

**MAYOR AND COUNCIL
REGULAR MEETING
May 22, 2012
7:00 P.M.**

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

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

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

ROLL CALL

Council Members:

Councilwoman Kuncken – Present
Councilman Depew – Present
Councilwoman Thistleton – Present

Councilman Murphy – Present
Councilman Graham – Present
Councilman Benson – Present

Mayor Maio – Present

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:

2 Personnel (Administrator/CFO)
1 Contract (Shared Court)
2 Potential Litigation (Escrow/Tax Appeals)

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 7:00 P.M.

At the conclusion of the Closed Session, Mayor and Council reconvened the public meeting at 8:00 P.M. with all present.

SALUTE TO COLORS

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

PRESENTATION

Mayor Maio stated that the presentation which was to be given by the Tax Assessor, Maureen Kaman has been postponed. The presentation will be rescheduled.

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:

April 10, 2012	Work Session/Agenda Meeting & Closed Session
April 24, 2012	Regular Business Meeting & Closed Session

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

CORRESPONDENCE (List Attached)

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

ADMINISTRATOR'S REPORT

Plaster Mill – Administrator McNeilly reported that he spoke with the CFO, Dana Mooney, regarding the availability of funds in the amount of \$2,900 for Wayne McCabe to conduct a study of the Plaster Mill. Ms. Mooney indicated that the current budget does not have sufficient funds to accommodate this request. Later in the year unallocated funds may be available. Administrator McNeilly reported that Petersons Tree Service completed the tree pruning and brush removal from the inside perimeter of the Plaster Mill. The cost of \$1,200 was allocated from the Buildings and Grounds budget. Administrator McNeilly reported that the poison ivy issue still needs to be addressed.

Stanhope School Request – Administrator McNeilly reported that Mr. Stein has prepared an ordinance in response to the school's request to provide for an additional time restriction for turning onto Valley Road. Administrator McNeilly stated that an additional statement would need to be attached to the existing signs in the event that the ordinance is approved. Mayor Maio asked for the Clerk to add this item to the agenda for the first meeting in June.

Stanhope School Request Part 2 – Administrator McNeilly stated that he received a request from Gina Thomas, School Board President, requesting the Borough's assistance with their efforts to repave the path behind the school. Administrator McNeilly reported that he has discussed the issue with Bill Storms, DPW Superintendent. The equipment is available and the materials would be paid for by the school. Administrator McNeilly estimated that the job would take half a day to complete.

On motion by Councilman Benson, seconded by Councilwoman Kuncken, and unanimously carried by voice vote the request to assist the Stanhope School with their paving project was approved.

Mayor Maio asked Administrator McNeilly to coordinate the scheduling with the school and DPW. Administrator McNeilly stated that this project will be scheduled when school is closed for the summer. Councilwoman Kuncken asked Administrator McNeilly to avoid scheduling this project during the summer program which will be taking place at the school.

Fire Inspection – Administrator McNeilly reported that he received a call from Joe Inga, County Fire Marshal. Mr. Inga informed Administrator McNeilly that all the records and systems are in place for the County Fire Marshal's Office to take over the fire inspections for the Borough as of July 1st. Mr. Inga also stated that the Borough's Fire Prevention Code needs to be amended to indicate that the County Fire Marshal is the Local Enforcement Agency (LEA). Administrator McNeilly reported that he has asked Mr. Stein, Borough Attorney, to prepare the update for the Fire Prevention Code to be adopted prior to the changeover on July 1, 2012.

Councilman Graham asked if the businesses have been notified that a change is scheduled to occur in July. After much discussion, Mayor Maio asked Administrator McNeilly to draft a letter to send to all of the businesses in the Borough explaining the new fire inspection system and the Knox Box ordinance.

Musconetcong Sewerage Authority – Administrator McNeilly reported that he is drafting a letter in response to the MSA's request for a potable water supply for the Acorn Street Pump Station #6. Administrator McNeilly stated that Mr. Stein informed him that the Governing Body can waive the sewer charge and the water connection fee by resolution if they so choose. Councilman Murphy voiced his concern regarding the waiving of fees for the MSA. Councilman Murphy is of the opinion that when the MSA becomes a water/sewer customer they should be charged accordingly. Councilman Benson stated that the water usage will be minimal and the MSA is a utility that services our community. Mayor Maio stated that there will be meter and as such they will be billed for water. Mr. Stein stated that the connection fee in question is not the physical connection to the water system. The issue is a capital charge that every new customer that comes on to the system pays so that they are put on an equal basis with the existing customers that have been paying all along. The physical fee to connect to the water supply can be done by the MSA or by the Borough. The MSA will be charged if the work is done by the Borough. Councilman Murphy stated that if the MSA connects to the water supply they should be required to pay the connection fee which assists in paying for past improvements that were done.

Mayor Maio polled the Council regarding whether or not the Borough should charge a connection fee. The results of the poll are as follows: Councilman Depew – waive fee; Councilman Benson – waive fee; Councilman Murphy – do not waive fee; Councilwoman Kuncken – waive fee; Councilwoman Thistleton – waive fee; Councilman Graham – waive fee. As a result of the poll the connection fee will be waived for the MSA.

Mayor Maio stated that the Governing Body is in agreement that the MSA will be charged for standard water usage.

Mayor Maio polled the Council regarding whether or not the Borough should charge for sewer usage. The results of the poll are as follows: Councilman Depew – do not waive; Councilman Benson – waive; Councilman Murphy – abstain; Councilwoman Kuncken – waive; Councilwoman Thistleton – waive; Councilman Graham – waive. As a result of the poll the sewer usage charges will be waived for the MSA.

Mayor Maio asked Administrator McNeilly to state in the letter to the MSA that this is for minimal usage. The issue will be readdressed in the future should the usage increase. Administrator McNeilly stated that the letter will indicate that the MSA is responsible for completing the work to the main connection. The letter will also state that the MSA needs to work in conjunction with Bill Storms, DPW Superintendent. Mr. Stein stated that there will be road opening permit fees and inspection permit fees that the MSA will be responsible for. Administrator McNeilly will include all of this information in the letter.

CFO Report – Administrator McNeilly stated that Dana Mooney, CFO, submitted a budget update. The Senior Citizen Group will be in soon to prepare the water/sewer bills for mailing. A flyer from the Recreation Commission regarding Family Fun Day will be included with the bills. The bond anticipation notes were received today. There were only 2 bids. The interest rate will be 0.98%. The CFO will be out of the office from June 13 – 25. Councilwoman Kuncken asked Councilman Benson if a Finance Committee meeting should be scheduled prior to the CFO's leave. Councilman Benson was in agreement and will schedule the meeting. Mayor Maio asked that the meeting take place after 1:00PM. Administrator McNeilly reported that a capital budget spending plan has been prepared for the Governing Body's review. Mayor Maio asked the Clerk to include this topic for Council Discussion on the June 12th meeting agenda.

COUNCIL COMMITTEE REPORTS

Public Safety – Councilwomen Kuncken/Thistleton

Police, Fire, Ambulance, Court & Violations Bureau, Emergency Management – Councilwoman Kuncken reported that a Public Safety Committee meeting was held with Chief Pittigher on Monday to discuss internal management items and rules and regulations.

Councilwoman Kuncken reported that Chief Pittigher supplied copies of the existing regulations. It was decided that Chief Pittigher and the Public Safety Committee will review the information and make recommendations. Another meeting will be held to review the suggestions and Bob Merryman will also be asked to review the information. Councilwoman Kuncken stated that Chief Pittigher will be changing the format of the monthly report. Codes will be added which will indicate what type of incident occurred. The new report will give a better perspective of the type of calls that the Stanhope Police respond to. The highest number of incidents involves motor vehicles. The Click It or Ticket Program has begun. This program enforces that seatbelts be worn. Councilwoman Kuncken reported that further discussions will be held with Chief Pittigher regarding some issues with the Internal Affairs Manual that he would like to address. The fire extinguisher training has been completed, as well as training for use of force and training for pursuits. The police department is working with the Valley Road School to promote the GREAT Program (Gang Resistance Education And Training). This program is scheduled to be implemented in the fall and will be taught by Detective Bork. The program builds self-esteem, teaches problem solving in an attempt to help children understand and resist the temptation that gangs provide.

Councilwoman Kuncken reported that the ambulance squad for the month of April had 60 calls; 23 in Stanhope, 33 in Netcong, 4 standbys and 1 call out of town to Roxbury. Patient categories consisted of 18 advance treatment and 25 basic life support for a total of 43 patients. The ambulance squad made a total of 36 trips to the hospital. The mileage totaled 944. They had a total of 234 hours and 28 minutes of volunteer hours and 1 assist from Netcong. The squad answered 21 of 23 requests for service for the month of April. Councilwoman Kuncken stated that the new monthly report provides a more detailed breakdown of the types of calls.

Finance & Administration – Councilman Benson/Councilwoman Kuncken

Councilman Benson reported that year to date taxes collected for current and delinquent taxes as well as interest and lien redemptions totals \$3,044,000 compared to \$3,600,000 last year. Collections are down overall. The first quarter collection rate was 96.6% but the collection rate for 2012 is down approximately 5% from 2011. The water utility rents collected, interest and connection fees are \$40,761 compared to \$22,000 last year. The total sewer collections are \$85,077 compared to \$45,600 last year. Councilman Benson is of the opinion that the differences are a result of the timing in which the bills were sent out but he will speak with the CFO to verify.

Community Development – Councilmen Murphy/Graham

Zoning, Construction, Code Enforcement, Economic Development, Chamber of Commerce, Downtown Revitalization – Councilman Murphy reported that Stanhope's Spring Festival Weekend is going to be held on June 8th, 9th and 10th. The banner has been hung across the highway. The pig roast will be held on Friday night, garage sales on Saturday and Sunday will be the festival and car show. Councilman Murphy stated that in his opinion having the Plaster Mill cleared of debris will benefit the continuation of the trail along Furnace Pond.

Municipal Infrastructure – Councilmen Graham/Murphy

Water Distribution, Sewer Collection System, Road Construction & Maintenance, Buildings & Grounds – Councilman Graham had no report for this month.

Information Technology – Councilmen Depew/Benson

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

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 Recreation Commission will be sponsoring Family Fun Day on July 15th. In the fall the Recreation Commission will be hosting a Walk to School Day to promote healthy living. The Board of Health Animal Control report for April was for 5 ½ hours. Councilwoman Thistleton reported that she attended the Environmental Commission meeting and Kathy Murphy was at the meeting to discuss the grant opportunities. Ms. Murphy informed the commission that there are several businesses located in the Trade Zone that are interested in becoming involved with the trail systems to promote community response. They are also interested in helping people with impaired sight to be guided along the trail. Administrator McNeilly stated that letters are due to

be sent out for Family Fun Day to the businesses. Mayor Maio stated that the commission has already been out soliciting donations.

COUNCIL BUSINESS

Fire Department Equipment – Mayor Maio stated that the equipment request is on the capital plan and this will be discussed at the first meeting in June.

OLD BUSINESS

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

Ordinance 2012-06

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

WHEREAS, the laws of the State of New Jersey currently prohibit smoking in all public schools and public school grounds, as well as all public buildings; and

WHEREAS, the Mayor and Council of the Borough of Stanhope believe that it is in the best interest of the health, safety and welfare of the general public to also prohibit smoking and the use of tobacco and tobacco-related products on all municipal property and grounds to which are open to the public or to which the public is invited;

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 106 of the Code of the Borough of Stanhope “Peace and Good Order” is hereby amended to add a new Article IV as follows:

Article IV - Use of Tobacco Products Prohibited on Public Property

Section 106-22. Definition of “Smoking” Smoking means the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or any other matter than can be smoked.

Section 106-23. No person shall engage in smoking or the use of tobacco or tobacco-related products and/or discarding of those products, in any area designed as “tobacco-free” and/or beyond any point which is otherwise marked as “no smoking beyond this point” or similar language, or on any Borough-owned, leased or utilized property open to the public or to which the public is invited, including, but not limited to, the Municipal Building and its grounds, the Department of Public Works Building and its grounds and all public parks, trails and any other public recreational facility or area.

Section 106-24. Violations and Penalties. Any person violating any provision of this Article shall, upon conviction, be subject to the following penalties:

- 1. A fine of not less than \$50 but not exceeding \$100 for the first offense;
- 2. A fine of not less than \$100 but not exceeding \$200 for the second offense;
- 3. A fine of not less than \$200 but not exceeding \$500 for the third and subsequent offense;

SECTION II. When Effective

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

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

Mayor Maio opened the meeting to the public for comment on this ordinance only.

Nancy Hoyt, 33 Lawrence Avenue, asked how this ordinance is going to be enforced. Mayor Maio stated that the signs will be posted just as they are in any other public areas that ban smoking; such as school property or hospitals. Peer pressure will also aid in enforcing the ordinance.

Alan Kantz, Global Advisors On Smoke Free Policy, stated that this is a non-profit agency that provides municipalities with technical assistance on smoke free policies. Mr. Kantz stated that approximately 100 smoke free ordinances have been adopted in New Jersey. At least 50 of the ordinances are totally smoke free/tobacco free which do not set aside a designated smoking area. Mr. Kantz stated that in his opinion the smoke free policies are effective and the signage plays an important role in enforcing the ordinance. Administrator McNeilly will contact Mr. Kantz to discuss the free signs that are available through the state.

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

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

Ordinance 2012-08

AN ORDINANCE AMENDING CHAPTER 100 ‘LAND DEVELOPMENT’ OF THE CODE OF THE BOROUGH OF STANHOPE BY PROHIBITING OUTDOOR FURNACES IN ALL ZONES

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

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

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

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

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

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

SECTION I.

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

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

SECTION II.

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

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

SECTION III.

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

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

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 – yes
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 Graham and carried by the following unanimous roll call vote the foregoing ordinance was adopted.

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 – yes
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.

NEW BUSINESS

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

Resolution 116-12 **RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF STANHOPE AUTHORIZING REFUND OF OVERPAYMENT ON CAT LICENSE**

WHEREAS, the following homeowner applied for and received a cat license from the Borough of Stanhope, paying the base fee of \$10.00 plus \$3.00 for an un-neutered cat; and

WHEREAS, the Borough of Stanhope does not charge a fee for un-neutered cats; and

WHEREAS, the fees were paid with a check, the resident did not return with a substitute check, and holding the check would have caused us to be in violation of the 48-hour deposit rule;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Stanhope, that a warrant be drawn to the homeowner listed below in the designated amount representing a refund of Animal License Neuter Fee paid:

Homeowner	Amount
Victoria French 27 New Street Stanhope, New Jersey 07874	\$3.00

On motion by Councilman Benson, 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 – yes
Councilman Depew -yes	Councilman Graham - yes
Councilwoman Thistleton – yes	Councilman Benson – yes

Resolution 117-12 **RESOLUTION AUTHORIZING POLICE DEPARTMENT TO DISCARD OUTDATED, BROKEN OR INOPERABLE POLICE DEPARTMENT EQUIPMENT**

WHEREAS, the Police Department of the Borough of Stanhope has accumulated items of equipment over many years, which have become outdated, broken or otherwise inoperable; and

WHEREAS, said items of Police Department equipment have no monetary value and are not suitable for sale pursuant to the provisions of N.J.S.A. 40A:11-36; and

WHEREAS, it is burdensome for the Police Department to continue to maintain and store outdated, broken or otherwise inoperable police equipment..

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stanhope that the Chief of Police of the Borough of Stanhope be and the same is hereby authorized and directed to discard said outdated, broken or inoperable police equipment;

BE IT FURTHER RESOLVED, that the Chief of Police shall prepare an inventory of all such outdated, broken or otherwise inoperable Police Department equipment being discarded by the Stanhope Borough Police Department.

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

Resolution 118-12

**RESOLUTION AUTHORIZING POLICE DEPARTMENT
TO DISCARD UNCLAIMED LOST OR ABANDONED
PERSONAL PROPERTY**

WHEREAS, the Police Department of the Borough of Stanhope has come into possession of various items of personal property that were lost or abandoned; and

WHEREAS, said property has remained unclaimed for more than one hundred twenty (120) days; and

WHEREAS, the lost or abandoned property is not marketable property, required to be sold by the Uniform Unclaimed Property Act, N.J.S.A. 46:30B-1; and

WHEREAS, the provisions of N.J.S.A. 46:30C-1 provide that non-marketable property may be treated as abandoned; and

WHEREAS, the lost or abandoned property has no monetary value and is otherwise burdensome for the Stanhope Borough Police Department to continue to retain possession of and store in the Police Department facilities.

NOW, THEREFORE, be it resolved by the Mayor and Council of the Borough of Stanhope that the Borough Chief of Police be and the same is hereby authorized and directed to discard the lost or abandoned property that has been held by the Police Department for a period of more than one hundred twenty (120) days.

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

Resolution 119-12

**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. 2011-04, representing 2010 property taxes and/or utility charges on Block 11101, Lot 8, known as 41 Linden Avenue, assessed to Thomas J Bourdette, 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 Lakeview Road Saratoga Springs, NY 12866		
Redemption Amount:	Tax Title Lien #2011-04 and		
	Interest to Date of Meeting	\$	2,643.97
	Premium Paid by Lienholder		<u>0.00</u>
Total From Current Fund:		\$	2,643.97
Total From Tax Premium Account			00.00

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

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

On motion by Councilman Benson, seconded by Councilman Depew and carried by a unanimous voice vote the foregoing resolution was duly adopted.

Resolution 120-12

**RESOLUTION – SHARED COURT AGREEMENT WITH
HOPATCONG BOROUGH**

WHEREAS, the Boroughs of Stanhope and Hopatcong heretofore entered into a Shared Court Agreement effective August 1, 2011 pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1; and

WHEREAS, the Agreement entered into between the parties provided for the Borough of Hopatcong to completely administer the Stanhope Borough Municipal Court in Hopatcong facilities with Hopatcong personnel; and

WHEREAS, the Agreement between the parties provided for monthly payments by Stanhope to Hopatcong for the municipal court services provided by Hopatcong to Stanhope; and

WHEREAS, the Agreement between the parties provided for periodic review of the Shared Court Agreement to ensure the continued efficient operation of the Shared Court; and

WHEREAS, the costs and expenses of operating the Shared Court have exceeded the reasonable expectations of both Boroughs; and

WHEREAS, an equitable adjustment in the compensation to be paid by Stanhope to Hopatcong is warranted; and

WHEREAS, the parties have agreed to increase the compensation to be paid by Stanhope to Hopatcong for the year 2012 by \$20,000 and for the years 2013 and 2014 by \$25,000; and

WHEREAS, the additional compensation to be paid by Stanhope to Hopatcong shall be accomplished by Stanhope allowing Hopatcong to retain the additional compensation from the court fines and costs that Hopatcong shall be paying to Stanhope collected by Hopatcong from Stanhope cases heard and decided in the Hopatcong Municipal Court; and

WHEREAS, the Borough Administrator is hereby authorized to finalize the details of the procedure for so retaining court fines and costs with Hopatcong Borough Administration; and

WHEREAS, the adjustment in yearly compensation to be paid by Stanhope to Hopatcong will not otherwise effect the Shared Services Agreement between the parties; and

WHEREAS, the Shared Services Agreement between the Borough of Stanhope and the Borough of Hopatcong to provide for a Shared Court pursuant to the provisions of N.J.S.A. 2B:12-1 et seq. and N.J.S.A. 40A:65-1 shall otherwise not be revised and shall remain in full force and effect.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Stanhope that the compensation to be paid by the Borough of Stanhope to the Borough of Hopatcong for the Shared Municipal Court of the Boroughs of Hopatcong and Stanhope shall be revised to provide for additional compensation to be paid by the Borough of Stanhope to the Borough of Hopatcong in the amount of \$20,000 for the year 2012 and in the amount of \$25,000 for the year 2013 and \$25,000 for the year 2014, which additional compensation shall be paid by the Borough of Stanhope to the Borough of Hopatcong by authorizing Hopatcong to retain said additional compensation from court fines and costs to be paid by the Borough of Hopatcong to the Borough of Stanhope pursuant to the Shared Court Agreement.

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

Councilwoman Kuncken asked Mr. Stein if this resolution is being offered as an addendum. Mr. Stein affirmed that the resolution can be considered an addendum but that it does not alter the original agreement.

Roll Call:

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

PAYMENT OF BILLS

Resolution 121-12

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 May 22, 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 – yes
Councilman Depew -yes	Councilman Graham - yes
Councilwoman Thistleton – yes	Councilman Benson – yes

ATTORNEY REPORT

Mr. Stein reported that he has not received the final judgment for the property next to the municipal building, which the Borough is foreclosing on. Mr. Stein asked the title company why the delay has occurred. The title company stated that the Borough should have had the judgment within 60 days. The title company told Mr. Stein that the County Clerk's Office misfiled the Borough's paperwork. Mr. Stein stated that there are two different tracks for tax lien foreclosures; one is called in-rem, which only municipalities can file, and the other is called in-personam, which is filed by a private lien holder. The County Clerk's Office put the Borough's in-rem paperwork in the in-personam file. Mr. Stein reported that he was assured that the Borough's paperwork would be moved to the top of the list and should be processed in a day or two. Mr. Stein hopes to be able to report at the next meeting that the Borough owns the property. Administrator McNeilly asked if the grass could be cut. Mr. Stein replied in the positive.

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.

Peg Findley, 88 Main Street, voiced her concern regarding the signs on Main Street in Netcong that state that no trucks are allowed on Main Street. Mrs. Findley asked where the trucks are going to be directed to. Administrator McNeilly stated that the signs are relative to the construction taking place on Route 183. The truck plan for the project directs the trucks up Route 183 and out Allen Street and Landing toward the theatre. The trucks try to get to Main Street to access Route 46. The north bound side of the road has been closed since November. The south bound side closed in late December. The road must be reopened within 270 days from the time it was closed down in December which will be in October. Administrator McNeilly state that he and Chief Pittigher are monitoring the situation closely. They are concerned about trucks trying to access McKinley Street and Main Street in Stanhope. Councilwoman Kuncken stated that there is now a sign on Flanders Road near the old Dover Handbag factory that prohibits trucks from accessing Main Street. There is concern that trucks entering from this

direction will not be able to make the turns in either direction. Administrator McNeilly will speak with Chief Pittigher regarding Memorial Day. Mayor Maio stated that Netcong is planning to shut down Main Street for Netcong Day in September and part of Route 183 for their race.

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

GENERAL DISCUSSION

Councilman Murphy asked Mr. Stein about a resident with a filed map that has a notation. The deed does not list any restrictions and there is no reference in the resolution. Councilman Murphy asked if the notation stays with the property forever. Mr. Stein responded in the affirmative. Mr. Stein stated that the property in question was litigated extensively between the property owners several years ago. Mr. Stein is familiar with the case but would need to reference the file to see what the final determination was. Councilman Murphy asked if the owners would have to go before the Land Use Board to request a variance. Mr. Stein stated that in this case the restriction would have to be lifted by the Land Use Board and the Borough Council. Typically when restrictions are put into place and developer's agreements are signed and maps are filed it becomes the governing body's business. If there is a request for a variance that would go before the Land Use Board but if there is to be a lifting of any restrictions that must be done by the governing body. Councilwoman Kuncken asked if the Land Use Board is not willing to make any changes does that still go before the Council as an appeal or is the process ended. Mr. Stein is of the opinion that the ordinance no longer allows for an appeal from the Land Use Board to go before the Council. If the owner does not get a variance, they would have to appeal it but would also have to include the municipality as a defendant, not just the Land Use Board, because this is a restriction of the Governing Body. The Governing Body has no jurisdiction over granting variances, approving site plans, approving amendments to site plans or approving amendments to filed maps. They must go through the Land Use Board process. Restrictions that are made as part of an agreement for the development of property lies with the Council. Only the council can waive things such as restrictions on clearing, easements. Once the Land Use Board has given an approval they are done with the application. Administrator McNeilly asked if a restriction was included in the resolution but not on the filed map would the issue go back before the Land Use Board. Mr. Stein stated that it would depend if the restriction was intended to run with the land. If that is the case it would have to go before the Council to be removed. Councilman Murphy asked if once the application is released from the Land Use Board does it go to the Council for administration. Mr. Stein stated that the Land Use Board cannot reverse a decision that was approved by the Council.

Councilman Graham stated that there has been a change in the flights of the helicopters coming into Atlantic Health Care. The helicopters are coming in at different locations, there is an increase in the number of helicopters and there are heavier helicopters. The helicopters are coming in over the lake. Councilman Graham would like to investigate why this change has occurred. Mr. Stein stated that the State Aeronautics Board would be the authority to contact. The Board licenses flight facilities and any landing areas. They have plans on file that state the elevation and the approach for landing. There are other factors such as weather conditions, safety of passengers and pilot discretion that can affect the patterns. Councilman Murphy stated that last week they went out 4 or 5 times. Administrator McNeilly stated that Atlantic Air 1 and Atlantic Air 3 are there now and they are supposed to go up, out to Route 80 and on from there. Councilman Graham stated that they are not following that plan. Mr. Stein stated that the State Aeronautics Board can explain exactly what the requirements are and if there are enforcement issues they will look into it. Mayor Maio asked if this would also apply to the private helicopter that is stationed there. Mr. Stein stated that the helicopters that are flying ambulances also have certificates of need issued by the State Department of Health and are regulated by the State Department of Health. The Borough can contact the State Department of Health for information pertaining to the helicopters. Councilwoman Kuncken stated that the helicopters have zones, areas of coverage, that must be adhered to. Mayor Maio stated that the private helicopter has been flying low over her home. The Administrator will contact the State Aeronautics Board.

Councilman Depew asked Administrator McNeilly to look into the condition of the road at the end of Main Street and Route 183 near the old Hess Station. There are several pot holes that have been filled several times but the road is a mess. Administrator McNeilly will look into the situation to see if that area is scheduled to be repaved.

ADJOURNMENT

On a motion by Councilman Depew, seconded by Councilman Graham, and unanimously carried by voice vote the meeting was adjourned at 9:05 P.M.

Approved:

Linda Chirip
Deputy Clerk
For Ellen Horak
Borough Clerk