

**MAYOR AND COUNCIL  
REGULAR MEETING  
September 25, 2012  
8:00 P.M.**

**SALUTE TO COLORS**

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

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

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

Councilman Thornton – Present  
Councilwoman Kuncken – Present  
Councilman Depew – Present

Councilwoman Thistleton – Present  
Councilman Graham – Present  
Councilman Benson – Present

Mayor Maio – Present

**CITIZENS TO BE HEARD**

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

Peggy Findley, 88 Main Street, stated that at the end of August she hand-delivered a letter to the Zoning Officer with a copy to the Mayor and Council and the Administrator regarding water running onto her yard from a neighboring property. Mrs. Findley stated that she was aware that the Zoning Officer had been on vacation but to date she has not been contacted. Since that time there have been two bad rainstorms and there was a considerable amount of water running into her driveway from the road as well. Mrs. Findley asked for the issue to be addressed. Administrator McNeilly replied that he would speak with Arlene Fisher, Zoning Officer, tomorrow and check on the status. Administrator McNeilly stated the road has a pitch and in extreme cases runoff is going to happen.

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

**PRESENTATION**

*Knox Boxes* – Mayor Maio introduced Brian McIntosh, representative from the Knox Company, to come forward and begin the presentation of the Knox Boxes along with Fire Chief Gary Card and Sussex County Fire Marshal Joe Inga. Mayor Maio stated that the Borough entered into a shared service agreement with the Sussex County Fire Marshal's Office earlier this year. As a result of that agreement and a number of false alarms that occurred during the summer, a recommendation was made to pass an ordinance for commercial properties to install Knox Boxes. Mr. McIntosh is here to demonstrate the boxes and explain the security measures that the

Borough intends to take so that access to the buildings is limited to required fire personnel. In addition, the identities of those fire personnel will be recorded anytime someone enters a building.

Fire Chief Gary Card stated that Mr. McIntosh will demonstrate the type of boxes that will be installed on the fire trucks and the commercial buildings and will address any questions or concerns that the business owners may have.

Mr. McIntosh stated that the Knox system works with a master key which cannot be duplicated and it will be kept at the Fire Department. The only way to get a new or duplicate key is in writing with original authorized signatures. The Knox Company takes every precaution to maintain the security of the key. To secure the key the Fire Department will have a box on their vehicle which can only be accessed with an individual pin code. The box will record who accessed the key along with the time, date and when the key was returned to the box. The Knox Box that will be installed on the commercial building would be accessed during a fire alarm call. Approximately 80% of the Fire Department calls are false alarms. This system will allow the Fire Department to access the building without having to wait for someone to arrive with a key. It will also prevent damaging the door in the event that access to the building is required immediately to address a situation. The Knox Box that will be installed on the building will contain the key or keys to the commercial building and they will be labeled. There are boxes available that can have a tamper switch which can be connected to the burglar alarm. Every time the box is opened the burglar alarm will be set off. There is a switch available for an additional cost of \$40 that will activate the burglar alarm if someone tries to knock the box off of the building. All the boxes are UL listed against physical damage. The boxes are designed to last for the life of the building. There are no maintenance fees. Once the box is installed on the building, the Fire Department will lock the keys in it and there is nothing further that needs to be done. Mayor Maio asked Mr. McIntosh to discuss the cost of the boxes. Mr. McIntosh replied that a typical commercial box costs \$215. On average, customer costs run approximately \$260 depending on the various options that are selected. Councilman Depew asked if that includes installation. Mr. McIntosh replied that installation is not included. Mr. McIntosh stated that the sample box that he was demonstrating cost \$275 which was a flush mount box.

Joe Kula, 25 Main Street, asked if the surface mount is less expensive. Mr. McIntosh confirmed that the surface mount is less expensive because it does not have the flange on it. The least expensive commercial grade box is the 3200 series with the lift off door for a cost of \$250. There is no sales tax charged. There is a \$26 charge for shipping. Mr. ??? asked if order forms are available this evening. Mr. McIntosh stated that the order forms must be obtained from the Fire Department due to the fact that the purchase has to be authorized by the department. The box will arrive in the unlocked position. Once the box is installed on the building the business owner needs to contact the Fire Department to come and lock the box. The Fire Department will have one master key that will open all the Knox Boxes. Mr. ??? asked where the box should be located. Mr. McIntosh replied that the location is determined by the Fire Official but generally it would be located near the front door and six feet high. The Knox Boxes come with two sets of stickers. The red sticker is for the front door and indicates if the box is located somewhere else. Mr. Inga, Sussex County Fire Marshal, stated that he mailed letters to several of the businesses and has asked that the Knox Boxes be installed seven feet off the ground. It is low enough for the Fire Department to access but will deter someone from being able to tamper with it.

Tom Bruno, Main Street, stated that his business has a simplex combination lock on the front door and a key for the back door. Mr. Bruno asked how that should be handled. Mr. Inga replied that both the combination and the key should be placed in the Knox Box. If at any time the combination lock is changed the Fire Department should be notified.

Mr. McIntosh stated that by accessing the website, [www.knoxbox.com](http://www.knoxbox.com), all the literature and specifications can be accessed.

Fred Graffe, Route 206, asked if the box is broken into and his business is robbed what responsibility is taken by the Borough. Mr. McIntosh stated that they have never had a Knox Box broken into that was mounted properly. Mr. Stein replied that there is no municipal liability. Mr. Stein stated that the box does have to be mounted on the building. Mr. Graffe asked if the Fire Chief has access to the key. Chief Card replied that there are four keys and they are all secured in the apparatus. One key is in the Chief's truck, two are in the engine truck and

one in the ladder truck. Mr. Graffe did not want anyone to take his comment personally, but ten years from now we do not know who the Fire Chief will be. Mr. Graffe asked if background checks, credit checks or drug testing are done on the individuals that will have access to the keys. Chief Card replied that background checks are done for all individuals when they apply to join the Fire Department. Mayor Maio stated that credit checks and drug testing are not done. Only background checks are done through the Police Department. Mr. Graffe asked what Mr. McIntosh meant by a properly mounted box. Mr. McIntosh replied that all boxes include mounting instructions but a surface mount box should be bolted through the wall back to the inside wall.

Mrs. Montella, 146 Route 183, asked if the Knox Boxes are mandatory and who made this decision. Mr. Stein replied that the Governing Body voted on the Knox Boxes and they are mandatory. Mrs. Montella stated that she did not receive notification that a hearing was going to be held. Mayor Maio stated that the ordinance was published and a public hearing was held. A letter was sent out afterward from the Fire Marshal explaining the ordinance.

Marvin Murdock, 34 Main Street, stated that his building is very small but has three separate entrances. There is one for the store, one for the basement and one for the apartment. Mr. Murdock asked if someone could recommend what type of box he would need to install. Mr. Murdock also asked if someone is available to install the box and if so is he responsible for the costs of the installation. Mr. Inga stated that the business owners should access the website and with the order form in hand look through the options and choose the box that best suits the construction of their building, their needs and their finances. If the business owner decides to have a contractor install the box, that is a decision that the business owner has to make on their own. Recommendations for contractors are not allowed to be made by the Fire Department, Fire Marshal's Office or the Knox Company. Mr. Murdock is concerned that if it is installed incorrectly the Fire Department will reject it.

Mr. Inga stated that the Fire Department will check the box before it is locked. The Knox Company has been in business for 37 years and serves over 12,000 municipalities and fire departments which range in size from towns as small as Stanhope to others as large as New York City. To date there has never been a problem with the boxes. Many businesses wire their alarm system to the boxes. The system is new to Sussex County but it is already being used in Vernon and Sussex Borough. The boxes have been designed over the years to assist the fire departments. Most of the problems occur at night. Mr. Inga stated in this Borough all the members of the Fire Department are volunteers who are getting up in the middle of the night to respond to whatever the situation may be. They have the responsibility to protect life and property. The Knox Box will enable the Fire Department to do this with minimal damage to the building. The fire departments across the State on average wait 45 minutes for the business owner or someone to respond to the scene with a key. The Knox Boxes allow for the building security to be checked immediately and re-securing of the building can be done. Mr. Inga stated that the Fire Department and the Sussex County Fire Marshal's Office are willing to work with the business owners but the boxes do need to be installed by January 1<sup>st</sup>. An audience member asked if other towns are using this system in Sussex County. Mr. Inga replied that Vernon, Sussex Borough are using the Knox Boxes and Newton has investigated the use of the boxes. The biggest obstacle for the towns is the fact that the boxes that have to be installed in the trucks cost between \$500 and \$600 each and several are required. More and more towns in Sussex County will be moving toward this system. In Morris County at the Roxbury Mall the boxes are in use as well as at the Trade Zone.

Mr. Murdock stated that while he does not have a problem with the Knox system, he does have a problem with the fact that no one is able to assist him in the decision to determine what type of box to install and the most cost effective way to install it. Mr. Murdock stated that he just completed the Expense Income Form at the Borough's request, the Tax Assessor has done a walk through at his business for the reassessment and in two weeks the Building Inspector will be there to inspect the apartment. Mr. Murdock stated that he has complied with the requests of the Borough for the last 12 years and he would like Knox, the Fire Department or the County to take a look at his business and assist him. Mayor Maio responded that Tom Pershouse, Construction Official, may be able to assist Mr. Murdock. Mayor Maio asked Administrator McNeilly to contact Mr. Pershouse. Mr. Murdock thanked Mayor Maio.

Councilwoman Kuncken stated that the use of the boxes will assist the volunteers and it is true that the added expense of \$300 in these economic times can be difficult for the small business owner. The Borough is not trying to impose an expense. If there is an issue at your building in the middle of the night and the fire department has to break down the door or go through the plate glass window that expense would be much greater. Councilwoman Kuncken sympathizes with the business owners regarding the fact that they feel they did not receive enough information but from a public health and safety standpoint the Borough had the best interest of the business owners in mind. There was a major issue that occurred at Dollar General which generated the reason for the Knox Boxes. Mayor Maio stated on that particular day the wait time was over an hour for the owner to arrive and had that store been located on Main Street it would have caused the entire road to be shut down.

Mr. Graffe stated that he greatly appreciates the services of the Fire Department. Mr. Graffe asked how the business owners can be assured that their privacy will be protected and that keys will not be handed over to the Police Department in the future. Mayor Maio stated the ordinance has been written and there is no intent to change it nor does the Borough see any reason to change it in the future. Mayor Maio stated this is about public safety to allow safe and efficient entry into a building that is potentially faced with a fire. That responsibility today and ten years from now lies with the Fire Department. Mr. Graffe asked why the homeowners are not required to install the boxes. Mayor Maio stated that the recommendation was made by the Fire Inspector. The Fire Inspector handles commercial buildings, not private residences. There are Knox Boxes available for residential homes. Mr. Graffe stated that residential homes can catch fire and if no one is home their doors will have to be kicked in. Mr. Graffe asked why this situation is different. Mr. Inga replied that the Uniform Fire Code has no jurisdiction over one and two family owner occupied residences. Mr. Graffe again expressed his concern over the security and privacy issues. Mayor Maio stated that she is sympathetic to his concerns and the Borough is concerned with the business owner's rights to privacy and their need to feel comfortable that no one is going to enter their building except for a legitimate fire call. That is the reason that the Borough is expending the money to have the boxes installed in the fire vehicles that will record who entered the box, when and where.

Ralph Stone, Route 183, asked why a business owner that does not have apartments has to install a box. Mayor Maio stated that if it is a commercial building it is subject to the Fire Code. Mr. Stone is of the opinion that the Borough should incur the expense of purchasing and installing the Knox Boxes. Mr. Stone stated that he changes tenants and employees frequently and each time the locks are changed. Mr. Inga stated when the locks are changed the business owner must contact the Fire Department. The Fire Department will unlock the box and the new key will be locked inside. Mr. Stone asked if there is going to be a charge for the keys to be switched. Mr. Inga stated there will not be a charge.

Mr. Stone is of the opinion that lives are not at stake in a building without tenants and insurance will cover the cost of any damages. Mr. Inga replied that the lives of the fire fighters are at stake. The Uniform Fire Code was developed and put into place in the State of New Jersey to protect the safety and lives of fire fighters. Mr. Inga recounted an incident in another town where the fire call went out and the fire department responded. The building was locked. The owner never arrived. The fire department spent an hour checking the building. There were no signs of smoke. The fire department left, but was called back to the building because it was on fire. The owner wanted to know why the fire department did not protect his building. Ultimately the fire department is held accountable. Mr. Stone is of the opinion that the business owners that do not have tenants in their building should be given the option of installing the box or not and if it is mandated by the Borough, that the Borough should incur the cost.

Joe Knolmayer, 8 New Street, asked if the Borough considered having the business owners give copies of their keys to the Fire Department to store in a secure location which would give them access and eliminate the expense of having the business owners install the boxes. Mr. Inga replied that would not work. Having a hundred or more keys to look through before they respond to a fire call would not be practical. An audience member asked how many commercial businesses are in the Borough. Mr. Inga replied that he mailed out 100 letters to the known commercial businesses.

Roz Bruno, Whistling Swan, 110 Main Street, asked if there is a specific time that the Fire Department needs to be contacted once the box is installed and what is the deadline date. Chief

Card stated when the box is installed the business owners need to call the Fire Department and they will schedule a time to meet the business owner to place the keys in the box and lock it. Mr. Inga replied that the ordinance was written allowing the business owners six months to comply with the ordinance which brings the date to January 1, 2013. The Sussex County Fire Marshal's Office will begin inspections in October however, not all will be completed in one or two months. Mr. Inga stated that as the Fire Official he has the authority to write penalties beginning January 1<sup>st</sup> but the Fire Marshal's Office would rather work with the business owners to assist them in complying with the ordinance. Their job is to help the businesses thrive and remain in existence and do it safely.

Chuck Deitrich, Shakey Jakes, 134 Route 183, asked if the property owner/landlord or the tenant is responsible for compliance of the ordinance. Mr. Inga replied that in his opinion the property owner should purchase the Knox Box. The boxes are keyed specifically for Stanhope Borough. If the tenant were to move from the Borough the box would be useless.

Mitch Ellicott, 1<sup>st</sup> Fire Chief, stated that the business owners are still going to be notified when there is a fire call at their place of business.

Mr. Stone asked where the liability lies if the Fire Department responds to a call and has to breakdown the door because the key in the box was not the right one due to the fact that his tenant changed the lock without his knowledge. Mr. Stein replied in that instance the issue would be between the landlord and the tenant.

Mrs. Montella asked if the Knox Box is electronically connected to the Fire Department. Mayor Maio replied that the box is not an alarm connected to the Fire Department.

Councilman Graham stated that several issues have been brought up tonight and in his opinion a list of procedures should be created outlining what the commercial property owners should do in certain instances. For example when keys need to be changed or a tenant changes.

Mr. Inga stated that next year when the fire inspections are done, part of the inspection will be to make sure that the proper keys have been installed in the box.

Councilman Graham stated that he understands the business owner's concern about having people entering their businesses. Councilman Graham stated that he witnessed the time that was expended at Dollar General. He also said that he lost five good friends that were firemen to a fire because they could not get into the building immediately. The Borough does not have a lot of large buildings but there are some. Councilman Graham stated that as long as he remains on the Council he would never allow anyone other than the officers of the Fire Department to have access to the keys and he would recommend, that should that ever become an issue, the property owners should be notified and a public hearing held.

Mr. Stone stated he is not opposed to the system. He is actually on the side of the Borough; however, he is opposed to the way this was implemented and the fact that what might be good for one business is not necessarily good for another. Financially this will be a burden for some businesses especially during the holiday season. Councilman Graham is of the opinion that some of the property owners are concerned about what keys need to be locked in the boxes. Mr. Graffe asked why the ordinance states keys are required for fenced in areas. Councilwoman Kuncken replied that a fenced in area may lead to the backdoor entrance. Mr. Inga replied the keys required would be for such areas as the building, front door, basement, mechanical room, electrical room and elevator room and locked points of ingress interior or exterior, fenced or secured areas, access or combination codes to locked areas of ingress or egress. Keys for a single apartment on the property with a separate entrance would not be necessary. An apartment with a common hallway that leads to several apartments would be required. Councilman Graham asked to have a fact sheet drafted and made available to the commercial property owners and available on the website. Mayor Maio asked Chief Card to draft the fact sheet which will be distributed to the business owners and posted on the website. Mayor Maio asked Mr. Stein to look at this issue in terms of the ordinance.

Councilman Graham asked the business owners to put their questions or concerns in writing and forward them to the Administrator in order for the Mayor and Council to work through this process. The purpose of this ordinance was not to impose anything on the businesses. The

Mayor and Council's intent was to protect the businesses. Administrator McNeilly asked Chief Card to provide standard operating procedures relative to the use and security for Mr. Stein to review. Councilwoman Kuncken asked if the grace period could be discussed in order to assist any business that are financially unable to comply by January 1<sup>st</sup>. Mr. Inga replied that he has made it a practice not to visit business owners during the month of December unless there is an issue that needs immediate attention. Mr. Inga stated that this issue is in an education and understanding period and it would have been advantageous if more of the business owners had attended tonight's meeting. Councilwoman Kuncken stated once the fact sheet is distributed it should answer most of the questions and concerns of the business owners. Mr. Graffe asked if the storage center would have to provide keys for each of the units. Mr. Inga replied that without seeing the business he could not determine what would be required. The storage units are usually locked with a pad lock which could be cut off with bolt cutters.

Mr. Stone asked how alarm codes would be handled. The alarm codes change regularly. Mr. Stone asked if the codes need to be placed in the box or if his contact information should be placed in the box which would allow him to verbally relay the alarm codes. Mr. Stone also voiced concern over what happens if he finds that equipment ends up missing from his building. Mr. Inga stated that he would schedule a time to visit with Mr. Stone at his place of business and discuss the matter further. The ordinance is in affect and the Borough is moving forward with installing the boxes into the apparatus. Mr. Stone stated that he was not contacted regarding this issue. Mayor Maio stated that information was sent to all the property owners listed on the Tax Assessors list. A review of the list will be conducted. Councilman Graham stated that the Mayor and Council realized that more information needed to be made available to the business owners and that is why this presentation was being held tonight. Mr. Stone would like the Borough to implement an email notification system. Mayor Maio replied that the Borough is looking into providing that option.

Mrs. Montella stated that there is a separate garage on her property. Mrs. Montella asked if she would be required to have two boxes or two keys. Mr. Inga replied that two keys would be needed.

Mayor Maio thanked Mr. Inga, Chief Card and Mr. McIntosh for attending the meeting.

### **MINUTES FOR APPROVAL**

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

August 14, 2012	Work Session/Agenda Meeting
August 28, 2012	Regular Business Meeting & Closed Session

Councilman Benson requested that the August 28, 2012 minutes, page 5, 2<sup>nd</sup> to last paragraph, which states "Mayor Maio stated that the request is to make a connection to the Mendez property." be corrected to read "Mayor Maio stated that the request is to make a connection from the lateral that leads to the Mendez property.

On motion by Councilman Graham, seconded by Councilman Depew and unanimously carried by voice vote, the above listed minutes were approved, as amended.

### **CORRESPONDENCE (List Attached)**

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

### **ADMINISTRATOR'S REPORT**

*Oil and Chip* – Administrator McNeilly reported all roads have been completed. No complaints were received and the DPW will use the sweeper to clean up the loose material.

*Borough Hall Renovations* – Administrator McNeilly reported the hallway and the Sergeant's Office is more than 50% complete. The Council Chambers renovation work will begin next week with a pause for Election Day. The wood and the carpet have been ordered. The Mayor and Council meeting scheduled for October 23<sup>rd</sup> will meet at the American Legion. The Police

Department Chief's Office and the Secretary's Office work will begin after the Council Chambers is complete.

Water System Improvement Project – Administrator McNeilly reported that he attended a meeting today with the Borough Attorney, Bond Counsel, Auditor and CFO to discuss the timeline and bonding for the water system improvement project. Mr. Stein will give the report on the meeting.

Basketball Courts – Administrator McNeilly reported that the new nets have been received and are being installed.

Borough Safety Committee – Administrator McNeilly reported that the Safety Committee held its 3<sup>rd</sup> quarter meeting on Monday, September 24<sup>th</sup>. The Fire Department, DPW, Police and Administration were present. The Borough is continuing to show major improvements in loss time and property loss. The Department Heads are working hard to minimize losses. One more safety meeting will insure the incentive rebate part of the JIF program and the Borough is on track for premium reductions with regard to losses.

DCA – Administrator McNeilly reported that he met with Nancy Malool, Director of Shared Services, last Wednesday. The shared services that Stanhope currently has in place with other towns were discussed and Ms. Malool was impressed that Stanhope was ahead of the curve.

Best Practices Worksheet – Administrator McNeilly reported that the Borough responses for the Best Practices Worksheet total 35 yes, 5 no, 6 N/A and 4 perspectives. The Borough scores favorably 45 out of 50 questions. In the scoring chart for the potential of lost aid, a score of 41-50 questions answered correctly will receive 100% their disbursement. Mayor Maio asked if any of the Council members had any questions. There being none, Mayor Maio authorized Administrator McNeilly to file the report.

Councilman Graham stated the back of the storage shed has been vandalized and asked Administrator McNeilly to address the situation immediately. Councilman Graham stated there are several areas around the Borough where the Belgian block needs to be reset especially in the Lenape Woods area. Administrator McNeilly replied that he will address the situations.

## **COUNCIL COMMITTEE REPORTS**

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

**Police, Fire, Ambulance, Court & Violations Bureau, Emergency Management** – Councilwoman Kuncken reported that the Police Department for the month of August had 345 total incidents with the majority being moving violations. The Ambulance Squad for the month of August had 41 calls in total, 17 in Stanhope, 23 in Netcong, 2 out of town, 28 patients, 26 trips, 606 miles travelled for a total of 162 hours 48 minutes of volunteer hours. Councilwoman Kuncken reported that a meeting was held with the Fire Department regarding the replacement of the siren with the upgraded radio system and pagers. There was concern that a tie line might be needed. At the last meeting it was determined that the committee could not move ahead with the purchase until the cost for the tie line was obtained. The cost of the tie line would amount to \$106.09 per month which would be an additional cost to the Borough for a total of \$1,188.82 for the year. The direct line would be from Sparta to Stanhope and the reason for the tie line is that we cannot get the signal quality required without the line. Councilwoman Kuncken asked for a Council decision. Without the tie line the new radio system will not have the required signal strength. Mayor Maio stated with Council approval the Fire Department would then be able to move forward with the FCC license and the Borough can proceed with the purchase of the equipment. Councilman Graham asked if the funds are available. Mayor Maio stated the funds would come from existing operating expenses and would be budgeted under telephone costs. Councilman Graham asked if the CFO has been consulted. Administrator McNeilly stated that due to the time of year and the length of time required to obtain the license and equipment the Borough may only have to pay for one month for the remainder of this year. Mayor Maio asked for a motion to be made.

On motion by Councilman Depew, seconded by Councilman Graham and carried by the following unanimous roll call vote, the request to approve the telephone costs for the tie line for the high band radio system was granted.

Roll Call:

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

Mayor Maio asked the representatives from the Fire Department present in the audience to move forward with the process to obtain the FCC license. Mayor Maio also asked that the Fire Department keep the Administrator apprised of the status. The Fire Department representative, present in the audience, stated that a proposal had been submitted for the FCC license totaling \$1,200 and he asked if a purchase order could be generated for the FCC separately from the equipment. Mayor Maio replied that the entire purchase of all the items would have to be on one purchase order due to the fact that this is a capital purchase.

**Finance & Administration – Councilman Benson/Councilwoman Kuncken** – Councilman Benson stated that the utility rents are down approximately \$3,000 in each of the utilities which may be due timing issues. Tax collections are flat and are relatively the same as last year.

**Community Development – Councilmen Thornton/Graham**  
**Zoning, Construction, Code Enforcement, Economic Development, Chamber of Commerce, Downtown Revitalization** – Councilman Thornton had nothing to report.

**Municipal Infrastructure – Councilmen Graham/Thornton**  
**Water Distribution, Sewer Collection System, Road Construction & Maintenance, Buildings & Grounds** – Councilman Graham had nothing to report.

**Information Technology – Councilmen Depew/Benson**  
**Acquisition of Hardware & Software, Technical Equipment Services, Telecommunication, Cable Television Franchise** – Councilman Depew reported that he and Councilman Benson reviewed several website options and have narrowed the search to Nova 10 and City Net as possible choices. Councilman Depew stated that they spoke with the Deputy Clerk about the current website. The website is very limited in design. The text size and colors cannot be altered. Technical support is not available. Councilman Depew stated that the committee will continue to research various options and would like to arrange a presentation for the Mayor and Council in the future.

**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** – Councilwoman Thistleton reported the Recreation Commission bus trip to Mt. Airy Casino still has seats available if anyone is interested.

## **COUNCIL BUSINESS**

**Water/Sewer Rates** – Mayor Maio reported that the CFO has provided a memo summarizing the issue of the water and sewer rates. The committee met and discussed how the bond for the improvements to the water system would be paid for. The bonds for the sewer improvement are falling off and the fairest way to accomplish this, in order to prevent anyone from incurring an increase in their bill, would be to move money from the fixed amount that everyone pays each month in sewer and move a portion of it to the fixed amount that everyone pays in water. The committee ran several scenarios and determined that moving \$20 from the fixed fee on the sewer side and transferring it to water was the best option. The average homeowner that has sewer and water service will see no difference in their bill. The \$20 that was paying the sewer bond is now going to be paying the water bond. The auditor is in agreement with this plan and a test was run on all the households to ensure that there are no quirks in implementing this plan. This change can be put in place for the 1<sup>st</sup> quarter billing in 2013.

Councilman Graham stated that all the households and businesses in the Borough have been tested and the results were the same. Mr. Stein stated that he has drafted an ordinance for the plan to be implemented for the 1<sup>st</sup> quarter of 2013. The ordinance has been submitted and can be introduced at the next Mayor and Council meeting. Councilman Benson stated this arrangement will not affect anyone and it will allow the Borough to accumulate initial funds for the water bonds.



**NEW BUSINESS**

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

**Resolution 159-12                      RESOLUTION OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF STANHOPE  
AUTHORIZING THE RENEWAL OF LIQUOR  
LICENSE TO SAMMY’S ITALIAN FOODS INC.**

**WHEREAS**, the application for renewal of Plenary Retail Consumption License No. 1919-33-005-009, Sammy’s Italian Foods Inc. for the 2012-2013 license year has been received and reviewed; and

**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, 2012 to June 30, 2013 in the Borough of Stanhope, County of Sussex, New Jersey:

***Plenary Retail Consumption License:***  
1919-33-005-009        Sammy’s Italian Food, t/a Sal’s Pizza, 81 Route 183

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

**Resolution 160-12                      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. 2008-05, representing 2007 property taxes and/or utility charges on Block 10605, Lot 7, known as 21 Highland Avenue, assessed to Harold L Egan III, 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:	MACWCP II, LLC 6000 Feldwood Rd Attn : LB 403357 College Park, Georgia 30349
Redemption Amount:	Tax Title Lien #2008-05 and Interest to Date of Meeting    \$        8,432.31 Premium Paid by Lienholder <u>          0.00</u>
Total From Current Fund:	\$        8,432.31
Total From Tax Premium Account	0.00

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

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

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

**MAYOR'S ACCEPTANCE OF RESIGNATION**

**Resolution 161-12**

**MAYOR'S ACCEPTANCE OF THE RESIGNATION OF WILLIAM THORNTON FROM THE STANHOPE LAND USE BOARD WITH COUNCIL CONCURRENCE**

**BE IT RESOLVED** by the Council of the Borough of Stanhope that they do hereby concur with the Mayor's acceptance of William Thornton resignation as an appointed Class IV Member on the Land Use Board, effective immediately.

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

**MAYOR'S APPOINTMENTS**

**Resolution 162-12**

**MAYOR'S APPOINTMENT OF MICHAEL VANCE AS A CLASS IV MEMBER TO THE LAND USE BOARD**

Mayor's appointment to the Land Use Board as follows:

Mayor's appointment of Michael Vance to the Land Use Board to fill the unexpired 4-year term held by William Thornton effective September 25, 2012, with said term to expire December 31, 2015.

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

**Resolution 163-12**

**RESOLUTION APPROVING THE MAYOR'S APPOINTMENT OF BRIAN WHITEHEAD, AS AN ACTIVE MEMBER TO THE STANHOPE FIRE DEPARTMENT**

Mayor's appointment of Brian Whitehead, as an active member to the Stanhope Fire Department.

**BE IT RESOLVED** by the Council of the Borough of Stanhope, County of Sussex, State of New Jersey that they do hereby concur with the Mayor's appointment of Brian Whitehead, as an active member to the Stanhope Fire Department.

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

**PAYMENT OF BILLS**

**Resolution 164-12**

**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 September 25, 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:

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

### **ATTORNEY REPORT**

Mr. Stein reported that a productive meeting was held today regarding the proposed improvements to the water system to be financed through the New Jersey Environmental Infrastructure Trust (NJEIT). The meeting was attended by Mr. Stein, Administrator McNeilly, Dana Mooney, CFO, Ray Sarinelli, Auditor, Bob Beinfield, Bond Counsel, Michelle, Associate Attorney from Mr. Beinfield's Office and Lee Purcell, Engineer. Several items were discussed with the focus being on the sizing of the bond and the timeline required to move the project forward. Funds need to be available to start the project and the applications need to be submitted to NJEIT. In order to properly size the bond ordinance, Mr. Beinfield will take the gross numbers that the Borough came up with and he will enter the information into a matrix. Mr. Beinfield will then submit this to the financial people at NJEIT. Mr. Purcell submitted a rough figure of \$2.14 million for the construction and engineering costs. This does not include administration, bond costs or fees to the State, none of which are particularly large. Within a day or two NJEIT will report back stating everything is in order for what they will fund and a determination will be made regarding what can be applied for. This will be done promptly due to the fact that on October 9<sup>th</sup> the Borough has to introduce a bond ordinance.

Mr. Stein stated the NJEIT is a reimbursement program. The Borough has to have its own bond ordinance in place and in effect so that a funding source to fund the project is available as it moves forward. At the end of the entire project the Borough's bond will be retired by the permanent NJEIT financing. The NJEIT financing is 75% at 0% interest and 25% at the market rate. This is not the market rate available to the Borough, which is an A rating. It is a AAA rating which will bring the interest rate even lower than what the Borough could borrow. The effective rate may be as low as 1%. Mr. Beinfield will have the bond ordinance ready for introduction for the October 9th meeting. All NJEIT projects have to go to the Local Finance Board for approval. According to Mr. Beinfield's office it will most likely be placed onto a Consent Agenda, which means that no one will have to go to Trenton to appear before the Local Finance Board. The application will be filed electronically to the Local Finance Board and placed on the Consent Agenda for approval.

Mr. Stein stated that the Borough has to submit the letter of intent by Monday. Administrator McNeilly is preparing the letter for submission on Friday. The program does not allow the Borough Engineer to submit the letter. All the information has to be uploaded to Administrator McNeilly's computer and Administrator McNeilly, the authorized representative, has to submit the information.

Mr. Stein stated that by March 4<sup>th</sup> of next year all the final specifications and plans have to be submitted to NJEIT for financing approval. This is a two-step program that will provide interim financing pending the actual bond closing which is a few months later. When the bond closing is completed that will be the permanent financing for the project. All the deadlines set by the State will be met.

Administrator McNeilly asked Mr. Stein to explain the issue of the professional agreement with Lee Purcell. Mr. Stein stated that Mr. Purcell is already submitting bills to the Borough. Mr. Stein stated that he and the CFO are preparing an interim resolution in order to authorize funding to pay Mr. Purcell until the bond ordinance is in effect. The resolution will be on the October 9<sup>th</sup> agenda. The ordinance is schedule to be adopted at the on November 27<sup>th</sup> Mayor and Council meeting. All bond ordinances have a 20 day lockout period from the date it is adopted which prohibits spending any money from that bond for that time period. Mr. Purcell is aware of this and understands that by the end of the year the Borough will have a permanent funding source in place. Councilwoman Kuncken asked where the interim funding source is coming from. Mr. Stein replied that there is money in the water capital budget that is going to be used. Administrator McNeilly stated there is \$207,000 in Mr. Purcell's report for planning and engineering costs. Only the first two releases will be included in the interim funding. Mr. Stein stated that this will allow Mr. Purcell to continue to move forward.

## **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 Contracts
  - 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 Benson, seconded by Councilwoman Kuncken, and unanimously carried by voice vote, the foregoing resolution was adopted.

Mayor and Council went into Closed Session at 9:55 P.M.

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

## **ADJOURNMENT**

On a motion by Councilwoman Kuncken, seconded by Councilman Depew, and unanimously carried by voice vote the meeting was adjourned at 10:25 P.M.

Approved:

Linda Chirip  
Deputy Clerk  
For Ellen Horak  
Borough Clerk