

**MAYOR AND COUNCIL
REGULAR MEETING
October 23, 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 October 10, 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 Thistleton – Present
Councilwoman Kuncken – Present	Councilman Graham – Present
Councilman Depew – 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.

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

MINUTES FOR APPROVAL

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

September 11, 2012 Work Session/Agenda Meeting
September 25, 2012 Regular Business Meeting & Closed Session

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

CORRESPONDENCE (List Attached)

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

ADMINISTRATOR'S REPORT

Borough Hall Renovations – Administrator McNeilly reported that the renovations are moving along. Council Chambers is currently being worked on and the room will be in usable condition for the first week of November. Mayor Maio asked that the poll workers be advised of the condition of the Council Chambers.

Knox Box – Administrator McNeilly reported that the Fire Department has submitted the Standard Operating Procedure (SOP) for the Knox Box keys and copies were distributed to the Mayor and Council. The SOP has been reviewed and approved by Mr. Stein, Borough Attorney. Administrator McNeilly stated that Mr. Stein advised that the SOP should be reviewed after seven months to determine if any changes are necessary.

Fire Truck Accident – Administrator McNeilly reported that on September 28, 2012 one of the fire trucks was involved in a motor vehicle accident. There were no injuries. The fire truck was parked at the scene of a fire when it was struck by a vehicle operated by a Fireman. The insurance adjuster has inspected the damage and the Fire Department will make arrangements to have the truck repaired.

Fire Department Radio System – Administrator McNeilly reported that he has received the final quote from Spectrum Communications regarding the purchase of the high frequency radio system. The quote is based on the field test, requirements of the Borough and the Fire Department and includes the authorized price of \$1,250 for the FCC License. Administrator McNeilly requested approval from the Mayor and Council to proceed with the purchase. Mayor Maio asked Chief Card to come forward. Alan Bookspan, 2nd Assistant Chief, came forward as well and stated that after reviewing the quote he spoke with Ed from Spectrum Communications and the Fire Department officers and members are confident that this system will provide all the communication needs now and in the future. The Fire Department is ready to move ahead with the new equipment and then the siren can be disbanded.

Councilman Benson asked if there are any peaks and valleys in the Borough where the radios will not work. Mr. Bookspan stated that the high band portables were tested through the portable repeater that was set up in the Borough by the tower. The testing of the radios confirmed that they work in Andover, Hopatcong and for several miles in every direction. The radios worked much better than anticipated. Councilman Benson asked if this system will be compatible with any dispatch changes. Mr. Bookspan replied that as the County continues to move toward high band one town at a time, the system will be able to be compatible with everyone and their frequencies will be able to be integrated into the Fire Departments radios. If the County moves ahead with high band, the new system will be compatible with that system as well. The only cost may be a reprogramming fee.

Councilman Thornton asked if the sirens are going to be turned off completely or will they be used as a back-up system. Mr. Bookspan stated that the Governing Body could choose to leave the sirens in place but the Fire Department will not be relying on them. The purpose of this new system is to provide a secure system that meets the needs of the Fire Department. Councilman Benson asked if the Ambulance Squad will be tied into this system. Councilwoman Kuncken responded that the Ambulance Squad uses a completely different system and would not be tied into the Fire Department. Mayor Maio stated the original concept was to eliminate the sirens. Councilman Thornton asked what will happen if the towers go down. Mr. Bookspan stated there are safeguards in the system. If central dispatch in Sparta goes down, the Fire Department will be able to dispatch themselves as well as the Police Department.

Administrator McNeilly asked for a straw poll vote of the Council. Mayor Maio polled Council on moving ahead with the purchase of the high band radio system for the Fire Department:

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

Mayor Maio thanked Chief Card and 2nd Assistant Chief Bookspan for their time and efforts in planning for this new radio system. Administrator McNeilly asked Chief Card to sign the quote so that it can be processed through the system as a capital item. Administrator McNeilly stated that the antennas for the new system should be installed before the weather changes.

Administrator McNeilly stated that the Borough calendar contains information explaining what the sirens mean which will need to be removed. Councilwoman Kuncken asked if the siren information pertains to just the Fire Department. Administrator McNeilly responded positively.

Mayor Maio asked Ellen Horak, Borough Clerk, when the draft of the calendar would be available. Mrs. Horak replied that she is waiting for the Recreation Commission to supply dates for next year's events, Arlene Fisher needs to provide the new amounts for affordable housing and the cover is going to be designed by the Stanhope School students. The new technology teacher will be working with the students. The theme this year is "The Spirit of Stanhope".

Lenape Valley High School – Administrator McNeilly reported that the CFO has provided the cost breakdown for the 10% surcharge that is charged for outside police details. The costs associated with the officers salary comes to 10% without taking into account the vehicle and supplies used for those details. The Borough needs to monitor any changes the Federal Government may make regarding Social Security and Medicare percentages. Changes may necessitate an increase in the surcharge. Mayor Maio stated that the percentage charged to commercial entities may need to be increased. There is a major project ahead for the Borough which is going to require Police detail. Councilwoman Kuncken stated if any increases are going to be made to Social Security and Medicare that information should be available in January. The Governing Body asked Administrator McNeilly to reply to Mr. Klinck at Lenape Valley and state that the 10% fee cannot be waived and explain what the fee entails. Administrator McNeilly stated 7.65% of the 10% is Social Security and Medicare costs. Mayor Maio stated that the amount is with a temporary reduction which will be going to at least 9%. Administrator McNeilly stated that this does not account for any expenses incurred with the detail such as driving there and back, equipment use or supplies. Mayor Maio stated that the Borough currently has two grant applications pending. One of the projects may require Police detail. Administrator McNeilly stated that in some instances flag men can be utilized instead of the Police. The costs will be reviewed again in the Spring.

Ambulance Update – Administrator McNeilly reported that he attended a meeting in Netcong with the Administrator and their CFO. Captain Kuncken and President DeDolce were also in attendance. The timeline for the purchase and the down payment of the new ambulance was discussed. Administrator McNeilly provided the Mayor and Council with the proposed Inter-Local Shared Services Agreement that he created with Netcong's Administrator. The agreement is based on the 2002 agreement that was used for the last vehicle that was purchased. Mr. Stein has reviewed the document.

Mr. Stein stated that the document has been brought up to date. There were changes in the law particularly the adoption of the Uniform Shared Services Act. A change to paragraph five was made in the event that the vehicle would need to be sold, it would be done so with the joint agreement with Netcong and Stanhope. Councilwoman Kuncken stated that for a period of seven years from the date the ambulance is put into service the municipalities will retain the lien on the title of the vehicle. As a precaution for the taxpayers of both communities there is a safeguard in the event that the ambulance squad is no longer able to provide services during that seven year period. In that event the ambulance would revert back to the Boroughs of Stanhope and Netcong and a determination on what would need to be done with the vehicle would be made jointly by both municipalities. Administrator McNeilly stated after seven years the value of the vehicle drops substantially. The 2002 ambulance title still lists both Boroughs as lien holders. Mayor Maio asked what the anticipated purchase date is. Administrator McNeilly stated that a resolution would be required for the November 27th meeting along with the \$6,000 portion of the down payment on the bills list as well. Netcong will also be providing a \$6,000 down payment. The purchase could then be made during the first week in December. Two vendors are currently under consideration. The current vehicle will be taken to the vendor and the box will be removed and refurbished which will then be mounted to the new chassis. The new vehicle should be ready for delivery by March 31, 2013. A loaner vehicle will be striped and lettered for the interim period. For the meeting in March the remaining \$69,000 will need to be on the bills list. Administrator McNeilly stated that Netcong's meetings will be held on November 1st and 8th and they will approve their resolution and bills list at that time.

Budget 2013 – Administrator McNeilly reported that the CFO has distributed a second notice to the Department Heads regarding budget requests. Administrator McNeilly stated that the return rate has been below his expectations. The procedure has been changed this year to allow for discussion prior to March. Mayor Maio asked if the Department Heads have been told that if they do not submit their request that the budget amount will be the same as last year or less. The budget requests should be completed in the next few weeks. Most of the budgets that have been received are from in-house. The Boards and Commissions are still outstanding. Mayor Maio stated that budget discussions are going to begin in December and if the Governing Body does not have budget information available they will assume that the budget will remain the same or if cuts are needed that is where they will be made. Administrator McNeilly will have an update for the next meeting in September.

Councilman Depew asked when Linden Avenue and Church Street will be paved. Administrator McNeilly replied that he does not have a confirmed date from Eric Keller, Borough Engineer, but it will be done this year.

Mayor Maio suggested that a contribution of \$500 be made to the American Legion to thank them for the use of the hall for both the Mayor and Council and Land Use Board meetings during construction at Borough Hall. Councilman Graham asked if the funds are available. Mayor Maio stated that funds are available in the celebration of public events budget. Administrator McNeilly stated funds are also available in the buildings and grounds budget. Mr. Stein stated that a voice vote can be taken at this time and when the contribution is placed on the next bills list a roll call vote will be taken. Mayor Maio asked the Council if they were in favor of making a \$500 contribution to the American Legion. The Governing Body unanimously approved the contribution.

Councilwoman Thistleton asked Administrator McNeilly which Boards and Commissions still need to submit their budget requests. Administrator McNeilly replied that budget information has only received from the Clerk, Tax Assessor, Land Use Board, Police Department and the Board of Health.

PRESENTATION

JCP&L (John Anderson) – Mayor Maio introduced John Anderson who is the Borough Representative from JCP&L. Mr. Anderson requested to speak tonight to provide an update of where JCP&L is now compared to last year. Mayor Maio stated that she just saw a report this evening that is predicting a massive storm which will begin on Sunday night. Mr. Anderson stated that JCP&L is monitoring the storm which has been named Hurricane Sandy. The models are showing that the storm may move out to the Atlantic.

Mr. Anderson thanked the Governing Body for allowing him to speak this evening with an update on what JCP&L has done since last year's Hurricane Irene and the October snowstorm. A lot of issues came to light with that storm. There are 450,000 customers served in the Northern New Jersey region. During Hurricane Irene just over 300,000 customers were affected by that storm. This was the worst storm that ever occurred in this area. A few weeks later the snowstorm occurred and that resulted in 380,000 customers without power. Poor communication was a major issue. Mr. Anderson felt that he let his towns down by not being able to provide the level of information, detail or statistics regarding the storm in a timely fashion. Improvements have been made and lessons have been learned. The JCP&L website has been redesigned (www.firstenergycorp.com). The outage map has been redesigned and is based on the tax codes, not zip codes. This is a major step forward. In the past information specific to a particular town would have to be relayed by a phone call. The information on the website is available 24/7 and can also be accessed by smart phones. The information will constantly change as outages occur and as they are restored. The system also allows customers to report an outage and to report if a street light is out.

Mr. Anderson stated that laptop computers are being installed in the line trucks. Work on this project began before the storms last year. Installations will start during the first quarter of 2013 and will be completed by April. This system will allow the linemen to see the circuits and information that in the past was only visible at the dispatch office in Morristown. JCP&L will be able to see where the trucks are. Outside crews or sister companies which are called in to assist

during an emergency will all have the same system. As the crews complete a task they can be assigned to a new location based on their location. Crews will be run more efficiently.

Two years ago JCP&L was sending out blast faxes and felt at the time that the technology was state of the art. So if a storm hit on Friday night, Monday morning the clerk would come in to find a stack of faxes with 48 hour old information. JCP&L is now running a strictly email system so that information is accessible, timely and will be sent to the individuals that need to know such as OEM, Mayor or Administrator. JCP&L has added social media to their operations and are on Facebook and Twitter. Mr. Anderson stated that the technology is great and he is pleased that information will be accessible. Last year after the storms he was pulled in many different directions and was not able to assist all his customers the way he wished. Last year was significant in terms of how the company managed the storms events. The municipalities and the power company are in this together and we need what is happening on both sides. During the next storm Mr. Anderson will be able to exclusively communicate with Mayors, Administrators, Councils, etc. He does not want his towns to feel they have been left in the dark.

Mayor Maio thanked Mr. Anderson for attending tonight's meeting. The lack of communication and confusion that took place last year was frustrating for everyone involved. Councilwoman Kuncken appreciates hearing about the improvements. Councilwoman Kuncken stated that as Mayor last year the conference calls that occurred stated incorrect information and promises were made that were not kept. Even the personal calls to the Borough representative did not provide correct information. The technology is great but the information that is being provided has to be up to date and correct. The most frustrating thing was getting information in the morning and by the afternoon the information was different. Councilwoman Kuncken stated last year she led out of state crews to the locations in the Borough that needed attention where the power was out. The crews that came into the Borough had no idea where the outages were. Councilman Benson stated that the Borough's power is fed from three different areas and the crews last year had no idea. The power was out for 6 and a half days last year.

Councilman Depew stated that he worked for Power and Light for 44 years. During a storm the calls are processed in the order in which they are received. Councilman Depew asked why the crews are not prioritized. In many cases power would be restored simply by replacing fuses. Mr. Anderson replied that from that perspective JCP&L must adhere to a specific process. The sheer volume of the outages made it difficult to know where all the crews were and to make sure that the lines were clear for the switches to be thrown was an issue. There was a sense of urgency to restore power but safety was a concern. Councilman Depew stated that maintenance of the lines needs to be addressed. There are areas of lines with no insulation. Administrator McNeilly stated that Main Street has splices that are six feet apart. On day six last year there was a group of linemen from Wisconsin replacing fuses on this side of town and tree workers over on Elizabeth Street were almost thrown from their buckets when they replaced the fuses. In last year's storm the Borough did not have one wire down within the Borough. The only problem was the fuses which were due to the heavy branches that were on the lines. The only wire that was lost was the one that burned when that crew replaced the fuse and then a different crew has to be assigned to repair it. That neighborhood was out for an additional day and a half.

Mr. Anderson stated the training of the crews determines the voltage levels that they are allowed to work on. Crews have to be assigned jobs based on their clearance. Mayor Maio stated that while that is understandable, after your power has been out for five days and a JCP&L truck is in sight you just want the power restored.

Administrator McNeilly asked Mr. Anderson to explain the situation at Stonegate Condominiums. Mr. Anderson stated that Stonegate has underground utilities. The cable faulted causing the outage and when that occurred the location of the fault was determined. The cable needs to be dug up and replaced in this case. A contractor is ready to proceed with this repair and Mr. Anderson will speak with his Administrator to arrange for the work to be done as soon as possible. The overhead solution has been put in place to provide temporary power. This will be an extensive repair but it will be done right and will eliminate future problems in that area. Mayor Maio thanked Mr. Anderson for attending tonight's meeting.

COUNCIL COMMITTEE REPORTS

Public Safety – Councilwomen Kuncken/Thistleton

Police, Fire, Ambulance, Court & Violations Bureau, Emergency Management – Councilwoman Kuncken reported that the Fire Department for the month of August answered 5 calls, had 5 drills and 1 meeting for a total of 12 activities. For the month of September 5 calls were answered, there were 4 drills and 1 meeting. The Police Department total traffic citation report lists a total of 100 violations for the month of September. The law incident report lists 141 moving violations. Councilwoman Kuncken had no ambulance report.

Finance & Administration – Councilman Benson/Councilwoman Kuncken – Councilman Benson reported that tax collection for the first two quarters was running above 97%. The third quarter is at 95% and taxes will be due again in November. No utility report at this time.

Community Development – Councilmen Thornton/Graham

Zoning, Construction, Code Enforcement, Economic Development, Chamber of Commerce, Downtown Revitalization – Councilman Thornton had no report at this time.

Municipal Infrastructure – Councilmen Graham/Thornton

Water Distribution, Sewer Collection System, Road Construction & Maintenance, Buildings & Grounds – Councilman Graham had no report at this time.

Information Technology – Councilmen Depew/Benson

Acquisition of Hardware & Software, Technical Equipment Services, Telecommunication, Cable Television Franchise – Councilman Depew reported that he and Councilman Benson will be meeting with Navitend to discuss website design on Thursday at 9:30. A meeting date has not been set yet for the other vendor. Mayor Maio asked if Administrator McNeilly will be attending the meeting. Administrator McNeilly replied that he will attend. Councilman Depew stated that the Deputy Clerk should also attend.

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 that the Recreation Commission is sponsoring the Halloween Parade which will be held on Saturday, October 27th beginning at Church Street and ending at the Fire House. There will be prizes for the children. A dance is being planned for later in the year. Mayor Maio stated that the dance has been changed to a corned beef and cabbage dinner to be held at the American Legion. Councilwoman Thistleton asked the Borough Clerk to advise the office staff to refer any calls from the Animal Control Officer to Monique McNeilly, Board of Health. There was an incident on the billing that the Board of Health was unaware of. Councilman Benson asked if that was the incident that generated the large ACO bill. Councilwoman Thistleton replied positively.

COUNCIL BUSINESS

Taxi Cab License Ordinance – Mayor Maio asked the Borough Clerk to explain the situation with the taxi cab licenses. Ellen Horak, Borough Clerk, stated that this issue was scheduled to be discussed later this year. The Borough has had one taxi in the Borough for several years. In the past month three different people have inquired about establishing a taxi business in the Borough. Mr. Stein stated that the legislature changed the law to require municipalities to establish an official number of taxi cab licenses that will be issued. In the event that more people wish to establish a taxi business than there are licenses permitted, the municipality can increase the number of licenses which would be on an auction basis. This was designed as a vehicle for the larger cities to be able to make money selling taxi licenses. The Borough has to determine a set number.

Mayor Maio asked if there was an issue with people coming from New York to establish a business in New Jersey but then working in New York. Mr. Stein stated there is a statute that deals with that for issue for limousines and taxis but that is something different. Councilwoman Kuncken asked if there is any bearing on where the vehicle is located with regard to the number of vehicles they are allowed. Mr. Stein stated that limousine and taxi licenses are different by statute and by ordinance. A taxi license is a license to operate a business and must be approved

by the Zoning Officer. Mayor Maio asked for input on how many licenses should be allowed. Councilman Graham asked if the number is based on population. Mr. Stein stated that no guidelines are provided to determine the number. Administrator McNeilly asked Mr. Stein if there is a fee established with the license. Mr. Stein replied there is a \$50 fee. All safety standards, operational standards, equipment required and background checks are done by state statute and regulations. Where the vehicle is parked is determined by zoning. Mayor Maio asked if the Borough states that three licenses are permitted, the location of those businesses would be determined by the Zoning Officer. Mr. Stein confirmed this. Mayor Maio asked if zoning is designated for a taxi business. Mr. Stein stated it would be in a business zone. Councilwoman Kuncken asked if this would also relate to a limousine. Mr. Stein stated that limousines are under a different statute. Councilman Benson asked for this issue to be tabled to the next meeting in order to research the issue. Mayor Maio stated there is a limousine application currently pending in Zoning. Councilwoman Kuncken asked why the limousine is being held. The Borough Clerk stated that she is under the impression that more information was required from the applicant. Mayor Maio stated that what the applicant was originally requesting was not allowed. The Governing Body will address this issue at their next meeting. Mayor Maio asked Administrator McNeilly to determine the number of taxis in Netcong, Byram and Hopatcong. Mr. Stein will have the ordinance prepared for the next meeting and the number can be added at that time. Mayor Maio asked the Borough Clerk to distribute Mr. Stein's memo explaining this issue.

Knox Box Ordinance – Mayor Maio stated that the Knox Box Ordinance was introduced and passed based on a recommendation from the Fire Department and the Fire Marshal. Since that time there have been concerns expressed by at least two local businesses and Councilman Graham asked for this issue to be put on the agenda to discuss the possibility of altering or rescinding the ordinance. Councilman Graham stated that he would like the ordinance rescinded. If the Knox Box Ordinance was voluntary then an ordinance would not be required.

Councilwoman Kuncken stated that at the last meeting she, Councilman Graham and Councilman Benson asked to have a discussion with Mr. Stein to determine if an opt out clause was an option or what Mr. Stein's recommendation is in this regard.

Mr. Stein stated the Knox Box Ordinance is adopted under what is referred to as the municipality's general police powers. Local governments have a police power to adopt local ordinances for the public's safety and protection of lives and property. Generally speaking when an ordinance is adopted under this police power, you either have it or you do not have it. The municipality is able to do this if the compelling public interest is for public safety, fire safety, property safety and life safety and that is the rational basis behind the ordinance and the courts would say yes that Stanhope has the right to do so. If you try to add flexibility into the ordinance it can cause more problems. Mr. Stein stated that the Borough could do away with the ordinance and suggest to all property owners that it is a voluntary program and the Fire Department could administer it on those grounds but in Mr. Stein's opinion that may be difficult. There would be no way to enforce it. Mr. Stein is of the opinion that the Council needs to decide if they want the ordinance or not.

Councilman Thornton stated he was not on the Council at the time the ordinance was adopted and he asked if the ordinance is in effect statewide and is this the only ordinance written for this type of use. Mr. Stein replied no, that other municipalities have this type of ordinance and the Borough's was based on a town with this type of system. Mr. Stein replied that the ordinance has been recommended by the Department of Community Affairs but there is not a statewide statute that requires the municipalities to have a lock box system. Mr. Stein stated that all the towns are similar in how the ordinance operates.

Councilman Graham stated that he is of the opinion that the Knox Box program is a good idea and applauds the fact that the Borough is doing it but feels that it should be voluntary and the Fire Department should establish a standard operating procedure to state under what circumstances they would use the system. Councilman Graham stated this is an unfunded mandate. The ordinance does not protect health and welfare because if there is a fire the Fire Department will kick down the door. This was meant to protect the front door of the business. If the business owner chooses not to have that protection, it should be their choice.

Mayor Maio replied that one of the original considerations that were brought to the Governing Body was the issue of a fire alarm call where there is no visible sign of a fire. The Fire Department waits outside if there is no visible sign of fire waiting for the owner to arrive with a key. If there is a fire it becomes worse the longer they have to wait. Councilman Graham stated that the Stanhope Fire Department and all the fire departments in the County and State have been operating on this basis for many years. The Fire Department should recommend to every business, especially restaurants, or anyone with chemicals or flammables, that they should have Knox Boxes. The businesses should be educated on the system and how it can protect their property and lives.

Councilman Benson stated that his main concern for voting on this ordinance was for the businesses on Main Street. Most of those businesses have tenants living above and the buildings are 100 years old with old wiring. If an alarm goes off and there is a sign of a fire the Firemen are going in. Councilman Benson is of the opinion that this is an unfunded mandate and after giving it more consideration, he regrets supporting this ordinance and thinks that it should be rescinded and made voluntary. Councilman Benson is of the opinion that a fund should be set up over the next few years to have the municipality pay for the boxes and if a business owner or homeowner wants to install a box they would pay for the installation and the Borough would pay for the box. Councilman Thornton asked how the business owners that have already purchased boxes would be handled. Councilman Benson replied that the first step would be looking into funding the purchasing the boxes.

Mayor Maio asked the Fire Department to comment on this issue. The ordinance was passed based on the recommendation of the Fire Department. Chief Card stated that the issue arose the night that they waited for over an hour for the owner or manager to arrive at Dollar General. The Fire Department could have been in the building, secured it and been done so that the engines could have been released and Chief Card could have waited for the manager to come and secure the building. If a key is in place the Fire Department will use the key even if there is a fire they will not knock down the door. Councilman Graham stated that he was not saying that the Fire Department is going to kick in the door if the key is there. An SOP needs to be established to determine how situations like the one at Dollar General would be handled. If you get called out and there is reason to enter the building it is going to be done. Councilman Graham does not think this should be a mandatory program. Chief Card stated if they arrive at the scene and there is not a lock box the fire Department has to wait for someone to arrive. Councilwoman Kuncken agrees on principal with the lock box and asked if there is a way to make this a voluntary program and establish the procedure in an SOP. In the event that a business does not participate, can the SOP state that after 15 minutes access will be obtained by kicking in the door. Chief Card replied that a timeframe cannot be put on something like that.

Mayor Maio stated that in the event there is a fire call on Main Street and there are no visible signs of fire, if the department waits 15 minutes all of Main Street could be lost. Councilman Graham stated that the businesses should be encouraged to have Knox Boxes. Chief Card said that is why the request was submitted to the Governing Body. Councilman Graham stated that the business owners were not educated on the program. Chief Card said he will go and explain it himself. Chief Card has a list of owners that already have the boxes and he has gone to their place of business and explained the program. The owners have all indicated that this is a good program. Councilman Graham stated that he is of the opinion that most of the town will view it that way but he does not feel that the government should be stepping in to mandate this.

Alan Bookspan, 2nd Assistant Chief, asked Councilman Graham if the problem is that they have to pay for something that is being mandated or that the Borough is mandating something to them that they have had no voice in. Councilman Graham replied that he does not like the idea that the Borough is mandating this and no options were given at the time that the issue was presented. Mayor Maio stated that options were not given when this ordinance was passed. It was presented as a matter of public safety and this recommendation came to the Council and the Council accepted that. The issue of opting in or out was never discussed. It was strictly based on public safety. Councilwoman Thistleton asked Chief Card if any businesses have contacted him. Chief Card replied that six have already installed the boxes, five are waiting for the boxes to be mounted and four applications have been handed out. Councilwoman Thistleton is of the opinion that when the public was present at the last meeting most had questions but most seemed to be in favor of the system. There were some that were undecided. Chief Card stated that the security of the key is the biggest concern. Mr. Bookspan stated the SOP that has been created is

a compilation of procedures that have been gathered from all over the country and customized for Stanhope. Much discussion took place regarding different fire call scenarios and what the local municipalities are doing.

Councilman Graham made a motion to rescind the Knox Box Ordinance and was seconded by Councilman Benson. Much discussion took place.

Councilwoman Kuncken asked what happens if the ordinance is rescinded and what the Governing Body can do to put a voluntary program in place. Mayor Maio asked what happens to those people that have already purchased and installed the boxes. Councilman Benson would like to subsidize the program. Mayor Maio stated that the Borough cannot afford to subsidize this program. Administrator McNeilly stated that the boxes have already been ordered for the Fire Department. After a great deal of discussion Mayor Maio suggested that due to the fact that the program is in place and approximately 40 applications have been distributed the ordinance should remain in place and reviewed in the Spring. Councilman Benson withdrew his second to the motion. Councilwoman Kuncken stated her concern is that businesses might be fined for not complying. Councilman Graham stated that the ordinance will have to be enforced. Mr. Bookspan stated that the Fire Marshal can extend the deadline at the time of the inspections to allow time for compliance because this is a new program.

Mayor Maio thanked Chief Card and 2nd Assistant Chief Bookspan for their time.

Recreation Commission (request for flyer in water/sewer mailings) Mayor Maio stated that the Recreation Commission has requested permission to put an update of events to be mailed with the water bills for the next billing and for next year with the understanding that the water bills cannot exceed the weight limit for postage. Council granted the request.

OLD BUSINESS

Mayor Maio offered the following ordinance for public hearing and final adoption.

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

Mayor Maio opened this portion of the meeting for public comment on this ordinance only which is for the engineering for the beginning of the water system improvements.

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

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.

NEW BUSINESS

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

Mayor Maio offered the following ordinance for introduction:

Ordinance 2012-20 **AN ORDINANCE TO AMEND CHAPTER 82 OF THE CODE OF THE BOROUGH OF STANHOPE ENTITLED “FEES” BY AMENDING THE BASE BILLING RATE FOR MUNICIPAL WATER AND SEWER SERVICE**

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

SECTION I.

Subsection 82-2J(a) of the Code of the Borough of Stanhope is hereby amended to read as follows:

- (a) For each single-family residence, each unit of multifamily residence, and each commercial building in which the sewer is measured by a water meter, unless otherwise exempt, quarterly \$127

SECTION II.

All other provisions of Section 82-2J Sewers, Chapter 116, not amended by this Ordinance, shall remain in full force and effect.

SECTION III.

Subsection 82-2P(1)(a) of the Code of the Borough of Stanhope is hereby amended to read as follows:

- (a) Each single-family residence, each unit of a multifamily residence and all other buildings unless otherwise exempt, per quarter \$78 plus cost for actual use

SECTION IV.

All other provisions of Section 82-2P Water, Chapter 136, not amended by this Ordinance, shall remain in full force and effect.

SECTION V. Billing Cycle

The revised sewer and water base rates shall go into effect for billing purposes for the first quarter 2013 billing cycle.

SECTION VI. When Effective

This ordinance shall become effective upon passage and publication as required by law.

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

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.

Mayor Maio stated that the ordinance under discussion will allow fees that are currently charged to sewer to be moved in an equal amount to the water department so there will be no change in the bills. The allocation of the money will be towards the payment of the bond for the new water system.

RESOLUTIONS

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

<u>Resolution 172-12</u>	RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF STANHOPE SUPPORTING THE PASSAGE OF S180/A640 BY THE LEGISLATURE
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WHEREAS, Bill S180/A640, introduced in the Legislature in 2010 proposes to amend Megan’s Law to require the County Prosecutors to determine the risk of re-offense of sex offenders under Megan’s Law prior to the release of a sex offender from incarceration; and

WHEREAS, currently, many sex offenders are not tiered until they have been released into the community; and

WHEREAS, the Borough Council believes it is in the best interest of the citizens of the Borough of Stanhope and all of New Jersey to require the Prosecutor’s Office to determine a sex offender’s risk of re-offense prior to release;

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Stanhope, County of Sussex, State of New Jersey hereby supports the passage of New Jersey Legislature Bill S180/A640 which amends Megan’s Law in order to require the County Prosecutors to determine a sex offender’s risk of re-offense prior to release from incarceration and urges the enactment of such legislation as soon as possible.

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

Resolution173-12

RESOLUTION AUTHORIZING AFFORDABLE HOUSING PROGRAM HOME REHABILITATION LOAN FOR 12 MCKINLEY STREET, BLOCK 11402, LOT 47

WHEREAS, the Borough of Stanhope has heretofore received a Community Development Grant from the State of New Jersey; and

WHEREAS, pursuant to said grant, the Borough made no interest loans to income qualified homeowners to rehabilitate their homes by providing the funding to make essential repairs; and

WHEREAS, all of the loans made by the Borough were to income qualified people and satisfied a portion of the Borough’s COAH obligation to assist in the rehabilitation of existing housing; and

WHEREAS, the Borough has now received repayment of some of the loans upon the resale of the property to a third party; and

WHEREAS, the Borough wishes to re-circulate the repaid loans into the community to continue to provide funding for essential home repairs for income qualified people; and

WHEREAS, the owner of 12 McKinley Street, Block 11402, Lot 47 has submitted an Affordable Housing Program Loan Application to the Borough seeking a no interest loan in the amount of \$11,025.00 to perform essential repairs; and

WHEREAS, the Borough’s Housing Rehabilitation Program Coordinator has reviewed and approved the application; and

WHEREAS, the Housing Rehabilitation Loan will satisfy a part of the Borough’s COAH obligation.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stanhope that the Governing Body does hereby approve of an Affordable Housing Program Home Rehabilitation Loan to the owner of 12 McKinley Street, Block 11402, Lot 47 in the amount of \$11,025.00; and

BE IT FURTHER RESOLVED that this approval is subject to the property owner executing an Affordable Housing Program Note and Mortgage to the Borough and complying with all Borough ordinances and state law regarding Affordable Housing Program Loans.

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 174-12

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. 2010-19, representing 2009 property taxes and/or utility charges on Block 11601, Lot 22, known as 36 Young Drive, assessed to John & Rhode Geigle 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: US Bank Cust for Pro Capital I, LLC
50 South 16th Street, Suite 1950
Philadelphia, PA 19102

Redemption Amount: Tax Title Lien #2010-19 and
Interest to Date of Meeting \$ 34,647.90
Premium Paid by Lienholder 6,700.00

Total From Current Fund: \$ 34,647.90
Total From Tax Premium Account 6,700.00

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 Benson, seconded by Councilwoman Kuncken and unanimously carried by voice vote, the foregoing resolution was duly adopted.

PAYMENT OF BILLS

Resolution 175-12

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 23, 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

Councilman Graham asked if the donation to the American Legion is included on this bills list. Mayor Maio asked the Administrator to have the donation listed on the bills list for November.

ATTORNEY REPORT

Mr. Stein reported that he and the Tax Collector are working on an in-rem foreclosure for the Borough. It has been many years since one has been done. There are approximately 20 properties that liens have been collected on over the past few years that will go into a foreclosure proceeding that should be ready for authorization at the next Council meeting.

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.

Fred Grafe, Grafe Small Engines Route 206, stated that he is of the opinion that the Knox Box Program is a good program but feels it violates his 4th amendment rights. The cost of the box is not the issue. Mr. Grafe thanked the Governing Body for bringing the issue back to the agenda, reconsidering it and keeping an open mind. Mr. Grafe is of the opinion that while some members of the Council may now be wavering on the decision of the Knox Boxes they do not feel comfortable to admit that a mistake was made. Mayor Maio replied that the Council appreciates his opinion but that is not necessarily the view of the Council. Mr. Grafe stated he respects the view of the Council and those of the Fire Department. Mr. Grafe stated he has spoken to several business owners that are not in favor of the boxes being made mandatory. Unfortunately none of the other owners are present. Mr. Grafe stated that Mr. Stein indicated at a previous meeting that the Borough has no responsibility if the boxes are misused. Mr. Grafe is of the opinion that is not the case. If the boxes are misused by the Fire Department the insurance companies will have their lawyers sue the Borough. Mr. Grafe asked Mr. Stein if that is feasible. Mr. Stein replied that anyone can sue anybody for any reason at any time. Mr. Grafe is of the opinion that the Borough is putting themselves in jeopardy by mandating the ordinance. If the boxes are voluntary then the Borough would not be responsible. Mayor Maio thanked Mr. Grafe for his comments.

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

CLOSED SESSION

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

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

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

1. The public shall be excluded from discussion of and action upon the hereinafter-specified subject matter(s).
2. The general nature of the subject matter(s) to be discussed is as follows:
 - 1 Contract - DPW
 - 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 Councilman Depew, 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 Councilman Depew, seconded by Councilwoman Kuncken, and unanimously carried by voice vote the meeting was adjourned at 10:27 P.M.

Approved:

Linda Chirip
Deputy Clerk
For Ellen Horak
Borough Clerk