

**MAYOR AND COUNCIL
REGULAR MEETING
July 23, 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 Thornton – Present
Councilwoman Kuncken – Present

Councilman Depew – Present
Councilwoman Thistleton – 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.

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:

May 28, 2013	Business Meeting & Closed Session Minutes
June 11, 2013	Work Session & Agenda Meeting Minutes

On motion by Councilwoman Thistleton, seconded by Councilwoman Zdichocki and unanimously carried by voice vote, the above listed minutes were approved.

CORRESPONDENCE (List Attached)

On motion by Councilwoman Kuncken, seconded by Councilwoman Thistleton 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 that the Police Department for the month of June had 73 reports. The majority of those were motor vehicle incidents.

The Ambulance Squad reported 60 in town calls for the month of June, 20 calls were in Stanhope, 40 were in Netcong. There was a total of 3 out of town calls, 2 calls to Hopatcong and 1 to Roxbury. A total of 32 patients were treated. There were 32 trips to the hospital for a total of 783 miles and 318 hours 53 minutes of service time.

The new ambulance has been delivered and is in service. The squad is not going to have a wetdown. If they plan some type of celebration in the future, we will be notified.

Finance & Administration – Councilman Benson/Councilwoman Kuncken

Councilman Benson had not report.

Community Development – Councilwoman Zdichocki/Councilman Thornton

Zoning, Construction, Code Enforcement, Economic Development, Chamber of Commerce, Downtown Revitalization – Councilwoman Zdichocki stated there were 7 zoning permit applications for the month of June and 13 code violations and complaints.

Municipal Infrastructure – Councilman Thornton/Councilwoman Zdichocki

Water Distribution, Sewer Collection System, Road Construction & Maintenance, Buildings & Grounds – Councilman Thornton stated that he attended an infrastructure meeting last Tuesday which was also attended by Mayor Maio, Councilwoman Zdichocki, Administrator McNeilly and DPW Superintendent Bills Storms. Projects that are pending were reviewed and a time table was determined. Weather and circumstances will hopefully allow for the projects to be completed. The large hole in McKinley Street is an example of circumstances beyond our control. Administrator McNeilly stated that the entire side of the manhole box was in need of repair. The DPW Department did an excellent job repairing the area in 100 degree heat. Councilman Depew commended the DPW for the effort they put forward. They were out in the heat from 7:00 AM until 6:00 PM.

Information Technology – Councilmen Depew/Benson

Councilman Depew stated that the Administrator is having his computer replaced. The new computer will be a laptop with a docking station.

Boards/Commissions – Councilwoman Thistleton/Councilman Depew

Councilwoman Thistleton stated there will be a movie in the park tomorrow night, “Rookie of the Year” will be shown. Halfway to St. Patrick’s Day tickets are available for purchase.

The animal census has been successful. To date an additional 282 dogs have been licensed and an additional 155 cats. Administrator McNeilly reported that prior to May 23rd 234 dogs were licensed and 102 cats. Officer Eller performed a true door-to-door canvas which to date brings the total of dogs licensed to 516 and licensed cats total 257. In the month of June, the Borough collected \$4,205 for dog licenses and \$2,305 for cats. The late fees collected remain in the Borough’s Animal Trust Fund, as well as all the funds collected for the cat licensing. Administrator McNeilly stated that Officer Eller did the door-to-door work and Linda Chirip, Deputy Clerk, was thanked for her efforts and commended for the way in which she worked with the residents.

Councilwoman Thistleton stated that Family Fun Day was a huge success. The event was attended by approximately 300 people and over 400 hot dogs were served. It was a very hot day but the children loved playing in the water supplied by the fire department.

Councilwoman Thistleton had nothing to report from the other boards and commissions.

ADMINISTRATOR’S REPORT

Finance – Administrator McNeilly reported that the Morris County JIF has authorized the \$50,000 grant on the Borough’s behalf for the Police Certification. When the contract is received, it will be forwarded to Mr. Stein for review.

Community Development – Administrator McNeilly reported that the Main Street lighting requests for quotes have been sent out to the vendors. There are 10 lights which will each include bulb, globe and reflector.

Water Improvement Project – Administrator McNeilly stated that he, Lee Purcell and John Black met with Sussex County Engineering to discuss the water line replacement project for Brooklyn Road. Due to the narrowness of the pavement on this section of road from Tower Drive to Sparta Road, a full closure of the road will be required. The road closure will be for approximately 30-35 days. The closure is anticipated to take place during the summer of 2014. LTPA is formulating the detour plans to submit to Sussex County. The detour, as we know it, will be out through Landing, but the official detour will be at the four corners through Byram and down Route 206. Councilwoman Zdichocki stated that perhaps Musconetcong Avenue could be used for the detour. Administrator McNeilly replied that the complexity of the project may not allow for that. Mayor Maio stated that the contractor will work with the Borough and determining how the work will be scheduled will up to them. Mr. Stein stated that the Borough cannot tell the contractor the means or the methods of how to do the job. The contractor will present their schedule to our engineer who will determine if it meets the contract or not. Under the local public contracts law, traffic control has to be built into all the contracts. Administrator McNeilly stated that because this is a County road the NJDOT detour specifications must be determined right down to the placement of the signs. Lee Purcell has requested to be on the agenda for the Mayor and Council meeting scheduled for September 10th to provide a project status update. Administrator McNeilly stated that Mr. Purcell will also discuss possible dates for the first public information session to be held in October or November. Much discussion took place regarding the scope of the project and all the details that will need to be addressed. Councilman Benson asked if the existing road construction projects in the area will affect the Borough's plans. Administrator McNeilly stated that the Byram and Netcong construction should be completed prior to the Borough's project.

Recycling Dumpsters – Administrator McNeilly stated that he spoke with Waste Management regarding the tall dumpsters at the DPW yard. Waste Management will bring the low side dumpsters as a test to see if they will solve the problem. If they are not easier to access, Bill Storms will arrange to have the DPW Department build a staircase.

Indian Point Tower – Administrator McNeilly stated that he and Rich Kuncken, from the Ambulance Squad, toured the area in Byram Township at the Indian Point Tower antenna site. This equipment is used by the Police Department, the Ambulance Squad and DPW. The Fire Department no longer uses this equipment now that they have switched to the high band radio system. The equipment is old but serviceable. Administrator McNeilly stated that a meeting should be scheduled with the Ambulance Squad to discuss their future communication needs. Councilwoman Kuncken stated that the Public Safety Committee will work with the Ambulance Squad. Councilman Benson asked if there was a problem with the high frequency radios. Administrator McNeilly stated there was a problem with the air conditioner fans interfering but the problem was corrected by the vendor.

Musconetcong Watershed Association – Administrator McNeilly reported that an email was received from the Musconetcong Watershed Association stating that they would like to attend a council meeting to present "Stormwater Training for Elected Municipal Officials". This program is listed on the NJ Stormwater Management Rules for a Tier A or Tier B municipality. They have asked to attend the August 27th meeting or the Work Session on September 10th. Mayor Maio stated that August 27th would be preferred as Mr. Purcell will be attending the September 10th meeting.

Stanhope Borough Sign – Administrator McNeilly reported that last night someone attempted to exit North Main Street and drove through the Borough sign. The sign has been brought to Sign Art for repair.

Well #5 – Councilman Depew asked Administrator McNeilly if the generator for Well #5 is up and running. Administrator McNeilly stated there were issues with the transfer switch, unrelated to the installation, but the generator is up and running.

Tree – Mayor Maio stated that she was in the office when a resident inquired about a damaged Willow tree. Administrator McNeilly stated that he will notify Steve Ellis, Acting Director of the State Park for DEP, and send a picture of the tree. The tree is on NJ State property.

COUNCIL BUSINESS

August 13th Meeting – Mayor Maio stated that the Mayor and Council meeting scheduled for August 13th must be cancelled or rescheduled due to the Special Primary Election that will be taking place that same day. There are no pressing issues at this time. Councilwoman Kuncken stated that the CFO needs to be notified that only one bills list will be prepared for the end of the month. Administrator McNeilly stated that the CFO was consulted.

On motion by Councilwoman Kuncken, seconded by Councilman Depew, and unanimously carried by voice vote, the Mayor and Council meeting scheduled for August 13, 2013 was cancelled. Mayor Maio instructed the Deputy Clerk to publish the meeting cancellation.

Training Class for Deputy Clerk – Mayor Maio stated that she spoke with Linda Chirip, Deputy Clerk, who informed her that there is a Municipal Clerk's training course available in September in Morris Plains which will consist of four Saturday classes. Mayor Maio requested that, due to the fact that the Borough Clerk is on leave for an extended period of time, approval be granted and the funds allocated for the Deputy Clerk to attend the training class. The cost for the program is \$800. The Deputy Clerk has completed and passed the Election Training class which will be put to use in a few weeks for the Special Election.

On motion by Councilman Benson, seconded by Councilman Depew and unanimously carried by the following roll call vote, approval was granted for Linda Chirip, Deputy Clerk to attend the Municipal Clerk training program.

Roll Call:

Councilwoman Zdichocki – yes
Councilman Thornton – yes
Councilwoman Kuncken – yes

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

Resident Request for Second Water Meter – Mr. Stein stated that the owner of 62-64 Main Street, which used to be the location of The Pampered Pet, has a commercial unit downstairs and two apartments upstairs. There is only one water meter and they pay a combined maximum rate for the three units even though according to the owners the commercial unit has been empty for three years. The owners are requesting to install more than one meter. The Borough Ordinance, Section 136-14 "Meters in Multiple Service Buildings" states "Whenever practical, the Water Department will require a separate meter for each living accommodation or usage in multiple service buildings. If such separate service shall not be practical all such units may be serviced by one meter, provided the size ..." The ordinance actually calls for separate meters. The property owner would be responsible, if necessary, for re-plumbing the building, which is mentioned in their letter. Provided that the units are plumbed separately, the Borough can supply three meters. Mayor Maio stated that she was of the opinion that the owners were requesting to have two meters. One for the commercial use and another for the apartments. Mr. Stein confirmed that they have requested two meters however, according to the ordinance, there should be three meters. Mayor Maio asked Administrator McNeilly if each meter would be billed a base charge. Administrator McNeilly confirmed this. Mayor Maio stated that the charges could be more than they are now by installing three meters. Mr. Stein stated that a letter will have to be sent to the owners making it very clear that they have the right to install separate meters according to the ordinance, if plumbing work is required that is the responsibility of the owner, the separate meters will be provided once the requirements are met and an explanation of charges will have to be given. Mr. Stein stated that by having separate charges they may in turn have the tenants be responsible for the costs. Mr. Stein will work with Administrator McNeilly to compose a letter. Mayor Maio asked the Council if they were all in agreement. There were no objections.

Police Reporting System – Mayor Maio stated that the Police Department currently uses the Spillman Reporting System. Prior to using this system, a program called Enforsys was used. The Enforsys System has been updated and Chief Pittigher is requesting to switch over to Enforsys. Councilwoman Kuncken stated that the Public Safety Committee brought this to the attention of the Mayor and Council a few months ago. The Spillman System was acquired based on a grant that the County had received. At that time, the police chiefs agreed to switch over to that system to utilize the grant. The system did not work as promised. Councilwoman Kuncken stated that Chief Pittigher told her that Sparta Dispatch is planning to switch over to the Enforsys Blue system and that would require Stanhope Borough to switch to this system as well.

Stanhope Borough's share of the expense to do this would be approximately \$6,000. The Fire Department uses this system and additional costs of approximately \$1,000 for the software and \$300 in maintenance costs would be needed for them to switch over. At this point in the year it is not possible for the Borough to obtain an additional \$7,000 for this system. Sparta Dispatch has not confirmed that this change is definitely going to occur. Councilwoman Kuncken stated that at last night's Public Safety Meeting it was decided that Administrator McNeilly will contact Dave Troast, Sparta Township's Administrator, for information. Gary Card, Fire Chief, will check to see if the Fire Department has a computer that will be able to access the Enforsys Blue System or if they would require new computer equipment. Mayor Maio stated that a determination needs to be made as to which towns are going to make this change. If all the towns do not participate, the costs will increase for those that do. Councilwoman Kuncken stated that Chief Pittigher told her that he is of the opinion that Sparta Dispatch is planning to sign on to Enforsys by September 1st. Training for all the police departments would have to be done prior to implementing the system.

Administrator McNeilly stated that he spoke with Dave Troast today. Mr. Troast was recently informed of this issue and Sparta's transition costs would be \$24,300. Their ongoing maintenance is already included in their budget because Sparta never terminated their relationship with Enforsys during this experiment. Their ongoing maintenance also captures Byram and Stanhope in its costs. Administrator McNeilly stated that he explained to Mr. Troast that this is not an emergent situation due to a failure of the system. This change is the result of department heads wanting to make a change. The Borough's Governing Body is in a difficult position to find the funds to make this change for the fiscal year 2013. Administrator McNeilly stated that Mr. Troast does not want any of the towns under contract to be impacted by this change. Mr. Troast will research this issue further with his department head. Councilman Benson asked what the County's position is on the subject. Administrator McNeilly stated that the only involvement by the County was that the system was obtained through a grant. The system is labor intensive and does not provide information in the way it is needed. If a change is going to take place it should be scheduled for January 1st, not mid-year. Administrator McNeilly contacted Enforsys to confirm pricing. The Fire Department costs have not been confirmed. Administrator McNeilly asked Enforsys if a payment plan could be arranged in the event the transition is scheduled in this fiscal year. Enforsys would arrange a payment plan but would require half of the \$6,891 amount to be paid upfront.

Councilman Depew asked why this program, that the police chiefs insisted on having, is now no longer an option and the outcome is that it will result in additional costs. Mayor Maio stated that the Borough needs to respect the needs of the department but they need to understand that acquiring the funds may take some time. Councilwoman Kuncken stated that the Borough needs to wait for a determination to be made by Sparta Township. Councilwoman Zdichocki asked what will happen if the switch is not made until January. Administrator McNeilly stated that the Spillman System works in places like Toms River where they have a fully staffed records department. The current system works and the police will continue to use it until a change can be made. Much discussion took place regarding the funding issues. Mayor Maio stated if Sparta Township makes the change, the Borough will have to switch.

Administrator McNeilly will contact Chief Pittigher and Chief Card regarding the financial issues.

Tax Bill Issues - Mayor Maio stated that a few residents have sent letters requesting relief from their tax bills. One homeowner has asked why the taxes have increased. Another has sent a letter stating that he has been furloughed and is requesting a payment plan or other options that may be available. Mayor Maio stated that in her opinion these issues are going to continue and asked the Council how the Borough should respond and who should be contacting the homeowners. Councilwoman Kuncken suggested that a Finance Committee meeting be held to discuss the issue. Administrator McNeilly stated that a responsible budget was adopted in April and the increase was nominal. The impact of that, due to the re-assessment of values, is now being questioned by some homeowners. Those homeowners are being directed to contact the Tax Assessor regarding the value. Mayor Maio stated that the Borough lost \$47 million dollars in value. Councilwoman Zdichocki asked who residents can speak to with regard to payment plans. Mr. Stein stated that typically what happens in this situation is that everyone's value goes down but your percentage as compared to your neighbor's determines whether or not the tax bill increases. Due to the timing of the re-assessment, the tax appeals are not usually high during the

first year because the impact is not evident. Next year there may be more tax appeals submitted. Mr. Stein agrees that the Tax Assessor is the person that should meet with those residents to explain how the value was determined. This will give those residents a better understanding.

Mayor Maio stated that those issues do need to be addressed to the Tax Assessor. A determination needs to be made as to how to handle the inquiries requesting a payment plan, or waiving of interest. A standard answer has to be given. Administrator McNeilly stated that rules are in place for that purpose. There is a procedure that must be followed if taxes are not paid. Those regulations ensure that the Borough ends up at 100%. Much discussion took place regarding the hardships that people are facing. Mayor Maio stated that perhaps a standardized letter be drafted that outlines the procedures and anyone that inquires needs to receive a response. Councilwoman Zdichocki stated that standard answers need to be given to the residents when they inquire. Mr. Stein stated that the requests to waive interest, differ payments or make payment plans can only be granted by the Governing Body. The Tax Collector does not have the authority to do so. If someone wants to pay a partial payment they can do so. The Tax Collector does not have the authority to tell someone that the entire payment has to be made until such time as a lien may be put on the property. Administrator McNeilly stated that if someone were to come into the office with a request, the response to them would be to put the request in writing to the Governing Body. Mr. Stein stated that the Governing Body has to be very judicious in how the cases are handled. The circumstances would have to be exceptional. Administrator McNeilly stated that even in cases where a home has burned down, the taxes still have to be paid. Councilwoman Kuncken stated that with Mr. Stein's assistance a letter should be written to explain the process for making payments. Ultimately the taxes must be paid and no fees are going to be waived. Mr. Stein stated once a lien is in place the Tax Collector cannot accept partial payments. Councilwoman Kuncken stated that residents have also made the same requests with regard to the water and sewer bills. Mayor Maio stated that the Borough is not in the position to make any allowances and Administrator McNeilly will instruct the staff on how to respond. Mr. Stein will assist Administrator McNeilly in preparing a response to the letter that was received. The Council had no objections.

NEW BUSINESS

RESOLUTIONS

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

Resolution 141-13

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF STANHOPE AUTHORIZING THE ISSUANCE OF RAFFLE LICENSE RA-589

WHEREAS the following Raffle Application with required fees has been submitted for Mayor and Council approval;

<u>Raffle #</u>	<u>Applicant</u>	<u>Date</u>	<u>Type of Game</u>
RA-589	American Legion Post #278 Musconetcong	8/13/2013 through 8/12/2014	Instant Raffle

and;

WHEREAS said Raffle Application has been provided to the Mayor, Council and Police Department for their review;

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

1. The appropriate officials are hereby authorized to execute the findings and determination for the above application and shall forward same to the Legalized Games of Chance Control Commission (LGCCC) for review.
2. That the above license shall be issued pending LGCCC approval, pursuant to N.J.A.C. 13.1 et seq.

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

Resolution 142-13

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF STANHOPE AUTHORIZING THE
ISSUANCE OF RAFFLE LICENSE RA-590**

WHEREAS the following Raffle Application with required fees has been submitted for Mayor and Council approval;

<u>Raffle #</u>	<u>Applicant</u>	<u>Date</u>	<u>Type of Game</u>
RA-590	Patriot Wrestling Booster Club	1/16/2014	Off Premise Raffle

and;

WHEREAS said Raffle Application has been provided to the Mayor, Council and Police Department for their review;

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

3. The appropriate officials are hereby authorized to execute the findings and determination for the above application and shall forward same to the Legalized Games of Chance Control Commission (LGCCC) for review.
4. That the above license shall be issued pending LGCCC approval, pursuant to N.J.A.C. 13.1 et seq.

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

Resolution 143-13

**RESOLUTION AUTHORIZING REFUND OF FEE FOR 200
FOOT LIST**

WHEREAS, Dynamic Engineering had presented \$10.00 with a letter requesting a 200' list from the Tax Assessor for a property in Stanhope, and

WHEREAS, the property is actually located in Frankford Township, and the funds had already been deposited;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Stanhope, that a warrant be drawn to the company listed below in the designated amount representing a refund of a Fee for a 200' List:

Name & Address	Amount
Dynamic Engineering Consultants, PC 1904 Main Street Lake Como, New Jersey 07719	\$ 10.00

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

Mr. Stein explained that this money was received for a 200 foot list which is a requirement prior to submitting an application to the Land Use Board. In this particular case the request was for Frankford not Stanhope but the check had been deposited.

Roll Call:

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

Resolution 144-13**RESOLUTION TO REFUND OVERPAYMENT OF TAXES
FOR 100% DISABLED VETERAN**

WHEREAS, the homeowner was approved to receive the property tax exemption of a totally disabled veteran on February 8, 2013 and is therefore exempt from property taxes from that date forward; and

WHEREAS, the total amount due in 2013 will now be \$1,300.24, and the property owner had in good faith paid First Quarter 2013 property taxes in the amount of \$3,121.88, creating an overpayment of \$1,821.64 in taxes on this property; and

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

Homeowner Information:

Block	Lot	Name & Address	Tax Year	Amount
11402	18	Deborah & John Ziegelman 11 Mountain Terrace Stanhope, NJ 07874	2013	\$1,821.64

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

Roll Call:

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

Resolution 145-13**AUTHORIZE SHARED SERVICES AGREEMENT WITH
SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY
FOR THE PROVISION OF CERTIFIED RECYCLING
PROFESSIONAL SERVICES TO CERTIFY AND SUBMIT
THE 2012 RECYCLING TONNAGE REPORT TO NJDEP**

WHEREAS, New Jersey's Recycling Enhancement Act (REA) requires that reports or other recycling-related documents be signed/certified by a Certified Recycling Professional (CRP); and

WHEREAS, the Uniform Shared Services and Consolidation Act (N.J.S.A 40A:65-1, et, seq.) (hereinafter, "the Act") provides that local units of government may enter into a contract to provide or receive any service that either local unit participating in the Agreement is empowered to provide or receive within its own jurisdiction, including services incidental to the primary purposes of any of the participating units (N.J.S.A. 40A:65-4); and

WHEREAS, the Borough of Stanhope will prepare the 2012 Recycling Tonnage Report; and

WHEREAS, the Borough of Stanhope has requested the services of the SCMUA in the form of the District Recycling Coordinator as a Certified Recycling Professional to certify and submit the required 2012 Borough of Stanhope Recycling Tonnage Report to NJDEP by April 30, 2013; and

WHEREAS, SCMUA has the qualified staff to certify the Recycling Tonnage Report prepared by the Borough of Stanhope and electronically submit it to NJDEP on behalf of the Borough of Stanhope under the terms and conditions set for in the Shared Services Agreement.

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

1. The Mayor is hereby authorized to sign the Shared Services Agreement with SCMUA, for the provision of a Certified Recycling Professional Services to certify and submit the 2012 Recycling Tonnage Report to NJDEP.
2. This Resolution shall take effect immediately.

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

Councilwoman Kuncken asked if this is the shared service agreement that the Borough will receive points for entering into. Mr. Stein replied that the tonnage grant information has to be transmitted electronically and the County is set up to do so. Councilman Benson asked if the information is provided to us through the carriers. Administrator McNeilly stated that some people do not recycle with the Borough's vendor. That information is sent back to the Borough from the recycling center. For example US Mineral recycles but not through us. Currently the Borough is trying to capture the information for Dollar General because they send out a lot of cardboard. Every pound of recycling helps to bring dollars back to the Borough. For every ton of garbage that goes to the landfill, \$3.00 of that comes back to us in the recycling grant.

Roll Call:

Councilwoman Zdichocki – yes
 Councilman Thornton – yes
 Councilwoman Kuncken – yes

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

PAYMENT OF BILLS

Resolution 146-13

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 July 23, 2013 and on file and available for public inspection in the Office of the Chief Finance Officer and approved by the Chief Finance Officer for payment, be paid.

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

Roll Call:

Councilwoman Zdichocki – yes
 Councilman Thornton – yes
 Councilwoman Kuncken – yes

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

ATTORNEY REPORT

Mr. Stein had no report.

Mayor Maio asked Mr. Stein if the COAH report should be signed. These are fees that the Borough has collected. Mr. Stein replied that the CFO has checked the figures and they are correct. There were statutes adopted several years ago that require if the COAH fees have not been committed or spent in accordance with a COAH certified plan then the funds are subject to forfeiture. The time came due this year. The Governor, who had previously disbanded COAH, reconstituted it for the purposes of requiring the towns to give the money to the State. This money would go to the State in the Affordable Housing Trust Fund and the State would write an IOU to the trust fund and then use the money to fill budget gaps. There was a great deal of

uproar over this and the Fair Share Housing Center took the State to court and won. The State was stayed from seizing any of the money. The State took the case to the Supreme Court and the Supreme Court said the stay remains in place but yes you can ask for the information. The State cannot take any of the Borough's money but a response does have to be given. Mr. Stein asked what was submitted to COAH in terms of the spending plan. The certification that the State is asking the Mayor to sign states that the money was spent according to the COAH certified plan. The Borough did not spend anything. Councilwoman Kuncken stated that Dave Troast worked on that plan. Mr. Stein stated that if the plan was submitted and COAH never acted on it then Mr. Stein will draft a letter stating that fact. Mayor Maio is of the opinion that a spending plan was not submitted. Mayor Maio asked the Deputy Clerk to pull the file and Arlene Fisher, Housing Liaison, will also be consulted along with the CFO. Mr. Stein stated that the response will not be sent until August 2nd and there may be changes made prior to that date. Mayor Maio gave the letter to Administrator McNeilly to hold until Mr. Stein makes a determination.

Councilwoman Kuncken asked if any credit is given for what used to be called the small city loans which the Borough lends. Mr. Stein stated that those loans do not count. These are strictly developer's fees that were collected totaling \$6,200.

CITIZENS TO BE HEARD

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

Nancy Hoyt, 33 Lawrence Avenue, stated that when the construction is done next summer signs should be placed to direct people completely through the Borough. Many residents do not know their way through all the back streets. Mayor Maio stated that the County will follow the NJDOT rules and regulations and they will provide plenty of signage. Mr. Stein suggested that the Byram Township and Hopatcong Police Departments be invited to the Borough meetings. Administrator McNeilly stated that he has begun to let those towns know about the project. Detours through Landing cannot be done because that involves another County. The official plan will include Sparta, Lackawanna, four corners and Route 206. The County and the State will review the plan and the only entity that can close a County road is the Freeholder Board. The Freeholders will have to adopt a resolution to authorize the road closure. Mrs. Hoyt is concerned that people in her area will need to go through Landing. Mayor Maio stated that signs will not be posted there as a detour. Councilwoman Kuncken stated that if it becomes a problem perhaps information can be distributed to neighborhoods that are directly affected. Mayor Maio stated that on a neighborhood basis concerns will be addressed.

Mrs. Hoyt asked what the orange item is that is located on Linden Avenue and Route 206 and when will something be done about it. Administrator McNeilly stated that the State has put the wrong size cover on the light fixture. The State has been contacted to fix this problem.

Peggy Findley, 88 Main Street, asked if the Borough will be fined by NJDEP for the violation that was received. Mr. Stein stated that there will not be a fine. Generally in cases such as this the area will just have to be allowed to grow back in. Mayor Maio stated that the area has already been reseeded.

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 – Potential Litigation
 - 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 Depew, and unanimously carried by voice vote, the foregoing resolution was adopted.

Mayor and Council went into Closed Session at 9:30 P.M.

At the conclusion of the Closed Session, Mayor and Council reconvened the public meeting at 10:20 P.M. with all present.

Council Discussion

Work Session Meetings – Mayor Maio stated that the Mayor and Council meetings need to have time for open conversations. The three meeting a month scheduled worked very well in the past. Administrator McNeilly stated that as an alternate means of communication he is unable to reach everyone. There are seven members of the Governing Body and text messages can only be sent to six members and an email only gets to six members. Administrator McNeilly suggested that the first meeting of the month should be a true work session. Mayor Maio stated that ordinances and resolutions have taken up too much time. Mr. Stein stated that the meetings are advertised for 7:00 PM and he suggested that the Governing Body could meet at 7:00 PM and use that hour prior to the regularly scheduled meeting which begins at 8:00 PM for the work session. Mr. Stein stated that the regular meeting can be scheduled for 7:00PM and carry forward or advertise for a workshop meeting from 7:00PM – 8:00PM and then begin the regular meeting at 8:00PM. The work session will still be open to the public and no official action will be taken during that hour. The residents can decide whether or not to attend that portion of the meeting. Administrator McNeilly stated that in the future the ERI and Master Plan will need to be addressed and that is a good example of a topic that will need a lengthy amount of time to discuss. Mayor Maio stated that the resolutions and ordinances should be scheduled for the Business Meetings. Councilwoman Kuncken stated that the Council works best when there is open communication. Mayor Maio asked that presentations be held for the second meeting of the month. Mr. Purcell is scheduled for the September 10th meeting which will not be changed. The Governing Body agreed to begin the first meeting of the month at 7:00PM for a work session. Mr. Stein will assist the Deputy Clerk with the advertisement for publication. An extra hour will be added to the first meeting of the month and then the business meeting will follow at 8:00PM. In the future all the meetings may be changed to begin at 7:00PM.

Staffing Issue - Administrator McNeilly stated that there was a concern regarding staffing on July 5th. Administrator McNeilly did not have class that Friday but scheduled a vacation day. The staff was limited as to how many people could be on vacation. All the departments were properly staffed. The Deputy Clerk was at work from the Clerk's Department, Toni Grisaffi and Maria Mascuch were present for the Finance Department and Construction. All the critical departments such as DPW and Police were fully staffed. Administrator McNeilly was accessible by phone. If there was a weather event the Borough was fully staffed to handle the situation. The direct flow to the policy makers would have been in place. Councilwoman Kuncken stated that while any issues could have been handled there are policies that need to be followed. Prior to Administrator McNeilly being hired there was a calendar posted where vacations were listed. That allowed the Mayor and Council to know who was scheduled to be out on any particular day. The office did operate fine on that day and no one is denying anyone vacation time. Some type of communication should have been made to the policy makers. Administrator McNeilly stated that there is a calendar posted with the vacation schedules on the wall outside of Arlene Fisher's office.

ADJOURNMENT

On a motion by Councilman Depew, seconded by Councilwoman Zdichocki, and unanimously carried by voice vote the meeting was adjourned at 10:43 P.M.

Approved:

Linda Chirip
Deputy Clerk