

**MAYOR AND COUNCIL  
REGULAR MEETING  
April 24, 2012  
7:00 P.M.**

**SALUTE TO COLORS**

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

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

Adequate Notice of this Meeting has been provided according to the Open Public Meetings Act, Assembly Bill 1030. Notice of this Meeting was included in the Annual Meeting Notice sent to the New Jersey Herald and the Daily Record on January 3, 2012 and was placed on the Official Bulletin Board in the Municipal Building.

Furthermore, notice of the time change from 8:00 PM to 7:00 PM was sent to the New Jersey Herald and Daily Record on April 16, 2012 and was placed on the Official Bulletin Board in the Municipal Building.

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

**ROLL CALL**

Council Members:

Councilwoman Kuncken – Present

Councilman Depew – Present

Councilwoman Thistleton – Present

Councilman Murphy – Present (left at 7:45PM)

Councilman Graham – Present

Councilman Benson – Present

Mayor Maio – Present

**PRESENTATION**

Mayor Maio invited Mr. Lee Purcell to come forward to begin his presentation on the water system upgrade. Mr. Purcell stated that for several years he has had discussion with the Borough's Commissioners on the MSA regarding financial aid that may be available to the Borough for water system improvements. The utility in the Borough is in need of a lot of attention. Operating the water utility should have a plan in place to state what the problems are and to prioritize them. The Administration and the operating staff met and outlined the problems with the water distribution system. Two things that are prominent from an engineering standpoint are the deficit in water storage which is a major concern and the wells in Mt. Olive Township come into the Borough on a turn of the century line under the canal. There are 9 problems in the water distribution system. There are old 4" water lines. New lines being installed in New Jersey should not be less than 8". All 6" and 4" lines need to be replaced over time. The question is what can be accomplished in a phase system in order to balance the economics. The work that is done now needs to make an improvement to the system. This will not generate any new revenue which creates another problem. It is not possible to complete \$3-\$4 million worth of work at one time. A determination needs to be made as to what has to be done first and how to finance it.

Mr. Purcell spoke about his experience with the NJEIT (New Jersey Environmental Infrastructure Trust). Mr. Purcell estimates that the NJEIT has completed \$150 million worth of municipal construction over a long period of time. The value of the program is that you can get a break on the interest rates that have to be paid on the bonds. There is a 20 year payout program. Mr. Purcell presented a proposal states that they will take pictures of what currently exists in the Borough, what the problems are and then determine what the Borough should do in a phased approach. This will take approximately 45 days to put together. At that time the Administration and the Water Department will meet and then present the report to the Mayor and Council. Mr. Purcell stated that 30 days after that the final report would be completed. This document can

then be presented to NJEIT to show what the issues are for the Borough and a request can be made to be included on the priority list for any funding that becomes available.

There is a value of getting on the priority list with the state because when it comes time to file an application to build a system, if the Borough is not on the priority list, it will be a problem. The point of entry is October of this year. Administrator McNeilly stated that by submitting this list to the state the Borough is not under any obligation to choose a particular project. Mr. Purcell stated that what the state does is somewhat complicated. If you are not on the priority list you have to get into the funding group. They will carry you on the priority list for 20-30 years. The only way you get off the list is when you physically do something. Mayor Maio asked Mr. Purcell if he would file this request with the NJEIT. Mr. Purcell stated that the report would be the basis for the request which would be submitted with the letter of intent. The next step would be to have an environmental review, an engineering review and preliminary plans need to be on file in October. If the deadline in March is not met the Borough will fall off the funding list for this cycle. This does not remove the Borough from the priority list. Councilman Graham asked if the cycle is for one year. Mr. Purcell stated the cycle is for one year beginning in October.

Mr. Purcell stated that once plans, specifications and permit applications are submitted this will show that the Borough is earnestly planning to build. The State will then spend 6-8 months reviewing it and issue an approval. At that time Bond Counsel and Mr. Stein will be involved. The state will then authorize the Borough to go to bid. Once the bids are received the Borough has to go back to the State for approval to award the project. The loan closing, which is when the money will be available for you to implement the project, cannot move forward until you have awarded construction contracts. The Borough has to do all of the work including receiving bids and awarding a contract. There is a lot of planning and design money that is involved in the process.

Councilman Murphy asked if this has to be paid up front. Mr. Purcell said the program has interest free interim financing. Mr. Purcell is of the opinion that this would be appropriate in the Borough's case. A letter of intent would be filed along with documents in order to submit in March and prepare to go to bid. The state at that point could advance the costs to the Borough at a 0% interest loan. This would have to be accomplished within 12 months. The Borough would then be allowed to award the contract. The official loan closing will take place about September of next year. The loan closing cannot take place until the construction contract is awarded. When the loan closing takes place, the amount that was advanced to the Borough would be rolled into the regular loan. Councilwoman Kuncken asked if the funding is guaranteed prior to awarding the contract. Mr. Purcell stated that to his knowledge the funding has always been provided at that point in the process. Councilman Graham asked if the funding is dispersed in releases as the project progresses. Mr. Purcell stated that at the loan closing there will be a planning and design allowance in the program. The interim financing is going to be available at 0% interest and a determination made as to what that funding is going to be used for. At closing, they will take their interest free loan back and any expenses that have been incurred that are eligible for the project will be submitted on a payment request form at that time. Councilman Graham asked if Mr. Purcell's report will have a timeline. Mr. Purcell responded positively.

Mr. Purcell stated that this is a reimbursement program. All the eligible costs for the month are collected and a payment request form will be submitted. Mr. Purcell stated that some funding should be set up through the bond counsel. Councilman Murphy stated that the project as a whole is divided into phases and asked how the priorities will be determined. Mr. Purcell is of the opinion that the water deficiency to the high school should be the first priority. Councilman Graham stated that logistically this should be first. Mr. Purcell suggested that geo test borings be done to determine where the rocks are.

Councilwoman Kuncken stated that in speaking with the auditor he advised that some dangers may exist with the funding. The concern with a phased project is what happens if Step 1 comes in below what was expected and then Step 2 comes in higher, Mr. Purcell stated that the loan is based on the bids that are awarded. If you have unexpected change orders, which usually occur in construction, the program allows for a 5% contingency factor above the low bid award cost. If a major problem is encountered beyond the 5%, but the project needs to move forward, a supplemental loan application would be filed in the next cycle. That will become the first priority of the next cycle of funding to cover the shortfall. The supplemental loan is very expensive and you should try to avoid using this option. Councilman Graham stated that a very

strict administration is needed to certify payrolls and information coming in through different sources and he questioned who will oversee this. Mr. Purcell stated that the MSA has received a lot of funding over the past 25-30 years and all of the administrative paperwork does not fall on the administration. Councilman Benson stated that Mr. Purcell's firm keeps the paperwork in tight control for the MSA. Mr. Purcell stated that when the report is done he will provide models. This will let the Borough know how much the payments will be each year for the 20 years. Traditionally the trust and fund loan program has been 50% trust and 50% fund. The fund is 0% interest payback, the trust is at bond market. For the last 3-4 years they have had 3 quarters at 0% interest and 1 quarter at bond market which is how the blended rate of 1% is calculated.

Mayor Maio asked what happens if the Borough receives a questionably low bid. Mr. Purcell stated that the Borough has the right to reject it. Mayor Maio asked how rejecting a bid impacts the Borough with the trust. Mr. Purcell stated that they must concur with the award of the contract. There are 7 or 8 items that must be met with a bid and if they are not done correctly they are thrown out. Mr. Purcell stated that his company was the engineering firm that built all the sewer utilities in the Borough. His company has the record drawings but no longer have the rock profiles. They know where the sewer lines are and if they are in a rock area they will be looking to design the sewer line low with the water line up on a shelf and come off the side. Some of the sewer lines are very shallow because of the rock. Mr. Purcell will provide a footprint on how to accomplish this. The cost of the proposal is \$20,000, of which \$10,000 is for the preliminary report and \$10,000 will be billed when the final report is accepted. In addition, when the Borough authorizes the design work, \$10,000 will be credited toward the cost of the design work due to the long standing relationship that Mr. Purcell's company has with Stanhope.

The Governing Body thanked Mr. Purcell for his presentation.

Administrator McNeilly stated that Coyne Chemical has informed him that the four chlorinator units will be delivered before the end of May.

Councilman Murphy left the meeting at this time. (7:45PM)

Mayor Maio called for a 15 minute recess.

### **PUBLIC AUCTION**

Mayor Maio stated that a public auction is on the agenda for this evening for two police vehicles. Mayor Maio turned the auction over to the Borough Attorney, Mr. Stein. Mr. Stein stated that two vehicles are on public auction tonight. The first vehicle is a 2005 Ford 4-door police car with 83,747 miles on it. Notice of the sale was published in the New Jersey Herald. There is no minimum bid price. The vehicle is available and has been available at the DPW yard for inspection. Mr. Stein asked for any interested bidders. An offer was made for \$300. Seeing no one further wishing to bid, Mayor Maio asked for a motion to close the bidding.

On motion by Councilman Benson, seconded by Councilwoman Kuncken and unanimously carried by voice vote, the bidding was closed.

On motion by Councilman Benson, seconded by Councilman Depew and unanimously carried by voice vote the bid of \$300 was accepted.

Mr. Stein stated that the second vehicle is an abandoned motor vehicle that was seized by the Police Department of the Borough of Stanhope. The paperwork is in hand from the State Motor Vehicle Commission allowing for the sale of the vehicle. The vehicle is a 1999 Chevrolet Cavalier with an odometer reading of 211,698 miles. Mr. Stein asked for any interested bidders. A bid was made for \$200. Seeing no one further wishing to bid, Mayor Maio asked for a motion to close the bidding.

On motion by Councilman Benson, seconded by Councilman Graham and unanimously carried by voice vote, the bidding was closed.

On motion by Councilman Graham, seconded by Councilman Depew and unanimously carried by voice vote, the bid of \$200 was accepted.

A short pause was taken from the meeting to complete the necessary paperwork for the sale of the vehicles.

## **PROCLAMATIONS**

Mayor Maio read the following Proclamations:

### **Arbor Day Proclamation**

**WHEREAS**, in 1872, J. Sterling Morton proposed that a special day be set aside for the planting of trees; and

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

**WHEREAS**, *Arbor Day* is now observed throughout the nation and the world; and

**WHEREAS**, trees can reduce the erosion of our precious topsoil by wind and water, lower our heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

**WHEREAS**, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

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

**WHEREAS**, trees, wherever they are planted, are a source of joy;

**NOW, THEREFORE**, I, Rosemarie Maio, Mayor of the Borough of Stanhope, do hereby proclaim April 27, 2012 as *Arbor Day* in our community and urge all citizens to celebrate *Arbor Day* and to support efforts to protect our trees and woodlands and further urge all citizens to plant and care for trees to gladden the heart and promote the well-being of this and future generations.

Mayor Maio announced that Stanhope's Arbor Day ceremony will be held at the Valley Road School on Friday, April 27<sup>th</sup>, at 1:10 PM. The Shade Tree Commission is planting a dogwood tree and the students are planning a ceremony. All are invited to attend.

### **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 14, 2012 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.

## **CITIZENS TO BE HEARD**

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

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

## **MINUTES FOR APPROVAL**

Mayor Maio read aloud the list of minutes being presented for approval:

February 7, 2012	Special Meeting
March 13, 2012	Work Session/Agenda Meeting & Closed Session
March 27, 2012	Regular Business Meeting

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

## **CORRESPONDENCE (List Attached)**

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

## **ENGINEER'S REPORT**

Mayor Maio invited Eric Keller, Omland Engineering, to come forward and report on the Sparta Road water project. Mr. Keller reported that the plan is to complete the final portion of the project that was finished last year. A proposal for design services was provided for the balance of the project and, as requested by Administrator McNeilly, an estimate for the work was revised on April 9<sup>th</sup>. The estimate is \$157,000 plus contingencies and assuming that the contractor provides the paving, this will be a savings of \$12,000. Mayor Maio clarified that the \$157,000 includes the cost of the contractor providing the paving. Mr. Keller affirmed this. Mr. Keller stated that fuel prices are increasing and therefore the estimate of \$100/ton was used. The co-op pricing was in the mid \$60's per ton. Mt. Hope has the ability to do a fuel price adjustment which last year amounted to a few dollars. The fuel price adjustment only applies to the asphalt. The stone and other materials do not get adjusted.

In anticipation of this project, Mr. Keller walked the area in late February to see what issues exist. There are seven homes and parts of that road are in need of paving. Being able to do more paving in that area will depend on the cost of the materials. This estimate was based on the Sparta Road costs excluding the contractor that was used due to his costs being lower. An average of the next three bidders was used to formulate the estimate. The plan is to put the water back into the same trench as was done with the northern end of Sparta Road to provide a temporary bypass for that time when the work is being done. The water main will be out of service and Lenape Woods will be served because the water main loops through there. When work is to begin Mr. Keller will meet with Bill Storms to verify where the water main is. Mr. Keller believes that this length of line changes sides of the road and then switches again near the ball field. Councilman Benson asked if a temporary line will be installed. Mr. Keller stated there is one house #23 which is on the Lenape Woods side, may require a trench being dug to supply water to that home.

Mayor Maio asked what the timeframe is for being able to go out to bid on the project. Mr. Keller stated that the plans should be available by the middle of May. Mr. Stein stated that all construction contracts contain either a calendar date or specific number of days in which the project must be completed. The contractor must sign the contract within a certain number of days from the date awarded. By bidding on the project the contractor is agreeing to be available for that time period. If the advertisement is posted on May 22<sup>nd</sup>, with a minimum of 10 calendar days, then the bids could be accepted on June 7<sup>th</sup>. Mayor Maio stated that the project needs to be completed this summer before school reopens in September. Mayor Maio asked Administrator McNeilly to inform the high school now that this project is going to take place this summer.

## **ADMINISTRATOR'S REPORT**

Plaster Mill – Administrator McNeilly stated that the report regarding the plaster mill has been received from Wayne McCabe. The Governing Body received a copy of the report for their review.

FEMA – Administrator McNeilly stated that reimbursement for damages and manpower for Hurricane Irene and the October 29<sup>th</sup> snowstorm have been submitted to FEMA. There were three projects as a result of Hurricane Irene. They were Roberts Place, mulch for both of the parks and the Police and Fire manpower. The total request submitted was \$17,746.44 x 0.75 for a total of \$13,309.83. There were five projects as a result of the snowstorm. They were the town wide snow removal, salt replenishment, debris removal, contractor debris removal, and operation of standby generators. The total request submitted was \$51,702.58 x 0.75 for a total of \$38,776.94. The Borough should receive a combined amount of \$52,086.77. Mayor Maio asked when the reimbursements will be received. Administrator McNeilly stated that the reimbursement for the mulch has already been received. Administrator McNeilly is of the opinion that these are considered small projects with FEMA and that the reimbursements should be received soon.

Parking Lots – Administrator McNeilly reported that the Borough Hall parking lot is scheduled for resurfacing by the middle of May. For three days street parking and the Stanhope House parking lot will be used. The Kelly Place parking lot will be seal coated in May. The residents that use the lot will be notified in advance. In the future the driveway approaches will be done as well. Mayor Maio asked that the basketball court will be lined.

Recycling Report 2011 – Administrator McNeilly stated that according to the 2011 tonnage report submitted by Bill Storms the Borough has increased 100 tons over 2010. This is the first year that Lenape Valley High School's recycling reports have been included which accounts for part of the increase. The electronic recycling collection for the first six months was over 8 tons.

MEL Employee Practices 2012-2013 Check List – Administrator McNeilly stated that he is working with Bob Merryman to ensure that the Borough receives the lowest deductible available from the JIF. There are four changes/additions to be made to the Employment Policies and Procedures. The first 3 are minor changes. The last one is a new section that states that requests for employment verification and references be handled by the Borough Administrator. The resolution will be on the agenda for the next meeting of the Mayor and Council. The anti-harassment training for personnel should be complete by next week.

Grant Writer Shared Service - Administrator McNeilly reported that Mt. Olive is not in the position for 2012-2013 to enter into a shared service for a grant writer. Mt. Olive has too much work for their grant writer at this time. In the future they may consider expanding the department. Councilman Graham stated that he spoke with the Administrator from Edgewater regarding Millennium Strategies. Edgewater is pleased with the service being provided. The Governing Body agreed to move forward with Millennium Strategies. Administrator McNeilly will contact their representative Ed Farmer.

## **COUNCIL COMMITTEE REPORTS**

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

**Police, Fire, Ambulance, Court & Violations Bureau, Emergency Management** – Councilwoman Kuncken reported that the Police Department had 361 incidents with traffic stops totaling 208. The Fire Department report was not received however Councilwoman Kuncken reported that a follow up meeting was held on Sunday with the Public Safety Committee to discuss the two proposals that they have received for high band radios which would allow for the elimination of the siren. Councilwoman Kuncken asked the Clerk to distribute copies to the Governing Body for their review. The representatives from the Fire Department will attend the May 8<sup>th</sup> meeting to answer any questions that the Governing Body may have. The Ambulance Corp for the month of March had 28 calls in Stanhope, 31 calls in Netcong and 1 standby for a total of 60 calls. There was one out of town call to Roxbury. There were a total of 41 patients. They made 34 trips to the hospital for a total of 1,011 miles. Volunteer hours totaled 171 hours and 10 minutes. There was 1 assist with the Stanhope Fire Department. In March the Ambulance Squad answered 56 of the 61 requests for service. The requests were for the

following reasons: 13 fire calls, 13 psychiatric/intoxicated calls, 8 sick people, 18 medical emergencies and 8 injuries.

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

Councilman Benson stated that he has not spoken with the CFO regarding additional percentages that should be added to the monthly report as yet. The first half levy collections were \$5,282,519 compared to \$5,302,045 last year. Collections on delinquent balances were higher this year by approximately \$12,000. The collection rate for the first quarter was 96.377% compared to 95.647% last year. Second quarter collections were 11.451% compared to 11.380% last year. Overall collection percentage has increased for the first half. Sewer rent collections total \$150,000 for the month of March compared to \$187,000 last year. Total water rents were \$72,453 compared to \$87,608 last year. The water usage has been declining on average by 5% over the past 4 years. Mr. Keller stated that a new conservation plan has to be submitted to DEP by the end of next month. Most of the water that is not being used is most likely unaccounted water. Mr. Keller will obtain the first quarter results to see where the unaccounted water is. Mr. Keller is looking at the actual gallons used as opposed to Councilman Benson who is looking at the actual rents.

**Community Development – Councilmen Murphy/Graham**

**Zoning, Construction, Code Enforcement, Economic Development, Chamber of Commerce, Downtown Revitalization – No Report.**

**Municipal Infrastructure – Councilmen Graham/Murphy**

**Water Distribution, Sewer Collection System, Road Construction & Maintenance, Buildings & Grounds –** Councilman Graham reported that Lee Purcell will be presenting a report in 45 days which will state the priorities and how the financing will be handled.

**Information Technology – Councilmen Depew/Benson**

**Acquisition of Hardware & Software, Technical Equipment Services, Telecommunication, Cable Television Franchise –** Councilman Depew stated that he and Councilman Benson are reviewing other towns in Morris County and Sussex County to see what type of information they have on their websites and what providers they are using.

**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 reported that the Environmental Commission will be planting a tree at the Valley Road School on April 27<sup>th</sup> and the annual clean up day for the trails will be held on April 28<sup>th</sup>. The two locations are the Valley Road School Trails and the Canal Site behind the Post Office. The Board of Health held a free rabies clinic this past Friday night. There were approximately 73 animals vaccinated. The first quarter bill for the animal control agreement has been received for 30 hours of service for a total of \$1,689. The Recreation Commission held the annual Easter Egg Hunt at Musconetcong Park which was well received by the residents. Mayor Maio stated that after the festivities were over many of the residents stayed and the children played on the playground. A request was made to have a port-a-john available for next year. Administrator McNeilly will make the necessary arrangements. Councilwoman Thistleton stated that the new secretary for the Recreation Commission arranged to have the pictures of the children with the Easter Bunny printed by Shop Rite in Byram, who donated their services. Mayor Maio noted that the animal control report states there is a total of 19 hours for one resident at Crestview Road for trapping a feral cat. Councilwoman Thistleton reported that once a trap is set the animal control officer has to check the trap regularly.

On motion by Councilman Graham, seconded by Councilwoman Kuncken, and unanimously carried by voice vote the committee reports were accepted.

**COUNCIL BUSINESS**

**Town with a Heart – Silent Auction** – Mayor Maio stated that a request has been received from the Chamber of Commerce asking the members of the Governing Body to personally donate to the silent auction. The Governing Body agreed to donate \$20 a piece and the Clerk will make up the basket for the silent auction.

Smoke Free Ordinance – Mayor Maio stated that the Smoke Free Ordinance has been revised by Mr. Stein. Councilwoman Kuncken stated that the issues of penalties and leased property have been addressed. Councilman Graham stated that the signage issues have been addressed as well. Mr. Stein stated that typically at least one sign will be needed at the entrance to every park and borough trail systems. Administrator McNeilly will compile a list of what signs are going to be needed. Administrator McNeilly asked how this ordinance will impact Stanhope Day. Mr. Stein stated that the ordinance does not prohibit smoking on the street and a public event provision is not included in the current draft of the ordinance. Councilman Graham questioned the inclusion of the actual distance of 50 feet listed in the ordinance. After much discussion it was determined that the reference to the distance of 50 feet be eliminated from the ordinance. Mayor Maio stated that Mr. Stein will revise the ordinance and it will be included on the May 8<sup>th</sup> agenda. Mayor Maio asked Administrator McNeilly to have the list of signs required for the May 8<sup>th</sup> meeting.

Highlands Council – Plan Conformance – Mayor Maio stated that she has received a letter from the Highlands Council informing the Borough that preliminary approval has been given for the information that was submitted in December of 2010 and supplemented with additional information that was submitted in March of 2011. They are requesting that the Borough proceed with a resolution for entrance into the Highlands Council. Mayor Maio stated that she turned the information over to Councilman Graham for review because he worked on most of the plan conformance that was submitted over the past two years. Councilman Graham will have this information available for the next Mayor & Council meeting. Mayor Maio asked the Clerk to make copies of the CD for Mr. Keller, Mr. Stein and a copy of the letter for the Governing Body. Mr. Keller stated that there were seven modules but only four were completed. Councilman Graham is of the opinion that five of the modules have been done. Mayor Maio stated that the Chairman of the Land Use Board also received a copy of the letter. Mayor Maio stated that the Chairman has been told that he is to be guided by the Governing Body and that none of the professionals should take any action. Councilman Graham stated that this began as a result of looking for a town center designation. Mr. Stein stated that the basic information that the Highlands had regarding Stanhope was incorrect and has been corrected.

Energy Taxes – Mayor Maio would like to pass a resolution in support of the League of Municipalities position on restoring the energy taxes back to the municipalities. Mayor Maio researched how much state aid that was due by statute was actually received over the last 10 years. The state changed the way they were going to dispense state aid. In point of fact they shorted the Borough \$746,000. Mayor Maio provided a basic information sheet followed by a chart that shows what was due by statute and a graph that shows the difference. If an average tax point is \$35,000 then this consists of 20 tax points over 10 years. In looking to control municipal property taxes, giving the money that is rightfully ours would have done that. Mayor Maio asked that this resolution be added to the May 8<sup>th</sup> agenda.

## **OLD BUSINESS**

Mayor Maio offered the following ordinances which were read by title for Public Hearing and Final Adoption.

### **Ordinance 2012-05**

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

### **SECTION I.**

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

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



## SECTION II. When Effective

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

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

Mayor Maio stated that this ordinance waives the \$50 licensing fee for food handling for non-profit organizations. Mayor Maio opened the meeting to the public for comment on this ordinance only. Seeing no one from the public wishing to speak, Mayor Maio closed the public portion of the meeting.

Roll Call:

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

Councilwoman Kuncken voted yes because she does agree that a fee should not be charged however, she asked that the record show that she has some concerns about the ripple effects and ramifications of inspecting some of the non-profits. Councilman Depew and Councilman Graham also stated they voted yes, however they have the same concern as Councilwoman Kuncken.

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

### **Ordinance 2012-07**

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

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

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

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

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

## **SECTION I.**

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

### **84-11 - Definition:**

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

#### **84-12 - Key Lock Box Required:**

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

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

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

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

#### **84-14 - Maintenance and Associated Cost:**

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

#### **84-15 - Compliance:**

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

#### **84.16 - Violations and Penalties**

Any building owner or operator violating any provision of this Lock Box Ordinance shall be subject to a fine of \$100.00 for every violation of this ordinance. The existence of a violation for a period of up to 30 continuous days shall constitute a single violation. The Stanhope Borough Fire Marshall shall notify the responsible party of any violation in writing. Within 30 days of the service of such notice, the owner/operator shall correct the violation or show why

the structure was not subject to this ordinance. The Stanhope Borough Fire Marshall shall consider such information, reaffirm or rescind the Lock Box fine and notify the owner of his/her decision by mail. The owner/operator may appeal the decision of the Stanhope Borough Fire Marshall within 20 days after service of the notice of decision by submitting an appeal in writing to the Mayor and Council which shall hold a hearing thereon and shall affirm, reverse or modify the decision of the Stanhope Borough Fire Marshall.

**SECTION II.**

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

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

Mayor Maio stated that this ordinance was requested by the Fire Department which will require commercial buildings to install lock boxes for use in the case of an emergency. This will prevent doors from being damaged and the Fire Department will not have to wait for an owner to arrive at the scene. Mayor Maio opened the meeting to the public for comment on this ordinance only. Seeing no one from the public wishing to speak, Mayor Maio closed the public portion of the meeting.

Roll Call:

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

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

**NEW BUSINESS**

Ordinances for Introduction [Public Hearing on May 8, 2012]

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

<b><u>Ordinance 2012-09</u></b>	<b>AN ORDINANCE OF THE BOROUGH OF STANHOPE COUNTY OF SUSSEX, NEW JERSEY FIXING THE SALARY AND WAGES FOR BOROUGH EMPLOYEES AND OFFICIALS</b>
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**BE IT ORDAINED** by the Mayor and Council of the Borough of Stanhope, New Jersey as follows:

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

Mayor	\$ 3,013.00
Borough Council Member	2,739.00
Administrator	92,460.00
Borough Clerk	55,180.00
Deputy Borough Clerk	32,805.00
Registrar	3,342.00
Deputy Registrar	1,612.00
Chief Financial Officer/ Tax Collector	90,709.00
Utility Collector/ Assistant Tax Collector	40,000.00
Accounts Payable	22,000.00
Tax Assessor	24,192.00

Custodian	7,101.00
<b>POLICE DEPARTMENT</b>	
Chief of Police	As per contract
Sergeant	As per contract
Sergeant's Stipend	As per contract
Detective's Stipend	As per contract
Patrolman	As per contract
Clerk Typist - Police Dept.	\$ 31,296.00
Police Matron	\$20.21 per hour
Police Matron – Call-out	\$50.00 per call-out
Special Officer	\$19.58 per hour
Crossing Guard	\$13.71 per hour
<b>DEPARTMENT OF PUBLIC WORKS</b>	
Superintendent	\$ 77,918.00
Water Operator	5,972.00
Sewer Operator	5,972.00
Water T-1 License <u>Stipend</u>	3,500.00
Public Works Repairer	As per contract
Laborer	As per contract
Part-time Laborer	\$12.12 to \$12.78 per hour
<b>CONSTRUCTION DEPARTMENT</b>	
Construction Official	21,035.00
Fire Subcode Official	3,174.00
Plumbing Subcode Official	3,649.00
Electrical Inspector	9,186.00
Zoning Officer	9,911.00
Code Enforcement Officer	10,315.00
Municipal Housing Liaison	\$38.76 per hour
Clerical –Construction	8,000.00
<b>BOARDS AND COMMISSIONS:</b>	
Land Use Secretary	\$ 8,569.00
Board of Health Secretary	4,047.00
Secretary to:	
Shade Tree	\$25.00 per month*
Environmental Commission	\$25.00 per month*
Recreation Commission	\$25.00 per month*

\*submission of monthly minutes required.

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

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

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

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

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

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

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

On motion by Councilwoman Kuncken, seconded by Councilman Benson and carried by the following unanimous roll call vote the foregoing ordinance was introduced.

Roll Call:

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

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

**Ordinance 2012-10**

**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.**

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF STANHOPE, IN THE COUNTY OF SUSSEX, NEW JERSEY** (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

The improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by The Borough of Stanhope, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$120,000, said sum, except as provided below, being inclusive of all appropriations heretofore made therefor and being exclusive of the amount of \$91,683.26 available therefor from other sources including, to the extent of \$80,053.26, from Ordinance No. 2010-03 of the Borough.

For the financing of said improvement or purpose and to meet said \$120,000 appropriation negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$120,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Borough in a principal amount not exceeding \$120,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

a. The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the improvement of the water supply and distribution system in and by the Borough, including the rehabilitation of water mains in and along Sparta Road, together with all structures, equipment, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved.

The estimated maximum amount of bonds or notes to be issued for said purpose pursuant to this bond ordinance is \$120,000.

The estimated cost of said purpose is \$120,000, such amount being exclusive of the amount of \$91,683.26 available for said purpose from other sources.

The following additional matters are hereby determined, declared, recited and stated:

The said purpose described in Section 3 of this bond ordinance is not a current expense and is a property or improvement which the Borough may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

The period of usefulness of said purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is forty (40) years.

The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that, while the net debt of the Borough determined as provided in said Local Bond Law is not increased by this bond ordinance, the gross debt of the Borough as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$120,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

An aggregate amount not exceeding \$35,000 for interest on said obligations, costs of issuing said obligations and other items of expense listed in and permitted under section 40A:2-20 of said Local Bond Law may be included as part of the cost of said improvement and is included in the foregoing estimate thereof.

This bond ordinance authorizes obligations of the Borough solely for purposes described in paragraph (h) of section 40A:2-7 of said Local Bond Law, and the said obligations authorized by this bond ordinance are to issued for a purpose which is self-liquidating within the meaning and limitations of section 40A:2-45 of said Local Bond Law and are deductible, pursuant to paragraph of (c) of section 40A:2-44 of said Local Bond Law, from the gross debt of the Borough.

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and, unless paid from revenues of the water supply and distribution system of the Borough, the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

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

This bond ordinance shall take effect twenty (20) days after the first

On motion by Councilman Benson, seconded by Councilman Depew and carried by the following unanimous roll call vote the foregoing ordinance was introduced.

Roll Call:

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

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

**RESOLUTIONS**

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

<b><u>Resolution 096-12</u></b>	<b>RESOLUTION AUTHORIZING PARTICIPATION WITH THE STATE OF NEW JERSEY IN A SAFE AND SECURE COMMUNITIES PROGRAM ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY</b>
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WHEREAS, the Mayor and Council of the Borough of Stanhope wish to apply for a project under the Safe and Secure Communities Program; and

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

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

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

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

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

<b><u>Resolution 097-12</u></b>	<b>AWARD OF CONTRACT TO OMLAND ENGINEERING ASSOCIATES, INC. FOR ENGINEERING DESIGN SERVICES FOR THE SPARTA ROAD WATER MAIN REPLACEMENT PROJECT – PHASE 2</b>
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WHEREAS, the Borough of Stanhope is seeking to undertake the replacement of the existing 8-inch cast iron water main in Sparta Road generally between the two ends of Lenape Drive, completing the replacement begun in 2011; and

**WHEREAS**, the Borough wishes to proceed with the preparation of bid specifications, bidding and award of the project, and construction of the project; and

**WHEREAS**, the Borough Engineer has submitted a Proposal to prepare the Design Plans/Bid Documents, Project Administration and Construction Observation for the Sparta Road Water Main Replacement Project – Phase 2, which Proposal is attached hereto as Addendum A; and

**WHEREAS**, the Borough desires to retain Omland Engineering Associates, Inc. for said services;

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

1. That the Borough Administrator is hereby authorized to execute a contract on the Borough's behalf with Omland Engineering Associates, Inc., 54 Horsehill Road, Cedar Knolls, New Jersey for the Design Plans, Preparation of Bid Documents, Construction Administration and Observation for the Sparta Road Water Main Replacement Project – Phase 2.
2. This contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law.
3. Award of this contract is contingent upon the certification as to the availability of funds by the Chief Financial Officer.
4. The term of service shall be from the date of acceptance of the Professional Services Agreement until its completion, in full accord with the terms and conditions thereof. The total fee for this service shall not exceed \$28,550.00
5. Notice of this action shall be published in the *New Jersey Herald* within ten (10) days of the passage thereof.

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

Roll Call:

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

#### **Resolution 098-12      RESOLUTION OPPOSING SENATE BILL 1451**

**WHEREAS**, legislation has been introduced to reform and modernize the Open Public Meetings Act (S-1451); and

**WHEREAS**, the governing body of the Borough of Stanhope agrees with and supports the statement that “the right of the public to be present at all meetings of public bodies, and to witness in full detail all phases of the deliberation, policy formulation, and decision making of public bodies, is vital to the enhancement and proper functioning of the democratic process”; and

**WHEREAS**, the changes, however, proposed in S-1451 will not only be a cost driver for local and State government but make government less effective; and

**WHEREAS**, S-1451 includes a number of proposed requirements which involve costly unfunded mandates, impractical requirements and impediments to the democratic process, including the following:

- A new definition of subcommittees that expands subcommittees to be overly inclusive so that, for example, even research projects assigned to one member of a public body could be covered; and
- A new requirement that all subcommittees meetings include notice of their meeting and the preparation of minutes, which would, among other things, necessitate additional administrative support for all meetings of subcommittees as well as increased legal advertising cost; and



- A new requirement that agendas provide a description of all agenda items, including the names of parties to and approximate dollar amounts of any contracts to be acted upon, which will delay the award of contracts and could lead to the loss of grant monies; and
- A new requirement that the governing body may discuss, but not act upon, an item brought up by a citizen at a public meeting if it was not published as an agenda item, that not only runs contrary to the time honored tradition of holding a public meeting for the very purpose of soliciting such input and acting upon it but is impractical, ineffective and unnecessarily inhibits the operations of municipal government; and
- A new requirement for advance notification of estimated start times for the public portion of the meeting and the portion of the meeting from which the public is to be excluded that is unworkable and disruptive; and
- A new requirement that recordings of meetings become a part of the minutes that renders the recordings a permanent municipal record and is not only counter to the already-established records retention schedule of Division of Archive and Records Management for such records but which will be costly to preserve the records to ensure that they are permanent; and
- A new requirement that electronic communications, such as e-mails and text messages, concerning public business among an effective majority of the members that occurred prior to a meeting become part of the minutes and renders the recordings a permanent municipal record, is unworkable and unmanageable as the technology does not always exist to make “hard copies” or digital copies of text messages and the records custodian does not always have access to them, and which is an unprecedented expansion of the meeting concept; and
- A new requirement that public bodies be permitted to exclude the public from discussion of personnel matters only with the written consent of the employee and potentially affected employees which will inhibit the public bodies’ ability to take necessary actions on personnel matters and could lead to costly litigation; and
- A new requirement that comprehensive minutes that must include each member’s stated reason for their actions or vote, the identity of each member of the public who spoke, and summary of what was said, be made available to the public as soon as possible but no later than 45 days after the meeting that will not only be costly but the historical value of minutes will be lost in order to meet an arbitrary deadline; and

**WHEREAS**, the provisions of S-1451 place financial, time, manpower and other burdens on municipalities at a time when municipalities are forced to layoff municipal employees, impose furloughs and reduce departmental budgets so that municipalities can meet the strict CAP requirements with decreased revenues and increasing operating expense; and

**WHEREAS**, the totality of the new requirements of S-1451 will be a significant cost driver for local and State government with no known appropriation contemplated or any alternate means to offset these costs, such a reasonable increase in fees; and

**WHEREAS**, while the governing body of the Borough of Stanhope strives for and agrees that open and transparent government is essential to the democratic process, the provisions of S-1451 will make government inefficient;

**NOW, THEREFORE, BE IT RESOLVED** that the governing body of the Borough of Stanhope, County of Sussex, and State of New Jersey for reasons stated above, does hereby oppose S-1451, as currently drafted, and strongly urges the State Senate and Assembly to oppose these bills; and

**BE IT FURTHER RESOLVED** that a copy of this duly adopted resolution be forwarded to Senate President Stephen Sweeney, Senator Loretta Weinberg, Assembly Speaker Shelia Oliver, Assemblyman Gordon Johnson, Assemblyman Upendra Chivukula, the legislators of the 24<sup>th</sup> State Legislative District, Governor Chris Christie, the New Jersey State League of Municipalities and the Municipal Clerks’ Association of New Jersey.

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

**Resolution 099-12**

**RESOLUTION OPPOSING SENATE BILL 1452**

**WHEREAS**, legislation has been introduced to reform and modernize the Open Public Records Act (S-1452); and

**WHEREAS**, the governing body of the Borough of Stanhope agrees that government records should be readily accessible and transparent but there must be an appropriate balance between the need for openness and transparency in government and citizens' reasonable expectation of privacy; and

**WHEREAS**, among the costly unfunded mandates and impractical new requirements of S-1452 are the following:

- The expansion of the definition of government record to include records that are required by law to be made, maintained or kept on file by any public agency that will lead to a records custodians to be in violation of OPRA for the non-existence of a government records created before their tenure with the public body; and
- The creation of a definition for “advisory, consultative or deliberative” material that may be contrary to the well established definition in case law leading to costly litigation; and
- The expanding of the definition of government record to include electronic communications, such as e-mails and text messages, concerning public business among an effective majority of the members that occurred prior to a meeting that is unworkable and unmanageable as the technology does not always exist to make “hard copies” or digital copies of text messages, the records custodian does not always have access to the electronic communications and certain cell phone carriers will not provide this information without a subpoena; and
- The inclusion of a subjective definition for “reasonable” that may be contrary to the well established definition in case law leading to costly litigation; and
- A new requirement that any video or audio recordings or public meetings should be available in unedited form will be in direct violation of the Open Public Meetings Act requirement that requires the redacting of discussions in closed session until the matter can legally be released; and
- A new requirement on how to handle redactions and special services fees is time consuming and costly, especially considering that the Government Records Council has already addressed these procedures in their Custodians' Toolkit, which should be codified; and
- A provision that permits the records custodian to advise a requestor that a government record is readily available on the public agency's website; however, the bill requires the records custodian to directly provide the records to the requestor if they do not have access to a computer but does not define what is meant by “access to a computer”; and
- A new costly requirement that when there is a special service charge the requestor must be provided, at no cost, an index generally describing the responsive government records to be provided and to the greatest extent possible the index shall include the name of each record or brief description of the record or general categories of records, a detailed breakdown of how the special charges were assessed and if records are exempt or redacted, the records custodian must provide a description of those records; and
- A provision that prohibits the assessment of a special service charge for requests for budgets, bills, vouchers, contracts and public employee salaries and overtime unless the request is deemed voluminous, which is undefined and subjective; and

**WHEREAS**, the provisions of S-1452 place financial, time, manpower and other burdens on municipalities at a time when municipalities are forced to layoff municipal employees, impose furloughs and reduce departmental budgets so that municipalities can meet the strict CAP requirements with decreased revenues and increasing operating expense; and

**WHEREAS**, the totality of the new requirements of S-1452 will be a significant cost driver for local and State government with no known appropriation contemplated or any alternate means to offset these costs, such a reasonable increase in fees; and

**WHEREAS**, while the governing body of the Borough of Stanhope strives for and agrees that open and transparent government is essential to the democratic process, the provisions of S-1452 will make government inefficient;

**NOW, THEREFORE, BE IT RESOLVED** that the governing body of the Borough of Stanhope, County of Sussex and State of New Jersey for reasons stated above, does hereby oppose S-1452, as currently drafted, and strongly urges the State Senate and Assembly to oppose these bills; and

**BE IT FURTHER RESOLVED** that a copy of this duly adopted resolution be forwarded to Senate President Stephen Sweeney, Senator Loretta Weinberg, Senator Barbara Buono, Senator Shirley Turner, Assembly Speaker Shelia Oliver, Assemblyman Gordon Johnson, the legislators of the 24<sup>th</sup> State Legislative District, Governor Chris Christie, the New Jersey State League of Municipalities and the Municipal Clerks' Association of New Jersey.

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

#### **Resolution 100-12**

#### **RESOLUTION URGING PASSAGE OF PERMIT EXTENSION ACT**

Whereas the most recent national recession has caused one of the longest economic downturns since the Great Depression of the 1930's and has drastically affected various segments of the New Jersey economy, but none as severely as the State's banking, real estate and construction sectors. And

Whereas the real estate finance sector of the economy is in severe decline due to the sub-prime mortgage problem and the resultant widening mortgage finance crisis. The extreme tightening of lending standards for home buyers and other real estate borrowers has reduced access to the capital markets. And

Whereas as a result of the crisis in the real estate finance sector of the economy, real estate developers and redevelopers, including homebuilders, and commercial, office, and industrial developers, have experienced an industry-wide decline, including reduced demand, cancelled orders, declining sales and rentals, price reductions, increased inventory, fewer buyers who qualify to purchase homes, layoffs, and scaled back growth plans. And

Whereas the process of obtaining planning board and zoning board of adjustment approvals for subdivisions, site plans, and variances can be difficult, time consuming and expensive, both for private applicants and government bodies. And

Whereas the process of obtaining the myriad other government approvals, required pursuant to legislative enactments and their implementing rules and regulations, such as wetlands permits, treatment works approvals, on-site wastewater disposal permits, stream encroachment permits, flood hazard area permits, highway access permits, and numerous waivers and variances, also can be difficult and expensive; further, changes in the law can render these approvals, if expired or lapsed, impossible to renew or re-obtain. And

Whereas County and municipal governments obtain determinations of master plan consistency, conformance, or endorsement with State or regional plans, from State and regional government entities which may expire or lapse without implementation due to the state of the economy. And

Whereas financial institutions that lent money to property owners, builders, and developers are experiencing erosion of collateral and depreciation of their assets as permits and approvals expire, and the extension of these permits and approvals is necessary to maintain the value of the collateral and the solvency of financial institutions throughout the State. And

Whereas the fiscal well-being of local governments is threatened by the loss of property tax revenues and other sources of income due to the collapse of the development and construction industry in New Jersey. And

Whereas the lack of economic development is hurting local government finances and the well-being of our communities, due to the lack of economic opportunities, and is preventing the realization of master plans adopted by local governments. And

Whereas as a result of the continued downturn of the economy, and the continued expiration of approvals which were granted by State and local governments, it is possible that thousands of government actions will be undone by the passage of time.

Whereas obtaining an extension of an approval pursuant to existing statutory or regulatory provisions can be both costly in terms of time and financial resources, and insufficient to cope with the extent of the present financial situation; moreover, the costs imposed fall on the public as well as the private sector.

Whereas the Highlands Water Protection and Planning Act (“Highlands Act”), N.J. S.A 13:20-1 to -35 identifies two defined areas of the Highlands Region: the Preservation Area in which development would be severely restricted, and the Planning Area where some development could occur consistent with “smart growth strategies and principles.”

Whereas the intent of the Permit Extension Act of 2008 (“PEA”), N.J.S.A. 40:55D-136.1 was to have permits extended in the designated growth areas of the Highlands.

Whereas the Highlands Council issued a 2008 NJ Register Notice which stated that “no approvals in the entire Highlands region, including all lands in both the Preservation Area and the Planning Area are subject to the Permit Extension Act”

Now, therefore, Be It Resolved, by the Mayor and Council of the Borough of Stanhope that this governing body respectfully urges the New Jersey legislature to pass the Permit Extension Act (S-743 / A 1338) to prevent the wholesale abandonment of approved projects and activities due to the present unfavorable economic conditions, by tolling the term of these approvals for a period of time, thereby preventing a waste of public and private resources.

Further, The Permit Extension Act (S-743 / A 1338) should extend permits in the Planning Area of the Highlands to clarify the legislative intent of the 2008 Act.

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

#### **Resolution 101-12**

#### **RESOLUTION WAIVING PEDDLER’S LICENSES FOR STANHOPE DAY**

**WHEREAS**, the Borough of Stanhope will celebrate Stanhope Day on June 10, 2012; and

**WHEREAS**, said day is a Borough-wide celebration, generally benefiting the citizens and civic organizations of the Borough of Stanhope; and

**WHEREAS**, many vendors participate in Stanhope Day, enhancing the overall experience of Stanhope Day for the public’s benefit; and

**WHEREAS**, Chapter 108 of the Code of the Borough of Stanhope requires a Peddler's license; and

**WHEREAS**, the Governing Body of the Borough of Stanhope believe that it is in the best interest of the Borough to encourage participation in Stanhope Day to the greatest extent practical; and

**WHEREAS**, requiring obtaining a Peddler's permit for a one day event could discourage participation in Stanhope Day;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Stanhope that the Borough does hereby waive the requirement to obtain a Peddler's license for any vendor participating in Stanhope Day on June 10, 2012 for that day only.

On motion by Councilman Graham, seconded by Councilwoman Thistleton and carried by a unanimous voice vote the foregoing resolution was duly adopted.

**Resolution 102-12**

**AWARD OF CONTRACT TO LEE T. PURCELL  
ASSOCIATES FOR ENGINEERING SERVICES  
FOR WATER SYSTEM IMPROVEMENT STUDY**

**WHEREAS**, the Borough of Stanhope is seeking to undertake a comprehensive Water System Improvement Study. This study will include the review of the existing water system, develop an improvement priority plan, as well as explore funding options available through the New Jersey Environmental Infrastructure Trust Fund.

**WHEREAS**, the Lee T. Purcell Associates has submitted a Proposal to prepare the Water System Improvement Study; and

**WHEREAS**, the Borough desires to retain Lee T. Purcell Associates for said services;

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

1. That the Borough Administrator is hereby authorized to execute a contract on the Borough's behalf with Lee T. Purcell Associates, 353C Rt. 46 West, Suite 240, Fairfield, New Jersey for the Preparation of the Water System Improvement Study.
2. This contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law.
3. Award of this contract is contingent upon the certification as to the availability of funds by the Chief Financial Officer.
4. The term of service shall be from the date of acceptance of the Professional Services Agreement until its completion, in full accord with the terms and conditions thereof. The total fee for this service shall not exceed \$20,000.00
5. Notice of this action shall be published in the *New Jersey Herald* within ten (10) days of the passage thereof.

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

Roll Call:

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

**Resolution 103-12**

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE  
BOROUGH OF STANHOPE AUTHORIZING REFUND OF  
REDEMPTION MONIES TO OUTSIDE LIEN HOLDER**

**WHEREAS**, the Tax Collector has received payment for the redemption of Tax Title Lien No. 2007-14, representing 2006 property taxes and/or utility charges on Block 11208, Lot 11, known as 24 Route 183, assessed in 2012 to 24 Route 183 LLC (formerly Jimmy & Patricia Lynn Dimitriou), 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:	Jesse Wolosky 1 Vista Drive Sparta, New Jersey 07871
Redemption Amount:	Tax Title Lien #2007-14 and Interest to Date of Meeting \$ 37,931.49 Premium Paid by Lienholder <u>0.00</u>
Total From Current Fund:	\$ 37,931.49
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 Graham, seconded by Councilman Benson and carried by a unanimous voice vote the foregoing resolution was duly adopted.

#### **PAYMENT OF BILLS**

##### **Resolution 104-12**

#### **RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF STANHOPE AUTHORIZING PAYMENT OF BILLS**

**WHEREAS**, the Chief Finance Officer has certified that funds are available in the proper account; and

**WHEREAS**, the Chief Finance Officer has approved payment upon certification from the Borough Department Heads that the goods and/or services have been rendered to the Borough;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Stanhope that the current bills list, dated April 24, 2012 and on file and available for public inspection in the Office of the Chief Finance Officer and approved by the Chief Finance Officer for payment, be paid.

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

Roll Call:

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

#### **ATTORNEY REPORT**

Mayor Maio asked Mr. Stein if information was available regarding the property next to the Municipal Building. Mr. Stein stated that he just received information from the Clerk's Office regarding another foreclosed property that was submitted 8 months ago. Mr. Stein stated that the information for the property adjoining the Municipal Building was submitted on November 7, 2011 which is only 5 months ago. The office of foreclosure is extremely busy.

### **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.

### **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 Personnel
  - 1 Contract
  - 1 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 Benson, 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 9:45 P.M. with all present.

### **ADJOURNMENT**

On a motion by Councilwoman Kuncken, seconded by Councilman Depew, and unanimously carried by voice vote the meeting was adjourned at 9:45 P.M.

Approved:

Linda Chirip  
Deputy Clerk  
For Ellen Horak  
Borough Clerk