

**MAYOR AND COUNCIL
REGULAR MEETING
September 23, 2014
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 8, 2014 and was placed on the Official Bulletin Board in the Municipal Building.

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

ROLL CALL

Council Members:

Councilwoman Zdichocki – present
Councilman Thornton - present
Councilwoman Kuncken - present

Councilman Depew – present
Councilwoman Thistleton – present
Councilman Benson – present

Mayor Maio – present

PUBLIC AUCTION

1. **Block 11207, Lot 11: 67-69 Main Street, Stanhope, NJ** – Mr. Stein, Borough Attorney, stated the first item listed for public sale is Block 11207, Lot 11: 67-69 Main Street, the vacant lot immediately adjacent to the Municipal Building. Mr. Stein asked if there were any potential bidders in the audience and stated the minimum bid is \$75,000. Mr. Stein asked a second time for any potential bidders. Seeing none, Mr. Stein suggested to Mayor Maio that a motion be made to table the sale of Block 11207, Lot 11 due to a lack of interested bidders.

On motion by Councilwoman Kuncken, seconded by Councilman Benson and unanimously carried by voice vote, the sale of Block 11207, Lot 11 was tabled due to a lack of bidders.

2. **Excess Motor Vehicles and Equipment** – Mr. Stein read the conditions of the sale for the excess motor vehicles and equipment to be auctioned.

The motor vehicles and equipment shall be sold subject to the following terms and conditions:

- (a) Each motor vehicle and each piece of equipment shall be sold separately;
- (b) The sale shall be made at public auction and shall be to the highest bidder;
- (c) All property is sold strictly in an “as is” condition and the Borough makes no representations or warranties as to the condition or operability of the motor vehicles or equipment;
- (d) Payment in full for any item purchased at the public auction shall be due in full at the conclusion of the auction.
- (e) All motor vehicles and equipment purchased at the public auction shall be taken by the successful bidder within forty-eight (48) hours of the sale or have their purchase price subject to forfeiture.

- (f) The Governing Body reserves the right to withdraw any motor vehicle or item of equipment from the sale or upon completion of the bidder to accept or reject any or all bids for said motor vehicles or equipment or to waive any informality in relation thereto.

Mr. Stein stated due to the fact there are many items to be auctioned off tonight, he suggested that a motion to close the bid not be taken after each item. At the end of the bidding a motion to accept or reject the bids can be made in blank or if any council member wants to reject a bid, it can be removed from the motion. Mayor Maio agreed.

Vehicles:

1. 1986 Ford F-350 VIN# 1FDKF3719GKA69707
Cab and Chassis, Dual Wheel, V8 Diesel 4 Speed Manual
The bidding opened at \$300 and closed at \$425 to R&S.
2. 2000 Ford F-350 VIN# 1FTSF3169YEB80594
Pickup V8, Automatic
The bidding opened at \$600 and closed at \$1500 to Jersey One.
3. 2001 Chevy Impala VIN# 2G1WF55K719360625
V6 Automatic, Police Package
The bidding opened at \$200 and closed at \$625 to Jersey One.
4. 2008 Ford Crown Victoria Interceptor VIN# 2FAFP71VX8X105205
V8 Automatic, Police Package
The bidding opened at \$200 and closed at \$725 to Jersey One.
5. 2008 Ford Crown Victoria Interceptor VIN# 2FAFP71VX8X105206
V8 Automatic, Police Package
The bidding opened at \$1500 and closed at \$2510 to Jersey One.
6. Flatbed Trailer – Year Unknown
The bidding opened at \$50 and closed at \$50 to Green Hands Landscaping.

Equipment:

- (1) 1978 75Kw White/Katolight 6 Cylinder Diesel generator.
The bidding opened at \$100 and closed at \$775 to Jersey One.
- (1) Portable Mud Pump – 3.5 HP Briggs&Stratton
The bidding opened at \$10 and closed at \$75 to R&S.
- (1) Portable Air Compressor – Kohler
The bidding opened at \$5 and closed at \$10 to R&S.
- (1) Portable Battery Charger – Assocoated Model 6012, 70/60 AMP 6/12 Volt
The bidding opened at \$5 and closed at \$5 to R&S.
- (1) Lot of (3) Gas Trimmers – Stihl
The bidding opened at \$5 and closed at \$10 to Bell's Mansion.
- (1) Backpack Leaf Blower – Stihl
The bidding opened at \$5 and closed at \$15 to Bell's Mansion.
- (1) Welder Power Supply – Miller Thunderbolt AC/DC
The bidding opened at \$5 and closed at \$20 to Jersey One.

- (1) Arc Welder – Lincoln 225 Amp
The bidding opened at \$10 and closed at \$10 to R&S.
- (1) Sickle Bar Brush Mower – Troy-Bilt, Briggs & Stratton 4 HP
The bidding opened at \$5 and closed at \$55 to R&S.
- (1) Zero Turn Deck Mower, Toro Z Master
The bidding opened at \$100 and closed at \$800 to R&S.
- (1) Snow Blower – Snapper Model 1030, Tecumseh gas engine
The bidding opened at \$10 and closed at \$75 to R&S.
- (5) Rear Seats for Ford Crown Victoria
The bidding opened at \$5 and closed at \$81 to Jersey One.
- (2) Emergency Light Bars
The bidding opened at \$20 and closed at \$20 to Patrick McNeilly.
- (3) Tufloc Trunk Gun Safes
The bidding opened at \$20 and closed at \$50 to Bell’s Mansion.
- (4) Police Car partitions , Metal bottom, Plexiglas uppers
The bidding opened at \$1 and closed at \$1 to Steve Horak
- (1) Skid Plate Model #8B-953 Fits Ford Crown Victoria – New in box
The bidding opened at \$1 and closed at \$1 to Steve Horak
- (1) 27” TV with built in VCR – Toshiba
No bids received.
- (30) Office chairs, various colors and condition
No bids received.

On motion by Councilman Benson, seconded by Councilwoman Kuncken and unanimously carried by the following roll call vote the bids were accepted.

Roll Call:

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

Mayor Maio called for a fifteen minute recess in order for Mr. Stein and the Clerk to collect payments for the sold items.

The meeting resumed at 7:41PM. Mayor Maio thanked all who attended the auction this evening.

PRESENTATION – Storm Water Education Program (Musconetcong Watershed Association)

Mayor Maio welcomed the representatives from the Musconetcong Watershed Association and invited them forward to present the Storm Water Education Program. The slide show presentation stated that the Musconetcong River flows 42 miles from Lake Hopatcong to the Delaware River and is fed by numerous tributaries. The Musconetcong River is part of the National Wild and Scenic River System. The map detailed the watershed boundary, municipal boundary, open water and streams. The importance of the Stormwater Management Rules was explained and the steps to be taken to minimize stormwater pollution.

The Stormwater Management Rules (N.J.A.C.7:8) require every municipality in New Jersey to provide public education on stormwater to the residents. The NJDEP has constructed a list of education programs and activities which have an assigned point value to each. Municipalities are required to earn a total of 10 points each year. The Stormwater Training for Elected Municipal Officials held this evening will earn 3 points for Borough.

Mayor Maio thanked the representatives for providing tonight's training.

CITIZENS TO BE HEARD

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

Nancy Hoyt, 33 Lawrence Avenue, asked if Brooklyn Road will be paved this fall. Administrator McNeilly stated the entire width of Brooklyn Road, from Tower Road to Sparta Road, is scheduled to be paved by mid-October. A single lane of paving will be done from Sparta Road to the fire hydrant. The project plan, as it stands now, calls for a trench repair on Lloyd Avenue, Lawrence Avenue and Reeve Avenue. Mayor Maio stated the Borough is looking to do additional paving at The Point if funds are available. At this time a determination has not been made.

Mrs. Hoyt asked if the energy co-op will be discussed this evening. Mayor Maio stated the energy co-op will be discussed briefly.

Michael Choquette, 12 Mountain Terrace, stated at the last Mayor and Council meeting the Borough Engineer stated he would visit Mr. Choquette's property to review the driveway issue. Mr. Choquette asked if that review was completed. Administrator McNeilly stated he has not received information regarding that review to date. Administrator McNeilly stated he is of the opinion that the information would be provided in writing but he will follow-up on it tomorrow. Mr. Choquette stated he has not heard if the driveway opening from 10 Mountain Terrace is on Mr. Choquette's property.

Mayor Maio replied that the Borough Engineer stated at the last meeting that the driveway opening has not been extended from what it was originally. Photographs were provided, at that time, which document the opening before and after the construction. Mr. Choquette asked if the records are available for him to review. Mr. Stein replied that the public documents can be viewed. Much discussion took place regarding the curbing and the easement.

Mr. Stein stated to Mayor Maio that at this time the Governing Body can listen to the property owner's concerns however, the Engineer and the documents are not available to respond to the issue. Mayor Maio stated Mr. Keller will be at next month's meeting. Administrator McNeilly stated he will ask Mr. Keller for a definitive focus on the distances in the driveway area. Mr. Choquette asked what ordinance permits this use in an easement. Mr. Stein replied that the public has a paramount right of travel on the road itself. That includes ingress and egress to the road. It gives you the right to ingress and egress and travel on the road. There are many areas of Sussex County where the deeds extend to the middle of the right of way of the road and the public has an easement over the person's property. For other areas that were developed later on there was a dedication for the actual width of the roadway. In other developments that is not the case. Mr. Stein stated he is not familiar with the history of Mr. Choquette's development, he does not know if it is on a filed map, it is unknown if the lots were surveyed out individually. Where Mr. Choquette's property ends and where the public's right begins is something that is figured out by evidence in the ground, recorded deeds and filed maps. Where something may have been historically located, which may or may not be the case with Mr. Choquette's property and the neighbor's driveway, has nothing to do with where it may be located legally.

Mayor Maio stated that Mr. Keller will be asked to attend the next scheduled meeting and to bring the drawings and pictures. Mayor Maio stated that Mr. Choquette is welcome to come back and discuss the issue at that time. Mr. Choquette asked if he could come in on Friday to view the drawings. Mr. Stein confirmed that Mr. Choquette can view the documents located at Borough Hall. Councilwoman Kuncken stated Mr. Keller had offered to drive on the driveway to review the situation. Councilwoman Kuncken asked Administrator McNeilly to ask Mr. Keller

if he has done that. Administrator McNeilly stated he will contact Mr. Keller and the information will then be passed on to the Governing Body.

Mr. Choquette stated the right side of the lawn has been repaired but the left side has not been redone to date. Mayor Maio stated the lawn on that side will be redone when the driveway is completed. Mr. Choquette asked if there is a Borough ordinance governing driveway slopes. Mr. Stein replied the Borough does have a driveway ordinance which establishes the maximum percent driveway grade. Mr. Stein stated the ordinance book is available online through the Borough's website. Mayor Maio stated the ordinance is for new construction. Mr. Choquette asked if the Engineer has taken measurements for slope. Administrator McNeilly stated he is of the opinion that measurements relative to Mr. Choquette's property have been taken. Mr. Stein stated the Engineer must submit his report before we proceed to the next step. The information and the Engineer will be available at the next scheduled meeting. Mr. Stein stated Mr. & Mrs. Choquette can view the documents at Borough Hall anytime.

Seeing no one further 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:

August 12, 2014	Work Session/Agenda Meeting
August 26, 2014	Regular Business Meeting

On motion by Councilwoman Zdichocki, seconded by Councilman Depew and unanimously carried by voice vote the above listed minutes were approved. Councilman Thornton, Councilwoman Kuncken and Councilman Benson abstained from the minutes of August 12, 2014. Councilman Depew abstained from the minutes of August 26, 2014.

CORRESPONDENCE (List Attached)

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

COUNCIL COMMITTEE REPORTS

On motion by Councilwoman Kuncken, seconded by Councilman Depew and unanimously carried by voice vote the Council Committee Reports were waived.

Public Safety – Councilwomen Kuncken/Thistleton

(Police, Fire, Ambulance, Court & Violations Bureau, Emergency Management)

Finance & Administration – Councilman Benson/Councilwoman Kuncken

Community Development – Councilwoman Zdichocki/Councilman Thornton

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

Municipal Infrastructure – Councilman Thornton/Councilwoman Zdichocki

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

Information Technology – Councilmen Depew/Benson

Boards/Commissions – Councilwoman Thistleton/Councilman Depew

ADMINISTRATOR'S REPORT

Municipal Infrastructure: Water Tower – Administrator McNeilly reported the water tower has been uncovered. The color is hydro blue. The water tower has been sterilized, flushed and refilled with clean water. The DPW is scheduled to perform bacteria testing tomorrow. The tank should be in service by early next week if all goes well.

2015 Borough Calendar – Administrator McNeilly stated the brush collection schedule for next year will be updated. Administrator McNeilly requested to have all brush curbside for the same week in May and September as opposed to splitting the collection up by routes. The leaf schedule will remain the same. The Governing Body approved the request. Administrator McNeilly will forward the revision to the Clerk.

JIF Renewal – Administrator McNeilly stated the Borough is up for renewal this year. Administrator McNeilly reported he, the CFO and the Risk Manager have completed the online renewal documents.

2014 Best Practice Checklist – Administrator McNeilly stated the CFO will be attending the October 14th meeting to discuss the 2014 Best Practice Checklist. This discussion is required as part of the checklist. Mayor Maio requested copies be distributed to the Governing Body prior to the meeting for their review. Administrator McNeilly stated copies will be distributed.

Water Main: The Point – Administrator McNeilly stated all of the remaining water main lines on Lloyd Avenue, Lawrence Avenue and Reeve Avenue have been installed. The entire section has passed the pressure testing and bacteria testing. PACT has begun installing the house connections and all of Lawrence Avenue and Reeve Avenue have been completed. The trench on Lawrence Avenue has been paved with the temporary cover. The yard restorations will take place once all the house connections are complete.

James Street – Administrator McNeilly reported the James Street Pre-Construction Meeting took place this past Tuesday. PACT will begin work on the water main on or about the first full week in October. The construction window for this project is three to four weeks depending on the weather.

Letter to Property Owners Bordering Borough Property - Mayor Maio stated there was a letter sent to the property owners in the downtown area. They have been asked to remove personal property from Borough owned property within 14 days. The deadline is tomorrow. Mayor Maio asked Administrator McNeilly who will be responsible for following up on this issue and what will be done with those who have not complied. Administrator McNeilly stated he will work with Arlene Fisher, Zoning and Code Enforcement Official. Mr. Stein stated the letter was sent to every private property owner whose property abuts the Borough property. The State of New Jersey is the only property owner that did not receive a letter. Councilwoman Kuncken stated the Code Enforcement Official should visit every property that received a letter.

Mr. Stein stated that Ms. Fisher, as the Zoning and Code Enforcement Official, should walk the entire area. One of the property owners has contacted Mr. Stein to report that they have removed their personal property from the Borough owned property. Mr. Stein stated shrubs and plantings can remain for the time being. Administrator McNeilly asked Mr. Stein what the Code Enforcement Official should do if there is a violation. Mr. Stein replied that the Code Enforcement Official should report back to Administrator McNeilly as to which property owners are in compliance or not in compliance. The Governing Body will then determine the course of action to be taken.

Gate on Pathway to LVRHS - Councilman Depew asked Administrator McNeilly if he received a response from the Lenape Valley Board of Education regarding the gate on the path located on Sparta Road. Mr. Stein stated he received a call from Bob Klinke, Business Administrator, and the situation has been resolved.

COUNCIL DISCUSSION

Sign Ordinance – Mayor Maio stated a discussion took place at the last meeting regarding the cluttered look of the signs located at the entrance to Main Street. Mayor Maio stated the Governing Body has had time to review the sign ordinance and a decision now needs to be made regarding the signage. Administrator McNeilly stated the sign ordinance pertains to signs on privately owned property. The signs at the entrance to Main Street are located on State property. Mr. Stein stated there is a separate State statute in the Motor Vehicle Code which prohibits those types of signs in State highway right of ways. Mr. Stein stated he will provide a copy of the statute to Administrator McNeilly tomorrow.

Councilwoman Kuncken stated that Roxbury Township prohibits any type of advertising signs placed in the ground. Signs are only allowed if a person is physically standing there holding the sign. Mayor Maio recommended that a serious discussion take place with the Chamber of Commerce to take care of this issue. Mayor Maio asked Councilwoman Zdichocki, as Chairwoman of Community Development, to contact the Chamber of Commerce. Mayor Maio asked the Clerk to add this topic to the agenda for the next scheduled meeting.

Energy Aggregate Program – Mayor Maio stated the energy aggregate program is ready to move forward and go out to bid. Mayor Maio stated she, Councilman Thornton and Administrator McNeilly participated in a conference call and the company handling this program is ready to set up an open house and hold an information session. Prior to this, contracts need to be signed.

Mayor Maio asked Mr. Stein to report on his review of the contracts. Mr. Stein replied there is a contract with JCP&L and a contract with Concord Engineering, which is acting as the consultant. Mr. Stein stated the Borough has not been provided with the proposal that Concord Engineering provided to Passaic County which details what Concord Engineering would be responsible for. They have requested limitation on liability which Mr. Stein objects to on a legal standpoint. The contract with JCP&L has two provisions that Mr. Stein finds objectionable. Mr. Stein stated he does not know if they will agree to change them or not. The first contains language in the contract regarding OPRA. The Borough is going to be entrusted with customer information and the Borough is basically entering into the electricity business by entering into this program. To a certain extent the Borough will become an electricity provider. Requests will be made from competitors for the customer information. The proposed agreement with JCP&L says they agree it is not OPRA but states the information can only be released pursuant to a valid OPRA request or court order. Mr. Stein stated this does not comply with the laws. There is also a provision for indemnification and hold harmless from the Borough for any customer information that they provide to the Borough. This is information they are providing to the Borough which the Borough may have to release in response to a valid OPRA request. When we do agreements with the State and the County, they can force us to agree to indemnify and hold harmless. Under no circumstance should the Borough ever agree to this with a private company. Mr. Stein recommended to the Council that both of these provisions be taken out of the agreement before moving forward.

Mr. Stein stated the agreement is also an opt-out agreement. This is typical in order to increase enrollment in a program. The Borough will be required to send a form notice to every residential electricity user in the Borough saying they have thirty days to opt-out if they do not want to participate. Mayor Maio stated the Governing Body is aware of the opt-out agreement. Mayor Maio suggested that Concord Engineering be contacted to discuss removing the objectionable provisions. Administrator McNeilly asked Mr. Stein if he has spoken with other attorneys who are handling this same issue in other towns. Mr. Stein replied he has not. Administrator McNeilly stated he will ask the neighboring towns who the contacts are. Mr. Stein stated if Administrator McNeilly can obtain the contact information he will call them. Mayor Maio stated that a date will not be set for the outreach until Mr. Stein is able to resolve the issues. Councilman Thornton stated he is of the opinion that residents may opt-out at any time or opt-in at any time. Mr. Stein confirmed as a residential customer those regulations were adopted by the BPU. For commercial customers in the Borough, the Borough would have to adopt an opt-in program where they would have to specifically request to join. This is also regulated by the BPU.

Councilwoman Kuncken stated she is concerned about the relationship between Concord Engineering and JCP&L. Councilwoman Kuncken asked Mr. Stein if he can obtain information on this issue. Mr. Stein stated he has not requested information. Mr. Stein stated once he has contact information for Concord Engineering he will request a copy of the proposal they provided to Passaic County. Mr. Stein asked Administrator McNeilly to obtain contact information for JCP&L, Concord Engineering and Passaic County.

Mayor Maio asked the Clerk to add this issue to the agenda for the next scheduled meeting. Councilwoman Zdichocki asked how much time the Borough has to make a decision. Mayor Maio stated they are not going to bid until late October. Councilman Thornton stated they were originally planning to go to bid in mid-November. The timeline provided is different than what was discussed. Mr. Stein stated a decision does not have to be made until after the bid is in. Administrator McNeilly stated the outreach is very important and in order to go to bid they need to know the number of participants prior to going to bid. Councilman Thornton stated the Governing Body made it clear that the outreach needed to take place prior to going to bid. Councilwoman Zdichocki stated the information needs to be made available for those customers who already use a third party provider to allow them time to change over if they want to. Mayor Maio stated customers already enrolled with a third party provider will not receive the information from JCP&L because they are not customers of JCP&L.

Mayor Maio stated that the Governing Body agrees this program has advantages for the residents, so we want to pursue it, but it needs to be done in such a way that the Borough is protected. Mayor Maio asked Mr. Stein to provide the information as soon as possible.

Main Street Parking - Councilman Benson requested that a change be made to the parking ordinance with regard to the parking in front of Borough Hall. The parking lot has limited space and many times finding a parking space is difficult. Councilman Benson stated he is supportive of local businesses however; the street parking is being taken advantage of. During the day residents are parking quite a distance away from Borough Hall. Councilman Benson suggested the area in front of Borough Hall be changed to a two hour parking area. There are several cars parked on the street that have not been moved for quite some time. Councilwoman Kuncken stated that she is in support of Councilman Benson's suggestion. Councilman Depew stated he is also in favor of the recommendation. Councilman Thornton stated by changing the area in front of Borough Hall the problem may just move further down Main Street in front of someone's home. Councilwoman Zdichocki suggested speaking to the business owner. Mr. Stein stated that permits could be issued to residents for parking. Councilman Thornton stated that he agrees with Councilwoman Zdichocki's suggestion to speak to the business owner. Councilwoman Kuncken agreed that the business owner should be contacted as we are neighbors. Administrator McNeilly stated he will contact the business owner and will report back to the Governing Body. Mayor Maio asked Administrator McNeilly to investigate other options in the event that the business owner is not in agreement.

NEW BUSINESS

PAYMENT OF BILLS

Resolution 157-14

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 September 23, 2014 and on file and available for public inspection in the Office of the Chief Finance Officer and approved by the Chief Finance Officer for payment, be paid.

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

Roll Call:

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

ATTORNEY REPORT

Mr. Stein stated the Council adopted the ordinance to change the zoning for Kynor Avenue. Mr. Stein asked if the Borough wants to sell the two Borough owned lots in the area. The Borough owns Block 10312 Lot 8 which is approximately 140'x150' located at the corner of Brooklyn Road and Kynor Avenue. The second lot is located across the street and is approximately 80' x 170'. Both lots are now in the MDR Zone. They meet or exceed the size requirements for that zone. Mr. Stein stated he is not aware of what utilities are available in the area. The lots may need onsite wells and septic. Mr. Stein stated if the Council wants to pursue selling the lots he will prepare an ordinance. The smaller lot is assessed at \$14,600 and the larger lot is assessed at \$34,100. Mayor Maio suggested that the realtor the Borough has been working with be contacted regarding these properties. Mr. Stein stated a buyer would require a perk test as a condition of sale. A certain number of days would have to be allowed for this purpose. Mayor Maio asked Administrator McNeilly to contact the realtor.

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:
 - 2 – Personnel
 - 2 – 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 Benson, seconded by Councilwoman Kuncken, and unanimously carried by voice vote, the foregoing resolution was adopted.

Mayor and Council went into Closed Session at 8:50 P.M.

At the conclusion of the Closed Session, Mayor and Council reconvened the public meeting at 9:25 P.M. with all present.

On motion by Councilwoman Kuncken, seconded by Councilwoman Zdichocki, and unanimously carried by the following roll call vote authorization was granted for the Administrator to offer a settlement to the owner of 10 Mountain Terrace.

Roll Call:

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

Mayor Maio asked for authorization to have a manual check drawn this week. The Governing Body agreed to have a manual check issued.

Councilwoman Zdichocki asked for a total from the auction. Mr. Stein replied the total was \$7,880.

ADJOURNMENT

On a motion by Councilman Benson, seconded by Councilwoman Kuncken, and unanimously carried by voice vote the meeting was adjourned at 9:27 P.M.

Approved:

Linda Chirip
Deputy Clerk for
Ellen Horak, RMC
Borough Clerk