

**MAYOR AND COUNCIL
REGULAR MEETING
May 28, 2013
7:00 P.M.**

SALUTE TO COLORS

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

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

Adequate Notice of this Meeting has been provided according to the Open Public Meetings Act, Assembly Bill 1030. Notice of this Meeting was included in the Annual Meeting Notice sent to the New Jersey Herald and the Daily Record on January 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:

Councilwoman Zdichocki – Present	Councilman Depew – Present
Councilman Thornton – Present	Councilwoman Thistleton – Present
Councilwoman Kuncken – Present	Councilman Benson – Present

Mayor Maio – Present

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.

Matt Erd, 706 Stonegate Lane, member of Stanhope Fire Department, stated that he had questions regarding the resolution for the Fire Department bucket drop. The Fire Department had requested two locations for the bucket drop; one at Linden Avenue and McKinley Avenue and one at Route 183 and Brooklyn Road. Matt asked why only one location was approved by the Governing Body even though the engineer prepared plans for both areas. Mayor Maio stated that the Council was concerned that at Brooklyn Road and Route 183 a backup will occur and then Linden Avenue and McKinley Street would backup. Matt stated that the purpose is not to stop the cars and to keep the traffic moving. If there was a backup the Fire Department would back off and let the traffic clear before resuming the bucket drop. Administrator McNeilly stated the two traffic lights only allow 3 to 4 cars to pass through at a time. If one car stops it will create a problem and having both areas in use could cause a backup. It was suggested that the intersection at Dell Road be used. Matt stated that the Fire Department discussed the Dell Road location but felt that the off ramp from Route 80 could pose a potential problem should it backup and the speed at which cars move through that area was a concern. Councilman Thornton suggested that bucket drop signs be placed on the ramp to slow cars down. A lengthy discussion took place regarding the locations for the bucket drop.

Administrator McNeilly stated that the Governing Body's concerns were explained to Chief Card and Ray Wexler from the Fire Department. Matt stated that the information was not forwarded to him as Chairman of this fundraiser. Administrator McNeilly stated that there seems to be a breakdown in communication within the Fire Department. Mayor Maio stated that the Council's concerns from a safety standpoint remain unchanged. Administrator McNeilly suggested holding a second bucket drop later in the year. The ordinance has been adopted and future requests will only require a resolution.

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

PRESENTATION

Shade Tree Commission – Janice Hunts, Chairperson of the Shade Tree Commission, announced there is a grant available through the Division of Parks and Forestry called a Community Stewardship Incentive Program (CSIP) Grant which had been put on a three year hiatus. The funding comes from the sales of specialized NJ license plates but for the last three years the funding was allocated elsewhere. The funds are used to assist Shade Tree Commissions. Mrs. Hunts stated that the Shade Tree Commission would like to submit an application for a grant to conduct a hazardous tree identification. The last survey was done five years ago. At that time 99 trees were identified. A year and a half later many of the trees were gone. Nicole Member, Shade Tree Commission Member, stated that the reason for conducting another survey is as follows: the last survey was done five years ago, some of the trees may have been removed by Mother Nature or tree contractors and trees may have sustained damage from the recent storms. The grant would cover the cost of a street by street survey and any additional money will be used to remove the most hazardous trees.

Mrs. Hunts stated that the conditions of the grant require that half of the costs must be matched by the Borough which can be done with in-kind services. Ron Farr, Forester, will be paid \$50 per hour. Mr. Farr has not increased his fees. Mayor Maio asked if Mr. Farr is paid through the grant. Mrs. Hunts replied that some of the costs can be paid through the grant if it is over and above and Borough funds that are spent can be submitted for reimbursement. Councilman Benson asked what the dollar amount of the grant would be. Mrs. Hunts replied that the last grant was for \$9,000. The grant amount available is \$20,000. Mrs. Hunts is of the opinion that \$20,000 is a lot to request. Mayor Maio stated that the in-kind hours for the last grant exceeded the amount required. Councilwoman Kuncken stated that caution should be taken with the amount requested to ensure that the Borough is able to provide the required in-kind hours without incurring any costs. Mrs. Hunts is in agreement with keeping the request for the grant amount reasonable. Administrator McNeilly asked if the \$9,000 grant allowed for the entire Borough owned property to be surveyed last time and if so, is that the amount that will be requested this year. Mrs. Hunts confirmed that the \$9,000 provided enough funding. Administrator McNeilly asked Mrs. Hunts when the application is due to be submitted in the event that the Governing Body approves the request. Mrs. Hunts replied that the grant application is due by May 31st. Councilwoman Kuncken asked if the grant is ready to be submitted. Mrs. Hunts stated the rough draft is complete but she would not be able to bring it to Borough Hall until Thursday. Administrator McNeilly stated that from the operations side there is not enough time to complete the grant. Administrator McNeilly stated that the other members of the Commission need to assist in the process. Mayor Maio asked Mrs. Hunts if the completed application will be presented on Thursday. Mrs. Hunts confirmed this and stated it must be postmarked by Friday. Mr. Stein stated this action requires a motion by the Governing Body.

On motion by Councilwoman Kuncken, seconded by Councilwoman Thistleton and unanimously carried by the following roll call vote, the Mayor and Council authorized the Shade Tree Commission to submit a grant application in an amount not to exceed \$9,000 and said application shall be presented to the Borough Administrator for review and approval before to submission to DEP.

Roll Call:

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

MINUTES FOR APPROVAL

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

April 9, 2013	Agenda & Work Session Meeting
April 23, 2013	Regular Business Meeting & Closed Session

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

CORRESPONDENCE (List Attached)

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

COUNCIL COMMITTEE REPORTS

Public Safety – Councilwomen Kuncken/Thistleton

Police, Fire, Ambulance, Court & Violations Bureau, Emergency Management – Councilwoman Kuncken stated for the month of April the Police Department reported a total of 61 traffic citations. The second portion of the Police Report details incidents by offense code with the majority pertaining to moving violations.

Councilwoman Kuncken stated for the month of April the Ambulance Corps had a total of 59 calls; 20 in Stanhope, 38 in Netcong and 1 stand-by. There were two out of town calls; one in Byram and one in Roxbury. They served 33 patients and made 32 trips to the hospital for a total of 807 miles travelled and 149 hours and 10 minutes of volunteer hours.

Councilwoman Kuncken stated no report was received from the Stanhope Hose Company No. 1 for the second month in a row. Mayor Maio asked the Borough Clerk to address that issue.

Finance & Administration – Councilman Benson/Councilwoman Kuncken

Councilman Benson stated tax receipts for the year are \$3,326,000 compared to \$3,044,000 last year. Receipts are up but percentages are down slightly. Collections through May 1st are 96% for the first quarter and 11.45% for the second quarter. Delinquent collections for 2012 are at 43% and overall collections for 2013 are at 53.9%.

Councilman Benson stated the water utility rents collected through April are \$25,000 compared to \$38,000 last year. Sewer rents are approximately \$39,800 compared to \$83,400 from the prior year for the month of April. It will be interesting to see considering the change in rates what will happen with the water and sewer collections as the utility bills go out. Councilwoman Kuncken stated they should go as predicted.

Community Development – Councilwoman Zdichocki/Councilman Thornton

Zoning, Construction, Code Enforcement, Economic Development, Chamber of Commerce, Downtown Revitalization – Councilman Thornton stated the Zoning Report submitted by Arlene Fisher indicates that a Land Use packet was sent to CBS Outdoor. In previous reports the landlord has indicated that they did not want the sign reconstructed and had not granted permission to do so. Councilman Thornton questioned why a packet would be sent out at this time.

Councilman Thornton stated that the Zoning Report for March indicates the request to construct the porch roof at 14-16-18 Kelly Place was denied because the porch would further encroach into the road right of way. Councilman Thornton stated that when Mr. Wright appeared before the Governing Body at the last meeting, Mr. Wright stated that the porch would not extend further out into the right of way. Administrator McNeilly stated that the landlord has to submit an application to the Land Use Board but needed approval from the Borough, the land owners, prior to making the application. Mr. Stein clarified that the use of the word further in this case is not intended to be descriptive in that it would encroach further than what the old one did. It is meant that it would be a further encroachment meaning it would continue in time. It does not mean that it will move further out into the road. Councilman Thornton stated that Mrs. Fisher had not been informed that the Governing Body had approved Mr. Wright's request. Administrator McNeilly stated that notice would have been directed to the Land Use Board. Mr. Stein stated that Mr. Wright would receive a notation from the Borough Clerk stating that the Governing Body approved a motion at the public meeting authorizing him to make an application pursuant to the plan presented and that the encroachment would not be any greater than what had previously existed. Mr. Wright will have to obtain a certified copy of the minutes to submit with his application.

Municipal Infrastructure – Councilman Thornton/Councilwoman Zdichocki

Water Distribution, Sewer Collection System, Road Construction & Maintenance, Buildings & Grounds – Councilman Thornton stated that he and Administrator McNeilly met earlier today. Administrator McNeilly stated that the water truck was delivered just in time for the three water main breaks that occurred. Two of the breaks happened in one day last week, one on Delaware Avenue and one on James Street. The DPW employees were pleased to have the truck back and operational after being without it for a year. Sometime over this past weekend one of the 2 booster pumps at the water tower failed. In preparation to replace the pump a valve was closed to isolate that section from the tower. The valve will not close properly and the flow from the tower has to shut down. A NIXLE message was sent out earlier today stating that at approximately 11PM tonight the valve will be replaced and the tower will be shut down which will result in low or no water pressure in some of the higher elevations for 45 minutes. This is a non-peak time and should not pose any problems. There are no problems with the quality of the water and no restrictions on the use of it. Bill Storms will notify Sparta Dispatch. Councilman Benson asked for the cost of the valve and the pump. Administrator McNeilly replied that the valve is nominal but the pump will run in the thousands. The pump being replaced has been in operation for approximately 16 years.

Administrator McNeilly stated the DPW did a great job with the clean-up efforts for the parade route and plantings under some extreme circumstances with the weather conditions.

Information Technology – Councilmen Depew/Benson

Councilman Depew had no report.

Boards/Commissions – Councilwoman Thistleton/Councilman Depew

Councilwoman Thistleton stated that the Recreation Commission had two sign-up nights for the Summer Recreation Program. There are 15 people who have registered for a total of 37 weeks. Another sign up is scheduled for June 13th from 5PM – 7PM at Borough Hall.

Councilwoman Thistleton stated that the Board of Health met and there is nothing to report.

ADMINISTRATOR’S REPORT

NIXLE - Mayor Maio stated that many people have advised her that they are not receiving the NIXLE messages. Councilwoman Kuncken and Councilwoman Thistleton stated that at one time they did receive messages but have not gotten the last few. Administrator McNeilly stated that he will check into the situation.

New Traffic/Parking at Stanhope School – Administrator McNeilly stated that he, Mayor Maio, Councilwoman Kuncken and Councilwoman Thistleton have met with members from Stanhope School regarding the traffic and parking issues. Councilwoman Kuncken stated that Councilman Thornton had advised the Governing Body at the last meeting that some issues had escalated at Stanhope School. There was communication between the school’s Chief Administrator and the Borough’s Administrator which determined that the best way to address the issue was in a committee forum. The Public Safety Committee, consisting of Councilwoman Kuncken and Councilwoman Thistleton, along with Mayor Maio, Administrator McNeilly and Chief Pittigher met last week with the Chief School Administrator, President of the Board of Education and the Vice-President, Mr. Moscatello. We listened to their concerns which deal with the fact that a small group of people have difficulty following the directions and the patterns that have been established for pickup of the children at the end of the day.

The school was looking for assistance on what can be done to make things better and safer for the remainder of the school year and what can be done to improve the issue once school resumes in September. They had some suggestions to relieve the stress at dismissal time and the Borough agreed with their recommendations. The plan was developed and the new traffic regulations went into effect today.

Mayor Maio stated that she and Administrator McNeilly went to the school today. The parking lot closed at 1:50PM because it was full and signs stated that if you are not parked in a defined spot in the lot you are not allowed to stay in the lot. Several people were in no parking areas and Sgt. Hickman asked some people to move and those who did not were issued a ticket or warning.

Mayor Maio stated that she and Administrator McNeilly noticed that the “no parking signs from here to corner” on Elm Street are insufficient. Traveling up from Grove Street to Elm Street to the top of the hill, if people are parked on both sides of the street, you cannot get through. We need to consider extending the no parking area up beyond where it is on Elm Street. Councilman Benson asked how this will affect parents for pickup. Administrator McNeilly replied that approximately four spaces going up the hill will be lost. Mayor Maio stated the problem is the visibility and the traffic coming down the hill. Mr. McCann, Acting Chief School Administrator, along with the President and Vice-President viewed the pickup procedure this afternoon and they were pleased with the results. Within ten minutes the school was emptied. Feedback from some of the parents to the school administration commented that the system worked well and should have been implemented long ago. Councilwoman Thistleton stated that one of the school’s concerns was the issue of having the children coming out of school and crossing over to the crosswalks. Mayor Maio stated that a suggestion was made to eliminate the crosswalk at the far end of the parking lot or the middle of the parking lot because it is confusing.

Garbage and Recycling – Administrator McNeilly stated that he met with a representative from Waste Management regarding the new recycling contract which will commence on June 3, 2013. They will be providing single stream recycling and pick up will be every Wednesday beginning June 5th. Single stream means that everything to be recycled can be placed in one can. Sorting is not necessary. Waste Management will also be providing dumpster service at the DPW yard. An empty dumpster will be provided every Wednesday. Mayor Maio asked about supplying containers to the residents. Administrator McNeilly replied that the contract does have provisions for supplying containers to the home owners which will be reviewed once the program is better established. Councilman Benson asked if the recycling pick up will be mechanized. Administrator McNeilly stated that the trucks are quipped for that but would require all the residents to have the same containers. There are no plans to implement that system at this time.

Administrator McNeilly stated that the garbage contract with Blue Diamond will remain as is.

Stanhope School Gifted and Talented – Administrator McNeilly stated that the students from Stanhope School will be holding their Mock Trial at Borough Hall on Thursday, May 30th at 6:00PM.

Furnace Park – Administrator McNeilly stated that the Environmental Commission did not receive the grant they had hoped for. Administrator McNeilly stated that when John Rogalo appeared before the Governing Body he stated that the Environmental Commission was going to risk moving ahead with performing the work and seeding the area due to the growing season. Mr. Rogalo has submitted bills for supplies and gas for his equipment in the amount of approximately \$425. Councilwoman Kuncken stated that these costs have been incurred because the grant was not awarded and now the bills need to be paid. Councilwoman Kuncken asked where these funds can be allocated. Administrator McNeilly stated that the work done was buildings and grounds but his concern is that coming back for the funds after the fact is not good practice. Councilwoman Kuncken agrees but is of the opinion that not reimbursing the resident is not the proper thing to do either. Money should not have been spent prior to having the grant awarded. These type of situations need to be monitored so that it does not happen again in the future. Mayor Maio agreed that a letter needs to accompany the reimbursement stating that in the future this will not be permitted. The Governing Body agreed to reimburse Mr. Rogalo. Mr. Stein stated that the reimbursement can be placed on the next bills list.

Recreation Summer Program and Other Events – Administrator McNeilly stated the CFO’s for Stanhope Borough, Netcong Borough and Byram Township will be meeting to discuss financial issues. Stanhope is collecting the tuition money here and sending it to Byram. There is a question on how to address the other activities. It is Byram’s program and Netcong and Stanhope are participating in their program. Councilwoman Zdichocki stated that the program is not Byram’s program it is Netcong, Byram and Stanhope joint program. Councilwoman Kuncken asked what entity is being discussed. Mayor Maio state the entity is the Tri Town Camp which is now called Camp Lenape. This was the result of Stanhope’s summer program joining with Netcong and Byram. Administrator McNeilly stated the program has to belong to a specific government entity or there has to be a shared service agreement.

Councilwoman Kuncken asked how the concert series with Netcong was run in the past. Councilman Benson replied the program was Netcong's and Stanhope joined in. Councilwoman Kuncken stated that the Borough joined in their program and the money was funneled through them. Administrator McNeilly the summer camp program as it is now is run by Byram's Recreation Director, they hire and pay the employees, the money is funneled through their offices for the facilities and the trips. Councilwoman Zdichocki stated the money is sent to them because they have a Recreation Director that coordinates the program with the assistance of the Stanhope and Netcong Recreation Commissions. This is done instead of Byram donating their schools or facilities for the camp's use. This has always been done this way but there is no contract or agreement. The money goes there because the Director books everything and up until now that seemed the easiest way to do this. Councilwoman Zdichocki stated it was a difficult process to take the Stanhope residents payments and drive them to Byram to make sure they were deposited in the 48 hour time frame. Next year when this is coordinated through all three towns Stanhope should collect and deposit our own money to keep track of our own. Mayor Maio stated that what Administrator McNeilly is trying to convey is that someone has to take financial lead.

Mr. Stein stated that the Borough of Netcong, Byram Township and the Borough of Stanhope can enter into a shared service agreement however the Recreation Commissions' do not have any legal authority to enter into such an agreement. Mr. Stein stated that Administrator McNeilly is correct that how the program works practically is one thing but how it works legally is different. There has to be a government entity in charge of this program and it has to be one of the three towns. Those three towns can enter into a shared services agreement that involves the Recreation Commissions if they wish to but the Recreation Commissions do not have the independent legal authority to do so on their own. Councilwoman Kuncken stated if there was a shared service, someone still has to take the lead. Mr. Stein replied that the whole purpose behind shared service is that the town that has the ability takes the lead and the other town does not have to put up the money to create the infrastructure and provide employees. The participating town sends the check which helps the receiving town because it spreads the cost over a larger population and helps the participating town by not having to put out the money to develop the program. Everyone looks at this as a shared undertaking between the three towns for the Recreation Commissions; however, from a legal standpoint it is necessary to ensure that the flow of the money is correct to make sure the auditors do not have issues with the procedure.

Councilwoman Zdichocki stated she agrees and she would like to keep track of where Stanhope's money is going. This came into question because the money last year did not seem to be allocated until months later. Councilwoman Zdichocki stated that Byram does not report back to Stanhope. Mayor Maio stated the Borough is only paying tuition and we are not paying for anything. It is not the Borough's money it is tuition going to pay for the camp. Administrator McNeilly stated the Borough is paying \$50 per child. Mayor Maio stated that was a decision made by the Borough. Administrator McNeilly stated that Byram has the 48 hour rule requiring checks be deposited. Those checks do not go through our system. The only thing out of our system is the \$50 per child that the Borough is paying which goes through the bills list process. Councilwoman Kuncken stated that the three towns sit down and plan the program and determine the costs and activities and the tuition is agreed upon. Once the Borough knows how many children are enrolled we send a check for \$50 per child and we are done. Councilwoman Zdichocki stated that people want to know how the funds are dispersed. Administrator McNeilly stated that the Borough has no authority to ask for how the funds were spent. Mr. Stein stated if the parents are paying the tuition and the Borough is subsidizing the \$50 per participant we are the consumer and we are no different than any other consumer and are not entitled to anything back.

Councilwoman Zdichocki asked what happens if the program makes a profit. Mr. Stein replied that is a totally different situation and a different approach. It would be much more involved and a much more complex arrangement than what is currently done. It is a much more collegiate program at this time. From the Government side we have no control over and have no right to request how funds are disbursed. Councilwoman Zdichocki wants any extra funds to be shared evenly with all three towns. Councilwoman Zdichocki asked if there is another way to run the program to make it fair to all towns. If funds are left over from last year, Councilwoman Zdichocki is of the opinion that those funds should go into next year's program and the tuition cost lowered. Councilwoman Zdichocki is concerned because the Borough has no say. Administrator McNeilly stated this an adhoc group. Mayor Maio stated there is no specific

entity. The three towns got together and Byram had the framework for a more formal program. There were aspects of our program that we liked and in the past we had worked with Netcong. We just added Byram. The Byram program was modified, expanded and enhanced and that is the only system that has been in place. Administrator McNeilly stated that is fine for the summer program but other programs are a concern. A dance was held recently and there are questions as to who ran it, who operated it, who is responsible for working it, who is controlling the funds, and who ends up with the funds, who is responsible overall. Mayor Maio asked if the dance was held by the Alliance. Administrator McNeilly stated it was not done by the Alliance. Councilwoman Zdichocki stated there was a flyer and permission slip sent out to the schools stating that Byram, Netcong and Stanhope were holding a dance for 6th, 7th and 8th graders. Councilwoman Zdichocki stated this was originally her idea along with Sharon Kacinsky from Byram who is not a member of any group. The purpose was to get the students together so when they get to high school they would know each other. It was determined that Councilwoman Zdichocki would contact the American Legion and Janet Meisner, Byram's Recreation Director, said she would help. Ms. Meisner and Ms. Kacinsky sent the flyers to the schools. All the money was collected at the door and the fees were supposed to cover cost of the DJ and the hall.

Councilwoman Zdichocki stated that Ms. Meisner made the decision on her own to submit a voucher to Byram Township to write a check for the American Legion and the DJ. When the dance was over a count was taken to see how many students attended from each town. Byram had the most, Stanhope was second and Netcong was third. Councilwoman Zdichocki stated that she had asked how much the bills were after the dance, what was left over and where the funds were going to go. Councilwoman Zdichocki felt the funds should be split evenly between the three towns to be used for other programs for the children. Byram at that time stated they had more students attend and should get more money than the other towns. Councilwoman Zdichocki stated that is when she went to Dana Mooney, CFO and Administrator McNeilly to ask what can be done to have all three towns share equally in any funds that are collected in excess.

Mr. Stein stated that there are government and private entities. Legally there should have been a non-profit formed for each town that could effectively sponsor one of these programs, could raise the funds and would have the control over it and could then say a donation would be made to the Stanhope Recreation, for example, to hold a free dance or to run whatever program they designated. In order to do this you would have to incorporate, tax returns would have to be filed, tax applications would have to be filed to get non-profit status, you would have to register with the attorney general, a president, secretary and treasurer would have to be elected and would have to hold meetings. You would be creating a legal entity to do something. We have the legal entity of the Township of Byram, Netcong Borough and Stanhope Borough which are recognized by the law and have the right to do these things. Mr. Stein stated people get together all the time and do things informally and as long as everything goes well it is not a problem until that one thing does go wrong. Mr. Stein stated that he understands that everyone has the best interest in providing programs for the children but to stay within the law there is no informal way of doing it. Mayor Maio asked Mr. Stein if the Recreation Commission wants to continue to do these activities can the towns take turns as the lead. Could Stanhope Recreation hold a dance, pay out money, collect funds and deposit them into the general fund in Stanhope. Then Netcong could take a turn and they could all still work together. Mr. Stein confirmed that this can be done but the lead entity has the liability and accounts for the money.

Administrator McNeilly stated that his concern was if something went wrong who was responsible. If this is to continue beyond just the summer program the Governing Body has to be kept aware as well. Councilwoman Kuncken stated if the Borough runs the dance and there is an excess of funds we do not have something in place to designate that money to another program for Recreation. The money has to go into the general fund. Mr. Stein stated there is no way of doing that in the context of a Recreation Commission. The Recreation Commission is a sub agency of the Borough of Stanhope. The Recreation Commission can sponsor the event but the Borough of Stanhope is really sponsoring the event and is responsible for the money. You can establish a private non-profit group that can do these things but in order to protect yourself and all the members of the group you have to incorporate, file with attorney general, get tax exempt status and then you are no longer part of Stanhope Borough and you would have to have insurance and file returns. Administrator McNeilly stated you would spend \$500 to capture \$150. Councilwoman Zdichocki asked if the Recreation Commission were to bring funds into the Borough could the Recreation Commission request an increase in the budget. Mayor Maio

stated that would be another issue. Councilwoman Kuncken stated there is no guarantee that the funds would be available for that purpose. Councilwoman Kuncken stated that the best option would be to take turns with the programs. Councilwoman Zdichocki stated she is in agreement.

Administrator McNeilly asked if a memorandum of understanding could be put in place for the summer recreation program. Mr. Stein stated that on an administrative level a memorandum of understanding can be done between the three town Administrators and the CFO's. Administrator McNeilly stated if the process for collecting checks for the summer recreation program is altered for next year then the registration form has to be different and we would have to let Byram know how many people are attending.

Councilman Thornton asked if Byram is aware that all six weeks are being held at Stanhope School. Councilwoman Zdichocki replied that both Byram and Netcong are aware of this. Councilman Thornton stated his invoice said the program was going to be held at Netcong. Councilwoman Zdichocki will check with Janet Meisner in Byram.

Signs – Mayor Maio asked Administrator McNeilly if the signs for the dog ordinance, the no smoking signs and the speed bump signs have all been ordered. Administrator McNeilly replied that all the signs are on order or in house.

Police Department – Administrator McNeilly stated the electrician was in today for the final connection and some final trim work needs to be completed. Mayor Maio asked if the trailer will be removed before for Stanhope Day. Administrator McNeilly stated once it is empty it will be removed. Councilman Thornton stated there are approximately 16-17 cars for the car show. Administrator McNeilly stated the trailer should be removed by Stanhope Day. Mayor Maio stated the parking lot will not be paved by that time. Administrator McNeilly stated with only five employees that is not possible.

Musconetcong Sign Request – Councilwoman Zdichocki stated that several Stanhope residents have asked where Musconetcong Park is located. Councilwoman Zdichocki suggested that a sign be placed out at the corner of Route 183 indicating where the park is located. Administrator McNeilly stated he will look to see if there is a spot on the corner where a sign could be placed.

Stanhope Day Banner – Councilwoman Kuncken stated that the banner for Stanhope Day is no longer hanging across Route 183.

COUNCIL BUSINESS

Awarding of Contract for DPW Building – Mayor Maio stated that the bids for the roof, exhaust fans and entry doors combined came in higher than the Borough's bond ordinance. Our bond was at \$65,000 and the lowest came in at \$68,500. A decision has to be made to (A) exclude the entry doors and stay within the original bond or (B) include the entry doors and exceed the bond. The funds are available according to the CFO in the existing building renovation fund. The additional cost and the cost of the bonding would be approximately \$8,500. Both resolutions have been prepared and are available for a vote this evening. Mayor Maio polled the Governing Body and asked if they are in favor of including the entry doors and exceeding the original bond amount. The results are as follows: Councilman Depew – yes, Councilman Benson asked how this would affect the bid. Mr. Stein replied there was a base bid and an alternate bid. Councilman Benson – yes, Councilman Thornton – yes, Councilwoman Thistleton – yes, Councilwoman Kuncken – yes. Mayor Maio advised the Borough Clerk to have the resolution including the entry doors for adoption this evening.

Stanhope Chamber of Commerce (Silent Auction Donation) – Mayor Maio stated the Governing Body and Administrator McNeilly generally donate \$20 for the donation of a basket to be given to the Stanhope Chamber of Commerce for the silent auction. The Governing Body agreed to make the donation again this year. The Borough Clerk will prepare the basket.

Update of Fire Department High Band Equipment – Mayor Maio asked Administrator McNeilly for the status of the Fire Department High Band Equipment. Administrator McNeilly replied that he requested a letter from Chief Card stating that everything is in place so that the purchase order can be released for payment but a reply has not been received to date. Mayor Maio asked Administrator McNeilly to obtain a letter stating that all is well or to provide a letter stating what is not right by the next meeting so this item can be closed out.

Musconetcong Watershed Association – Mayor Maio stated a letter has been received from the Musconetcong Watershed Association. The Borough has not been a member of this organization in the past. There is a \$250 municipal membership that includes programming which will enable the Borough to meet the NJDEP stormwater regulations public education requirements. The requirements are higher this year than they were in the past. We have to obtain 10 points from the NJDEP check list. The Musconetcong Watershed Association will do that for us. Stormwater information is annually presented in the calendar, a mailing and at Stanhope Day. This year that will not be enough to meet the new guidelines. Administrator McNeilly recommended that Eric Keller, Borough Engineer, be consulted. Mayor Maio asked Administrator McNeilly to review the information with Mr. Keller. Mayor Maio is of the opinion that if this program does not require additional work from the DPW or other employees the \$250 membership may be beneficial. Administrator McNeilly stated that he will contact Mr. Keller.

Sagamore Road – Administrator McNeilly stated that the Borough received a letter from the residents of Sagamore Road complaining about the condition of the road. Sagamore Road was one of 11 roads that were oil and stoned last fall. The catch basins on Sagamore Road were fixed, filled in with black top, seal coated and then oil and stoned. Two weeks ago we received a complaint regarding the surface condition. Administrator McNeilly stated that he and Bill Storms checked the road and it is doing what it is supposed to. There is extra loose stone but the roads are scheduled to be swept. The street sweeper was just returned from being repaired. Administrator McNeilly stated that the road looks like the others that were done. Mayor Maio stated that she disagrees. Mayor Maio is of the opinion that there is more loose stone on that road than on any of the others. Administrator McNeilly stated there are narrow sections and a cul-de-sac that have tight turning radius' which may be causing the problem.

Mayor Maio stated the road needs to be swept and inspected. A response needs to be given to the residents. Councilman Thornton stated that when he heard that Linden Avenue and Church Street were going to be done he was under the impression that they would be oil and stoned but they were paved. Councilman Thornton asked why those roads were done differently. Administrator McNeilly replied that those roads were very old and the sub surface exceeded what could be repaired with the crack sealer. Councilman Thornton stated that this information needs to be explained to the residents. Councilwoman Kuncken stated that we need to acknowledge that we are looking into it and that it is scheduled to be swept. It is going to be difficult to convey to the residents how the process of deciding what is done in different areas of town is determined. Administrator McNeilly stated the letter will state if they have additional concerns they are welcome and encouraged to attend a meeting. Administrator McNeilly stated the cost to oil and stone the 11 roads would not have been enough to pave half of one of the roads. Mayor Maio stated the residents are generally only concerned with their particular street and the letter must provide answer to all their questions.

Musconetcong Sewerage Authority (MSA) Refund – Councilman Benson stated the refund from the MSA for \$100,000 was received. Councilwoman Kuncken stated the refund was reflected in the bill that was signed today which showed the reduction of \$100,000.

NEW BUSINESS

Ordinance for Introduction [Public Hearing on June 11, 2013]

Mayor Maio offered the following ordinance for introduction which was read by title:

Ordinance 2013-07

CAPITAL ORDINANCE APPROPRIATING \$46,000 FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF STANHOPE, IN THE COUNTY OF SUSSEX, NEW JERSEY

BE IT ORDAINED by the Borough Council of the Borough of Stanhope, in the County of Sussex, New Jersey, AS FOLLOWS;

Section 1. The several improvements described in Section 3 of this capital ordinance are hereby respectively authorized as general improvements to be made or acquired by the Borough of Stanhope, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefore and amounting in the aggregate to \$46,000, which has heretofore been set aside for the improvement of purpose stated in Section 3 and now available therefore by virtue of provision in a previously adopted budget or budgets of the Borough for capital improvement purposes.

Section 2. For the financing of said improvements or purposes and to meet the part of said \$46,000 appropriations, the Borough will use \$6,000 from the General Capital Improvement Fund, and \$40,000 from the Sewer Capital Improvement Fund, as described in Section 3.

Section 3. The improvements hereby authorized and the several purposes for the allocation of which said obligations are to be spent, the appropriation made for an estimated cost of each such purpose, and the estimated maximum amount of funds to be spent for each such purpose, are respectively as follows:

Fire Dept – Equipment – Including MSA Style Air Bottles & SCBA Air Masks	\$ 6,000.00	General C.I.F.
Purchase of Radio Read Units & Touchpads	\$40,000.00	Sewer C.I.F.

All the aforesated improvements or purposes where applicable, are in accordance with specifications on file in the office of the Borough Clerk, which specifications are hereby approved.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

- (a) The said purposes described in Section 3 of this capital ordinance are capital expenses and are each 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 specifically assessed on property specially benefited thereby.
- (b) The average period of usefulness of said purposes within the limitations of said Local bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the reasonable life thereof computed by this capital ordinance, is five (5) years.

Section 5. This capital ordinance shall take effect ten (10) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

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

Roll Call:

- | | |
|------------------------------|-------------------------------|
| Councilwoman Zdichocki – yes | Councilman Depew – yes |
| Councilman Thornton – yes | Councilwoman Thistleton – yes |
| Councilwoman Kuncken – 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 Borough Clerk to post the ordinance and authorized publication of same.

Mayor's Appointment

Mayor Maio made the following appointment:

Mayor's Appointment to the Environmental Commission – Michael Balogh to fill vacant unexpired term, said term to expire December 31, 2013.

RESOLUTIONS

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

Resolution 117-13

RESOLUTION ATTESTING THAT THE STANHOPE GOVERNING BODY HAS COMPLIED WITH THE PROMULGATION OF THE LOCAL FINANCE BOARD OF THE STATE OF NEW JERSEY RELATIVE TO THE 2012 ANNUAL REPORT OF AUDIT

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2012 has been filed by a Registered Municipal Accountant with the Borough Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Stanhope, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

On motion by Councilman Depew, 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 – yes

Resolution 118-13

**RESOLUTION APPROVING SUBMISSION OF THE
CORRECTIVE ACTION PLAN FOR THE YEAR ENDED
DECEMBER 31, 2012 TO THE STATE OF NEW JERSEY,
DIVISION OF LOCAL GOVERNMENT SERVICES**

WHEREAS, all municipalities operating under the Local Fiscal Affairs Law must prepare and submit a Corrective Action Plan as part of their annual audit process, and

WHEREAS, the Borough of Stanhope has by Resolution accepted the 2012 audit as prepared and presented by the Borough Auditors, and

WHEREAS, Dana Mooney, the Chief Financial Officer for the Borough of Stanhope has prepared a Corrective Action Plan to address the findings and recommendations for the 2012 audit and presented copies of same to the Mayor, Council, and Administrator,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stanhope, in the County of Sussex, that the Corrective Action Plan, attached hereto and made a part hereof, be approved for submission to the Division of Local Government Services.

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

Roll Call:

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

Resolution 119-13

**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. 2012-15, representing 2011 property taxes and/or utility charges on Block 11501, Lot 2, C0153, known as 8153 Ashland Court, assessed to Kenneth & Dawn Fusiek, 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:	Stuart Lasher P.O. Box 83 Milltown, New Jersey 08850
Redemption Amount:	Tax Title Lien #2012-15 and Interest to Date of Meeting \$ 2,073.48 Premium Paid by Lienholder <u>0.00</u>
Total From Current Fund:	\$ 2,073.48
Total From Tax Premium Account	0.00

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

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

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

Resolution 120-13

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. 2010-18, representing 2009 property taxes and/or utility charges on Block 11601, Lot 16, known as 24 Young Drive, assessed to Khatuna Lorig, 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:	FNA Jersey Lien Services, LLC P.O. Box 1030 Brick, New Jersey 08723
Redemption Amount:	Tax Title Lien #2010-18 and Interest to Date of Meeting \$ 4,541.74 Premium Paid by Lienholder <u>0.00</u>
Total From Current Fund:	\$ 4,541.74
Total From Tax Premium Account	0.00

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

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

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

Resolution 121-13

RESOLUTION AUTHORIZING TREASURER TO REALIZE ADDITIONAL GRANT FUNDS AS A REVENUE NOT ANTICIPATED

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough of Stanhope has received a total of \$6,885.99 from the NJ Solid Waste Administration for the 2013 Clean Communities Grant, and

WHEREAS, the Borough of Stanhope now wishes to amend its 2013 budget to include the additional grant funds approved of \$6,885.99 as a revenue.

NOW THEREFORE, BE IT RESOLVED that the Council of the Borough of Stanhope does hereby requests the Director of the Division of Local Government Services to

approve the insertion of an item of revenue in the budget of the year 2013 in the sum of \$6,885.99, which will be available as a revenue from:

Miscellaneous Revenues
Special Items of General Revenue Anticipated with Prior Written
Consent of the Director of Local Government Services – Public
And Private Revenues Offset with Appropriations: 2013 Clean Communities
Grants, and

BE IT FURTHER RESOLVED that a like sum of.....\$6,885.99
be and the same is hereby appropriated under the caption of:
General Appropriations
(A) Public and Private Programs Offset by Revenues:
2013 Clean Communities Grant, and

BE IT FURTHER RESOLVED that the Chief Financial Officer shall submit one copy of the Chapter 159 certification form to the Director of Local Government Services.

On motion by Councilwoman Kuncken, seconded by Councilman Benson 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 – yes

Resolution 122-13

RESOLUTION OF THE BOROUGH OF STANHOPE, IN THE COUNTY OF SUSSEX, NEW JERSEY, ESTABLISHING PROCEDURES TO MONITOR AND ENSURE COMPLIANCE WITH FEDERAL TAX LAW REQUIREMENTS WITH RESPECT TO TAX-EXEMPT DEBT OF THE BOROUGH

WHEREAS, the Borough of Stanhope, in the County of Sussex, New Jersey (the “Borough”) has from time to time and will from time to time issue tax-exempt debt, including without limitation bonds and bond anticipation notes; and

WHEREAS, in connection with the issuance of tax-exempt debt, the Borough is required by Section 149(e) of the Internal Revenue Code to file with the Internal Revenue Service an Information Return for Tax-Exempt Governmental Obligations known as Form 8038-G (or a substantially similar form); and

WHEREAS, the most recent revision of Form 8038-G requires the Borough to report whether the Borough has established written procedures to monitor and ensure compliance with certain requirements of federal tax law relating to its tax-exempt debt; and

WHEREAS, bond counsel to the Borough has prepared written procedures to monitor and ensure compliance with the requirements of federal tax law relating to tax-exempt debt which procedures are attached hereto as Exhibit A; and

WHEREAS, the Borough is desirous of establishing such written procedures;

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

Section 1. In furtherance of the purposes described in the above recitals and in connection with the issuance from time to time by the Borough of tax-exempt debt, including bonds and bond anticipation notes, the Borough hereby establishes procedures to monitor and ensure compliance with federal tax law which procedures are attached hereto as Exhibit A.

Section 2. This resolution shall take effect immediately.

I. Purpose of Procedures

The purpose of these procedures is to ensure that the Borough of Stanhope, in the County of Sussex, New Jersey (the "Borough") complies with applicable requirements of federal tax law necessary to preserve the tax-exempt status of interest on any tax-exempt obligations (collectively referred to as the "Bonds") issued by the Borough. These requirements include restrictions on the use of the proceeds of the Bonds and on the use of the facilities and assets financed with the Bonds. The Borough hereby designates the Chief Financial Officer of the Borough as the compliance officer (the "Compliance Officer") for purposes of these procedures. These procedures provide only a general overview of the primary tax restrictions. The Compliance Officer shall consult with bond counsel as needed to understand the tax restrictions described in the arbitrage and use of proceeds certificate or similar tax certificate (the "Tax Certificate") executed by the Borough in connection with an issue of Bonds and to ensure compliance with the tax restrictions described in these procedures.

II. General Overview of Private Business Use Restrictions

The tax rules prohibit private business use (use by private parties, including nonprofit organizations and the federal government) of tax-exempt financed facilities and assets beyond permitted *de minimis* amounts unless cured by a prescribed remedial action. Private business use may arise as a result of:

- Sale of the financed facility or asset;
- Lease, easement, concession or use arrangement relating to all of a portion of the financed facilities or assets (including a lease, easement, concession or use arrangement relating to areas outside the four walls, e.g., hosting of a cell phone tower or renewable energy facilities);
- Management or service contracts under which a private party operates all, a portion of, or any function of a financed facility or asset (e.g., private management of a water or wastewater system, a cafeteria or a healthcare facility); or
- Preference arrangements which extend special legal entitlements or preferences to a private party with respect to a financed facility or asset (e.g., preference parking in a public parking lot, naming rights, etc.).

The restrictions on private business use apply throughout the term of the Bonds. An action described above, if taken after the Bonds are issued, could jeopardize the tax-exempt status of the Bonds; however, arrangements with private parties for use of financed facilities can often be structured to comply with an exception, or "safe harbor," to the private business use restrictions. Accordingly, the Borough should consult with bond counsel whenever such an arrangement with a private party is being considered. If the Compliance Officer identifies private business use of a Bond-financed project, the Compliance Officer will consult with bond counsel to determine whether such private business use will adversely affect the tax-exempt status of the Bonds, and if so, what remedial action is appropriate, if any.

III. General Overview of Arbitrage Restrictions

The tax rules contain investment restrictions relating to Bond proceeds and other moneys relating to the Bonds. Those arbitrage restrictions are set forth in the Tax Certificate for each Bond issue. The Tax Certificate is included in the Bond closing transcript. Investment earnings on Bond proceeds should be tracked and monitored to comply with applicable yield restriction and rebate requirements. Arbitrage is the difference between the yield on the Bonds and the investment income earned on the Bond proceeds invested in taxable instruments. Under certain circumstances, the Borough may be required to rebate "positive arbitrage" that it earns to the U.S. Treasury. The Borough must calculate (or hire a consultant to calculate) rebate liability for each Bond issue and make any required rebate payments on a timely basis. The Borough may retain bond counsel, or another arbitrage rebate consultant, to perform any rebate calculations that are required to be made from time to time with respect to any Bond issue.

The rebate calculation dates are described in the Tax Certificate related to each issue of Bonds, but are generally every fifth (5th) anniversary date of the Bond issue through the final maturity or redemption date of a Bond issue. A final rebate payment must be made within sixty (60) days of the final maturity or redemption date of a Bond issue.

IV. Document Retention Requirements

Copies of all documents and records sufficient to document the expenditures and uses of Bond proceeds and Bond-financed facilities and assets will be maintained by the Borough for the term of a Bond issue (including refunding bonds, if any) plus six (6) years, including the following documents and records:

- Bond closing transcripts;
- Copies of records of investments, investment agreements, credit enhancement transactions, financial derivatives (e.g., an interest rate swap), arbitrage reports and underlying documents, including trustee statements;
- Copies of material documents relating to expenditures financed or refinanced by Bond proceeds, including (without limitation) purchase orders, invoices, payment records, as well as documents relating to costs reimbursed with Bond proceeds and records identifying the assets or portion of assets that are financed or refinanced with Bond proceeds;
- All leases, management agreements or other contracts and arrangements involving a private use, or a change in use, of the Bond-financed property; and
- A list of assets financed with Bond proceeds, including placed in service dates.

V. Ongoing Training

Training shall be made available to the Compliance Officer to support the Compliance Officer's understanding of the tax requirements applicable to the Bonds. Such training may include, but would not be limited to, attending training sessions at local conferences sponsored by, among others, the New Jersey Government Finance Officer's Association, the New Jersey State League of Municipalities, the New Jersey Association of Counties, the New Jersey Tax Collectors and Treasurers Association and Rutgers University, participation in IRS teleconferences, reading technical guidance materials provided by educational organizations, the IRS and bond counsel, and discussing questions and issues with bond counsel and an arbitrage rebate consultant.

VI. Annual Completion of Tax-Exempt Debt Compliance Checklist

The Compliance Officer will complete the attached "Annual Tax-Exempt Debt Compliance Checklist" with respect to all outstanding Bonds on or before December 31 of each annual period. The Compliance Officer will retain a copy of each completed and signed checklist in a file that is retained in accordance with the document retention requirements described in Section IV above.

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

Resolution 123-13

RESOLUTION AUTHORIZING STANHOPE HOSE COMPANY NO. 1 TO CONDUCT A BUCKET DROP

WHEREAS, the members of Stanhope Hose Company No. 1 wish to hold a "Bucket Drop" on Friday, July 5th from 3:00 p.m. to 8:00 p.m., Saturday, July 6th from 8:00 a.m. to 5:00 p.m. and Sunday, July 7th from 10:00 a.m. to 4:00 p.m. at the intersection of Brooklyn Road (County Route 602) and Route 183 in the Borough of Stanhope; and

WHEREAS, N.J.S.A. 39:4-60 requires charitable organizations to obtain municipal approval before soliciting contributions within municipal roadway; and

WHEREAS, charitable organizations are also required to obtain a Charitable Solicitation permit from the New Jersey Department of Transportation (hereinafter, "NJDOT"); and

WHEREAS, the NJDOT application must be accompanied by a certified copy of a municipal resolution approving the solicitation; and

WHEREAS, the Borough's Chief of Police has reviewed the Fire Department's solicitation plan and has found same to be acceptable and in accordance with the NJDOT's guidelines; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Stanhope, in the County of Sussex, and State of New Jersey hereby approves the Stanhope Hose Company No. 1's request to hold a "Bucket Drop" on Friday, July 5th from 3:00 p.m. to 8:00 p.m., Saturday, July 6th from 8:00 a.m. to 5:00 p.m. and Sunday, July 7th from 10:00 a.m. to 4:00 p.m. at the intersection of Brooklyn Road (County Route 602) and Route 183 in the Borough of Stanhope.

This resolution is subject to the approval of the Sussex County Board of Chosen Freeholders and the New Jersey Department of Transportation.

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

Mr. Stein stated this is version number two in the amount of \$68,513.

Resolution 124-13

RESOLUTION AWARDING CONTRACT FOR ROOF AND EXHAUST FANS AND ENTRY DOORS FOR DPW BUILDING

WHEREAS, the Borough of Stanhope heretofore advertised for the receipt of sealed competitive bids for the roof and exhaust fans for the DPW Building with an alternate bid for the removal and replacement of two entry doors; and

WHEREAS, the Borough accepted sealed competitive bids on May 16, 2013 for the roof and exhaust fans and entry doors for the DPW Building; and

WHEREAS, the Borough of Stanhope received three (3) sealed competitive bids in the following amounts: Arista Builders and Designers - \$137,295.00; Arco Construction - \$86,800.00 and Case Construction Co. - \$68,513.00.

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

WHEREAS, Case Construction Co. is the lowest responsive, responsible bidder for the Borough's request for bids on May 16, 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 Case in an amount not to exceed \$68,513.00; and

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

BE IT FURTHER RESOLVED, that the Borough Clerk shall notify all bidders on May 16, 2013 of the award of the bid to Case Construction Co.; and

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

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 Thornton – yes
Councilwoman Kuncken – yes

Councilman Depew – yes
Councilwoman Thistleton – yes
Councilman Benson – yes

MAYOR'S APPOINTMENT

Resolution 125-13

MAYOR'S APPOINTMENTS TO COUNCIL COMMITTEES WITH COUNCIL CONCURRENCE

BE IT RESOLVED by the Council that they do hereby concur with the Mayor's appointments to the Council Committees for the year 2013 as follows.

Committee	Chair	Member
Finance/Administration	James Benson	Diana Kuncken
Public Safety	Diana Kuncken	Doreen Thistleton
Community Development	Patricia Zdichocki	William Thornton
Infrastructure	William Thornton	Patricia Zdichocki
Technology	Michael Depew	James Benson
Boards/Commissions	Doreen Thistleton	Michael Depew

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stanhope, County of Sussex, State of New Jersey that they do hereby concur with the Mayor's appointments herein for the year 2013.

Mayor Maio stated that former Councilman Graham's committees were given to Councilman Thornton who was second chair on Infrastructure and Councilwoman Zdichocki was appointed to fill Councilman Thornton's former committees.

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

Resolution 126-13

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF STANHOPE APPROVING THE MAYOR'S APPOINTMENT OF GRETCHEN FRY RAFUSE TO THE RECREATION COMMISSION WITH COUNCIL CONCURRENCE

Mayor's appointment to the Recreation Commission with Council concurrence as follows:

Gretchen Fry Rafuse to fill a vacant 5-year term as Alternate #1, said term to expire December 31, 2017.

BE IT RESOLVED by the Council of the Borough of Stanhope that they do hereby concur with the Mayor's appointment of Gretchen Fry Rafuse as a Member of the Recreation Commission, effective immediately, to fill a vacant 5-year term as Alternate #1, with said term to expire December 31, 2017.

On motion by Councilwoman Zdichocki, seconded by Councilwoman Thistleton, and unanimously carried by voice vote, the foregoing resolution was adopted.

Mayor Maio stated that she spoke with Ms. Rafuse earlier who stated that she wished to attend the meeting this evening but had a prior commitment. Mayor Maio stated that she is of the opinion that Ms. Rafuse will be an asset to the Recreation Commission.

PAYMENT OF BILLS

Resolution 127-13

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 28, 2013 and on file and available for public inspection in the Office of the Chief Finance Officer and approved by the Chief Finance Officer for payment, be paid.

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

Roll Call:

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

Councilwoman Kuncken asked the Administrator to clarify one of the bills and attach a name to it. The bill does not need to be pulled.

ATTORNEY REPORT

Mr. Stein stated that the bid is now in for the solid waste collection and disposal and he has prepared new reimbursement agreements for each of the two condominium associations that will be mailed this week.

Mayor Maio asked Mr. Stein for the status on the In-Rem foreclosures. Mr. Stein stated that the judgment is at the County and the Borough now owns the properties. Mayor Maio stated that the Borough now owns the piece of property on Route 206 South which is zoned commercial. The property had Land Use Board approval for a gas station many years ago. Mr. Stein stated there was a drainage issue because of the Brookwood West Property Owners Association that lasted for quite a while. Mayor Maio stated that the property should be cleaned up and listed with a commercial realtor to market it.

Administrator McNeilly stated he would like to secure the entrance to the property with cement blocks for security. Administrator McNeilly stated there is a piece of property on Route 183 just above Linden Avenue that was also on the list that has a billboard. Mr. Stein stated that the state requires that a billboard has to be listed separately on the tax records and the owners redeemed that property. Administrator McNeilly stated that there may be another piece of commercial property that is now owned by the Borough and there is a lot on Lloyd Avenue that is land locked. Mr. Stein stated there is a house in front of the land locked property which should have been combined years ago. Administrator McNeilly stated in the early 80's there was a paper street and the people that owned the house in the front owned the property in the back and they asked for the road to be abandoned and the property should have been combined at that time. There is a mortgage company holding the interest in the house but not the property behind it. Mr. Stein stated the tax map indicates that the road was vacated in 1988. Councilwoman Kuncken asked if the property could be offered to new owners should that home be sold. Administrator McNeilly replied that the property could be offered for purchase.

Mayor Maio stated the piece of property next door and the other commercial property should be sold. Administrator McNeilly stated that the Borough will still have to go to bid. Mr. Stein confirmed that the Borough can hire a realtor and pay a realtor commission but it is still an open public auction to the highest bidder. The realtor's job is to get the bidders to the auction. Councilwoman Kuncken stated that the Borough has held auctions on our own before. Mr. Stein confirmed that we have auctioned some other small properties. The lot next door was sold and the new owner tore down the building, filled it all in at his expense and the drainage improvement was done and now the Borough has the property back again. The judgment is entered and by reporting it to the County Clerk that serves as notice to everyone else. Every property owner on the list knows that the Borough owns the property. Administrator McNeilly asked if a judgment had to be filed for each property. Mr. Stein stated that one judgment covers everything and it should be back from the County by the end of the week.

CITIZENS TO BE HEARD

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

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

CLOSED SESSION

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

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

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

1. The public shall be excluded from discussion of and action upon the hereinafter-specified subject matter(s).
2. The general nature of the subject matter(s) to be discussed is as follows:
 - 1 – Personnel
 - 1 - Attorney-Client
3. It is anticipated at this time that the above stated subject matter(s) will be made public at the conclusion of each individual specified subject matter.
4. This resolution shall take effect immediately.

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

Mayor and Council went into Closed Session at 10:20 P.M.

At the conclusion of the Closed Session, Mayor and Council reconvened the public meeting at 10:30 P.M. with all present.

ADJOURNMENT

On a motion by Councilman Thornton, seconded by Councilman Benson, and unanimously carried by voice vote the meeting was adjourned at 10:30 P.M.

Approved:

Linda Chirip
Deputy Clerk
For Ellen Horak
Borough Clerk