

**MAYOR AND COUNCIL
WORK SESSION AND
AGENDA MEETING
October 9, 2012
8:00 P.M.**

CALL TO ORDER

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

ADMINISTRATOR'S REPORT

Knox Box – Administrator McNeilly reported Tom Pershouse has been contacted regarding the installation sites. Mr. Pershouse has been contacted by several business owners.

Borough Hall Renovations – Administrator McNeilly reported the hallway and the Sergeant's Office renovations are more than 90% complete. The Council Chambers work will begin later in the week. The Police Chief's Office and the Secretary's Office work will begin after the Council Chambers is complete.

Records Storage Building – Administrator McNeilly stated at the last meeting Councilman Graham reported the storage building had been vandalized. The Police Department documented the graffiti on the rear of the building and it has been removed. The DPW planted a row of bushes behind the building to deter this from happening again.

High Street/Plane Street – Administrator McNeilly reported that the end of the maintenance bond period is approaching and he, Eric Keller and Bill Storms inspected the project site. Mr. Keller will submit a report regarding the findings.

JCP&L – Administrator McNeilly reported John Anderson from JCP&L wants to attend a Mayor and Council Meeting to explain the communication changes that have been made since last year's weather event.

Stanhope School Request – Administrator McNeilly reported that Stanhope School is still relocating equipment from the Valley Road School to the new school. The DPW was able to move a large copier to the new school. Mayor Maio asked Administrator McNeilly if the requests are made through him. Administrator McNeilly replied that the requests are sent to his attention. Councilwoman Kuncken asked if Administrator McNeilly is keeping a detailed list of all assistance that is provided to the schools. Administrator McNeilly stated that a list is being kept.

Mayor Maio asked Administrator McNeilly to update the Council on the situation at Dell Road. Administrator McNeilly reported there is an issue with the rock wall that was installed near the creek located on Dell Road across from James Street. The first six feet of the walls base has been undermined and the wall is tipped. This may have been caused by the water that shoots out and hits the wall in that area. The DPW will dig behind the wall, pull it back and re-secure it without having to take the wall apart.

Councilman Depew asked if Linden Avenue and Church Street are still on schedule to be paved. Administrator McNeilly stated that Tilcon was here today and tomorrow the lengths will be determined and then the schedule will be provided. The paving will be scheduled for Church Street, Linden Avenue and the trench repair on Sparta Road. The trench on Sparta Road will require flag men due to the fact that the trench crosses back and forth. Councilwoman Kuncken asked if the completion of this project will be the end of the road projects for the year. Administrator McNeilly affirmed that the projects will then be complete. DPW will continue to work on the catch basins. Councilwoman Kuncken commented on how well Sagamore Road and Spencer Street turned out. Administrator McNeilly stated that Canfield Street was repaired with a thin layer of blacktop and then the oil and stone was put on top of it which worked out well. Mayor Maio stated that next year James Street and Young Drive need to be addressed. Funds need to be budgeted for this repair that will require more than oil and stone. Administrator McNeilly stated with the crack sealer and the use of oil and stone the roads will be maintained better and will last longer. Councilman Graham stated the engineering for James Street and Young Drive will be essential in assuring that the drainage is handled properly. Councilman Graham saw how the water ran in that area during the severe flooding last year. Engineering needs insure that the drainage is not redirected causing flooding issues. Administrator McNeilly stated that James Street and Young Drive will need to be treated as if State aid was being received for them even though they are not. Mayor Maio asked Administrator McNeilly to make Mr. Keller, Borough Engineer, aware of the plan for next year regarding James Street and Young Drive. Councilman Benson stated the curbing in that area is an issue. Councilwoman Kuncken stated several years ago the Borough attempted to have the DOT address the situation at James Street and Young Drive. The Borough was unable to meet the criteria in order for DOT to take on this project.

Councilman Graham stated that he attended a meeting in Hopatcong when the representative from JCP&L, John Anderson, spoke. Councilman Graham suggested that questions should be written down ahead of time. Mr. Anderson's presentation was informative and several procedures have been changed. The Borough needs to inform JCP&L of Stanhope's specific needs. Administrator McNeilly stated the most difficult issue to get across to the residents is that when their lights are out JCP&L does not know that until someone calls to report it. Any residents that require special medical needs must be registered ahead of time with the Police Department. Councilman Benson stated there are three different lines that run through the Borough. Administrator McNeilly stated the bigger the problem that exists, the sooner it gets addressed. Everyone needs to call when the power goes out. The 800 number to report power outages should be posted by the phone and entered into cell phones.

Councilwoman Thistleton thanked Administrator McNeilly and Bill Storms for taking her and Bill Thornton on a tour of the Borough to familiarize them with the location of the wells and various other points of interest.

MINUTES FOR APPROVAL

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

“Revised” August 28, 2012 Regular Business Meeting & Closed Session

Mayor Maio stated that the Borough Clerk had provided a memo prior to this meeting explaining the revisions. There are two corrections that have been made. There was a correction that Councilman Benson had requested at the last meeting. The other revision was due to the fact that the action taken after the closed session portion of the meeting was not included in the original minutes.

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

COUNCIL DISCUSSION

American Legion Donation Towards GREAT Program – Mayor Maio stated the American Legion would like to donate \$500 to the Police Department in order to provide T-shirts for the GREAT Program. The Police Department is not able to accept a donation unless it is approved by the Mayor and Council. The Police Department is pleased with the GREAT Program which is a tremendous improvement over the DARE Program. Councilwoman Kuncken stated the new program is up to date and addresses the anti-bullying laws and issues that are required by the State of NJ to be taught in the schools. The school and the Police Department are pleased with the program which builds self-esteem and reinforces the education with regard to creating an anti-bullying environment by addressing issues such as standing up for yourself and others and reporting incidents of bullying. Councilwoman Kuncken stated that Chief Pittigher is planning on having a graduation for the students and would like to present each one with a T-shirt. One Officer has been trained to teach the GREAT Program and Chief Pittigher would like to have a second Officer receive the necessary training. Councilwoman Kuncken stated that it was very generous of the American Legion to offer a donation of \$500 for this program.

On motion by Councilman Benson, seconded by Councilman Depew and unanimously carried by the following roll call vote, approval was granted to endorse the GREAT Program and allow the Police Department to accept the donation of \$500 from the American Legion for the purchase of T-shirts for the students.

Roll Call:

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

Support Passage of S180/A640 - Mayor Maio stated a request was received from Chief Pittigher regarding Bill S180/A640 regarding the registration process for sex offenders. The Mayor and Council received a letter of explanation prior to this meeting.

Councilman Graham asked how this Bill affects the Borough. Councilwoman Kuncken stated that she spoke with Chief Pittigher and her understanding is that currently when a sex offender is due to be released the notification is not done until 3 months after the release date. This Bill would require the notification and classification to be done 3 months prior to the offender's release. Mayor Maio stated that currently the classification is not determined until after the release. Mayor Maio stated that Chief Pittigher has requested a resolution of support from the Mayor and Council.

On motion by Councilman Benson, seconded by Councilman Depew, and unanimously carried by voice vote, approval was granted to draft a resolution in support of S180/A640.

Mayor Maio asked the Borough Clerk to prepare the resolution for the next Mayor and Council meeting.

Lenape Valley Regional H.S. (Request to Waive 10% Administration Fee for Police Billing) – Mayor Maio stated that a request has been received from Bob Klinck, Lenape Valley HS Business Administrator, asking the Borough to waive the 10% administrative fee that is currently charged when police officers are primarily hired for the football games. The school is charged a rate of approximately \$68/hour per Officer, which is the amount set forth by ordinance and contract agreement for extra work performed by the police. The school is charged a 10% administrative fee which covers the costs of Medicare, unemployment and Social Security that still have to be paid and are done so by the Borough.

The attendance at the Lenape Valley High School games has dropped off. In the past, four Officers were needed and now only three are required. This is an agreement that was made with Chief Pittigher, Mr. Klinck and the school superintendent. In the event that the 10% fee is waived it would have to be done by ordinance and it is too late in the season for this to be done for this year. Mayor Maio stated that the CFO needs to be contacted to determine what the actual costs are to the Borough prior to any decision being made.

Councilman Benson stated that Stanhope is the host community of the regional high school but there are three communities that attend the school. Councilman Benson asked if the other communities have ever been contacted and asked to contribute to the costs of hiring the Officers for the events. Mayor Maio is of the opinion that the Borough has to provide the coverage because the school is located in Stanhope. On occasion, when the Borough does not have sufficient officers to cover an event, the school does reach out to Byram or Netcong. Councilman Benson asked if a shared arrangement could be made between the three communities. Mayor Maio stated in fairness to the taxpayers the Mayor and Council cannot forgive the fees without knowing what the actual costs are to the Borough. The Borough is charging \$6.80 per hour per Officer. The actual costs must be determined in order for a decision to be made. Administrator McNeilly stated that the 10% fee is charged to everyone that secures the police officers services for off duty detail such as road details, security at events and both private and public functions. The costs cover equipment, vehicles on standby, vehicles being used to and road flares. Administrator McNeilly is of the opinion that this fee is reasonable and necessary.

Mayor Maio stated that Chief Pittigher told her when this fee was first implemented the charge was 25% and at some point it was reduced to 10%. The 10% fee has been in effect for several years and in the meantime the Medicare, unemployment and social security fees have increased. The Borough may or may not be receiving enough funds to cover all the costs involved. Councilwoman Kuncken stated by itemizing the costs the Borough and Lenape Valley High School will have a better understanding of the basis for the fees. Mayor Maio stated by obtaining the actual costs it will allow the Borough to address the issue in the event that the costs are not being covered. A new fee structure may have to be put in place that may continue to charge the 10% fee to non-profits but may require an increased fee for private contractors.

Administrator McNeilly asked if the Mayor and Council would like him to gather information from neighboring towns as to how they cover the overhead charges. Mayor Maio replied that Administrator McNeilly can gather that information. There are towns that charge different rates depending on such things as whether or not the Officer has a vehicle with them or not. The Borough has always maintained a flat rate. Councilman Graham stated that the Borough has road work planned which will require Police coverage and those costs will need to be part of the bid. Councilman Benson stated this has been addressed in the past and there was quite a difference with the costs associated for State Police, out of town Police and the Borough's Police Department. Mayor Maio asked that the actual cost information be made available for the next meeting.

Tie A Ribbon Campaign – Mayor Maio stated that the Tie A Ribbon Campaign for Breast Cancer Awareness runs for the month of October. Mayor Maio asked for volunteers from the Council to meet on Saturday morning at 10:00 AM along with members from the Senior Citizens Club to tie the ribbons to the trees and poles on Main Street. Mayor Maio asked Peggy Findley, who was present in the audience, to contact the Seniors and request their assistance. Mrs. Findley will contact the Seniors and ask them to call Mayor Maio if they are available.

November Meeting Schedule – Mayor Maio stated the Mayor and Council meeting scheduled for November 13th must be cancelled due to lack of a quorum. Several Council members and Mayor Maio will be attending the League of Municipalities Conference. Due to Election Day and the Thanksgiving holiday a change of the meeting date is not an option. The next scheduled meeting will be held on November 27th. Mayor Maio asked to have the CFO informed that there will be only one bills list for the month of November.

Knox Box – Mayor Maio stated that Councilman Graham asked to discuss the Knox Box Ordinance. Councilman Graham stated that a few weeks ago the Mayor and Council passed an ordinance requiring commercial properties in the Borough to install Knox Boxes. The Knox Box program is a good idea which allows the Fire Department to access a building quickly in the

event of an emergency or a false alarm. Since that time the Borough has held a presentation from the Knox Box Company and a public meeting with feedback from the community.

Councilman Graham has spoken with Fire Departments outside the area as well as the Borough Fire Department Officers and as a result he cannot support this mandated issue. Councilman Graham stated over the last six years as a Councilman he has been in Trenton several times and has spoken in front of assembly committees, as have many of the Council members. One of the recurring questions that has been directed to Trenton is why the unfunded mandates. Councilman Graham stated that in his opinion this issue has become an unfunded mandate to the Borough's business community. Councilman Graham agrees that having the Fire Department respond to a call at 2:00 AM and not having access to a building is a problem. The Fire Department should establish standard operating procedures on how to access and when to access. That information has not been provided.

Councilman Graham asked the Council to consider rescinding the ordinance. Councilman Graham is of the opinion that the program is great but he feels that it should be voluntary. He does not see it as a mandatory project. If the Fire Department has to gain access they will. If the Fire Department arrives at the building and there is a problem they will have to break the door down. The purpose of the Knox Box is to prevent damage to the door when access to the building is necessary.

Councilman Benson stated that he does not disagree with 99% of Councilman Graham's comments. Many of the businesses in the Borough have tenants above or next door or in part of the building and many of the structures are wooden and very old. Councilman Benson's reason for voting for this and his sole concern was that the Fire Department should have access to the buildings so that lives could potentially be saved. The fact that it is for commercial as opposed to residential is due to the fact that the Uniform Fire Code does not address residential properties. The Borough has experienced problems at the condominiums with fire and smoke inhalation over the past 20 years. Councilman Benson stated his concern has always been from a public safety standpoint because many of the commercial buildings have tenants that reside in the buildings. Councilman Benson is of the opinion that an unfunded mandate is unfair and he would like to have more information regarding an opt-out option for the ordinance. If the business owners are given the option to opt-out they will have to assume the liability issues. Councilman Benson does not want to rescind the ordinance but would like additional information before the issue progresses any further and before any other expenditures are made.

Councilman Graham stated that he is in favor of the program but is concerned that the January 1st compliance date is approaching quickly and issues need to be addressed. Councilman Graham is of the opinion that all kitchen facilities should have a Knox Box. Mayor Maio will contact Mr. Stein tomorrow and express the Mayor's and Council's concerns that need to be resolved. Mr. Stein will be present at the October 23rd meeting and Mayor Maio stated that she is of the opinion that a decision can be made at that time.

Councilman Graham asked that the Public Safety Committee strongly urge the Fire Department to move ahead with a standard operating procedure right away. Mayor Maio and Administrator McNeilly stated that the Fire Department has been asked to establish standard operating procedures to be reviewed by Mr. Stein. Councilwoman Kuncken stated that she will contact the Fire Department tomorrow and she is in agreement with various aspects of what Councilman Graham and Councilman Benson have said. Councilwoman Kuncken is of the opinion that the Borough chose to implement the Knox Box ordinance based on the principal of public safety. The Mayor and Council did not have an opportunity to consult with the Borough attorney with regard to the possibilities of including an opting out option. Councilwoman Kuncken would like the opportunity to consult with Mr. Stein. Mayor Maio stated that Mr. Stein had indicated that an opting out clause was not an option but a discussion was not held.

Councilman Depew, speaking as an exempt fireman, stated that in the event of a fire the Fire Department will gain access with or without a Knox Box. Councilman Depew is of the opinion that further information is needed. Mayor Maio stated that when the Fire Department suggested the use of the Knox Boxes the need was based on not having access to a building that had no visible indications of a fire but where an alarm was sounding. Councilman Depew asked if Lenape Valley High School has a lock box. Mayor Maio stated it is her understanding that both schools have the Knox Boxes.

Councilwoman Kuncken reported that Chief Pittigher informed her that Sergeant Hickman and Officer Popelka were involved in a lifesaving event. The call was received as difficulty breathing. The Police Officers were the first on the scene, as they often are, and found that the woman had stopped breathing. The Officers administered CPR and used the defibrillator. After several attempts her heart beat was restored and she was transported by the Ambulance Squad to the hospital. The last update that Chief Pittigher received was that the woman is in the critical care unit. Councilwoman Kuncken stated that this is an opportunity to recognize the vital service that the Officers provide. Mayor Maio and the Council commended the Officers for their service.

Mayor Maio reported that the Recreation Commission sponsored their first bus trip to Mt. Airy Casino. Approximately 40 people attended and everyone had an enjoyable day.

NEW BUSINESS

Ordinance for Introduction [Public Hearing on November 27, 2012]

Mayor Maio offered the following ordinance for introduction:

Ordinance 2012-18

BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF THE WATER SUPPLY AND DISTRIBUTION SYSTEM IN AND BY THE BOROUGH OF STANHOPE, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$2,300,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,300,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION. BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF STANHOPE, IN THE COUNTY OF SUSSEX, NEW JERSEY (not less than two thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by The Borough of Stanhope, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$2,300,000, said sum being inclusive of all appropriations heretofore made therefor.

Section 2. For the financing of said improvement or purpose and to meet said \$2,300,000 appropriation negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$2,300,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Borough in a principal amount not exceeding \$2,300,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. (a) The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the improvement of the water supply and distribution system in and by the Borough, including the rehabilitation of the elevated water storage tank and the construction or reconstruction of water mains at various locations including in and along portions of Tower Drive, Brooklyn Road, Lloyd Avenue, Lawrence Avenue, Reeve Avenue and Sagamore Road and from Well Nos. 3 and 4, together with all pipes, valves, connections, hydrants, meters, easements, structures, equipment, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved.

(b) The estimated maximum amount of bonds or notes to be issued for said purpose is \$2,300,000.

(c) The estimated cost of said purpose is \$2,300,000.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purpose described in Section 3 of this bond ordinance is not a current expense and is a property or improvement which the Borough may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of said purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is forty (40) years.

(c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$2,300,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$450,000 for interest on said obligations, costs of issuing said obligations and other items of expense listed in and permitted under section 40A:2-20 of said Local Bond Law may be included as part of the cost of said improvement and is included in the foregoing estimate thereof.

(e) This bond ordinance authorizes obligations of the Borough solely for purposes described in paragraph (d) of section 40A:2-7 of said Local Bond Law, and the said purposes are in the public interest and are for the health, welfare, convenience or betterment of the inhabitants of the Borough and the amounts to be expended for said purposes pursuant to this bond ordinance are not unreasonable or exorbitant and the issuance of the said obligations authorized by this bond ordinance will not materially impair the credit of the Borough or substantially reduce its ability to pay punctually the principal of and interest on its debts and supply other essential public improvements and services, and the Local Finance Board in the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey has heretofore made a determination to this effect and caused its consent to be endorsed upon a certified copy of this bond ordinance as passed upon first reading.

Section 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 6. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and, unless paid from revenues of the water supply and distribution system of the Borough, the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 7. The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

Section 8. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

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

Roll Call:

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

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

Mayor Maio stated this bond ordinance will provide funds to make improvements to the water system which is approximately 60 years old. There are water mains, pipes and valves that will be replaced due to their condition and age. Water pressure to certain parts of the community will be improved. The total cost is \$2,300,000 which will be funded through the NJ State Infrastructure Trust Program which will result in a total bond interest payment of less than 1%. The Borough has an excellent bond rating however, the rate provided through the trust program is less than the Borough would be able to obtain. The trust works on a payback basis which requires the Borough to pay for the work and then be reimbursed. In order to begin the project the bond for \$2,300,000 must be obtained first. As the money is spent the Borough will draw down on the bond and will be reimbursed by the trust.

Ordinance 2012-19

CAPITAL ORDINANCE APPROPRIATING \$83,000.00 FOR PRELIMINARY ENGINEERING FOR PHASE I WATER SYSTEM IMPROVEMENTS TO BE UNDERTAKEN BY THE BOROUGH OF STANHOPE, IN THE COUNTY OF SUSSEX, NEW JERSEY

BE IT ORDAINED by the Borough Council of the Borough of Stanhope, in the County of Sussex, New Jersey, as follows;

Section 1. There is a need for preliminary engineering work for Phase I of Water System Improvements for the Rehabilitation of the Elevated Water Storage Tank as well as Replacement of Water Mains and Transmission lines on in the Borough of Stanhope, New Jersey. For the said improvements or purposes stated, there is hereby appropriated the sum of \$83,000.00 for said improvements or purposes,

Section 2. For the financing of said improvements or purposes and to meet the part of said \$83,000.00 appropriations, the Borough will use \$2,905.00 from Water Capital Reserve for Preliminary Expenses, and the balance of \$80,095.00 from Reserve for Water Connection Fees.

Section 3. The following additional matters are hereby determined, declared, recited and stated:

- (a) The said purposes described in Section 1 of this capital ordinance are capital expenses and are each a property or improvement which the Borough may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specifically assessed on property specially benefited thereby.

(b) The average period of usefulness of said purposes within the limitations of said Local bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the reasonable life thereof computed by this capital ordinance, is a minimum of (5) years.

Section 5. This capital ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

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

Roll Call:

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

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

RESOLUTIONS

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

Resolution 165-12

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF STANHOPE AUTHORIZING REFUND OF WATER & SEWER INTEREST

WHEREAS, the homeowners appealed the leverage of late fees on their Water and Sewer account of \$38.94 to the Mayor and Council; and

WHEREAS, the interest had accrued on their account due to a postal error which resulted in delivery of their mail to the Condo Unit they lease, rather than their actual residence in the state of New York; and

WHEREAS, the homeowners had paid their bill in full including the aforementioned interest charges, and the Mayor and Council approved the refund of this amount by roll call on September 25, 2012;

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

Block	Lot	Qual	Name & Address	Amount
11501	2	CO117	Peter Masiello 23 Southward Avenue Congers, New York 10920	\$ 38.94

Property Address: 7111 Dell Place, Stanhope, New Jersey 07874

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

Roll Call:

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

Resolution 166-12

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF STANHOPE AUTHORIZING REFUND OF OVERPAYMENT OF TAXES

WHEREAS, both the former homeowner’s bank and the new homeowner’s title company have made payments toward the Third Quarter of 2012, creating an overpayment of taxes on this property; and

WHEREAS, the new homeowner’s title company has requested a refund of this overpayment on this property;

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

Homeowner Information:

Block	Lot	Qual	Name & Address	Tax Year	Amount
11501	2	CO147	Khawla A Yousef 8147 Ashland Court Stanhope, New Jersey 07874	2012	\$1,397.27

Refund to be Mailed to:

Heritage Abstract Company
465 South Street, Suite 230
Morristown, NJ 07960

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

Roll Call:

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

Resolution 167-12

RESOLUTION AUTHORIZING TREASURER TO REALIZE ADDITIONAL GRANT FUNDS AS A REVENUE NOT ANTICIPATED

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough of Stanhope has received a total of \$2,662.57 from the Division of Motor Vehicles for the 2012 Drunk Driving Enforcement Fund Grant, and

WHEREAS, the Borough of Stanhope now wishes to amend its 2012 budget to include the additional grant funds approved of \$2,662.57 as a revenue.

NOW THEREFORE, BE IT RESOLVED that the Council of the Borough of Stanhope does hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2012 in the sum of \$2,662.57, which will be available as a revenue from:

- Miscellaneous Revenues
- Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services – Public

And Private Revenues Offset with Appropriations: 2012 Drunk Driving Enforcement Grant, and

BE IT FURTHER RESOLVED that a like sum of.....\$2,662.57 be and the same is hereby appropriated under the caption of:

General Appropriations

(A) Public and Private Programs Offset by Revenues:
2012 Drunk Driving Enforcement Grant, and

BE IT FURTHER RESOLVED that the Chief Financial Officer submit one copy of the Chapter 159 certification form to the Director of Local Government Services.

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

Roll Call:

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

Resolution 168-12 RESOLUTION OF THE **BOROUGH OF STANHOPE** MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. **40A:2-7(d), 40A:2-26(e) AND 58:11B-9(a)**

WHEREAS, the **Borough of Stanhope** desires to make application to the Local Finance Board for its review and/or approval of **down payment waiver for a bond ordinance and a proposed nonconforming maturity schedule in connection with a water supply and distribution system project to be financed through the New Jersey Environmental Infrastructure Trust financing program.**

WHEREAS, the **Borough of Stanhope** believes:

- (a) It is in the public interest to accomplish such purpose;
- (b) said purpose or improvements are for the health, wealth, convenience or betterment of the inhabitants of the local unit or units;
- (c) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant;
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the local unit or units and will not create an undue financial burden to be placed upon the local unit or units;

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

Section 1. The application to the Local Finance Board is hereby approved, and the **Administrator, Chief Financial Officer, Auditor, Engineer,** Bond Counsel and financial advisor, along with other representatives of the **Borough,** are hereby authorized to prepare such application and to represent the **Borough** in matters pertaining thereto.

Section 2. The Clerk of the **Borough** is hereby directed to prepare and file a copy of the proposed **bond ordinance and nonconforming maturity schedule** with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute.

Recorded Vote

AYE

NO

ABSTAIN

ABSENT

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

Councilman Graham asked Administrator McNeilly to explain the purpose of this resolution. Administrator McNeilly stated that in order to move ahead with the bond ordinance, application must be made to the Local Finance Board which is done electronically.

Roll Call:

Councilman Thornton - yes
Councilwoman Kuncken -yes
Councilman Depew - yes

Councilwoman Thistleton - yes
Councilman Graham - yes
Councilman Benson – yes

Resolution 169-12

A RESOLUTION APPROVING THE SUBMISSION OF A GRANT APPLICATION AND THE EXECUTION OF A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE MAPLE TERRACE IMPROVEMENT PROJECT.

WHEREAS, the Borough of Stanhope wishes to make a grant application for State Aid for the roadway reconstruction project entitled “Maple Terrace Improvement Project”;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Stanhope, in the County of Sussex, State of New Jersey formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as *MA-2013-Stanhope Borough-00478* to the New Jersey Department of Transportation on behalf of the Borough of Stanhope.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Stanhope and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

Mayor Maio stated this is the second request being made to the State to provide funding for a major road and water repair on Maple Terrace.

Roll Call:

Councilman Thornton - yes
Councilwoman Kuncken -yes
Councilman Depew - yes

Councilwoman Thistleton - yes
Councilman Graham - yes
Councilman Benson – yes

Resolution 170-12

A RESOLUTION OF THE BOROUGH OF STANHOPE, COUNTY OF SUSSEX, TO AUTHORIZE THE SUBMISSION OF A GRANT APPLICATION AND TO EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR FUNDING THROUGH THE SAFE STREETS TO TRANSIT PROGRAM FOR NEW SIDEWALKS FROM THE NORTHERN END OF DELL ROAD AND RT. 183 TO THE SOUTHERN END OF ACORN STREET AND RT. 206.

WHEREAS, the Borough of Stanhope desires to provide for safe pedestrian routes to public transportation, and

WHEREAS, the Borough of Stanhope has 3 public bus stops in the vicinity of the project area, and

WHEREAS, the project area is the final missing section of sidewalk on this heavily traveled roadway.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Stanhope formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as *SST-2013-Stanhope Borough-00073* to the New Jersey Department of Transportation on behalf of the Borough of Stanhope.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Stanhope and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

Mayor Maio stated that this project has been discussed for quite some time. This grant would allow the sidewalks to be complete from Netcong through to Byram. Councilman Benson stated that this project has been worked on with various funds over the past 12 - 15 years. Administrator McNeilly stated that the Byram section of sidewalk has been completed. Pictures of the area at the Acorn Street light will be submitted with the application. The sidewalk comes across six feet into Stanhope with the wooden forms in place. Councilman Graham stated this is a dangerous situation due to the fact that people are walking in the street. Administrator McNeilly stated that he is working with Kate from Millennium Strategies and Eric Keller from Omland Engineering to prepare the application. Letters will be requested from the Chamber of Commerce and the President of Stonegate Condominiums.

Roll Call:

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

PAYMENT OF BILLS

Resolution 171-12

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 October 9, 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

AGENDA ITEMS

All items listed on the Agenda for October 23, 2012 were approved.

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.

Ralph Stone, 108 Route 183, stated that his doors have been kicked in on several occasions due to domestic disputes. When there have been fire calls the windows and doors have already been open and access to the building has not been an issue. Mr. Stone is of the opinion that a lock box is not needed in the event of a fire due to the fact that access to the building is going to be obtained regardless. Mayor Maio stated that if there is evidence of a fire, entry into the building would take place regardless that is not the issue. Mr. Stone stated that sometimes the best intentions have the worst consequences. Mr. Stone stated that his business was under contract to be sold and the deal fell through because the buyers did not wish to comply with the Knox Box ordinance.

Peggy Findley, 88 Main Street, asked what is going to happen with the old Hess gas station. Mayor Maio stated that the station will be reopening as a gas station and will follow the same operating rules as the prior station regarding the store.

Fred Grafe, 241 Route 206, stated that he has done some research on the Knox Boxes. Mr. Grafe stated that this can be a good program in some instances. He is of the opinion that the program should be voluntary. Mr. Grafe's research has found that there is concern nationwide that the boxes are a violation of 4th amendment rights. Mr. Grafe stated that if the box is misused by a fireman or someone else, the Borough has stated that they have no responsibility should that occur. Mr. Grafe stated that he has found that this is not true. The insurance company will pay the claim but in turn the insurance company is going to come back after the Borough. Mr. Grafe does not understand why the Borough would want to be put in that position in the event that the keys are misused. Mayor Maio thanked Mr. Grafe and stated that the Council has concerns as well and the issues are going to be addressed further with the Borough attorney.

Mr. Stone stated that he also contacted his insurance company. Mr. Stone stated that he was told that if the Borough is mandating that the Knox Box be installed and if the key is misused, the insurance company will file a claim against the Borough.

Don Drake, SWAC Representative, reported that the SWAC meeting was held tonight and they reviewed a simple concept that is not too expensive and has the ability to extend the life of the landfill by a significant number of years. The extension of the landfill would generate funds and the tipping fee will be a constant rate. Mayor Maio asked Mr. Drake to explain the concept. Mr. Drake stated that it involves air rights which would allow a berm to be built around the landfill which will make the slopes steeper. This will increase the life of the landfill. In the meantime technology will continue and perhaps a new concept could be developed in the future. SWAC is scheduled to meet with DEP on Thursday. Cape May and Ocean County have already been approved with a similar plan. The first county waited two years for approval from DEP. The second was approved in only eight months.

Mayor Maio asked if the County would be doing this on their own or would a contractor be involved. Mr. Drake stated this will be done by the County and flow control will remain in place indefinitely. Mayor Maio asked if SCMUA has approved the plan. Mr. Drake stated that SCMUA presented the plan to SWAC. The actual tonnage has declined but this plan will help to stabilize the landfill. Councilman Benson asked why the tonnage has decreased. Councilman Benson is of the opinion that with flow control the tonnage should be increasing. Mr. Drake stated that recycling has increased but it is not equal. Councilwoman Kuncken stated that a few years ago the recycling efforts increased which may be causing the difference.

Mayor Maio asked if the issue regarding the commercial dumpsters not being brought to the County landfill has been addressed. Mr. Drake stated that the issue is being looked into. Mr. Drake stated that Stanhope is doing well with recycling. Councilman Graham stated that the less trash that is put in, the higher the tipping fee. The system actually penalizes those that are doing the right thing. Councilwoman Kuncken stated that this happens because of the overhead and the indebtedness. Mayor Maio stated that the better job the Borough does with recycling the higher the cost to the Borough. Administrator McNeilly stated that the benefit is making it possible for the landfill to remain in operation longer. Mr. Drake stated that the figures at the current time indicate that the landfill can remain in operation until 2018.

Councilman Benson reported that the MSA has approved the budget for the coming year. The budget is \$50,000 less than last year system wide. The MSA is not expecting funds or relief like was experienced this year for 2013. Stanhope should benefit by \$140,000 - \$150,000 for 2014. The MSA is running more efficiently and solids are being shipped out which were composted in the past. The efficiencies are moving in a positive direction.

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

ADJOURNMENT

On a motion by Councilwoman Kuncken, seconded by Councilman Graham, and unanimously carried by voice vote the meeting was adjourned at 9:20 P.M.

Approved:

Linda Chirip
Deputy Clerk
For Ellen Horak
Borough Clerk