certificate No. 2011-14 against property designated as Block 11801, Lot 13 on the Tax Maps of the Borough of Stanhope; and

**WHEREAS**, said property is assessed to Fresh Start Opportunities, LLC; and

**WHEREAS**, by Resolution duly adopted on November 27, 2012, the Governing Body of the Borough of Stanhope authorized the In Rem foreclosure of Tax Sale Certificate 2011-14, along with twenty other Tax Sale Certificates held by the Borough of Stanhope; and

**WHEREAS**, the owner of Block 11801, Lot 13 has requested that it be allowed to redeem its lien from the Borough's tax foreclosure proceeding in installments due to the present inability to develop a property due to NJDEP regulations; and

**WHEREAS**, N.J.S.A. 54:5-65 authorizes a municipality to provide by resolution for the redemption of the lien in installment payments; and

**WHEREAS**, N.J.S.A. 54:5-68 provides that redemption in installments may be for a period not exceeding three (3) years, with the final year's taxes not included in the installment amount; and

**WHEREAS**, the Borough calculated a payment of \$1,326.00 per month that is required from the property owner to redeem the tax lien; and

**WHEREAS**, the Tax Collector has prepared an amortization schedule, which schedule is incorporated herein by reference, showing the application of payments to be made by the property owner; and

**WHEREAS**, the redemption is at simple interest; and

**WHEREAS**, the property owner has made a good faith first installment payment of \$1,700.00.

**NOW, THEREFORE**, be it resolved by the Mayor and Council of the Borough of Stanhope that the Borough shall allow for the redemption of Tax Lien Title 2011-14 held against Block 11801, Lot 13 in installments over a period of thirty-six (36) months with the first monthly installment payment of \$1,326.00 being due on June 15, 2013 and a like amount on the fifteen day of each month thereafter through May 15, 2016 when any amount remaining shall be fully due and payable; and

**BE IT FURTHER RESOLVED**, that commencing with the third quarter 2013 tax payment, the taxes currently due shall also be paid; and

**BE IT FURTHER RESOLVED**, that in the event that the property owner should fail to make any monthly installment payment when due, or should fail to make any quarterly tax payment when due, the Borough may proceed to again foreclose In Rem tax lien title 2011-14;

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

Mayor Maio stated this resolution is the result of a discussion by the Governing Body concerning the extension of a payment plan for an existing lien holder.

Roll Call:

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

**Resolution 104-13**

**RESOLUTION AUTHORIZING EXECUTION OF  
EQUIPMENT LEASE – PURCHASE AGREEMENT FOR  
TWO 2013 FORD POLICE CARS**

**WHEREAS**, the Borough of Stanhope is in need of replacement police cars for its Police Department; and

**WHEREAS**, the State of New Jersey has heretofore approved of a Master Equipment Lease – Purchase Agreement for Ford Interceptor Sedan police vehicles; and

**WHEREAS**, Ford Motor Credit Company has provided a Master Equipment Lease – Purchase Agreement to the Stanhope Borough Police Department for two 2013 Ford Interceptor Sedan police vehicles; and

**WHEREAS**, the Master Lease is for three years with total Lease payments of \$68,790.00; and

**WHEREAS**, as a state-approved contract no. 82925, the Borough is not required to specifically bid the lease purchase of the police vehicles, pursuant to the Local Public Contracts Law; and

**WHEREAS**, the Chief Financial Officer has certified the availability of funds to enter into the Lease Purchase Agreement.

**NOW, THEREFORE**, be it resolved by the Mayor and Council of the Borough of Stanhope that the Chief of Police be and the same is hereby authorized to execute the Master Equipment Lease Purchase Agreement with Ford Motor Credit Company on behalf of the Borough for two 2013 Ford Interceptor Sedan police vehicles.



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

Roll Call:

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

Mayor Maio stated this is the regular three year cycle for the leasing of two vehicles.

### **MAYOR’S APPOINTMENT**

#### **Resolution 105-13**

#### **RESOLUTION APPROVING THE MAYOR’S APPOINTMENT OF BRIAN P. RAFFERTY, AS AN ACTIVE MEMBER TO THE STANHOPE FIRE DEPARTMENT**

Mayor’s appointment of Brian P. Rafferty, as an active member to the Stanhope Fire Department.

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

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

### **PAYMENT OF BILLS**

#### **Resolution 106-13**

#### **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 April 23, 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 he had no report.

### **CITIZENS TO BE HEARD**

Mayor Maio opened the meeting to the public after advising attendees that there is a five (5) minute time limit for each speaker.

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

Councilwoman Kuncken stated there is a group going door to door asking if you want your driveway seal coated and they rang her bell. They wear the same color shirts as our DPW. Councilwoman Kuncken questioned if they have a permit. The Clerk replied that a peddler's license has not been issued.

### **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
  - 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 Depew, and unanimously carried by voice vote, the foregoing resolution was adopted.

Mayor and Council went into Closed Session at 9:20 P.M.

At the conclusion of the Closed Session, Mayor and Council reconvened the public meeting at 9:40 P.M. with all present.

On motion by Councilman Benson, seconded by Councilwoman Kuncken, the Governing Body authorized the Administrator to settle with NJDEP by paying the fine imposed.

Roll Call:

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

### **ADJOURNMENT**

On a motion by Councilman Graham, seconded by Councilman Depew, and unanimously carried by voice vote the meeting was adjourned at 9:41 P.M.

Approved:

Linda Chirip  
Deputy Clerk  
For Ellen Horak  
Borough Clerk