

**MAYOR AND COUNCIL  
WORK SESSION AND  
AGENDA MEETING  
May 14, 2013  
8:00 P.M.**

**CALL TO ORDER**

**SALUTE TO COLORS**

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

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

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

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

**ROLL CALL**

Council Members:

Councilman Thornton – Present	Councilwoman Thistleton - Present
Councilwoman Kuncken – Present	Councilman Benson - Absent
Councilman Depew - Present	

Mayor Maio – Present

**ELECTION OF TEMPORARY COUNCIL MEMBER**

Mayor Maio stated that a temporary council member, until the November election, will be chosen tonight to replace former Councilman George Graham who is now Freeholder George Graham. The Governing Body received from the Stanhope Republican Committee three names: John Rogalo, Thomas Romano, and Patricia Zdichocki. Mayor Maio stated all three candidates are well qualified and any one of the three would make a great addition to the Council. Mayor Maio thanked the members of the Council for working hard and their diligence in reviewing the qualifications of all three candidates.

Councilman Depew stated after reviewing the three letters, all of which are well qualified, it is his opinion there is one that stands out. Ms. Zdichocki is energetic, enthusiastic and works hard.

On nomination by Councilman Depew, seconded by Councilwoman Thistleton, Patricia Zdichocki was nominated Temporary Council Member.

By the following unanimous roll call vote, Patricia Zdichocki was elected Temporary Council Member.

Roll Call:

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

## **OATH OF OFFICE**

Mayor Maio invited Patricia Zdichocki to come forward. Ellen Horak, Municipal Clerk, administered the Oath of Office to Patricia Zdichocki as Councilwoman.

Mayor Maio congratulated Councilwoman Zdichocki. Mayor Maio thanked John Rogalo and Thomas Romano and asked that they continue to volunteer as they have been. Mr. Romano currently serves on the Board of Health and Mr. Rogalo serves as Chairman of the Environmental Commission. Councilwoman Kuncken thanked both gentlemen for their interest and stated that the decision was a difficult one.

Mayor Maio presented Councilwoman Zdichocki with her keys and called for a brief recess.

## **ADMINISTRATOR'S REPORT**

*Lake Rescue Boxes* – Administrator McNeilly stated that the Administrator at Netcong Borough informed him that they have not made a decision on the Lake Rescue Boxes to date. Mayor Maio stated that during the Public Safety meeting the Fire Chief was not receptive to the Lake Rescue Boxes. Councilwoman Kuncken stated that the Fire Chief voiced the same concerns that the Governing Body has with regard to the fact that the Police Department, Fire Department and EMS all carry ropes. Administrator McNeilly stated that he spoke with Shawn from Mt. Olive and they have installed them all around the lake and they have public works check them once a month. They have spares but they went in late in the season. The idea is great but it is fraught with a lot of issues. The neighboring towns have not committed to the installation of the lake rescue boxes at this time.

*Fire Department Bucket Drop* – Administrator McNeilly stated he has received an updated memo from the Fire Chief regarding the bucket drop. The Fire Department is utilizing a professional engineer to complete the required traffic safety plan. The Fire Department will follow the plan as prepared and approved by the State of NJ and the County of Sussex. Administrator McNeilly stated he has reviewed the dates, times and locations with the Police Chief. The Fire Department requires a resolution from the Governing Body confirming the acceptance of the locations and times and a letter from the Police Chief. Mayor Maio asked what type of traffic safety plan is required and if the Fire Department is planning on being stationed at two locations. Councilwoman Kuncken stated the plan will show where the volunteers must stand. Mayor Maio stated if both intersections at Route 183 and Brooklyn Road and 183 and Linden Avenue are in use for the bucket drop, traffic is going to back up in both directions. Administrator McNeilly confirmed that it will slow traffic and it will back up. The timing of the traffic lights at those intersections is on a very short cycle. Councilman Depew suggested the bucket drop be located at Route 183 and Dell Road. Administrator McNeilly stated the Governing Body has to approve the plan by resolution and the Police Chief must provide a letter of approval. Much discussion took place regarding the two locations that are so close together and the traffic issues. The Governing Body made the decision to have the Fire Department choose one location. Administrator McNeilly stated he will contact the Fire Department.

*Fire Department Low Band Pagers* – Administrator McNeilly stated that the Fire Department has received an inquiry from the Sussex Borough Fire Department. The Sussex Borough Fire Department would like to purchase the surplus low band pagers and chargers. Administrator McNeilly stated that he confirmed with Mr. Stein that NJ State law does permit the sale directly to another “taxpayer funded” entity. Administrator McNeilly stated, with the Governing Body’s approval, he will contact the Fire Chief and ask for a written request outlining the number of pagers to be sold, how many the Fire Department will keep for themselves and the amount that will be charged for the pagers. Mayor Maio stated that Chief Card told her that Sussex Borough was quoted a price of \$50 per pager from a vendor but there is an additional cost of \$100 per radio to have them changed to the required channel.

*Millennium Strategies* – Administrator McNeilly reported that Stanhope was not successful in receiving the DOT grants that were applied for. Administrator McNeilly stated that he has asked Millennium Strategies for a debriefing to explain what some of the limiting factors of the grant requests consisted of. Councilwoman Kuncken asked if the Finance Committee could attend the debriefing along with Mayor Maio and Administrator McNeilly. Administrator McNeilly replied that the Finance Committee can attend but the meeting may have to take place in Mount

Arlington at the DOT office. Mayor Maio stated she is disappointed that the sidewalk grant was not approved.

Stanhope School Gifted and Talented – Administrator McNeilly stated that Judge Mulhern met with him and has requested the use of the meeting room for the Mock Trial which will be held on May 30<sup>th</sup> from 6:00PM to 9:00PM. Administrator McNeilly stated he will be in attendance. The Governing Body granted approval for the Mock Trial to be held at Borough Hall.

Water System Improvement Project – Administrator McNeilly stated that he spoke with Lee Purcell and he has received a letter from Mr. Purcell regarding the water project status. Most of the activity at this time is taking place in Trenton. Authorization is expected in time for the Borough to advertise in early September 2013.

Curbside Recycling – Administrator McNeilly stated he is in the process of discussing with Waste Management, the successful bidder for the recycling contract, the plan for single stream recycling. Mayor Maio stated the recycling changes need to be sent out to the residents. Some confusion may happen in July and October due to the fact there are five Wednesdays in those months. Once the schedule is included on next year's calendar that problem will be eliminated. According to the tonnage reports, Blue Diamond has been providing the Borough with a single stream recycling program for the past two years.

Police Department Renovation - Mayor Maio asked Administrator McNeilly the status of the renovations in the Police Department. Administrator McNeilly replied that Andy Orinick was unavailable at this time. The DPW Department has been doing the work. There are a few items to complete in the offices and the electrician will have to be scheduled to install the lights. Chief Pittigher should be back in his office next week and the secretary's office will be done soon after. Mayor Maio asked who will be grouting the floors. Administrator McNeilly replied that the DPW Department will do the floor work. Mr. Orinick will be completing some of the finishing work.

Councilwoman Kuncken stated her concern is that with the DPW Department working at the Police Department other areas such as cutting the grass will be affected. Administrator McNeilly replied that all the other projects will be completed. Mayor Maio asked when the trailer will be removed. Administrator McNeilly replied that the trailer will be removed as soon as the offices are completed. Bill Storms will contact Wires Electric to disconnect the trailer and then Hecht will be contacted for the removal of the trailer.

Administrator McNeilly stated that the Borough Hall parking lot project will begin once the trailer has been removed. Recently there were two collapsed drainage systems that had to be repaired and now two catch basins have been lost which have to be put into the schedule. The DPW Department is making sure all the water is tested and read. Meter readings are presently being done. The auto read system has made reading the meters much faster and easier. The grass is being cut every 5 days which takes one man. Councilwoman Kuncken stated that everything has to look nice for Memorial Day.

Signs - Mayor Maio asked Administrator McNeilly for the status on the no smoking signs for Borough Hall and the pet waste signs. Administrator McNeilly stated the signs have been received and Rob Depew has begun to install them. Smaller signs have to be ordered for Borough Hall. Administrator McNeilly stated that he asked Mr. Depew to install some of the free signs too.

Park - Councilwoman Kuncken asked if the port-o-john has been delivered to the park for the summer. Administrator McNeilly replied that it was in place for the Easter Egg Hunt and was then removed. It was scheduled to be returned on the 24<sup>th</sup> but it has arrived early.

Stanhope School - Councilman Thornton stated that he received several calls today regarding pick up time issues at Stanhope School. There was an incident today which required the police to be called. Councilman Thornton asked Administrator McNeilly if he would speak to Chief Pittigher to see if they could patrol the area during dismissal. Administrator McNeilly replied that the police are usually present in the afternoons during dismissal. Councilman Thornton stated that today a car was blocking available parking spots and would not move to allow other cars to use those spots to safely get children to the cars. Perhaps more of a police presence could

curb some of the problems. Much discussion took place regarding the issue. Administrator McNeilly stated he will speak to Chief Pittigher. Councilman Thornton stated that the issue was brought to the attention of the School Administration because no one from the school is outside to oversee their own parking lot. Administrator McNeilly stated that the mornings go well but afternoons are a problem. Mayor Maio stated the school must monitor their parking lot and that has been discussed with them in the past. Mayor Maio asked Administrator McNeilly to contact the new Administrator at the school.

Councilman Depew stated that he has received complaints from residents on Central Avenue regarding speeding issues. Councilman Depew stated one of the residents is concerned because there are no speed limit signs posted. Councilman Depew stated that posting signs would not eliminate the problem. Administrator McNeilly stated that in the absence of a sign in a residential zone the speed limit is 25MPH. Mayor Maio stated she has also received complaints of speeding in the area of Maple Terrace. Much discussion took place regarding the speeding problems within the Borough.

### **COUNCIL DISCUSSION**

*Memorial Day Parade* – Mayor Maio asked the Governing Body if they would be participating in the Memorial Day Parade. The American Legion parade organizers have asked for a count of those attending. Councilwoman Kuncken, Councilman Thornton, Councilwoman Thistleton, Councilwoman Zdichocki and Mayor Maio stated they will be participating in the parade. Councilwoman Zdichocki will be driving.

*Board of Health* – Mayor Maio stated that the Board of Health has requested permission to include a flyer in with the water and sewer bills regarding the animal census. Councilwoman Thistleton asked how the officers should handle the situation when no one is home. The Governing Body agreed that if there is evidence of pets, a return visit is required. The officer will be supplied with a list of pets that have been licensed for 2013. In addition if a pet was licensed last year and not this year, a follow up visit is necessary. The flyer to be inserted with the bills will read: Do not be alarmed if you see a police officer at your door. He is conducting Stanhope's animal census. Remember to license your pets to avoid a summons. The Governing Body granted approval for the Board of Health to include their flyer in the water and sewer bills.

*Solid Waste & Recycling Bids* - Mayor Maio stated the solid waste bid was won by Blue Diamond. The Borough will be awarding the contract for five years at a cost of \$1,083,000. This is a savings of \$42,000 from the current contract. The recycling bid was won by Waste Management. The contract will be awarded for five years at a cost of \$318,516 which is a savings of \$16, 984 over the current contract.

*Financial Disclosure Statements* - Mayor Maio reminded everyone that the Financial Disclosure Statements are due by May 31<sup>st</sup> and must be filed electronically. Much discussion took place regarding the problems that have been encountered with this new system. Mayor Maio instructed anyone having problems to contact the Clerk's Office.

*COAH* - Mayor Maio reported that a letter was received from the State of NJ regarding COAH. The letter stated that the State is going to take approximately \$6000 by May 22<sup>nd</sup> from the Borough's account for developer's fees. Mayor Maio stated that Mr. Stein emailed this morning to inform the Borough that the appellate court has issued a stay and will be hearing arguments on June 5<sup>th</sup>.

*Clean Communities Grant* – Mayor Maio stated the Borough has received the Clean Communities Grant for 2013. The total is approximately \$6,685 which is a \$1,000 increase over last year. This is a positive reflection on the Borough's clean-up program.

*MSA* – Mayor Maio stated a notification was received from the MSA to inform the Borough that our share of the excess operating costs for 2012 is \$100,849.00 which reduces our quarterly payment by that amount. The funds will be reflected in the sewer operating surplus for the year.

*Police Department Accreditation Program* – Councilwoman Kuncken stated that Chief Pittigher has received updated information regarding the Accreditation Program. Originally they were waiting for five municipalities to sign up to receive the JIF grants of \$50,000 per municipality.

A decision has been made to move forward and award the grants in September to the four municipalities who are currently signed up. Councilwoman Kuncken asked if the members of the Governing Body are satisfied with the information which has been received to date or is more information required. Councilwoman Kuncken asked if the sample contract was acceptable. Mayor Maio replied that the contract was standard and Mr. Stein should review the contract when it is received. The Governing Body agreed that the Police Department can move forward with the Accreditation Program which is a two year program covered by the Joint Insurance Fund (JIF) to equalize all of the policies and procedures of the Police Department. Councilwoman Kuncken stated she will inform Chief Pittigher to move forward with the program.

## **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 2013-05**

#### **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.

Mayor Maio stated this ordinance is required in order to allow the Fire Department to conduct a bucket drop fund raiser.

On motion by Councilwoman Kuncken, seconded by Councilman Thornton, 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.

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

Roll Call:

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

On motion by Councilwoman Kuncken, 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.

### **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 Councilwoman Kuncken, seconded by Councilman Depew, 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.

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

Roll Call:

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

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

**NEW BUSINESS**

**RESOLUTIONS**

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

**Resolution 107-13                      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. 2010-05, representing 2009 property taxes and/or utility charges on Block 10403, Lot 8, known as 14 Lloyd Avenue, assessed to Scott R Vertetis & Nicola A Neish, 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 #2010-05 and Interest to Date of Meeting	\$ 9,326.29
	Premium Paid by Lienholder	<u>0.00</u>
Total From Current Fund:		\$ 9,326.29
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 Councilwoman Kuncken, seconded by Councilman Depew and unanimously carried by voice vote, the foregoing resolution was duly adopted.

**Resolution 108-13**

**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. 2012-12, representing 2011 property taxes and/or utility charges on Block 11303, Lot 7, known as 15 New Street, assessed to Valentino A G Ianetti, 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 1 Lakewood Road Saratoga Springs, NY 12866
Redemption Amount:	Tax Title Lien #2012-12 and Interest to Date of Meeting \$ 1,259.29 Premium Paid by Lienholder <u>0.00</u>
Total From Current Fund:	\$ 1,258.29
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 Councilwoman Thistleton, seconded by Councilwoman Kuncken and unanimously carried by voice vote, the foregoing resolution was duly adopted.

**Resolution 109-13**

**RESOLUTION RESCINDING RESOLUTION 102-13 AUTHORIZING REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER**

**WHEREAS**, on April 23, 2013 the Borough Council of the Borough of Stanhope authorized the redemption of Lien No. 2010-17 with Resolution 102-13, and;

**WHEREAS**, the Mortgage Company had issued payment short of the correct amount needed, and the Tax Collector had agreed to accept the balance of funds on Friday, April 19, 2013, after the normal due date for accepting funds for a redemption to be processed in order to aid the mortgage company in redeeming the lien, and:

**WHEREAS**, the Tax Collector did not receive the funds needed.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Stanhope, County of Sussex, State of New Jersey, that Resolution #102-13 be rescinded, and that check #15652 to the lienholder be voided.

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

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

**Resolution 110-13**

**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	\$	5,792.79
	Premium Paid by Lienholder		<u>0.00</u>
Total From Current Fund:		\$	5,792.79
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 Depew, seconded by Councilwoman Zdichocki and unanimously carried by voice vote, the foregoing resolution was duly adopted.

**Resolution 111-13**

**RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF TAXES**

**WHEREAS**, both the homeowners' bank and the homeowners' title company have made payments toward the Second Quarter of 2013, creating an overpayment of taxes on this property; and

**WHEREAS**, the homeowners have requested a refund of this overpayment on this property since their bank is paying their property taxes;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Stanhope, that a warrant be drawn to the homeowners in the designated amount representing an overpayment of taxes, as follows:

**Homeowner Information:**

Block	Lot	Qual	Name & Address	Tax Year	Amount
11102	8		Jesse & Christine Pote 11 Linden Avenue Stanhope, New Jersey 07874	2013	\$2,539.07

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

**Roll Call:**

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

**Resolution 112-13**

**RESOLUTION AUTHORIZING CANCELLATION OF MUNICIPAL CERTIFICATE OF SALE**

**WHEREAS**, Certificate of Sale #2011-13 was issued to Stanhope Borough, 77 Main Street, Stanhope, New Jersey 07874 for delinquent 2010 taxes and/or utility charges on Block 11301, Lot 1, B01, 100 State Route 183, assessed to Billiams, c/o J Billiams, at a tax sale held on December 5, 2011; and,

**WHEREAS**, the certificate was redeemed on April 25, 2013 by paying the full amount of the delinquency.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Municipal Clerk of the Borough of Stanhope are hereby authorized to endorse Certificate of Sale #2011-13 for cancellation.

**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 Depew, seconded by Councilwoman Zdichocki and unanimously carried by the following roll call vote the foregoing resolution was duly adopted.

Roll Call:

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

**Resolution 113-13**

**RESOLUTION APPOINTING SKYLANDS RISK MANAGEMENT, INC. AS RISK MANAGEMENT CONSULTANT FOR THE BOROUGH OF STANHOPE**

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

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

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

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

**NOW THEREFORE**, be it resolved that the Borough of Stanhope does hereby appoint Wayne Dietz of Skylands Risk Management, Inc. as its Risk Management Consultant in accordance with the Fund's bylaws; and

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

Mayor Maio stated this is not a change in Risk Managers it is a change in name only for that portion of D&H's business.

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:

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



**Resolution 114-13**

**RESOLUTION AWARDING CONTRACT FOR THE  
COLLECTION AND DISPOSAL OF SOLID WASTE AND  
BULKY ITEMS**

**WHEREAS**, the Borough of Stanhope heretofore advertised for the receipt of sealed competitive bids for the collection and disposal of solid waste and bulky items; and

**WHEREAS**, the Borough accepted sealed competitive bids on May 9, 2013 for collection and disposal of solid waste and bulky items; and

**WHEREAS**, the Borough of Stanhope received one (1) sealed competitive bids from Blue Diamond Disposal, Inc.; and

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

**WHEREAS**, Blue Diamond Disposal, Inc. is the lowest responsive, responsible bidder for the Borough’s request for bids on May 9, 2013;

**NOW, THEREFORE**, be it resolved by the Mayor and Council of the Borough of Stanhope that the Borough does hereby award a bid to Blue Diamond Disposal, Inc.. in an amount not to exceed \$1,083,000.00 for a five (5) year contract, commencing on June 1, 2013 and ending on May 31, 2018;

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

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

Roll Call:

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

**Resolution 115-13**

**RESOLUTION AWARDING CONTRACT FOR CURBSIDE  
RECYCLING COLLECTION AND DISPOSAL**

**WHEREAS**, the Borough of Stanhope heretofore advertised for the receipt of sealed competitive bids for the curbside collection and disposal of recyclable materials; and

**WHEREAS**, the Borough accepted sealed competitive bids on May 9, 2013 for curbside collection and disposal of recyclable materials; and

**WHEREAS**, the Borough of Stanhope received two (2) sealed competitive bids from Waste Management of NJ Inc. and from Blue Diamond Disposal Inc.; and

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

**WHEREAS**, Waste Management of NJ Inc. is the lowest responsive, responsible bidder for the Borough’s request for bids on May 9, 2013;

**NOW, THEREFORE**, be it resolved by the Mayor and Council of the Borough of Stanhope that the Borough does hereby award a bid to Waste Management of NJ Inc. in an amount not to exceed \$318,516.00 for a five (5) year contract, commencing on June 1, 2013 and ending on May 31, 2018;

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

**BE IT FURTHER RESOLVED**, that the Borough Clerk shall notify all bidders on May 9, 2013 of the award of the bid to Waste Management of NJ Inc.; and

**BE IT FURTHER RESOLVED**, that the bid bond of all other bidders be returned to said bidder.

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

Roll Call:

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

### **PAYMENT OF BILLS**

#### **Resolution 116-13**

#### **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 May 14, 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 Councilwoman Kuncken, seconded by Councilman Depew and unanimously carried by the following roll call vote the foregoing resolution was duly adopted.

Roll Call:

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

### **AGENDA ITEMS**

All items listed on the Agenda for May 28, 2013 were approved. There will be an additional resolution for the Fire Department and two appointments to Boards and Commissions. Mayor Maio stated one appointment is for the Environmental Commission. The other appointment is an alternate for the Recreation Commission.

The Clerk stated there is a resolution on the agenda that will require a group affidavit with original signatures for the State. All the Governing Body members in attendance at the meeting will be required to sign. Councilwoman Kuncken suggested that Councilwoman Zdichocki meet with the Clerk. The Clerk stated she has already arranged to meet with Councilwoman Zdichocki and will provide her with a copy of the audit as well. Mayor Maio stated that she will meet with Councilwoman Zdichocki to update her on current projects both long range and short range.

### **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
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 9:00 P.M.

At the conclusion of the Closed Session, Mayor and Council reconvened the public meeting at 9:03 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 9:03 P.M.

Approved:

Linda Chirip  
Deputy Clerk  
For Ellen Horak  
Borough Clerk