

**MAYOR AND COUNCIL  
REGULAR MEETING  
August 25, 2015  
7:00 P.M.**

**CALL TO ORDER**

**SALUTE TO COLORS**

Mayor Maio invited all those present to stand in a salute to the 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 7, 2015 and was placed on the Official Bulletin Board in the Municipal Building.

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

**ROLL CALL**

Council Members:

Councilman Romano – present	Councilwoman Kuncken – present
Councilwoman Zdichocki – present	Councilman Depew – absent
Councilman Thornton - present	Councilwoman Thistleton – 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.

Douglas Wright, 14 New Street, stated his water bill issue is listed on the agenda for discussion this evening and he stated he is here to answer any questions. Mayor Maio stated Mr. Wright's water bill issue will be discussed later on in the meeting.

Seeing no one from the public 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:

July 14, 2015	Work Session/Agenda Meeting & Closed Session
July 28, 2015	Regular Business Meeting

On motion by Councilman Thornton, seconded by Councilwoman Kuncken and carried by a majority voice vote the above listed minutes were approved. Councilman Romano abstained from the minutes of July 14, 2015. Councilwoman Zdichocki and Councilwoman Kuncken abstained from the minutes of July 28, 2015.

**CORRESPONDENCE (List Attached)**

On motion by Councilman Romano, 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 the Stanhope Police Department had 278 calls during the period from July 1<sup>st</sup> through July 31<sup>st</sup>.

Councilwoman Kuncken reported the Ambulance Squad had a total of 75 calls in town, 36 in Stanhope, 37 in Netcong and 2 stand-bys. The squad had 1 out of town call in Hopatcong, 2 in Sparta and 1 in Budd Lake. The total number of calls for the month of July was 79. A total of 41 patients were treated. There were 41 trips to the hospital, 1,012 miles traveled and 236 hours and 47 minutes of volunteer time.

Councilwoman Kuncken stated no report was submitted by the Fire Department this month.

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

Councilman Romano stated the year to date tax collections are \$6,413,044 which is ahead of last year's figures. The water and sewer figures are online with last year's figures.

**Community Development – Councilwoman Zdichocki/Councilman Thornton**

(Zoning, Construction, Code Enforcement, Economic Development, Chamber of Commerce, Downtown Revitalization)

Councilwoman Zdichocki stated the Zoning Department had 18 code violations and complaints for the month. Thirty four (34) registered letters and 34 regular letters were mailed out to the owners of the abandoned/vacant homes. Some replies have been received and more than half of the code violations have been corrected.

**Municipal Infrastructure – Councilman Thornton/Councilwoman Zdichocki**

(Water Distribution, Sewer Collection System, Road Construction & Maintenance, Buildings & Grounds)

Councilman Thornton stated Reeve Avenue, Lawrence Avenue, Lloyd Avenue and Maple Terrace all have newly paved road surfaces.

**Information Technology – Councilmen Depew/Romano**

No report was given for Information Technology.

**Boards/Commissions – Councilwoman Thistleton/Councilman Depew**

Councilwoman Thistleton stated the Half Way To St. Patrick's Day tickets are on sale. This event is being sponsored by the Recreation Commission and the Stanhope Fire Department on September 12<sup>th</sup>. Tickets are still available.

Councilwoman Thistleton stated the Board of Health for the month of July reported three animal control calls.

**Fire Department** - Councilman Romano stated with regard to Public Safety he would like to commend the Fire Department for the Smoke Detector Program which they provided recently. Councilman Romano stated he signed up for the program and the firemen were on time and efficient. Unfortunately only six (6) families participated in the program. Councilman Romano stated in his opinion the program should be offered again in the future. Mayor Maio asked Administrator McNeilly to pass this information along to the Fire Department.

Councilwoman Zdichocki stated she would like to commend the Fire Department for attending Camp Lenape on the last day. The firemen provided a training cycle for the children and showed them the fire trucks. All the children had a great time.

**ADMINISTRATOR'S REPORT**

**Abandoned Properties** – Administrator McNeilly stated over 30 certified letters were mailed out on August 19<sup>th</sup>, notifying the property owners that they have 30 days to register the vacant/abandoned homes. Administrator McNeilly stated he attended a roll out meeting with Mr. Stein and Arlene Fisher to put a plan in place to implement the process. If a property owner does not comply, a follow up non-compliant letter will be sent requiring a response to be made in

ten days. That will be the last notice sent to the property owner and if compliance is not made, the penalty will begin. This is a tax penalty, not a fine, no judge will be involved. The governing body needs to set the penalty per day for non-compliance.

Mayor Maio stated she has a concern which she has discussed with the Administrator and she had asked the Clerk to contact Mr. Stein regarding a property owner whose home is for sale but the owner has moved and the home is vacant with a for sale sign is posted. Mayor Maio stated in her opinion the spirit of what the governing body intended was not supposed to include homes which are listed for sale to be considered vacant and abandoned. Mr. Stein stated Mayor Maio is correct in that these homes could fall into the category of being abandoned if they are vacant for a period time or the property owner is trying to sell the property. Mr. Stein stated an amendment could be adopted to exempt, or exempt for a period of time, a property which is vacant but is actively being marketed for sale by the owner or the owner's agent. Mayor Maio stated it was not the spirit of the ordinance to penalize those people.

Administrator McNeilly stated code enforcement has certain latitudes in how to view the property. Administrator McNeilly stated in his opinion, barring any problems that the code enforcement officer may have, the ordinance should remain as it is. Mayor Maio asked what has been done to this point with homes that are actively listed for sale at this time. Mayor Maio specifically asked about the home on Reeve Avenue. Mayor Maio stated she has a problem leaving this to the discretion of the zoning officer. The zoning officer should have some guidance from the governing body as to whether or not someone is going to be penalized. Administrator McNeilly suggested that Mr. Stein could prepare a second amendment to the ordinance to account for this situation. Councilwoman Kuncken stated there is currently a property on Hickory Drive which is contradictory to this situation in that it has been abandoned since before Hurricane Sandy but there is for sale sign posted. Mayor Maio stated in that case a time frame would apply.

Mr. Stein stated Administrator McNeilly has made a good point in that there are several homes which are bank owned, up for sale, and according the ordinance they would be required to register. It could happen that two houses down from that home there could be a property owner who moves out for whatever reason and puts the property up for sale. They would have to register after 60 days. If the Borough wants to have a different requirement for the bank owned property than for the privately owned property, it would have to be carefully crafted.

Administrator McNeilly stated many times the homes are not yet bank owned but the homeowners are gone. The banks very often do not go to final judgement for this reason. Mr. Stein stated once the summons and complaint is served the bank is responsible. Mr. Stein stated there is a property on Brooklyn Road in bankruptcy. The bank that holds the mortgage received relief from the automatic stay under 362 of the bankruptcy code which requires permission from the bankruptcy court judge in order for any creditor to do anything to that property. The owners of this property declared Chapter 13 bankruptcy which is reorganization. The court granted relief to the bank to foreclose on the property three years ago, in 2012. The bank has not foreclosed and the owners of the property have moved out of town. Mr. Stein stated he was asked by the Tax Collector if the property could be included in the tax sale. Mr. Stein stated because there is a bankruptcy and the bank has not taken it over, the property cannot be on the tax sale. There is no equity in the property. If there was equity, the bankruptcy court would not have granted relief from the stay. The taxes are not being paid and the property is empty. The owners are responsible but they are personally protected by the bankruptcy court. The bank that has the lien on the property is not, but they are sitting back waiting for something to happen. Mr. Stein stated there are a lot of situations which are going to come up that will be hard to pigeon hole.

Administrator McNeilly stated the ultimate goal is to have the property look as though someone lives there and to know who is responsible for the property. A house which is listed for sale would most likely have all of those items accomplished. Mayor Maio asked if those particular homes will have to pay the registration fee of \$250. Mr. Stein confirmed the owners would have to register after 60 days from the date when the house is empty. Administrator McNeilly stated at this time, to the best of his knowledge, the list did not include any of those. Administrator McNeilly stated he drove through the Borough and the only homes actively listed are on Hickory Drive, Brooklyn Road and Maryann Terrace. Mayor Maio asked Administrator McNeilly about

the home on Reeve Avenue. Administrator McNeilly replied Reeve Avenue is not on the list. Mayor Maio asked why it is not on the list. Administrator McNeilly stated it does not fall into the category. Mayor Maio stated in that case discretion was used to determine which properties were notified. Administrator McNeilly stated the focus is on the properties that are vacant and boarded over.

Mr. Stein stated he will look into the situation and determine if relief can be provided to the properties which are not posing a problem to the Borough but still technically fall within the ambit of the ordinance. Information will be provided for council discussion at the next scheduled meeting.

Mr. Stein advised the Governing Body to get through the process of defining the ordinance prior to determining the penalties. Administrator McNeilly stated a determination must be made prior to the end of September.

Route 206 (Block 11703 Lot 1 and Lot 2) – Administrator McNeilly stated the property located across from the Black Forest Restaurant currently has three curb cuts. The road opening plan, approved by the NJDOT in 1999, provided two openings. Administrator McNeilly stated Mr. McConnell, attorney for the property owner, has indicated that NJDOT is trying to limit access to this property which will severely limit or make it useless for commercial development. The plan is for the property to be a gas station and convenience store located on the highway which will require the two openings. As a commercial property this access is essential. The property owner is asking for assistance in letting NJDOT know how important this project location is to the Borough of Stanhope.

Mr. Stein stated he has reviewed the information Mr. McConnell provided to the Borough regarding this property. Mr. McConnell submitted an OPRA request to the NJDOT and he has received copies of permits which were issued in 1998. NJDOT permits are valid for two years. If no action is taken within two years, the permits expire. Mr. Stein stated he has been told by several engineers that it is not difficult to reactivate the expired permits. NJDEP permits are valid for five years. In 1986 the State adopted the current highway access code. Every existing highway access opening in the State of NJ was grandfathered in as of 1986. It is very difficult for NJDOT to take away highway access that existed in 1986. Mr. Stein stated the Borough can issue a letter of support for the property owner.

Route 206 Speed Limit – Administrator McNeilly stated the speed limit on the section of Route 206 is inconsistent with the section just north in Byram which is 50MPH vs. 35MPH. The Borough could request a reduced speed limit consistent with the Byram Township portion of the highway. The Borough has a project underway to install sidewalks on the north bound side of the road which will make this a pedestrian area. Administrator McNeilly is of the opinion the speed limit on Route 183 should also be reduced.

Mayor Maio took a straw poll asking the Council for their opinions on the speed limit for Route 206. Councilman Romano, Councilwoman Thistleton and Councilwoman Kuncken stated the speed limit should be reduced to 35MPH. Councilman Thornton stated the speed limit should be reduced to 45MPH and if pedestrian traffic increases the issue could be revisited. Mayor Maio is of the opinion the Borough would not be given a second chance to change the speed limit. Councilman Thornton stated Byram Township is receiving complaints regarding the 35MPH speed which increases back to 50MPH after Shop Rite. Administrator McNeilly stated the Byram Township roadway has several lanes with shoulders and the sidewalks are set back from the road. The Stanhope Borough roadway is narrower with no shoulders and sidewalks are going to be installed to allow for a pedestrian walkway. Mayor Maio stated in her opinion the speed limit issue should wait until a firm plan and start date is available on the sidewalk project. Councilman Thornton is of the opinion the issue of the speed limit should wait. Councilwoman Zdichocki stated the speed limit should be reduced to 35MPH. As a result of the poll, Administrator McNeilly will send a letter to the Commissioner requesting the speed limit be reduced to 35MPH.

James Street – Administrator McNeilly stated the milling on James Street was completed on Monday and the paving was done today. The speed table will be installed tomorrow.

Houdaille Road – Administrator McNeilly stated the NJDEP has finally concurred with his assessment of the property ownership regarding the bridge crossing. NJDEP is now requesting completed MOU's and insurance hold harmless agreements. Mount Olive is preparing the paperwork. The work on the bridge replacement will begin soon.

Reclamation Project – Administrator McNeilly stated there were no bids received for the reclamation project. This project will be placed on hold until 2016. The DPW will put down a temporary base pavement to get the road through the winter. The project will be re-bid in early 2016.

Mayor Maio asked if the water project portion of the work has been completed on these streets. Administrator McNeilly stated there is a delay on the water project do to the berms and drainage issues being addressed at this time for the road project on Reeve Avenue, Lawrence Avenue, Lloyd Avenue and Maple Terrace. There is also a berm on Lloyd Avenue which must be removed and replaced.

Crack Sealing – Administrator McNeilly stated crack sealing has been ongoing. The next streets to be done are Mountain Terrace and Elizabeth Avenue. All of the catch basins have been cleaned out.

## **COUNCIL DISCUSSION**

Municipipay – Councilman Romano stated he has spoken with Dana Mooney, CFO, regarding Municipipay. Ms. Mooney has provided Municipipay with a list of concerns. To date the Borough's questions have not been answered. Mr. Stein stated the NJ Court system does allow payments to be made online with a credit card system. Mr. Stein stated Mountain Lakes has a tax payment by credit card system in place. The system requires the homeowner to create an account and there is a disclaimer stating there is a convenience fee which must be paid to the credit card company.

Qualified Purchasing Agent – Mayor Maio stated the governing body has discussed the issue of having a Qualified Purchasing Agent several times over the past few years. Mayor Maio asked how many bids would be eliminated if the Borough had a Qualified Purchasing Agent. Administrator McNeilly stated the gate controllers, the VFD for the wells and the ductile iron pipe are a few of the past projects where bids would not have been required. The number of projects each year which could benefit from having a QPA will vary. Mr. Stein stated the bid threshold amount changed recently. Mr. Stein stated he is of the opinion that the amount of the threshold is approximately \$40,000 if there is a Qualified Purchasing Agent.

Mayor Maio asked if there are enough projects to justify paying for someone within the Borough to become a Qualified Purchasing Agent or should the Borough enter into a shared agreement with another town. Councilman Thornton asked what the costs would be to the Borough. Mr. Stein stated a class would have to be taken by a Borough employee and they would be required to pass a test to become certified. Mr. Stein stated in many towns the CFO is the Qualified Purchasing Agent, but there are towns where the position is held by the Administrator or Municipal Clerk.

Councilwoman Zdichocki asked if the costs for a shared service agreement would be based on usage. Mayor Maio stated the terms would have to be negotiated. Administrator McNeilly stated perhaps an agreement could be negotiated for a set amount per year. Mayor Maio asked Administrator McNeilly to obtain additional information for future discussion.

Douglas Wright (Water Bill) – Mayor Maio stated Administrator McNeilly has provided background information regarding Mr. Wright's water bill. Administrator McNeilly stated a letter was received from Mr. Wright regarding his view of what took place at his two family home located at 14-16 New Street. Administrator McNeilly stated he met with Public Works and reviewed the active work diary. The property has a pit water meter at the property line in front of the home. Typically within the Borough meters are placed in the basement or crawl space if one exists. Public Works did upgrade the meter on this property approximately ten years ago which included the radio read. Administrator McNeilly explained the responsibility issues. From the water main to the shut off is the responsibility of the Borough. The property owner is responsible from the other side of the curb box shut off to the meter pit. The meter is the

responsibility of the Borough. The service line which comes off the other side of the meter and enters the property is the responsibility of the homeowner.

Administrator McNeilly reported Mr. Wright's letter states while his tenant went through the aspects of contacting the water department to report a leak there was a large loss of water. Administrator McNeilly stated he cannot quantify the amount from the letter.

Administrator McNeilly reviewed the information he obtained from the DPW work diary. The tenant contacted the DPW through Borough Hall on June 5, 2014. At that time of the day it was after hours for DPW whose hours are from 7AM to 3PM. Rob Depew arrived at 4:30PM and observed a significant amount of water on the surface indicating a break in the service line to the house. Mr. Wright's letter states the water was not turned off. Administrator McNeilly explained it is standard practice not to turn off the water unless the property owner is present. Mr. Depew left with no further action taken. The tenant contacted Police Dispatch who in turn called out Jason Titsworth from DPW after work hours. Mr. Titsworth arrived at 6:30PM. The tenant was still unable to reach the property owner. Mr. Titsworth was unable to turn off the water for the same reasons as Mr. Depew and no action was taken.

Administrator McNeilly stated the property owner contacted Police Dispatch which in turn called Mr. Titsworth back out after hours at 9:30PM to meet with the property owner. Mr. Titsworth spent 45 minutes explaining and proving that the break was in fact on the house side of the service line. At 9:45PM Mr. Titsworth had the water shut off to the property.

Administrator McNeilly stated the total elapsed time from the first call notifying the Borough of a possible problem, to the water being shut off, was 5 hours and 15 minutes. A ¾" water line running unrestricted with 100psi for approximately 5 hours at worst case scenario would have flowed 60 gallons per minute or 18,000 gallons. Administrator McNeilly stated as a point of reference a fire truck in the same period of time would have used 500,000 gallons. The million gallon loss as stated in Mr. Wright's letter was not the result of any delay from the DPW staff.

Administrator McNeilly stated Mr. Wright's letter states that the break was due to a failed connection made by the Borough. The Borough replaced the meter approximately 10 years ago. The meter was installed to the existing service line which was in place. The break/leak was not at the fitting or at a point inside the meter chamber. It was at a point in the service line which is the property owner's responsibility.

Administrator McNeilly stated there is an issue of concern which needs to be addressed with the property owner. The meter pit has been buried and is no longer responding to the reader. The water department has been estimating the readings. There was an active and approved permit, by Tom Pershouse, for a new water line into the house and new provisions for a meter to be installed inside the house. To date there is no record of the meter being installed inside.

Administrator McNeilly reviewed the water billing for the property. The excessive gallonage took place during the second quarter of 2014. The property is typically using approximately 12,000 gallons. The second quarter bill is the one sent out in May. At this point in time we are discussing an issue that occurred over a year ago. The third quarter bill for 2014 indicates approximately half a million gallons in usage. In the fourth quarter of 2014 the property had an above ground service for quite some time and after that time the Borough could no longer get an active reading from the meter pit. Estimates are being used for the first, second and third quarters of 2015. The higher figures are being used for the estimates. Mayor Maio asked when the last actual reading was taken. Administrator McNeilly stated according to the paperwork provided it appears the last actual reading taken was in October of 2014. When estimates are used the computer generates the amount based on past data. Once an actual reading is obtained the account would be adjusted. Mr. Stein stated the billing would indicate a credit if the prior bills had been paid.

Mayor Maio invited Mr. Douglas Wright, owner of 14-16 New Street, to come forward to discuss this issue. Mr. Wright stated he would like to resolve the issue which he has been trying to address for over a year. Mr. Wright stated this issue began in the late 1990's when a DPW employee was down in the pit trying to read the meter. At that time Mr. Wright stated he was told his was one of approximately 10 or 12 homes with a pit style meter in the ground. Mr.

Wright stated he had planned to make an access to the crawl space once his tenant moved out but the tenant has been living there for the past 18 years. Mr. Wright stated when the leak occurred and most of the area had to be excavated to repair the leak he decided it was time to move the meter. Mr. Wright stated he worked with Tom Pershouse, Construction Official, to obtain the permits. All new lines were run without junctions or seams to the mechanical room on the side of the home where the water heater and furnaces are located. Mr. Wright stated he has spoken with DPW and they approved the plan and provided him with the fitting ends for the meters and the blanks. Mr. Wright stated he has requested the blanks to be replaced with new meters. Mr. Wright stated he is still waiting for that to take place. Mr. Wright stated the mechanical room does not have direct access to the home and therefore DPW can access it at any time.

Mayor Maio asked Mr. Wright when the request to have the meters installed was made. Mr. Wright replied the request was made several months ago. Administrator McNeilly stated Mr. Wright had a building permit to replace the water line and the DPW cannot proceed until the work is inspected and approved by Mr. Pershouse. Administrator McNeilly stated the key point is the meter in the front yard needs to be answering. Mr. Wright stated he relocated the meter to the mechanical room. Administrator McNeilly stated that is a water system item. Mr. Wright replied it was on his service line which was ruptured and had to be replaced.

Mr. Stein stated to Mr. Wright that only the Borough should be touching the water meters. Mr. Stein stated now that Mr. Wright has moved the meter it is unknown what effect that will have on being able to read the meter for what occurred up to the point where it was removed and reinstalled. Mr. Stein stated he does not know if the meter is currently able to be read. Mr. Wright responded the meter is not being read. Mayor Maio stated in that case the water is being used and it is not being billed for. Mr. Wright stated he is paying a flat fee of \$500.00 per quarter because the meter is not functioning.

Mr. Stein stated there is nothing that the Governing Body can do at this time until a working meter is installed in the building. Once a working reading meter is available in the building, the Borough will have a reference point going forward and then this can be addressed. Mr. Stein stated to Mr. Wright that he is assuming Mr. Wright had the best of intentions when he did this but municipal equipment, especially utility meters, can only be touched by the municipality. Mr. Stein stated at this point it has happened and it needs to be dealt with. A working reading meter needs to be installed first and then the bill can be addressed.

Mr. Wright stated in his opinion there was no other way to repair the service line. The connection that failed was from the service line to the meter. The pit had corrugated plastic sewer pipe with a wall that is several inches thick. There was four feet of water in the pit and there was sand in the pit. There was a hole under the edge of the pit on the house side. Mr. Wright said he was told by DPW that this indicated the leak was on the service line and was therefore Mr. Wright's responsibility. Mr. Wright stated when he excavated the line he started outside of the pit and water was coming at him from the meter.

Mayor Maio stated at that time Mr. Wright should have contacted the Borough. Administrator McNeilly asked to verify a point which is not correct. Administrator McNeilly stated when the DPW arrived at the property, the quickest way to determine who is responsible is to turn the shut off to the main. Once the main is shut off and the problem stops, the issue is the responsibility of the property owner. If the water continues to flow, the break is located from the curb stop to the main which is the responsibility of the Borough. This process is one hundred percent accurate for determining where the responsibility lies. Administrator McNeilly stated in the case of Mr. Wright's property the fault was clearly located on the property owner's side of the meter.

Mayor Maio stated, as Mr. Stein has pointed out, the Governing Body cannot resolve the issue this evening. A legitimate reading must be obtained from the meter. Administrator McNeilly suggested Mr. Wright call the DPW office tomorrow and he assured Mr. Wright that someone will be available to assist in this matter. Mr. Wright replied he will be at work tomorrow. Mr. Wright stated the DPW is familiar with the mechanical room and they may access it at any time. The final inspection was made by Mr. Pershouse a few weeks ago and the area has been graded over and seeded. Mr. Stein stated an actual reading needs to be obtained from the meter. Administrator McNeilly asked Mr. Wright if the water is currently flowing through the meter. Mr. Wright replied it is not. Mayor Maio asked what meter the water is flowing through. Mr.

Wright replied the water is flowing through the blanks provided by DPW. Mr. Stein asked if the meter is just sitting inside the house. Mr. Wright confirmed this. Mr. Stein stated that was not made clear earlier on in the meeting, it sounded as if the meter had been installed. Administrator McNeilly asked Mr. Wright if more than one blank has been installed. Mr. Wright replied there are two blanks and he stated the Borough charges him for the two units separately. Administrator McNeilly stated the blanks were provided because DPW was under the impression the meter was still in place. Once the new meters would have been put in place, a by-pass would have been installed. Mayor Maio stated at this time the problem is there is no charge for the usage. Administrator McNeilly stated if the equipment was secured in the front yard it would still be doing its job. The Borough was under the impression the meter was not reading because it was buried, not because it had been removed. Mr. Stein asked Mr. Wright if he is granting permission tonight on the open record for the Borough to enter and place the meters on his property. Mr. Wright replied he is requesting to have the meters installed. Mr. Wright stated the door is open and access is available to the mechanical room.

Mr. Stein stated there are multiple issues to address in the future. The meters have to be installed and working first. The Borough has to get the old meter back and see if a reading can be obtained from it. The period of time when there was no meter has to be accounted for. Mr. Wright stated he came to the meeting tonight in order to obtain an estimate for what his bill should be. Mr. Stein stated that will be the last item to be addressed in the future. Councilman Thornton asked Mr. Wright for the date when the meter was removed from service. Mr. Wright replied it was removed 4-6 weeks after the permits were issued to do the work. Administrator McNeilly stated the permits were issued in April.

Mr. Wright stated he received a notice regarding his unpaid water bill. Mr. Wright stated he has continued to pay based on his historical water bill of approximately \$500 per quarter. Mr. Wright stated he had received a bill for \$3,500 which he was unable to pay. Mr. Stein asked Mr. Wright if he received a notice from the tax collector that he would be included on the tax sale. Mr. Wright confirmed he has received the tax sale letter. Mr. Stein asked Administrator McNeilly to speak with Dana Mooney, Tax Collector, regarding this issue. Administrator McNeilly stated the first advertisement for the tax sale will be in the newspaper on September 8<sup>th</sup> and asked for clarification on how to proceed regarding the tax sale. Mayor Maio asked Administrator McNeilly to have Mr. Wright temporarily removed from the tax sale based on the fact the account is currently under dispute.

*Stanhope Senior Citizen Club (Request for Insert in Water/Sewer Bills)* – Mayor Maio stated the Stanhope Senior Citizen Club has requested to place an insert in the water/sewer bills. The insert is a business card sized notice which has been sent out in the past. The Governing Body approved the request. Mayor Maio asked the Borough Clerk to inform the Senior Citizen Club there request was approved.

## **NEW BUSINESS**

Mayor Maio offered the following ordinance for Public Hearing and Final Adoption which was read by title:

### *Ordinance for Public Hearing and Final Adoption*

## **ORDINANCES**

### **Ordinance 2015-15**

### **AN ORDINANCE AMENDING ORDINANCE 2015-12 TO AMEND THE DEFINITION OF THE TERM “OWNER”**

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

## **SECTION 1**

Ordinance 2015-12 finally adopted on July 14, 2015 is hereby amended as follows:



The definition of the word “owner” as contained in Article 1 - Section 1 - Definitions of Ordinance 2015-12 is hereby amended to read as follows:

**OWNER-**

Shall include the title holder, any agent of the title holder having authority to act with respect to a vacant property, any foreclosing entity subject to the provisions of C.46:10B-51 (P.L. 2008, c. 127, § 17), or any other entity determined by the Borough of Stanhope to act with respect to the property. The term “Owner” shall not include any duly licensed real estate agent engaged solely in the sale of the property on behalf of the Owner.

**SECTION 2 - When Effective**

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

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

Mayor Maio opened this portion of the meeting to the public for discussion on this item only. Seeing no one wishing to speak, Mayor Maio closed this portion of the meeting.

Roll Call:

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

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

**RESOLUTIONS**

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

**Resolution -165-15**

**RESOLUTION AUTHORIZING SHARED SERVICE AGREEMENT WITH DR. BURCHELL FOR STANHOPE’S COAH DECLARATORY SUIT**

**WHEREAS**, the Borough of Stanhope has filed a Declaratory Judgment Action in the Superior Court of New Jersey, Sussex County, Docket No. SSX-L-428-15, in furtherance of the Supreme Court’s March 10, 2015 decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the “Supreme Court Decision”); and

**WHEREAS**, Fair Share Housing Center (“FSHC”), through the services of David Kinsey, has prepared what it considers to be the statewide fair share numbers (the “FSHC Numbers”) for use by the 15 vicinage Mt. Laurel Judges to calculate a municipality’s affordable housing obligation pursuant to the Supreme Court Decision; and

**WHEREAS**, the Borough of Stanhope desires to participate in the preparation of a statewide fair share analysis to be undertaken by Rutgers, The State University of New Jersey (“Rutgers”), through Dr. Robert W. Burchell, Principal Investigator, and various other experts employed by Rutgers in order to establish a rational and reasonable methodology (the “Burchell Fair Share Analysis”) for determination of a municipality’s obligation to provide a realistic opportunity through its land use ordinances for its fair share of the region’s affordable housing needs in accordance with the Mount Laurel Doctrine as set forth in In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Decision”) and prior decisions of the Courts of New Jersey, and the Fair Housing Act, N.J.S.A. 52:27D-301 et. seq.; and

**WHEREAS**, Rutgers, utilizing Dr. Burchell as the Principal Investigator and author has agreed to prepare the Burchell Fair Share Analysis within 90 days of being retained to establish his view of the proper way to determine each municipality's fair share obligation; and

**WHEREAS**, Dr. Burchell estimates the cost to prepare the initial Burchell Fair Share Analysis will be \$70,000; and

**WHEREAS**, it is anticipated that there will be a need for Dr. Burchell to analyze any challenges to his conclusions and prepare a rebuttal report to said challenges which is not included in the \$70,000; and

**WHEREAS**, it is anticipated that if each municipality contributes \$2,000, there will be sufficient monies to pay the cost to prepare the initial Burchell Fair Share Analysis, to analyze any challenges to the Initial Fair Share Analysis and to Prepare A Rebuttal Report given the number of municipalities that have expressed an interest in retaining Burchell; and

**WHEREAS**, a Municipal Shared Services Defense Agreement (hereinafter MSSDA"), has been prepared (a) so that monies can be collected to enter into an agreement with Rutgers (hereinafter "the Rutgers Agreement") and so that Burchell, along with various other experts from Rutgers, can perform the tasks described above and (b) so that the rights and responsibilities of each municipality that wishes to sign the agreement to retain Rutgers are defined; and

**WHEREAS**, the MSSDA provides that the Law Offices of Jeffrey R. Surenian and Associates, LLC ("Surenian") will serve as the administrative entity to sign the Rutgers agreement on behalf of the municipalities that signed the MSSDA and paid the \$2,000 fee; and

**WHEREAS**, it is imperative given the time constraints for municipalities that wish to retain Burchell to sign the MSSDA and pay the \$2,000 fee so that Burchell can conduct the necessary analysis; and

**WHEREAS**, notwithstanding the foregoing, it is possible that the MSSDA may need to be changed as a result of ongoing negotiations with the Rutgers agreement following execution of the MSSDA and the payment of the \$2,000 fee; and

**WHEREAS**, in such an event, any member that objects to the changes that Rutgers may require shall have the opportunity to relinquish membership in the Municipal Group and to receive back the \$2,000 payment as more specifically set forth in the MSSDA.

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

1. The terms and conditions of the MSSDA attached hereto are hereby retroactively approved, ratified and confirmed.
2. The amount of \$2,000 is hereby retroactively authorized to be expended by the Borough of Stanhope for Rutgers through Dr. Robert Burchell, Principal Investigator to prepare the Burchell Fair Share Analysis.
3. A certification of funds authorizing the aforesaid expenditure has been signed by the Chief Financial Officer of the Borough of Stanhope and is appended hereto.
4. The Administrator of the Borough of Stanhope was and is hereby authorized to execute the aforesaid MSSDA to memorialize the participation of the Borough of Stanhope in the preparation of the Burchell Fair Share Analysis and to take any and all actions reasonably required to effectuate said Agreement.
5. The Borough of Stanhope hereby authorizes Jeffrey R. Surenian, Esq. to execute on behalf of the Borough of Stanhope the Research Agreement with Rutgers to initiate and complete Burchell Fair Share Analysis and to do such other actions to effectuate the purposes of said Research Agreement.

6. If further changes to the MSSDA are needed as a result of finalizing the Rutgers Agreement, within ten (10) days of notification by Surenian of the changes, the Borough of Stanhope will inform Surenian if it objects to the changes and wishes to withdraw from the Municipal Group and obtain a refund of the \$2000 it paid.

7. This Resolution shall take effect immediately.

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

Roll Call:

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

**Resolution 166-15**

**RESOLUTION AUTHORIZING INCREASE IN FINAL CONTRACT PRICE FOR WATER MAIN DUCTAL IRON PIPE AND SUPPLIES**

**WHEREAS**, the Borough of Stanhope heretofore publically bid for Water Main Ductal Iron Pipe and Supplies on June 23, 2015; and

**WHEREAS**, the Borough received three (3) sealed competitive bids with HD Supply Water Works, Ltd. submitting the lowest responsive responsible bid in the amount of \$21,487.50; and

**WHEREAS**, On June 23, 2015, the Borough adopted a resolution awarding the bid to HD Supply Water Works, Ltd. in an amount not to exceed \$21,487.50; and

**WHEREAS**, the bid specifications issued by the Borough provided for the purchase of 790 ft. of 8 in. ductal iron pipe; and

**WHEREAS**, the pipe was used by the Borough to make improvements to the Municipal Water System in Hillside Avenue and Spring Lane; and

**WHEREAS**, said project actually required the use of 804 ft. of ductal iron pipe, increasing the contract price by \$101.10;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Stanhope that the final contract amount for the purchase of Water Main Ductal Iron Pipe and Supplies from HD Supply Water Works, Ltd. be increased to \$21,588.60; and

**BE IT FURTHER RESOLVED** that the Borough shall issue payment to the vendor in the foregoing amount.

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

Roll Call:

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

**Resolution 167-15**

**RESOLUTION CONTINUING APPOINTMENT OF MUNICIPAL ENGINEER**

**WHEREAS**, the Mayor and Council of the Borough of Stanhope appointed Eric L. Keller, PE, PP, LEED, AP and his firm of Omland Engineering Associates, Inc., a Bowman Consulting Company, Municipal Engineers for the Borough of Stanhope for the year 2015; and

**WHEREAS**, Omland Engineering Associates, Inc. has heretofore been merged into Bowman Consulting Group, Ltd. but will now commence all engineering services as part of Bowman Consulting Group, Ltd.; and

**WHEREAS**, the Borough of Stanhope needs to reflect Mr. Keller's new position with Bowman Consulting Group, Ltd.;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Stanhope that the Borough does hereby acknowledge and accept the substitution of Bowman Consulting Group, Ltd. for Omland Engineering Associates, Inc. as the Municipal Engineer's firm for the remainder of his 2015 year appointment as Municipal Engineer for the Borough of Stanhope.

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

Mayor Maio stated this resolution is being adopted due to the fact Omland Engineering has changed their name to Bowman Consulting Group, Ltd.

Roll Call:

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

**CONSENT AGENDA** (All items listed on the Consent Agenda are considered routine by the Borough Council and were enacted by one motion of the Borough Council with no separate discussion.)

**Resolution 168-15**

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF STANHOPE AUTHORIZING THE RENEWAL OF LIQUOR LICENSE TO LICENSE HOLDER IN THE BOROUGH**

**WHEREAS**, the liquor license renewal application submitted is complete in all respects, the renewal fees have been paid, Tax Clearance Certificate received, the license has been reviewed, and the premises inspected;

**NOW, THEREFORE, BE IT RESOLVED** that the statutory requirements thereto having been fulfilled, the application for renewal of liquor license be granted and the Borough Clerk be authorized to complete, sign and deliver said license on behalf of the Mayor and Council to the below named applicant, said license being renewed for the period July 1, 2015 to June 30, 2016 in the Borough of Stanhope, County of Sussex, New Jersey:

***Plenary Retail Consumption License:***

1919-33-002-010 CKJ Corporation, Inc., t/a Shakey Jake's, 134 Route 183

**Resolution 169-15**

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF STANHOPE AUTHORIZING THE ISSUANCE OF RAFFLE LICENSE RA-607**

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

<b><u>Raffle #</u></b>	<b><u>Applicant</u></b>	<b><u>Date</u></b>	<b><u>Type of Game</u></b>
RA-607	Patriot Wrestling Booster Club	1/27/2016	50/50 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:

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.

**Resolution 170-15 RESOLUTION AUTHORIZING REFUND OF PAYMENT OF WATER & SEWER FEES**

**WHEREAS**, a lien was placed on Block 11004 Lot 5 via the 2013 Tax Sale on October 7, 2013; and

**WHEREAS**, the homeowner redeemed the lien on May 26, 2015; and

**WHEREAS**, the Utility Collector received a payment from the lienholder on that same day, and inadvertently applied it to the account, although the lien had already redeemed; and

**WHEREAS**, the lienholder no longer had any interest in the property, so therefore was not entitled to make further payments on this account.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Stanhope, that a warrant be drawn to the lienholder listed below in the designated amount representing a refund of a payment of Water & Sewer fees and interest paid:

Block	Lot	Qual	Name & Address	Amount
11004	5		Tower Fund ACF Ebury Fund 1NJ LLC P.O. Box 37695 Baltimore, MD 21297-3695	\$207.55

Property Location: 11 Ridge Road

**Resolution 171-15 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. 2014-025, representing 2013 property taxes and/or utility charges on Block 11501, Lot 2, C0152, known as 8152 Ashland Court, assessed to Silvia Cilenti, 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, NJ 08850

Redemption Amount: Tax Title Lien #2014-025 and  
Interest to Date of Meeting \$ 1,297.97  
Premium Paid by Lienholder 800.00

Total From Current Fund: \$ 1,297.97  
Total From Tax Premium Account 800.00

**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.

**Resolution 172-15**

**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. 2014-039, representing 2013 property taxes and/or utility charges on Block 11701, Lot 13.18, C913B, known as 1913B Stonegate Lane, assessed to Jennifer Bloom, 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, NJ 08850
Redemption Amount:	Tax Title Lien #2014-039 and Interest to Date of Meeting \$ 1,941.44 Premium Paid by Lienholder <u>1,000.00</u>
Total From Current Fund:	\$ 1,941.44
Total From Tax Premium Account	1,000.00

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

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

On motion by Councilwoman Zdichocki, seconded by Councilman Thornton and unanimously carried by the following roll call vote, the foregoing resolutions were duly adopted.

Roll Call:

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

**PAYMENT OF BILLS**

**Resolution 173-15**

**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 August 25, 2015 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 Romano, seconded by Councilwoman Kuncken and unanimously carried by the following roll call vote the foregoing resolution was duly adopted.

Roll Call:

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

**ATTORNEY REPORT**

Mr. Stein stated the governing body just adopted a resolution authorizing a shared service agreement concerning Dr. Burchell for Stanhope Borough's declaratory suit. On August 12<sup>th</sup> Judge Hansbury, chancery judge for the Morris and Sussex Vicinage, held case management conferences at the Sussex County Courthouse on all of the declaratory judgement suits filed by Sussex County municipalities regarding COAH pursuant to the Supreme Court's Order. Ms. Leo represented the five towns that the firm represents on those particular issues. Mr. Stein stated in the firm's opinion Judge Hansbury handled the situation well. In October, the Borough will have to provide the number of affordable units the Borough needs. In January a revised fair share and housing element plan based on the number established in October will be due. The Fair Share Housing Center is responsible for pushing the case to the Supreme Court. They participated in all of the case management conferences with Judge Hansbury for the Sussex County towns via telephone conference, which the court allowed.

Mr. Stein stated Dr. Burchell is important because of the differences in the numbers. Dr. Burchell is the professor from Rutgers who came up with the third round numbers that COAH originally put forward. Dr. Burchell's number for Stanhope is 22 units. Fair Share had a number of 301. The Borough figure was 56 units. Mr. Stein stated he spoke with Mayor Maio and they are of the opinion that the Fair Share number of 301 was an end of time number which was calculated when the Highlands and COAH did their memorandum of understanding. Once the actual number is determined for the Borough's fair share, the next step will be to have our in house planner work on the housing element and fair share plan which will be Council driven and will go through the Land Use Board according to the law. This should be completed by January which the court has stated is the next scheduled deadline.

Mayor Maio stated she has discussed this with Mr. Stein and Administrator McNeilly and it seems prudent that Bill Hamilton, Land Use Board Planner, should be contacted. Mayor Maio stated Mr. Hamilton should be involved to represent the Council, not the Land Use Board, to support this plan. Mayor Maio stated she has asked Administrator McNeilly to contact Bill Hamilton so they can meet to begin work. The deadline is January 10<sup>th</sup>.

**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, Stanhope, asked how many COAH houses are already in the Borough. Mr. Stein replied the figures are determined by the number of units, not the number of houses. There are two SCARC homes with 5 units each for a total of 10. The habitat for humanity home has 4 units. The Borough also did a series of 18 home rehabilitations that also qualified as satisfying part of the COAH obligation. The Borough has a blended approach in reaching the required COAH units. Mayor Maio stated, prior to the third round approach, the Borough was in full compliance. The Borough actually had one more unit than was required.

Mayor Maio stated this round will be the determining factor. Mr. Stein stated this issue covers a long period of time, more than twenty years, beginning with 1999. Mrs. Hoyt asked if the Borough has 32 units now. Mr. Stein replied the Borough does not have 32 units. Mr. Stein stated 18 were rehabilitated and they are not deed restricted. The SCARC homes and the habitat for humanity house are deed restricted. The units have to be deed restricted for 30 years. Previously under COAH the Borough was able to loan interest free money to homeowners in order to make improvements to bring substandard housing or housing that was in danger of falling out of the housing stock up to a livable standard. Those units are not deed restricted.

They are market units which the homeowners can sell. When the home is sold the homeowner must pay back the loan to the Borough. Mr. Stein stated the points obtained vary depending on the type of unit. In the past eight or nine years the Borough has only had two new homes built.

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 – Litigation (Garcia Construction)
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 Councilman Romano, seconded by Councilwoman Kuncken, and unanimously carried by voice vote, the foregoing resolution was adopted.

The Mayor and Council went into Closed Session at 8:20 P.M.

At the conclusion of the Closed Session, the Mayor and Council reconvened the public meeting at 8:25 P.M. with all present.

### **ADJOURNMENT**

On a motion by Councilwoman Zdichocki, seconded by Councilman Thornton, and unanimously carried by voice vote the meeting was adjourned at 8:25 P.M.

Approved:

Linda Chirip  
Deputy Clerk for  
Ellen Horak, RMC  
Borough Clerk