

**MAYOR AND COUNCIL  
REGULAR MEETING  
August 28, 2012  
8:00 P.M.**

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

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

Furthermore, notice of the meeting location change was forwarded to the New Jersey Herald and Daily Record on July 25, 2012 and was placed on the Official Bulletin Board in the Municipal Building.

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

**ROLL CALL**

Council Members:

Councilwoman Kuncken – Present	Councilman Murphy – Absent
Councilman Depew – Present	Councilman Graham – Present
Councilwoman Thistleton – Present	Councilman Benson – Present

Mayor Maio – Present

**SALUTE TO COLORS**

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

**PRESENTATIONS**

*Water System Improvements* – Mayor Maio asked Ray Sarinelli, Borough Auditor, and Lee Purcell, Project Engineer, to come forward to begin the presentation regarding the financing for the Water System Improvements.

Mr. Sarinelli reported that he reviewed Mr. Purcell's report. The report states that the improvement cost to the water system will be \$2.1 million. There will be a reduction from the MSA which will occur in 2012 and 2014 in debt services costs of approximately \$140,000. In order to make this project affordable, the plan is to reduce the sewer utility user fee and increase the water utility user fee. The impact to the users would be negligible as far as the change is concerned. The revenue generated from the water utility is approximately \$500,000. The sewer revenue generates \$1.1 million which will not be necessary beginning in 2012 because the MSA cost is going to be eliminated. Mr. Sarinelli stated that he and Dana Mooney, CFO, reviewed budgets, budget projections and other debt service that exists in the utilities, which is very limited, and it would appear that given normal inflationary increases in both the water and sewer utility operating budgets that it is feasible to move ahead with this \$2.1 million project. Mr. Sarinelli stated that his understanding of the current funding program allows for 75% to be interest free and 25% will be at market rate, making the interest rate costs less than 1%. According to Mr. Purcell's report, the cost is projected to be approximately \$160,000. Mr. Sarinelli is of the opinion that the cost may be closer to \$125,000. Mr. Sarinelli stated that in his opinion this project can be done now. In January 2013, the Borough can reduce the sewer user charge and increase the water user charge. The net impact to the residents should not change.

Mr. Sarinelli stated that this phase of the water system project consists of the items that need to be addressed first. Mr. Purcell stated that the full scope of the project costs amount to \$4.5 million. Administrator McNeilly stated that the six projects included in the \$2.1 million are the rehabilitation of the existing tower, replacement of the water main along Tower Road and

Brooklyn Road to Sparta Road, replacement of the water main along Brooklyn Road to Sparta Road to Canfield Street, replace the water lines at Lawrence Avenue, Lloyd Avenue and Reeve Avenue, install an interconnect at Sagamore Road and construct a new water transmission main from wells number 3 and 4. Councilman Graham asked if the payments will be consistent. Mr. Purcell stated that the payments will be made twice a year to the fund and twice a year to the trust. On the fund side there will be 0% interest which results in paying back the principal over a twenty year period. On the trust side, which is 25% of the project cost, the cost will be calculated at bond market rate which is predicted to be under 4%. Mayor Maio asked if these are fixed rates. Mr. Sarinelli replied that the rates are not fixed yet. The rate will be determined when the bonds are sold in 2014.

Councilman Graham asked Mr. Sarinelli and Councilman Benson when the rates should be adjusted to prepare for this project. Mr. Sarinelli stated that half of the reduction from the MSA took place in 2012 and the other half will take place in 2014. In the meantime, budgets are going up, regular operating expenses and insurances have increased resulting in some of the \$140,000 being used to fund other operational costs. Mr. Sarinelli stated that the first step should be to move approximately \$125,000 which is being collected in revenue from the sewer utility to the water utility. The rates do vary somewhat but the base homeowner rate for the sewer utility is \$147.00 plus \$1.95 per 1,000 gallons. For the water utility the base rate is \$58.00 every quarter and \$1.50 for every 1,000 gallons. Mr. Sarinelli is of the opinion that the transfer of the \$125,000 should be done using the base charges. Mr. Sarinelli stated that a simultaneous revision needs to be made to the ordinance for the water and sewer use charges.

Mayor Maio asked how the change will affect the business owners. Councilman Benson stated that years ago the Borough stabilized residential and commercial businesses. Mayor Maio stated that none of the utility users should notice any change in their billing once the rate change takes place. Councilwoman Kuncken stated that she is of the opinion that making the changes to the base rates is the best way to implement the change. Councilman Graham is of the opinion that the base rate and the water rate will need to be adjusted but the changes will be nominal. Mr. Sarinelli stated there are several ways to implement the change in the charges. Mr. Sarinelli is of the opinion that moving the project forward is feasible without impacting the users. The debt service expense of \$125,000 should be offset by the decrease in the sewer rates. The project has been resized and the interest rates are lower than originally proposed. There are several users that are not currently on both systems. There are approximately 5 or 6 users that are on water but not sewer. Councilwoman Kuncken stated in her opinion this is a good time to move forward with the project. Mayor Maio stated that if we wait the MSA deduction is going to be minimized. Councilman Benson stated that at this time the MSA budget looking forward is good for the next several years.

Mr. Stein stated that the water and sewer utility bills include December, January and February. Therefore the change should take effect beginning in December 2012 or March of 2013. The ordinance needs to be introduced, published, public hearing held and public comment will be heard before the final vote can be made. The ordinance could be adopted at the last September meeting with the final hearing in October for the ordinance to take effect on December 1<sup>st</sup>. Administrator McNeilly stated that the ordinance change will be a payback in 2015 and in his opinion more time should be taken to thoroughly review the changes necessary. Administrator McNeilly stated that trying to accomplish this task in 30 days is not enough time. Mr. Sarinelli stated that the December billing is actually part of the 2012 budget. Mr. Sarinelli stated that by waiting until the next billing cycle in March 2013 that will allow for four years of revenue at the new rate and will aid in the budgeting process. The utility users will need to be educated in how the new billing will be calculated. Questions will arise with regard to the fact that the water rates are increasing by 25% but the sewer rate is being reduced by only 12%. The dollar amount remains the same due to the fact that one base is set at \$1.1 million and the other is \$500,000. Mayor Maio stated that the Borough will need to educate the residents and the business community as to what is being done and what the impact will be. The Finance and Infrastructure Committees need to determine the scenarios and work with the CFO to formulate a plan. Mr. Sarinelli stated to move forward with the project a bond ordinance to authorize the \$2.1 million needs to be passed and a water and sewer rate study needs to be conducted.

Councilman Benson asked Mr. Sarinelli if the rate adjustment should be projected based on the life of the bonding. Mr. Sarinelli stated that unlike taxes, which are adjusted annually, the water and sewer rates are handled differently. The last adjustment for the water and sewer utility was

done in 2005. The timing should be done in order to create enough revenue to pay the operating expenses, allow for the shift in debt service and take into account that there will be additional costs that arise. If the Borough can get five years out of a rate increase that is a good plan. Mayor Maio stated that at this time the rate adjustment is going to be made without any impact to the users. Mr. Sarinelli stated that the amount of rainfall can cause the revenue for water usage during the summer to fluctuate by \$50,000 and the sewer usage can fluctuate by \$100,000, because that budget is double what the water usage is. A determination needs to be made as to what type of year is this. In July there was no rain but in August rain fell every few days. Barring any operating expenses in the future, Mr. Sarinelli does not foresee any reason why a rate increase would be necessary to fund this project over the next few years. Councilman Graham stated we do not want to increase the rates but also need to make sure that the Borough does not fall short. Mr. Sarinelli stated in the future another shift could be made from the sewer utility to the water utility to make any necessary adjustment if needed.

Mr. Purcell reported that he and Administrator McNeilly met with Gene Chebra, NJDEP, and Lauren Kaltman, NJEIT, and several other staff members on August 22<sup>nd</sup>. Mr. Purcell and Administrator McNeilly explained the Borough's desire to improve the water system and why the project is being broken down into phases. The presentation was well received and the board is anxious to provide financial assistance to the Borough. The following decisions and actions were made by NJDEP and NJEIT:

1. The project will be funded providing the Borough meets all the program and deadline requirements.
2. The State will consider this technical meeting as the Borough's "Pre-Application Conference".
3. The low interest loan financing available to the Borough will be 75% zero interest funding and 25% bond market rate funding. It is anticipated that the blended rate of financing will be less than 1% paid back over 20 years.
4. This project will require a Level I Environmental Review. This is the least costly and a public hearing is not necessary due to the fact that most of the project is replacing the antiquated utility and the Borough is not expanding the system.
5. This project was "Logged In" to the NJEIT Financing Program at the meeting. NJEIT is anticipating funding this project in the fiscal 2013 cycle.
6. The Borough's "Letter of Intent" must be completed and electronically filed with NJEIT on or before the close of business (5:00PM) on Monday, October 1, 2012. Mr. Purcell stated that his office will work closely with Administrator McNeilly to make sure that the Letter of Intent packet is electronically filed by September 29<sup>th</sup>.
7. It is imperative that the Borough, by resolution, designate an Authorized Official (who must be a full-time employee of the Borough) as well as an Authorized Representative for this project at the first Mayor and Council Meeting in September. Mr. Purcell recommended that Brian McNeilly, Administrator, be authorized as "Official" and "Representative" of the Borough for this project. Mayor Maio asked Mr. Purcell what the responsibilities are of the "Official" and the "Representative". Mr. Purcell stated they are responsible to prepare the paperwork and be the authorized signature on behalf of the Borough to go forward and secure the funding for the project. The benefit of having the same person to hold both positions is that the two positions are similar. Administrator McNeilly read the requirements which state the authorized representative for the above reference projects do hereby commit to meet the project documented submittal deadlines, identify the loan and financial application deadlines to be established by the trust and NJDEP.

Mr. Purcell stated the program will move forward very quickly. The facilities to be provided are as follows:

1. Rehabilitation of the elevated storage tank.
2. Replace the antiquated 6 inch main with a new ductile iron 12 inch water main along Tower Drive and Brooklyn Road to Sparta Road.
3. Replace the antiquated 6 inch main with a new ductile iron 8 inch water main along Sparta Road to Canfield Street.
4. Replace the antiquated 4 inch diameter cast iron water lines with a new 8 inch diameter ductile iron water main at "The Point" (Lloyd Avenue, Lawrence Avenue and Reeve Avenue).
5. Construct a new water transmission main from wells number 3 and 4 along Continental Drive coming back down to the bridge. Mr. Purcell stated that the

application will request permission to boar under the Musconetcong River. This can be changed to a bridge attachment or to an open stream crossing if necessary.

Mr. Purcell stated that the engineering planning and design period will cost \$207,000. In order to meet the March 4<sup>th</sup> deadline, plans must be filed, specifications for permit applications determined and all the required documents completed. The Borough will need to expend \$31,000 per month from October through April in order to achieve this level of work. Mr. Purcell asked the Borough for authorization through bond anticipation notes to allow the engineering design to be completed. That expense will be reimbursed to the Borough out of the planning and design allowance from the loan application. Councilman Graham asked if this was a new cost. Mr. Purcell stated that the cost is included. Mr. Stein stated this is a reimbursement project. The Borough has to have the money to pay the contractor then submit to the State to get the money back. This money becomes seed money so the contractors can be paid without having to find money somewhere else. Mr. Stein stated that Bob Beinfeld should be contacted in order to have the bond ordinance done right away and then bond anticipation notes can be put against it until we get to the point with the state. Mr. Sarinelli stated there will be some additional interest costs. The borough will need to borrow several hundred thousand dollars. Mr. Stein stated that the bond ordinance needs to be committed for introduction because of the 20 day waiting period afterwards. Councilman Graham stated that Mr. Purcell did advise the Mayor and Council early on in the process what the timeframe would be and to this point his timing is accurate.

Councilwoman Kuncken asked who oversees that the Borough stays in step with the project once the "Official" and "Representative" are chosen. Mr. Purcell stated that he would be responsible for that aspect of the project. Councilman Benson stated that Mr. Purcell reports to the MSA on a monthly basis which includes costs, progress and what documentation is presented. Mr. Purcell stated that he and the Administrator will work together and keep the Mayor and Council informed.

Administrator McNeilly asked if the bond anticipation note will be for the total amount of \$207,000. Mr. Stein replied that this will be discussed with Bob Beinfeld and Dana Mooney, CFO. Administrator McNeilly asked if a second professional services agreement needs to be adopted. Councilman Graham replied that the first agreement only covered to this point with the project. Mr. Stein stated that another professional services agreement needs to be adopted with Mr. Purcell's company in order to make the application, start the design work and go forward with the project. Mr. Purcell stated that his memo covers those areas. Councilman Graham asked how much time is available. Mr. Stein stated that action can begin with the following items, bond ordinance, professional services agreement, resolution to appoint Administrator McNeilly as the Official and Representative, and the ordinance changes that will go into effect in March of 2013 need to be determined. Mayor Maio stated she does not want to wait too long. Mr. Stein stated he will prepare the contract for Mr. Purcell. Mr. Purcell has provided the resolution to appoint the Officer and Representative. Administrator McNeilly needs to contact Bob Beinfeld to move ahead with the bond ordinance in order for the Borough to have a vehicle to borrow against to have the first \$207,000 that is needed to get the project moving ahead. Mr. Stein stated that the bond will be for 2.1 million. The bond needs to be in place in order to draw against it. Mr. Sarinelli stated that the bond will be for \$2.1 million but no one can spend any money without Mayor and Council authority. A few hundred thousand will be spent over the next year or so but as the project progresses more will be borrowed until the Borough gets to the point where the project will close and then the Borough will be reimbursed. Mr. Sarinelli asked who conducted the last rate study. Mr. Stein replied that the rate study was done in-house and will be done that way again.

Mayor Maio thanked Mr. Sarinelli and Mr. Purcell for their time and expertise.

### **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:

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

On motion by Councilman Graham, seconded by Councilwoman Thistleton and unanimously carried by voice vote, the above listed minutes were approved. Councilwoman Thistleton abstained from the minutes of July 24, 2012.

## **CORRESPONDENCE (List Attached)**

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

## **ADMINISTRATOR'S REPORT**

*Best Practices Checklist* - Administrator McNeilly reported that the Mayor's Advisory for the Best Practices Survey was mailed out on August 27<sup>th</sup> and is due back by September 28<sup>th</sup>. Three quarters of this year have already passed and the Borough has less than 30 days to complete the request. The checklist consists of 50 questions, 29 of the questions are new but essentially the same information is being sought. Administrator McNeilly reported that he and the CFO will prepare the information in order to make the initial presentation to the Mayor and Council at the September 11<sup>th</sup> meeting. If the checklist is accepted, this will serve as having been on the agenda for Council Discussion and then the Clerk can file the certification. If modifications are necessary, they can be completed in time for review and approval at the September 25<sup>th</sup> meeting in order to meet the September 28<sup>th</sup> deadline. Administrator McNeilly will provide the Mayor and Council with a copy of the Best Practices Survey.

*MSA Water Service Connection Request* - Administrator McNeilly reported that a reply to the Borough's response regarding the water service connection at the Acorn Street Pump Station was received from the MSA. The Borough recommended that the connection be made directly to the water main. The MSA letter states that extraordinary conditions exist in this case. The cost is an issue as well as the fact that the road is being resurfaced and there will be a five year moratorium on re-opening the road. Administrator McNeilly stated this is not an advisable situation. Councilman Graham asked why it is not advisable. Administrator McNeilly replied that Bill Storms made the determination. Councilman Graham stated that the connection will not have a steady flow or high pressure. The water usage will be to hose off equipment only. Councilman Graham is of the opinion that charging the MSA \$27,000 is going to end up being reversed back to the Borough. Administrator McNeilly stated that there are cost effective solutions. Councilman Graham is of the opinion that this situation is being over complicated. While Councilman Graham understands the reason for the Borough's position to have connections made directly to the water main and not laterally, this is a different situation. This is a utility company and the connection will benefit the community. Councilman Benson stated that the use of water at this location will be nominal. The cost of \$27,000 is extraordinary. Councilman Benson is of the opinion that the Borough should co-operate due to the fact that the Borough is a charter member with the MSA.

Mayor Maio stated that the request is to make a connection from the lateral that leads to the Mendez property. It is not going to be on the Mendez meter. There is no negative impact to the property owner. Mayor Maio asked if there will be a meter for the water usage. There is concern with the amount of usage in the event that someone leaves the water running all weekend. Mr. Stein stated that the Borough agreed to waive the sewer fee and the connection fee. Administrator McNeilly will review the Mayor and Council's recommendation from the prior discussion.

Councilman Graham is of the opinion that the operator should review the situation and determine if the Borough can devise a plan to implement the MSA's request. Mayor Maio asked if Bill Storms objects to the connection based on the fact that there is a viable operational problem or is it just because as a matter of course the Borough does not want to allow for this type of connection. Administrator McNeilly stated that the objection is based on not allowing that type

of connection. Mr. Stein stated that this is a precedent issue. By allowing someone to tap into a different line it does provide a cost savings but it causes a problem for the operator if the lines are connected in various locations. Councilman Graham asked Mr. Stein if this issue could be considered an exception because it is a utility that is making the request. Mr. Stein replied that this could be considered an exception. Councilman Graham stated in this particular case he is of the opinion that this should be considered an exception and providing the use will also benefit the Borough. Councilman Graham agrees with Councilman Benson's earlier statement. Administrator McNeilly stated that originally the decision was left to Bill Storms' observation. Administrator McNeilly asked Councilman Benson what the MSA envisions for water supply to this particular location. Councilman Benson replied that he was not part of that discussion, if there was one. Mayor Maio asked Councilman Depew and Councilwoman Thistleton for their opinions. Both responded in favor of allowing the connection. Councilman Graham asked Mr. Stein if the document granting approval can contain specific wording to ensure that future connections are not made in this manner. This exception is being made due to the fact that this is a utility use. Mr. Stein stated that a consensus of the council should be made to allow the MSA to tie into the service line and the operator should review exactly how it is going to be done and then a resolution will be drafted to include the mechanics. It will state that this is for a utility that benefits the overall users of the Borough of Stanhope and the provision for waiving the connection fee and user fee will be included. Administrator McNeilly stated that the Borough will do the mark out and then the MSA's contractor will take over. Mr. Stein stated that the resolution can be on the agenda for the first meeting in September. Mayor Maio asked if Administrator McNeilly should contact the MSA. Mr. Stein replied yes so the mark out can be done.

2013 NJDOT Grant Program - Administrator McNeilly reported that information regarding the 2013 NJDOT Program has been received. The project submitted last year was Maple Terrace. Eric Keller, Borough Engineer, will be at the next Mayor and Council meeting to find out what project the Borough would like to submit. Mayor Maio asked if Bill Storms has any input for potential projects. Administrator McNeilly stated that Maple Terrace is still on his list. Councilman Graham asked if Pennington was still on the list. Administrator McNeilly replied yes as well as Young Drive and James Street.

Councilman Benson stated there is a lot of water at the bottom of the hill on Maple Terrace. Administrator McNeilly stated there is a water leak and the connection is 12 feet down. Superintendent Storms has been working on all the other projects first. Administrator McNeilly reported that DPW is preparing to oil and stone. Mayor Maio asked the Council to come up with some ideas for the NJDOT Grant in order to consult with Eric Keller at the next meeting.

Renovation Project - Administrator McNeilly reported that the Police Department has made a request for a cabinet with a special locking mechanism that will allow for evidence lockup when the detective is not on site. Councilman Benson asked if this is a new piece of equipment that has not been discussed prior to this meeting. Administrator McNeilly replied that this is a new request being made. The cost for the cabinet is \$4,251.00 which includes delivery. A second quote was received for a similar cabinet at a cost of \$6,836.96. The two workstations being requested are equipped with electricity and data lines for a cost of \$8,913.66 through State contract. Mayor Maio asked if chairs are included. Administrator McNeilly replied that chairs are not included. Mayor Maio clarified that the items requested total approximately \$13,000.

Mayor Maio asked what the current procedure for storing evidence is when the detective is not present. Chief Pittigher, present in the public, replied that evidence is stored in a locker with a padlock. The requested cabinet was a recommendation from risk management. The original method under consideration was to cut through the wall to the detective's room which would be cost prohibitive. This cabinet would only have two keys. One key would be for the Detective and the Chief would have the other. The cabinet has a push button system that will allow for chain of custody. The cabinet will also allow for securing firearms. Much discussion took place regarding the work area configurations for the Police Department.

Councilwoman Kuncken asked Administrator McNeilly what the renovation has cost to date. Councilman Benson asked Administrator McNeilly to also supply what the additional costs will be going forward. Administrator McNeilly will gather that information and forward it to the Mayor and Council. Councilwoman Kuncken asked Administrator McNeilly what the time frame is for choices to be made. Administrator McNeilly replied that there is a five week wait

period for delivery of the furniture from the time the order is placed. The old furniture will have to be moved back in temporarily. Mayor Maio asked that the overall costs be supplied prior to a decision being made. The Police Department renovation will be put on for Council Discussion at the next Mayor and Council Meeting. Councilman Graham is of the opinion that the costs for the requested equipment and furniture are reasonable. Councilman Graham stated that a full accounting is necessary but it is his opinion that the requested equipment and furniture needs to be ordered regardless and he would rather not prolong the order by another two weeks. Councilwoman Kuncken stated that the existing furnishings need to be replaced. Mayor Maio asked the Council if they are in favor of giving Administrator McNeilly approval to move forward and order the equipment and furniture at this time. Councilman Depew stated that he is in favor of moving forward. Councilman Benson stated that the intent of the renovation was to make the Police Department functional. Councilman Benson agrees that a summary of costs is necessary but in his opinion the equipment and furniture should be ordered. Councilwoman Kuncken and Councilwoman Thistleton were in agreement to move ahead with the order. Mayor Maio informed Administrator McNeilly that he has Council approval to order the cabinet and the furniture.

Administrator McNeilly provided a rendering of the Council Chambers detailing the woodwork for the dais, molding, furniture, chair rail and detail around the windows and doors. The dais, doors, furniture base, windows and chair rail in maple will cost \$7,364.01 in material costs and the cost in cherry is \$7,706.27. The Mayor and Council chose the maple woodwork.

Councilman Graham asked Administrator McNeilly what precautions are being taken to protect the sheet rock walls in the Police Department. Administrator McNeilly replied that the walls in the prisoner area are plywood, sheetrock and a hardened surface that will have a special paint on it. Most of the wall areas in the Police Department will have furniture along the walls. Chief Pittigher stated that special paint must be used in the prisoner area where pictures are taken in order to comply with State of New Jersey requirements. Administrator McNeilly stated that one wall will have a large bulletin board hung on it. The hallway will be the only area of concern.

Administrator McNeilly stated that wainscoting for the Council Chambers will cost an additional \$8,056.69. Councilman Graham asked Administrator McNeilly to provide paint samples. The Mayor and Council requested beige color samples.

Councilman Graham stated that discussion had previously taken place regarding the condition of the basketball court at the park. Councilman Graham asked Administrator McNeilly about the plans to repair the basketball court. Administrator McNeilly replied that the project is still on the list of issues to address. Councilman Graham stated that the court looks bad and asked that the repairs be made soon. Administrator McNeilly will work on getting the hoops repaired and the nets installed.

## **COUNCIL COMMITTEE REPORTS**

Mayor Maio requested, in the interest of time, that committee reports be waived and carried over to the next meeting unless there are issues that need to be addressed immediately.

### **Public Safety – Councilwomen Kuncken/Thistleton**

**Police, Fire, Ambulance, Court & Violations Bureau, Emergency Management –** Councilwoman Kuncken reported that a Public Safety Meeting was held with the Fire Department last night. A request for harness belts was made. The thermal imaging camera that was part of the capital ordinance cost less than anticipated therefore the Fire Department asked if the extra funds could be used for the purchase of harnesses. Councilwoman Kuncken reported that there is \$2,600 left in the ordinance. The cost for each harness is \$210.08. The request is for 10 harnesses for a total cost of \$2,100.08. Councilwoman Kuncken reported that the issue of sizes was addressed at the meeting. Councilwoman Kuncken stated that Mayor Maio spoke with the CFO and the funds are available. This is a capital item and as such it needs to have a life expectancy of at least 10 years, which it does. The Borough does not anticipate that the Fire Department would be back next year to replace or add to this request. Councilwoman Kuncken stated that she would like approval for the purchase. Councilman Benson asked what the purpose of harness is. Councilwoman Kuncken provided a picture of the harness. Chief Card, present in the public, stated the harness will adjust to fit a 30” to 50” waist. The harness is used to lock onto the ladder, for bail out situations, to rescue others or to rescue the fire fighter. The

harness stays on the pants of the individual fire fighter and only the interior fire fighters will have the harnesses. Councilwoman Thistleton asked Chief Card what the delivery time would be. Chief Card stated the order can be placed tomorrow and will take a few weeks to receive. Councilman Benson stated this is necessary equipment, it is practical and it is a safety issue. Councilwoman Thistleton is of the opinion that action should be taken at this time due to the fact that the money is available, it is a safety issue and it will take several weeks to receive the order.

On motion by Councilman Depew, seconded by Councilman Benson and carried by a unanimous voice vote, approval was granted to purchase 10 harnesses for the Fire Department.

Councilwoman Kuncken reported that since the adoption of the Knox Box ordinance, much discussion and feedback has been received from the community regarding their concern with who will have control of the keys and where will they be stored. Councilwoman Kuncken stated that Administrator McNeilly and Chief Card have discussed the issue. The plan is to store the keys in a locked box which can only be accessed with a pin code. While the key is out of the box a light will flash signaling that the key is not there. This system will keep the keys secure and maintain control. Councilwoman Kuncken stated that Chief Card has received an estimate for the cost of the boxes. The Fire Department will have 4 keys. The box that was presented to the Public Safety Committee is capable of tracking specific information detailing who has accessed the system and when. This information can be downloaded so a record of access can be maintained. Each officer will have his or her own pin number. One key will be stored in the Chief's vehicle, one in the ladder truck and one in each of the two engine trucks. The cost for the boxes is \$2,648.00. Councilwoman Kuncken asked the Mayor and Council for their input as to whether or not they feel this system would be secure for the keys and if the funding can be provided. Mayor Maio stated that the CFO will need to be consulted regarding the availability of funding. This item may have to wait until the next budget year. Councilman Graham asked how long the businesses have to comply with the ordinance. Mr. Stein stated that the businesses have 150 days. Councilman Graham stated that he received calls today regarding the issue of the keys. Some of the business owners do not understand the system or what the advantages are for them and they are concerned about the security. Councilman Graham stated that the business owners need to be informed as to how the Knox Box System works. Mayor Maio suggested that a presentation be held at a Mayor and Council meeting and an invitation be sent to all the business owners inviting them to attend. Councilman Benson stated that the cost to the Borough and the security issues need to be confirmed prior to making a decision. Mayor Maio agreed and stated that a decision cannot be made until the Borough knows when the funds will be available. Administrator McNeilly stated that in his opinion the funding is not available at this time and if a transfer is possible it cannot be done until November 1<sup>st</sup>. Councilwoman Kuncken stated at this time the Fire Department would like to know if the Mayor and Council feel that the proposed system is acceptable. Currently the Fire Chief has a key, the Assistant Chief has a key and the other two keys are kept locked. Mayor Maio stated that a presentation for the Knox Boxes will be held at the last meeting in September. Administrator McNeilly will use the Tax Assessor's business list and send an invitation to the business owners inviting them to that meeting. Mayor Maio asked if all the businesses are required to have Knox Boxes. Chief Card stated when Joe Inga, County Fire Marshal, began working in the Borough he distributed 80 notices to the local businesses regarding the Knox Boxes. Mr. Stein stated that is the number of businesses in the Borough, therefore all must be required to have Knox Boxes. Mayor Maio directed Administrator McNeilly to send an invitation to all the business owners. The presentation will be first on the agenda. Councilwoman Kuncken asked Chief Card to attend or have a representative present in order to answer any questions that the public may have.

Councilwoman Kuncken reported that Administrator McNeilly visited the fire lane sites and took pictures. Water cannot be drafted at the fire lanes because of the weeds and the depth of the lake. None of the sites are adequate for drafting except for the space near the gate and the river behind Dollar General.

Councilwoman Kuncken asked Administrator McNeilly to report on the radio tie in. Administrator McNeilly stated that the Borough is still waiting for the cost per month of the tie in line that runs a phone line from Sparta dispatch to here in the Borough and will then broadcast the signal out. The manner in which the police broadcast and receive is different than how the fire department operates and therefore the same system cannot be used. This difference prevents utilizing the same system without buying expensive duplicating equipment. The benefit of the tie line from dispatch to the Borough, which will then be broadcast from here, will allow more options regarding who can dispatch for the Borough. The Borough will not be bound by radio signal strength. The tie line will also prevent the need for a piece of \$3000 equipment to be



installed in Sparta that belongs to the Borough. The cost for the tie line needs to be determined before a decision can be made.

Councilman Depew stated that prior to this meeting he spoke with Don Drake and Chief Card regarding the weekly siren test. Councilman Depew is of the opinion that Sparta is pressing the fire button instead of the test button for the weekly test and on occasion the siren goes off twice back to back. Don Drake stated that if the siren is tripped during its first cycle it will not repeat. Chief Pittigher stated when the ambulance is called out immediately following the fire call the siren will sound six times. Don Drake stated that it is possible that Sparta only has the fire button. They may not have a test cycle to use. Hopatcong did have a separate test cycle. Administrator McNeilly stated that if the siren has been tested in this way from the beginning it may very well mean that Sparta does not have a separate test system. Mayor Maio stated with the way the Borough is moving forward, perhaps the issue will be eliminated. Chief Pittigher asked for the Fire Department to send him an email stating what is happening with the siren and what should be happening regarding the test and then Chief Pittigher will contact Sparta. Mayor Maio asked Chief Card to send the requested information to Chief Pittigher regarding the siren.

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

**Community Development – Councilmen Murphy/Graham**

**Zoning, Construction, Code Enforcement, Economic Development, Chamber of Commerce, Downtown Revitalization –**

**Municipal Infrastructure – Councilmen Graham/Murphy**

**Water Distribution, Sewer Collection System, Road Construction & Maintenance, Buildings & Grounds –**

**Information Technology – Councilmen Depew/Benson**

**Acquisition of Hardware & Software, Technical Equipment Services, Telecommunication, Cable Television Franchise –**

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

**Board of Health, Regional Planning Board, Environmental Commission, Musconetcong Sewerage Authority, Sanitation & Recycling, Recreation Commission, Shade Tree Commission, Land Use Board –**

**OLD BUSINESS**

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

**Ordinance 2012-17**

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 82 OF THE CODE OF THE BOROUGH OF STANHOPE ENTITLED “FEES” BY PROVIDING FOR A NEW SECTION TO ALLOW DEBIT PAYMENTS FOR TAXES AND UTILITY CHARGES**

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

**SECTION 1.** Chapter 82 of the Code of the Borough of Stanhope is hereby amended to add a new subsection to read as follows:

**Section 82-7 “ACH Debiting of Property Taxes and Utility Charges”**

Any person wishing to pay municipal taxes and/or utility charges by debiting a bank checking or savings account shall provide the necessary information to the Tax Collector to establish the direct debit payment of property taxes and/or water and sewer payments on such form as shall be provided by the Tax Collector and shall pay an annual fee of \$5.00 for direct debit payment of property taxes and/or an annual fee of \$5.00 for direct debit payment of water and sewer charges.

**SECTION 2.** When effective. This ordinance shall take effect upon passage and publication, as required by law.

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

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

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

Roll Call:

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

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

**NEW BUSINESS**

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

**Resolution 151-12**

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF STANHOPE AUTHORIZING SUBMISSION OF AN APPLICATION FROM THE LENAPE MUNICIPAL ALLIANCE FOR FUNDING**

**WHEREAS**, the Mayor and Council of the Borough of Stanhope, County of Sussex, New Jersey recognize that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

**WHEREAS**, the Mayor and Council further recognize that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

**WHEREAS**, the Mayor and Council have applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Sussex;

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

1. The Mayor and Council does hereby authorize submission of an application for the Lenape Municipal Alliance grant for calendar year 2013 in the amount of \$11,420.00; and
2. The Mayor and Council acknowledge the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

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

Roll Call:

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

**Resolution 152-12**

**RESOLUTION AUTHORIZING THE ACCEPTANCE OF CREDIT CARD PAYMENTS FOR COURT FEES IN ACCORDANCE WITH THE PROVISIONS OF N.J.A.C. 5:30-9.1 et seq.**

**WHEREAS**, the Department of Community Affairs, Division of Local Government Services has promulgated N.J.A.C. 5:30-9.1 et seq. authorizing municipalities to accept credit card payments in accordance with the provisions of the Administrative Code; and

**WHEREAS**, the Supreme Court of New Jersey has adopted Administrative Directive No. 8-98, establishing procedures for credit card and electronic payments of municipal court fees and financial obligations; and

**WHEREAS**, in order for a municipality to accept credit card payments, a resolution must be adopted by the Governing Body, authorizing the same and stating the type of obligations which can be paid by electronic receipt and the types of electronic receipt that will be permitted; and

**WHEREAS**, it is the desire of the Mayor and Council to authorize the payment of court fees by credit card;

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

1. The Governing Body authorizes the court Administrator to accept credit card payments for the payment of court fees for the Shared Court of Hopatcong and Stanhope. The types of credit cards that will be accepted are Visa, MasterCard, Discover and Diners Club International.
2. The use of credit cards for payments are subject to the provisions of N.J.A.C. 5:30-9.1 et seq., Local Finance Notice No. AU-97-2 and Supreme Court Administrative Directive No. 8-98.
3. The discount/merchant transaction fees associated with the processing of credit cards will be calculated accordingly as an operating expense under the Shared Court Agreement between the Boroughs of Stanhope and Hopatcong.
4. The Borough Administrator is authorized to execute an agreement with an established vendor of credit card services identical to the agreement entered into by the Borough of Hopatcong for the same purpose.

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

Councilwoman Kuncken asked if the Borough is clear from incurring any charges for the implementation of this service. Mayor Maio affirmed that the Borough will not be charged. Administrator McNeilly stated for informational purposes only that if \$100,000 is collected in fines the cost would be \$1,500. The first night that the system went into effect approximately one third of the payments were made by credit card. Currently a quarter of the fines are paid with credit cards. Letters are being sent to contact people who are delinquent and giving them the opportunity to pay their fines by credit card in order to avoid being arrested. The credit card system is helping to receive payment for the delinquent accounts.

Roll Call:

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

## **PAYMENT OF BILLS**

### **Resolution 153-12**

### **RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF STANHOPE AUTHORIZING PAYMENT OF BILLS**

**WHEREAS**, the Chief Finance Officer has certified that funds are available in the proper account; and

**WHEREAS**, the Chief Finance Officer has approved payment upon certification from the Borough Department Heads that the goods and/or services have been rendered to the Borough;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Stanhope that the current bills list, dated August 28, 2012 and on file and available for public inspection in the Office of the Chief Finance Officer and approved by the Chief Finance Officer for payment, be paid.

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

Roll Call:

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

**Resolution 154-12**

**RESOLUTION ACCEPTING RESIGNATION OF  
BOROUGH OF STANHOPE COUNCILMAN BRIAN  
MURPHY**

**WHEREAS**, Brian Murphy was heretofore elected to the Borough Council of the Borough of Stanhope; and

**WHEREAS**, on August 28, 2012, Councilman Murphy submitted to the Borough Clerk a written resignation of his Council position effective August 31, 2012.

**NOW, THEREFORE**, be it resolved by the Mayor and Council of the Borough of Stanhope that it does hereby accept the resignation of Councilman Brian Murphy from the Borough Council as of August 31, 2012.

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

Mayor Maio stated that Mr. Murphy has resigned effective August 31<sup>st</sup>. There will be an appointment to replace him which will move forward with the normal procedure. Mr. Stein stated that he will research the situation because it is somewhat unusual. Mayor Maio stated the unusual situation is that Mr. Murphy was elected as an Independent and is now a registered Republican and the procedure for replacing those individuals is different. A determination needs to be made to see if the replacement is based on the political status of when he was elected or when he resigned.

**ATTORNEY REPORT**

Mr. Stein stated that he had no report.

**CITIZENS TO BE HEARD**

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

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

**CLOSED SESSION**

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

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

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

1. The public shall be excluded from discussion of and action upon the hereinafter-specified subject matter(s).
2. The general nature of the subject matter(s) to be discussed is as follows:

1 Potential Litigation

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

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

At the conclusion of the Closed Session, Mayor and Council reconvened the public meeting at 10:25 P.M. with all present.

On motion by Councilman Benson, seconded by Councilman Depew and unanimously carried by the following roll call vote, approval was granted to refund a delinquent penalty to the owner of Block 11501 Lot 2 C0111 in the amount of \$38.94.

Roll Call:

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

### **ADJOURNMENT**

On a motion by Councilwoman Thistleton, seconded by Councilman Benson, and unanimously carried by voice vote the meeting was adjourned at 10:27 P.M.

Approved:

Linda Chirip  
Deputy Clerk  
For Ellen Horak  
Borough Clerk