

**MAYOR AND COUNCIL
REGULAR MEETING
November 26, 2013
7:00 P.M.**

CALL TO ORDER

COUNCIL PRESIDENT'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 2, 2013 and was placed on the Official Bulletin Board in the Municipal Building.

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

ROLL CALL

Council Members:

Councilwoman Zdichocki – Present	Councilman Depew – Present
Councilman Thornton – Present	Councilwoman Thistleton – Present
Councilwoman Kuncken – Present	Councilman Benson – Present

Mayor Maio – Absent

CLOSED SESSION

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

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

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

1. The public shall be excluded from discussion of and action upon the hereinafter-specified subject matter(s).
2. The general nature of the subject matter(s) to be discussed is as follows:
 - 2 – Attorney Client (By-Laws and EMT Background Checks)
3. It is anticipated at this time that the above stated subject matter(s) will be made public at the conclusion of each individual specified subject matter.
4. This resolution shall take effect immediately.

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

Mayor and Council went into Closed Session at 7:01 P.M.

At the conclusion of the Closed Session, Mayor and Council reconvened the public meeting at 8:00 P.M. with all present.

SALUTE TO COLORS

Council President Kuncken invited all those present to stand in a salute to colors.

CITIZENS TO BE HEARD

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

Seeing no one from the public wishing to speak, Council President Kuncken closed the public portion of the meeting.

MINUTES FOR APPROVAL

Council President Kuncken read aloud the list of minutes being presented for approval:

July 9, 2013	Closed Session
July 23, 2013	Regular Business Meeting & Closed Session

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

CORRESPONDENCE (List Attached)

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

COUNCIL COMMITTEE REPORTS

Public Safety – Councilwomen Kuncken/Thistleton

Police, Fire, Ambulance, Court & Violations Bureau, Emergency Management –

Councilwoman Kuncken stated that the Fire Department reports have been brought up to date. The calls for October were as follows: 2 calls, 1 mutual aid, no assists for EMS, 4 drills and 3 special details.

Councilwoman Kuncken reported that the majority of incidents for the Police Department involved moving violations. There were a total of 326 reports.

Councilwoman Kuncken stated that the Ambulance Squad for the month of October had 51 calls, 18 in Stanhope, 31 in Netcong, 2 standbys and 2 out of town calls to Hopatcong. They treated 33 patients for a total of 33 trips to the hospital and travelled 811 miles. The total hours volunteered were 177 hours and 41 minutes.

Finance & Administration – Councilman Benson/Councilwoman Kuncken

Councilman Benson reported that the 2013 year to date collections for water were \$470,949 which is up from \$386,723 from last year. The change in the fee structure is evident. Likewise there is a deduction in the sewer rents. There will be another reduction this year from the MSA. The tax collections were much better this month

Community Development – Councilwoman Zdichocki/Councilman Thornton

Zoning, Construction, Code Enforcement, Economic Development, Chamber of

Commerce, Downtown Revitalization – Councilwoman Zdichocki reported that the holiday lighting and decorations will be up during the week of December 2nd.

Councilwoman Zdichocki stated that there were 6 zoning permit applications and there were 9 code violations and complaints.

Municipal Infrastructure – Councilman Thornton/Councilwoman Zdichocki

Water Distribution, Sewer Collection System, Road Construction & Maintenance,

Buildings & Grounds – Councilman Thornton stated that the new fuel pumps were installed last week. Training and distribution of keys will be done next week and some programming took

place yesterday. Administrator McNeilly stated that both systems remained operational to enable a smooth transition.

Information Technology – Councilmen Depew/Benson

Councilman Depew stated that vendors are still being reviewed for a new Borough website. In order to facilitate the change, funds are going to have to be expended. Councilman Depew stated that Administrator McNeilly obtained information at the League of Municipalities meeting that he attended recently. Council President Kuncken stated that Councilman Depew should have that information available during budget discussions.

Boards/Commissions – Councilwoman Thistleton/Councilman Depew

Councilwoman Thistleton stated there were some animal control issues discussed at the last meeting. Councilwoman Thistleton reported that with regard to the stray cats medical care, it is mandatory that they receive all their vaccines and that they be spayed or neutered. Administrator McNeilly stated he will provide the Board of Health with the draft of the Animal Control contract when it is available.

Councilwoman Thistleton stated that the Recreation Commission held a dance last Friday night and it was attended by 117 students. Councilwoman Zdichocki stated there were many parents on hand to help and snacks were provided.

Councilwoman Thistleton stated due to the holiday, garbage collection will be on Friday.

Councilwoman Thistleton stated that the tree lighting and pictures with Santa will be held on December 8th. Councilwoman Zdichocki stated that pictures with Santa and Frosty will take place at Borough Hall two hours prior to the tree lighting. Freeholder George Graham will be assisting with the event.

On motion by Councilman Benson, seconded by Councilman Depew, and unanimously carried by voice vote the Council Committee Reports were accepted.

ADMINISTRATOR'S REPORT

Water Improvement Project – Administrator McNeilly stated that feedback has been received from the County Engineering Department regarding the proposed road closure and detour plan for Brooklyn Road. The comments were minor changes and Mr. Purcell's office has added those changes to the bid specifications. The bid packets have been sent to the printers. The advertising is planned for December 5th or 6th. Bids would then be accepted on January 3rd. Administrator McNeilly stated that due to the anticipated number of bidders and the amount of funds involved, it is recommended that Mr. Stein, Borough Attorney, attend the bid opening. The contracts need to be awarded at the January 14th meeting.

Mr. Stein stated that he spoke with Mr. Purcell earlier today and Mr. Stein will attend the bid opening. As Administrator McNeilly stated, the Borough is under a fairly ridged deadline. The State wants to move the money out into the hands of the contractors to get the money out into the New Jersey economy. The bids will be accepted on January 3rd and Mr. Purcell has indicated that he will be ready by the following Tuesday, which is the reorganization meeting for the Borough. Mr. Stein stated that he will make this a priority and will be ready at that time as well. The resolution should not be adopted as part of the reorganization meeting. Mr. Stein stated that a special meeting can be advertised to be held following the reorganization meeting to award the two contracts. Mr. Purcell is going to speak to the State to determine if he can prepare the packet and deliver it to the State on January 6th or 7th and then forward the resolution to the State on January 15th. If that is not any option then a special meeting will have to be held.

Budget – Administrator McNeilly stated that budget requests have been received from all 16 departments. Budget books are being prepared and Administrator McNeilly requested that the CFO attend the December 10th Work Session to begin the Council review of the budget requests. Council President Kuncken stated that the reorganization preparation is also going to be included in that Work Session.

Property Sale – Administrator McNeilly stated there is a resolution on tonight's agenda to appoint Bob Morgenstern, Dolan and Dolan, as additional conflict counsel for the remainder of

2013. Mr. Morgenstern can then finalize the contract for Weichert Realtors to handle the promotion of the surplus land sale. Mr. Stein stated that the ordinances to authorize the sale of the properties have to be adopted if they have not been done yet. The Governing Body was of the opinion that the ordinances have already been adopted but this will be confirmed.

Animal Control Agreement – Administrator McNeilly stated that a draft of the Animal Control Agreement should be ready for the December 10th meeting.

Reminder – Administrator McNeilly stated that Fire Chief Card will be attending the December 10th meeting to discuss the records management system for the Fire Department.

Reorganization Meeting – Administrator McNeilly asked if the Governing Body wants to hold the Reorganization Meeting at the American Legion or at Borough Hall on Tuesday, January 7th. Council President Kuncken suggested that the Fire Department could be an option if the American Legion is not available. Ellen Horak, Borough Clerk, stated that the American Legion will be holding their monthly meeting on January 7th but they have another room at the American Legion that they could use for their meeting if necessary. Council President Kuncken asked the Governing Body for their input. The Governing Body agreed that the American Legion is the first choice and if that is not available a request should be made to the Fire Department.

COUNCIL BUSINESS

Holiday Party – Council President Kuncken asked Ellen Horak, Borough Clerk, for the Holiday Party information which is customarily held in the Borough. Ms. Horak stated that the party would be held on Friday, December 20th at Sal's Pizzeria. Invitations will be distributed soon. Ms. Horak asked for permission to close Borough Hall at 2:00 P.M. on December 20th.

On motion by Councilman Depew, seconded by Councilman Thornton, and unanimously carried by voice vote, approval was granted to close Borough Hall on December 20th at 2:00 P.M. for the Holiday Party.

Mayor & Council Budget - Council President Kuncken stated that the CFO has sent out copies of the budget sheets to all departments, including the Mayor and Council, as we approach the end of the year. Council President Kuncken asked for the Governing Body's comments. Councilman Thornton stated that he was under the impression that the Mayor and Council were over budget for meetings and seminars. Council President Kuncken replied that she is of the opinion that being over budget was what precipitated the conversation about which Council members would be attending the League of Municipalities meeting this year and stated that further clarification is needed. Councilwoman Zdichocki stated that prior to attending the conference in Atlantic City she had stated that in her opinion it is important for the Mayor and Council to attend the conference. At that time, Councilwoman Zdichocki had offered to give up her room in order for another member of the Council to attend because Councilwoman Zdichocki could have used a compensated room. Council President Kuncken asked Mr. Stein if a member of the Council can use a compensated room in a case like this. Mr. Stein stated that would be acceptable in the same way that any member of the Governing Body could pay their own way as well. Councilwoman Zdichocki stated that if more people wish to attend, alternate means should be investigated.

Council President Kuncken stated that the Governing Body needs to make a policy decision to determine if a set number of Council members should attend each year. Administrator McNeilly stated that limitations can be set within the budget process. Councilwoman Thistleton stated there were more meetings at the League Conference that may have provided useful information to the Borough but the three members that did attend could not get to all of the meetings offered. Council President Kuncken stated that during the budget process this issue should be addressed. Council President Kuncken suggested that the reports from those that attended the League of Municipalities be held until the next meeting so that Mayor Maio will be present.

Veteran's Day Program - Councilman Depew stated that he, Councilman Thornton and Councilwoman Zdichocki attended the ceremony on Veteran's Day at the Elementary School. Councilman Depew stated that he was very impressed by the program. It was a nice ceremony and the students were wonderful.

Councilwoman Thistleton stated that she attended the ceremony at the American Legion for Veteran's Day.

Accreditation Program - Council President Kuncken asked Chief Pittigher, present in the audience, if he had any new information regarding the accreditation program. Chief Pittigher stated that the accreditation program is underway. Eight policies have been approved which were not complex. There will be a lot of changes that will be made. Council President Kuncken stated that there will be some expenses incurred in order to meet the requirements. Chief Pittigher stated that additional locks will be needed; locking money bags and different procedures will have to be implemented.

NEW BUSINESS

ORDINANCES

Council President Kuncken read the following ordinances for introduction by title.

Ordinances for Introduction [Public Hearing on December 17, 2013]

Ordinance 2013-17 **AN ORDINANCE TO AMEND ORDINANCE 2013-15 OF THE BOROUGH OF STANHOPE PROVIDING FOR A SUPPLEMENTAL APPROPRIATION OF \$3,150.00 FOR PRELIMINARY ENGINEERING DESIGN FOR PROPOSED MAPLE TERRACE ROADWAY RECONSTRUCTION AND WATER MAIN REPLACEMENT PROJECT TO BE FULLY FUNDED BY GENERAL CAPITAL IMPROVEMENT FUND**

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

Section 1. Ordinance 2013-15 is hereby amended as follows. The funding for the capital improvement entitled "Preliminary Engineering Design for Proposed Maple Terrace Roadway Reconstruction and Water Main Replacement Project" is hereby amended to include \$3,150.00 from General Capital Improvement Fund, and the total cost of this project is modified to not exceed \$22,800.00, which sum is hereby appropriated for these purposes,

Section 2. The amount of \$3,150.00 for said improvements is hereby to be fully funded from the General Capital Improvement Fund.

Section 3. No additional debt will be authorized by this amendment or for this project.

Section 4. All other provisions of Ordinance 2013-15 unless amended herein shall remain in full force and effect.

Section 5. This ordinance shall take effect ten (10) days after the first publication thereof after final adoption.

On motion by Councilwoman Zdichocki, seconded by Councilwoman Thistleton, and unanimously carried by the following roll call vote, the above ordinance was introduced.

Roll Call:

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

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

AN ORDINANCE ESTABLISHING AN ENERGY AGGREGATION PROGRAM PURSUANT TO THE GOVERNMENT ENERGY AGGREGATION ACT OF 2003, N.J.S.A. 48:-93.1 to 98

WHEREAS, the State of New Jersey has been engaged in a process to establish a competitive market place through deregulation and restructuring the electric utility market; and

WHEREAS, the establishment of a government aggregator and an energy aggregation program to purchase electric generation service pursuant to N.J.S.A. 48:3-93.1 et seq. and N.J.A.C. 14:4-6.1 et seq. will increase competition for the provision of electric power to residential and non-residential users, thereby increasing the likelihood of lower electric rates for these users without causing any interruption in service; and

WHEREAS, under the aggregation process the residential and non-residential ratepayers may likely receive a direct reduction in their electric bills; and

WHEREAS, the citizens of the Borough of Stanhope have a substantial economic and social interest at stake; and

WHEREAS, the Governing Body of the Borough of Stanhope hereby finds that it is in the best interests of residential and non-residential electric ratepayers to enter into an aggregation agreement in order to seek substantial savings on electric rates;

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Stanhope as follows:

1. The Borough of Stanhope publicly declares it is a participating member of the Passaic County Energy Cooperative Pricing System per Resolution dated November 26, 2013.
2. That the citizens of the Borough of Stanhope desire to participate in the Passaic County Cooperative's Government Energy Aggregation Program and aggregate energy supply service on behalf of its residential and non-residential users of energy pursuant to the Government Energy Act of 2003, N.J.S.A. 48:3-91.3 to -98, and implementing regulations.
3. That Passaic County as the Lead Agency will seek bids on behalf of the Cooperative from licensed and appropriate Third Party Suppliers. If such winning bid is selected and agreement executed, individual residential consumers would retain the option not to participate and to choose any alternatives they desire, while non-residential ratepayers would also have the right to participate.
4. The Borough Administrator and/or Mayor is authorized to execute and the Borough Clerk to attest to any documents necessary to carry out the purpose of the Ordinance.
5. The fully executed agreement shall be kept on file and available for public inspection with the Borough's Clerk's Office.
6. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.
7. This Ordinance shall become effective immediately upon passage and publication as required by law.

On motion by Councilman Benson, seconded by Councilwoman Zdichocki, and unanimously carried by the following roll call vote, the above ordinance was introduced.

Roll Call:

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

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

RESOLUTIONS

Council President Kuncken offered the following resolutions which were read by title:

Resolution 196-13 RESOLUTION TO AMEND 2013 BUDGET

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 \$50,000.00 from the Morris County Municipal Joint Insurance Fund for the Borough of Stanhope Police Department to attain accreditation from the New Jersey Chiefs of Police Association, and

WHEREAS, the Borough of Stanhope now wishes to amend its 2013 budget to include the additional grant funds approved of \$50,000.00 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 2013 in the sum of \$50,000.00, 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: Police Base Accreditation Services, and

BE IT FURTHER RESOLVED that a like sum of.....\$50,000.00 be and the same is hereby appropriated under the caption of:

- General Appropriations
 - (A) Public and Private Programs Offset by Revenues: Police Base Accreditation Services, 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 Councilman Depew, seconded by Councilman Benson and unanimously carried by the following roll call vote, the foregoing resolution was duly adopted.

Roll Call:

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

Resolution 197-13 RESOLUTION AUTHORIZING TRANSFER OF 2013 APPROPRIATIONS

WHEREAS, the Finance Officer certifies that there appear to be insufficient funds in the budgetary accounts listed below to meet the demands thereon for the balance of the year; and

WHEREAS, the Finance Officer certifies that there appears to be a surplus in the budgetary accounts listed below, over and above the demand deemed necessary for the balance of the year; and

WHEREAS, N.J.S. 40A:4-58 provides that transfers of funds may be made during the last two months of the budget year;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Stanhope that the Borough Finance Officer is authorized to make a transfer in 2013 budget appropriations in the amount of \$6,000.00 within the Current Fund, as follows:

<u>CURRENT FUND</u>	<u>From:</u>	<u>To:</u>
Police - S & W	\$ 6,000.00	
Police - O/E		\$ 6,000.00
	\$ 6,000.00	\$ 6,000.00

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

Roll Call:

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

Resolution 198-13 **RESOLUTION AWARDED CONTRACT FOR VARIABLE FREQUENCY DRIVE (VFD) CONTROLLERS FOR WELL NO. 2 AND WELL NO. 3**

WHEREAS, the Borough of Stanhope heretofore advertised for the receipt of sealed competitive bids for a Variable Frequency Drive (VFD) Controller for Well No. 2 and Well No. 3; and

WHEREAS, the Borough accepted sealed competitive bids on November 21, 2013 for the Variable Frequency Drive (VFD) Controllers for Well No. 2 and Well No. 3; and

WHEREAS, the Borough of Stanhope received one (1) sealed competitive bid in the following amount: Longo Electrical-Mechanical, Inc. - \$12,850.00.

WHEREAS, the Borough Attorney has reviewed the bid for compliance with the Local Public Contracts Law and the Borough’s bidding requirements; and

WHEREAS, Longo Electrical-Mechanical, Inc. is the lowest responsive, responsible bidder for the Borough’s request for bids on November 21, 2013;

NOW, THEREFORE, be it resolved by the Mayor and Council of the Borough of Stanhope that the Borough does hereby award a bid to Longo Electrical-Mechanical, Inc. in an amount not to exceed \$12,850.00;

BE IT FURTHER RESOLVED, that the award of this bid is subject to certification of the availability of funds by the Chief Financial Officer; and

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

Roll Call:

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

Resolution 199-13 **RESOLUTION AWARDED CONTRACT FOR 80 KW DIESEL GENERATOR FOR WELL NO. 3**

WHEREAS, the Borough of Stanhope heretofore advertised for the receipt of sealed competitive bids for an 80 KW Diesel Generator for Well No. 3; and

WHEREAS, the Borough accepted sealed competitive bids on November 21, 2013 for the 80 KW Diesel Generator for Well No. 3; and

WHEREAS, the Borough of Stanhope received two (2) competitive bids in the following amounts: Power with Prestige - \$51,400.00 and BOZ Electrical Contractors, Inc. - \$52,800.00.

WHEREAS, the Borough Attorney has reviewed the bids for compliance with the Local Public Contracts Law and the Borough's bidding requirements; and

WHEREAS, Power with Prestige is the lowest responsive, responsible bidder for the Borough's request for bids on November 21, 2013;

NOW, THEREFORE, be it resolved by the Mayor and Council of the Borough of Stanhope that the Borough does hereby award a bid to Power with Prestige in an amount not to exceed \$51,400.00;

BE IT FURTHER RESOLVED, that the award of this bid is subject to certification of the availability of funds by the Chief Financial Officer; and

BE IT FURTHER RESOLVED, that the Borough Clerk shall notify the other bidder on November 21, 2013 of the award of the bid to Power with Prestige; and

BE IT FURTHER RESOLVED, that the bid bond of the other bidder be returned to said bidder.

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

Roll Call:

Councilwoman Zdichocki – yes

Councilman Thornton – yes

Councilwoman Kuncken – yes

Councilman Depew – yes

Councilwoman Thistleton – yes

Councilman Benson – yes

Resolution 200-13

**BOROUGH OF STANHOPE RESOLUTION
AUTHORIZING THE BOROUGH OF STANHOPE TO
ENTER INTO A COOPERATIVE PRICING AGREEMENT
KNOWN AS THE PASSAIC COUNTY ENERGY
COOPERATIVE PRICING SYSTEM ID#184PCECPS**

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the County of Passaic, hereinafter referred to as the "Lead Agency " has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, the Governing Body of the Borough of Stanhope has duly considered participation in a Cooperative Pricing System for the procurement of energy;

NOW, THEREFORE BE IT RESOLVED as follows:

1) **TITLE** - This Resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Borough of Stanhope.

2) **AUTHORITY** - Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Borough of Stanhope is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

3) **CONTRACTING UNIT** - The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.

4) **EFFECTIVE DATE** - This resolution shall take effect immediately upon passage.

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

Roll Call:

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

CONSENT AGENDA

All items listed on the Consent Agenda were considered routine by the Borough Council and were enacted by one motion of the Borough Council with no separate discussion.

Resolution 201-13

RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF TAXES

WHEREAS, the homeowners' bank made duplicate payments toward the Fourth Quarter of 2011, creating an overpayment of taxes on this property; and

WHEREAS, the homeowners have requested a refund of this overpayment on this property since their bank is paying their property taxes;

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

Homeowner Information:

Block	Lot	Qual	Name & Address	Tax Year	Amount
11501	2	C0046	Marta Berdej 446 Dell Place Stanhope, New Jersey 07874	2011	\$1,363.49

Resolution 202-13

RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF TAXES

WHEREAS, the homeowner and the homeowners' bank made payments for third quarter 2013 property taxes, creating an overpayment of taxes on this property; and

WHEREAS, the homeowners have requested a refund of this overpayment on this property since their bank is currently paying their property taxes;

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

Homeowner Information:

Block	Lot	Qual	Name & Address	Tax Year	Amount
11501	2	C0091	Timmy W Horeis 691 Audubon Court Stanhope, New Jersey 07874	2013	\$1,017.55

Resolution 203-13

RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF TAXES

WHEREAS, the homeowners’ bank and former bank both made payments for fourth quarter 2012 property taxes, creating an overpayment of taxes on this property; and

WHEREAS, the homeowners have requested a refund of this overpayment on this property since their bank is currently paying their property taxes;

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

Homeowner Information:

Block	Lot	Qual	Name & Address	Tax Year	Amount
11501	2	C0237	Christine Blum 13237 Dell Place Stanhope, New Jersey 07874	2012	\$1,150.70

Resolution 204-13

RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF TAXES

WHEREAS, the homeowners applied for and were granted a Veteran’s Deduction for the year 2012; and

WHEREAS, the deduction was applied as a credit on their property taxes, but the homeowners’ bank continued to make payments in full on the property; and

WHEREAS, the homeowners have requested a refund of this overpayment on this property since their bank is paying their property taxes;

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

Homeowner Information:

Block	Lot	Qual	Name & Address	Tax Year	Amount
11701	13.18	C0916	Denise & David Stoops 916 Stonegate Lane Stanhope, New Jersey 07874	2012	\$250.00

Resolution 205-13

RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF TAXES

WHEREAS, the homeowners’ bank and former bank both made payments for fourth quarter 2012 property taxes, creating an overpayment of taxes on this property; and

WHEREAS, the homeowners have requested a refund of this overpayment on this property since their bank is paying their property taxes;

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

Homeowner Information:

Block	Lot	Qual	Name & Address	Tax Year	Amount
11604	17		Beth Clink-Cahill & David Cahill 33 Dell Road Stanhope, New Jersey 07874	2012	\$1,877.74

Resolution 206-13

RESOLUTION TO REFUND SUBSEQUENT UTILITIES PAID BY LIENHOLDER WHEN LIEN HAD ALREADY BEEN REDEEMED

WHEREAS, the Utility Collector has received payment for subsequent utility charges related to Tax Title Lien No. 2013-033, representing 2012 property taxes and/or utility charges on Block 11701, Lot 2, known as 273 US Highway 206, assessed to John Mendez, and;

WHEREAS, the homeowner had already redeemed the lien, but the lienholder inadvertently included this payment in a mass payment for several liens; and

WHEREAS, the Tax Collector certifies that reimbursement is now required to be made to the following lien holder for the refund of subsequent utility charges on a lien that had already been redeemed:

To Lienholder:	Tower Fund ACF Ebury Fund 1NJ LLC P. O. Box 37695 Baltimore, MD 21297
Refund Amount:	Tax Title Lien #2013-033 and Interest to Date of Meeting \$ 650.20

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.

Resolution 207-13

RESOLUTION TO TURN OVER TAX PREMIUM TO MUNICIPALITY

WHEREAS, on November 24, 2008, a Tax Sale was held and a lien was placed on Block 10612, Lot 2; and

WHEREAS, the successful bidder, Robert Rothman, purchased the lien at 0% interest and paid a premium of \$2,900.00; and

WHEREAS, N.J.S.A. 54:5-33 states that any premium payment shall be held by the collector and if redemption is not made within five years from date of sale the premium payment shall be turned over to the treasurer of the municipality and become a part of the funds of the municipality; and

WHEREAS, as of November 24, 2013, 5 years had passed and the funds shall now be turned over to the municipality;

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Stanhope, County of Sussex, State of New Jersey, that the following tax premium be turned over to the municipality and received as MRNA (miscellaneous revenue not anticipated):

Tax Lien #2008-07	Sold 11/24/08 to Robert Rothman, Lienholder
B 10612 L 2,	7 Central Avenue Premium \$2,900.00

Resolution 208-13

RESOLUTION TO TURN OVER TAX PREMIUM TO MUNICIPALITY

WHEREAS, on November 24, 2008, a Tax Sale was held and a lien was placed on Block 11208, Lot 10; and

WHEREAS, the successful bidder, Robert Rothman, purchased the lien at 0% interest and paid a premium of \$1,200.00; and

WHEREAS, N.J.S.A. 54:5-33 states that any premium payment shall be held by the collector and if redemption is not made within five years from date of sale the premium payment shall be turned over to the treasurer of the municipality and become a part of the funds of the municipality; and

WHEREAS, as of November 24, 2013, 5 years had passed and the funds shall now be turned over to the municipality;

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Stanhope, County of Sussex, State of New Jersey, that the following tax premium be turned over to the municipality and received as MRNA (miscellaneous revenue not anticipated):

Tax Lien #2008-20 Sold 11/24/08 to Robert Rothman, Lienholder
B 11208 L 10, 13 High Street Premium \$1,200.00

Resolution 209-13

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. 2013-015, representing 2012 property taxes and/or utility charges on Block 11103, Lot 25, known as 6 Hill Road, assessed to David Rivera, 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:	Tower Fund ACF Ebury Fund 1NJ LLC PO Box 37695 Baltimore, MD 21297-3695	
Redemption Amount:	Tax Title Lien #2013-015 and Interest to Date of Meeting	\$ 1,800.64
	Premium Paid by Lienholder	<u>3,000.00</u>
Total From Current Fund:		\$ 1,800.64
Total From Tax Premium Account		3,000.00

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.

Resolution 210-13

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. 2013-001, representing 2012 property taxes and/or utility charges on Block 10401, Lot 7, known as 21 Lloyd Avenue, assessed to Estate of George F. McNicholas Sr., 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 BV001 Trust 50 S. 16 th Street, Suite 1950 Philadelphia, PA 19102-2513	
Redemption Amount:	Tax Title Lien #2013-001 and	
	Interest to Date of Meeting	\$ 965.30
	Premium Paid by Lienholder	<u>600.00</u>
Total From Current Fund:	\$	965.30
Total From Tax Premium Account		600.00

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.

Resolution 211-13 **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. 2013-030, representing 2012 property taxes and/or utility charges on Block 11602, Lot 19, known as 20 James Street, assessed to Janice Sangillo, 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 BV001 Trust 50 S. 16 th Street, Suite 1950 Philadelphia, PA 19102-2513	
Redemption Amount:	Tax Title Lien #2013-030 and	
	Interest to Date of Meeting	\$ 2,290.89
	Premium Paid by Lienholder	<u>2,400.00</u>
Total From Current Fund:	\$	2,290.89
Total From Tax Premium Account		2,400.00

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.

Resolution 212-13 **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. 2013-018, representing 2012 property taxes and/or utility charges on Block 11206, Lot 4, known as 82 Main Street, assessed to Donna Wesson, 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 BV001 Trust 50 S. 16 th Street, Suite 1950 Philadelphia, PA 19102-2513	
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Redemption Amount:	Tax Title Lien #2013-018 and	
	Interest to Date of Meeting	\$ 2,038.51
	Premium Paid by Lienholder	<u>1,400.00</u>

Total From Current Fund:		\$ 2,038.51
Total From Tax Premium Account		1,400.00

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.

**Resolution 213-13 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. 2013-010, representing 2012 property taxes and/or utility charges on Block 11004, Lot 2, known as 5 Ridge Road, assessed to Ruth Townsend, 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 BV001 Trust
	50 S. 16 th Street, Suite 1950
	Philadelphia, PA 19102-2513

Redemption Amount:	Tax Title Lien #2013-010 and	
	Interest to Date of Meeting	\$ 1,698.33
	Premium Paid by Lienholder	<u>1,300.00</u>

Total From Current Fund:		\$ 1,698.33
Total From Tax Premium Account		1,300.00

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 Councilman Thornton and unanimously carried by the following roll call vote, the foregoing resolutions were duly adopted.

Roll Call:

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

RESOLUTION

**Resolution 214-13 RESOLUTION AUTHORIZING THE AWARD OF A
CONTRACT FOR PROFESSIONAL SERVICES FOR THE
BOROUGH OF STANHOPE FOR THE YEAR 2013 FOR
CONFLICT COUNSEL**

WHEREAS, the Borough of Stanhope has need for professional legal services for the year 2013 for additional Borough Conflict Counsel; and

WHEREAS, it is not anticipated that the value of the contract will exceed \$17,500.00; and

WHEREAS, the anticipated term of the contract is to the end of 2013; and

WHEREAS, Robert Morgenstern has submitted a proposal indicating that he will provide legal services to the Borough as Conflict Counsel for the remainder of 2013; and

WHEREAS, the agreement with Mr. Morgenstern shall not exceed the bid threshold of N.J.S.A. 40A:11-1 et seq. and therefore the provisions of N.J.S.A. 19:44A-8 are not applicable thereto; and

WHEREAS, the Chief Financial Officer of the Borough of Stanhope has certified the availability of funds for this contract pursuant to N.J.S.A. 5:30-5.4;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stanhope that the Mayor and Clerk be and the same are hereby authorized to execute an agreement with Mr. Morgenstern as Municipal Conflict Counsel for the Borough of Stanhope for the remainder of year 2013.

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

Roll Call:

Councilwoman Zdichocki – yes

Councilman Depew – yes

Councilman Thornton – yes

Councilwoman Thistleton – yes

Councilwoman Kuncken – yes

Councilman Benson – yes

PAYMENT OF BILLS

Resolution 215-13

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 November 26, 2013 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 Councilman Depew and unanimously carried by the following roll call vote, the foregoing resolution was duly adopted.

Roll Call:

Councilwoman Zdichocki – yes

Councilman Depew – yes

Councilman Thornton – yes

Councilwoman Thistleton – yes

Councilwoman Kuncken – yes

Councilman Benson – yes

ATTORNEY REPORT

Mr. Stein stated that the Governing Body adopted a resolution tonight appointing Mr. Morgenstern as conflict counsel for the remainder of 2013. Mr. Stein stated that Attorney Mark Hontz has informed him that he does not wish to be reappointed as conflict counsel for next year. Mr. Stein stated that when he spoke with Mr. Morgenstern, regarding the current project, Mr. Morgenstern indicated that he is interested in being conflict counsel for 2014. Mr. Morgenstern's partner, Mr. Thomas, is the attorney for the Borough's Land Use Board. Mr.

Stein stated that under the current ethical rules an attorney from the same firm can serve as the Land Use Board attorney and another attorney from that firm can serve as a special counsel to the Governing Body. Mr. Morgenstern would not have any conflict in being appointed as conflict counsel.

Mr. Stein stated that he and Administrator McNeilly will be attending a meeting on December 10th at the County to meet with County Counsel and the County Engineer regarding the quiet zone. County Counsel has a great deal of paperwork from the Federal Government that needs to be addressed. Council President Kuncken asked if Councilwoman Zdichocki or Councilman Thornton should attend. Mr. Stein stated in his opinion it is not necessary at this time. Administrator McNeilly stated that if the Borough gets approval for a quiet zone, it will be the only one in the country that would have a quiet zone on the day it opened. The environmental impact study from Lake Hopatcong to Scranton, PA indicates that 200+ homes will be impacted by noise. 187 of those homes are relative to this crossing. This will only eliminate the sound of the whistle blowing. All other noise reducing requests were denied.

CITIZENS TO BE HEARD

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

Seeing no one from the public wishing to speak, Council President Kuncken closed the public portion of the meeting.

Council President Kuncken stated that at the last meeting Mayor Maio acknowledged the passing of Audrey Dressel. There will be a celebration of Audrey Dressel's life on Sunday, December 1st, at the Wharton American Legion, 99 North Main Street in Wharton from 2PM to 5PM.

ADJOURNMENT

On a motion by Councilman Benson, seconded by Councilman Depew, and unanimously carried by voice vote the meeting was adjourned at 8:50 P.M.

Approved:

Linda Chirip
Deputy Clerk for
Ellen Horak
Borough Clerk