

**MAYOR AND COUNCIL  
REGULAR MEETING  
November 27, 2012  
7:00 P.M.**

**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.

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

**ROLL CALL**

Council Members:

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

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

Mayor Maio – Present

**CLOSED SESSION**

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

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

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

1. The public shall be excluded from discussion of and action upon the hereinafter-specified subject matter(s).
2. The general nature of the subject matter(s) to be discussed is as follows:

2 Contracts – DPW and PBA

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 Councilwoman Thistleton, seconded by Councilwoman Kuncken, 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 7:48 P.M. with all present.

On motion by Councilman Benson, seconded by Councilman Graham, and unanimously carried by voice vote a recess was called. The meeting resumed at 8:00 PM.

**SALUTE TO COLORS**

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

## **OATH OF OFFICE**

Richard Stein, Borough Attorney, administered the Oath of Office to Diana Kuncken as Councilwoman.

## **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 last Tuesday he spoke with a gentleman from Heath, Ohio who in 2009 successfully sued the town of Heath, Ohio with regard to a Knox Box. That lawsuit cost that town \$18,000 plus the cost of buying the Knox Box back. Mr. Grafe stated that he wanted to bring this to the attention of the Governing Body. Mr. Grafe asked Mr. Stein if the Borough is aware that lawsuits like this exist. Mr. Stein replied that the laws in Ohio are different than those in New Jersey and without having all the facts involved in that case he cannot comment on the matter. Mr. Grafe stated that he spoke only with the man that filed the lawsuit and did not have any additional information.

Seeing no one further 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:

October 9, 2012	Work Session/Agenda Meeting
October 23, 2012	Regular Business Meeting & Closed Session

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

## **CORRESPONDENCE (List Attached)**

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

## **ADMINISTRATOR'S REPORT**

*Borough Hall Renovations* – Administrator McNeilly reported that the patrol squad room furniture will be installed on December 3, 2012. The sergeant's furniture can then be moved back into his office. The Chief's office and the secretary's office will be moved into the trailer allowing those two rooms and the entry way to be completed. The woodwork and the countertop for the council room are scheduled to be installed from November 29<sup>th</sup> through December 7<sup>th</sup>. The carpeting is on order.

*Fire Department* – Administrator McNeilly reported that Spectrum Communications is still waiting for FCC approval for the frequency use. Mayor Maio asked how long the process will take. Administrator McNeilly replied that approval could take as long as six months. The application was submitted in early October.

Administrator McNeilly reported that the Fire Department has submitted a request for FEMA reimbursement relative to Hurricane Irene which occurred last August. Funds were received from FEMA by the Borough for the Fire Department man hours and equipment used, specifically for the Fire Department's utility #6 vehicle. FEMA did not provide funds for stand-by time. Funds were provided for run time for active fire calls only. Those calls for the Borough were based at the pump house. The Fire Department run sheets were used which detailed what vehicles were used, who was on the call and how long the call was. FEMA uses a formula based on the horsepower of the truck to determine what the dollar amount is for use of that vehicle. The Fire Department may have as many as six or eight people on a call for pump outs but FEMA guidelines only allow for one driver and two crew members. Manpower qualification was much lower than what was envisioned in the operation. There was a mix of vehicles that were utilized.

There were Borough owned fire trucks and the Fire Department Corporation owned vehicle #6. Administrator McNeilly stated that he needs to contact Wayne Anthony to determine the exact costs per vehicle. Councilwoman Kuncken stated that would be applied to vehicle #6 owned by the Fire Department. Mayor Maio stated that in her opinion the Fire Department is entitled to the funds for the use of their utility truck. Councilman Graham stated the amounts in question need to be quantified. The letter of request that was submitted is vague. Administrator McNeilly will contact Wayne Anthony to determine the exact calculations. Mayor Maio asked if all the funds have been received. Administrator McNeilly replied that the funds have been received for Hurricane Irene and the snowstorm from last October. Mayor Maio stated when Mr. Anthony supplies the figures relating to utility vehicle #6 the Governing Body will move forward.

Administrator McNeilly stated that man hours are also in question. Councilman Benson asked if there is detail information available other than the letter they received. Councilman Graham stated that in his opinion all the issues need to be quantified and then discussed in detail. Councilman Graham asked if the Rescue Squad is involved in anyway. Administrator McNeilly replied that the Rescue Squad is not involved. Councilwoman Kuncken asked why there is a difference with man hours for the Fire Department as compared to the Rescue Squad. They are all volunteers. Mayor Maio stated that normally volunteers would not be reimbursed. Administrator McNeilly stated that this raises the question as to who the Borough is going to reimburse. Councilwoman Kuncken stated the volunteers are not employees. Councilman Graham is of the opinion that the Public Safety Committee should review the issue and the specific dollar amounts need to be determined. At that time the issue should be discussed with the Governing Body. Councilwoman Kuncken stated the Council is in agreement with the reimbursement for the vehicle charges once the exact figures are confirmed.

Lenape Valley Regional High School – Administrator McNeilly reported that he spoke with Bob Klinck from Lenape Valley High School and informed him of the base costs associated with outside police details.

Storm Update – Administrator McNeilly stated that the past storms have shown the Borough that the ability to provide information to the public in an emergency is a challenge. The Borough has gone door to door with leaflets, relied on word of mouth and utilized the reverse 911 system and the Honeywell system used by the school.

Nixle Communication System – Administrator McNeilly reported that he has contacted other municipalities to find out how they handle communication issues. Netcong Borough signed on during the storm to the Nixle system. Councilman Graham asked how Netcong was able to capture the phone numbers and contact information needed to go live in the middle of the storm in order to use this system. Administrator McNeilly replied that Netcong was unique in that they had an internal system utilizing a mail chip on their website that allowed residents who wanted information to enter their address and phone numbers. Netcong was able to migrate that list over to the Nixle system. Mayor Maio stated that on October 18<sup>th</sup> she had asked Administrator McNeilly to gather information about the Nixle system. This system is used in Essex County, Somerset County, Hunterdon County and in south Jersey.

Nixle is a text and email system. Residents can go online and register their email, cell phone and address and there is no cost to the resident. Once registered, the residents can receive messages on their cell phone or email. The municipality must register at a cost of \$1,795.00 per year. The Nixle system allows the Borough to post notices that are classified as an emergency, an alert or a community message. Information about events such as the tree lighting can be sent or road closures can be reported. Administrator McNeilly stated that the system also allows the residents to choose what type of information they want to receive. They can choose to receive all information that is sent out or just the emergency information. In addition, if you wish to receive information from another municipality that zip code can be added by the residents to their registration. This might be helpful to monitor areas where family members live or if someone owns a home in a different town.

Mayor Maio stated that the email addresses and cell phone numbers are not given to the Borough. The information goes directly to the Nixle site. That information will never come into question with regard to any OPRA requests.

Councilwoman Kuncken stated that even though the Borough website was updated, many people did not have computer service. Most people however did try to keep their cell phones charged during the power outage. The Nixle system would allow most people to receive messages on their cell phones via text message. A smart phone would not be required.

Mayor Maio stated that Nixle is a proven system which has been around several years and the cost is moderate. All the community information that is transmitted will automatically feed to the Borough website. Administrator McNeilly stated in the event that the Borough does not have computer access the Nixle system can be accessed by cell phone and the Borough website will receive the information automatically. Councilman Graham asked if this is an item that is being considered for next year's budget. Councilwoman Kuncken stated that this item could be put into the temporary budget and the Borough could act on it right away.

Councilman Benson asked Administrator McNeilly if he has received the quote from Navitend regarding the website information. Administrator McNeilly stated that Councilman Depew had also inquired about the quote. Administrator McNeilly reported that he spoke with Barry, from Navitend, and due to the fact that they were without power the quote was not available at this time. Navitend will send it out as soon as possible. Administrator McNeilly stated that the Nixle system will work with any website provider the Borough contracts with. The designer simply needs to provide the space for Nixle's messages to appear on the main page. Mayor Maio stated that the Borough will not have to teach anyone how to use the Nixle system and there will not be any concerns about the security of the system. The Borough will have to let the residents know to access the Nixle system in order to register.

Councilman Benson asked if the Nixle system would fill the gap of the reverse 911 system. Administrator McNeilly is of the opinion that the reverse 911 system is not used very often for fear of alarming the community. The Nixle system will allow people to choose what they want to receive. Councilman Benson stated that in Ocean City the mayor used the reverse 911 system every day to notify residents. Mayor Maio stated that Stanhope Borough was told the reverse 911 system was for extreme emergencies and not to be used to stream information. Administrator McNeilly stated there was a road closure today in Stanhope that could have been broadcast to the residents if the Nixle system was in place. Mayor Maio stated that another benefit of the system is that if something is happening in your immediate area you will be notified because the system records your address as well. Councilwoman Thistleton asked how the information is entered into the Nixle system. Administrator McNeilly stated the information would be broadcast by a designated person at the Borough. Councilwoman Kuncken stated an alternate contact should also be authorized. Mayor Maio stated that if for example the Recreation Commission wanted to post a notice the request would have to be made to the Administrator. Mayor Maio recommended that the Borough move forward as soon as possible. Administrator McNeilly stated that he will make arrangements for the Borough to contract with Nixle for the first of the year.

*Borough Conference Calls* – Administrator McNeilly reported that during emergencies such as the recent storm, he would like to have the ability to arrange for a conference call to be held in order to update all members of the Governing Body. The Governor's conference calls allowed for all the departments to be heard from simultaneously. Administrator McNeilly asked Mr. Stein if the Governing Body could be updated all at once on a conference call that would be designated to occur at a certain day and time. Mr. Stein replied that the key point is whether or not official action is taken. If the conference call is used just to disseminate information simultaneously to all of the council members that would be allowed. If however, decisions are being made or questions are being brought up, then the call would constitute a meeting and the law requires that the public be noticed. Mr. Stein stated that the Administrator would be the only person allowed to speak on the conference call.

Mayor Maio stated that during the outage information was constantly changing and in the process of trying to update everyone new information became available and then the process had to begin all over again. Trying to keep everyone informed of every update was nearly impossible. Councilwoman Kuncken stated that even with the restrictions in place that Mr. Stein spoke of it is her opinion that having the ability to update everyone at the same time would be beneficial. Mayor Maio stated that in the near future the emergency management group is going to meet and review what was done during this storm and determine what worked and what needs to be changed.

Administrator McNeilly stated that after the first week passed there was nothing to be done except to wait. Mayor Maio stated that the area manager that was assigned to the Borough did not have any information until the Thursday before the power was restored. That was when feedback to the Borough's questions was finally addressed. The Borough was told not to approach any of the workmen on the street. This was the second storm in a row where it was necessary to speak to the workmen and show them where the areas were that needed repair. The Fire Department shut down the road for 5 ½ hours to allow the workmen to make the necessary repairs. It would have taken another two days for the work to be done if the road was not closed off. The man in charge of the work crew had the men do maintenance on the poles while they were waiting for the can for the transformer to arrive. He appreciated the help from the Fire Department. It was the local involvement that helped get the jobs finished. Councilwoman Kuncken stated that the crews were not from around here and showing them what needed to be fixed made the process move along faster. The same situation occurred after the last storm.

Councilman Graham stated that the crews were surprised to find that when they were fixing a pole near the plumbing store that restored power to Byram. Administrator McNeilly stated with everything that had to happen here a lot of great things came out of it. The coordination of efforts across the board worked well. At Borough Hall a cell phone charging station was set up and, due to the construction, the Council Chambers room could not be used. Power strips were provided. Then a seating area was created, coffee was made available, chicken soup; it was home town at its best. The Fire Department set up their warming station. We made the best of a bad situation and the residents appreciated it.

Councilwoman Kuncken stated this situation was worse than last year. In unusual circumstances such as this it is Councilwoman Kuncken's opinion that the greater government, whether it is the County or State needs to acknowledge these extraordinary circumstances and some of their regulations need to be relaxed. The regulations that pertained to providing meals for people were a particular problem. People needed something warm to eat and the rules that required for all the food to be packaged goods only were unnecessary. Small communities such as ours need to work together and change these restrictions. The Borough would like to provide services to our residents but the restrictions make that difficult. Mayor Maio stated that once the Red Cross was in charge of the shelter in Hopatcong their rules had to be followed. On a local level if the Borough provided meals at the fire house or the church that should not be an issue with any other government entities. Councilwoman Kuncken stated that the Borough tried to do that but we were told that was over extending what was permitted. Councilwoman Kuncken would like to pursue this issue further so next time a plan will be in place.

Mayor Maio stated that a number of people have contacted her to volunteer their assistance in the event that something like this happens again. A long list of things that need to be taken care of is being compiled should such an event occur again in the future. The volunteers will need to be assigned specific jobs. Having volunteers to help with things such as distributing flyers would be a big help. This past time the Fire Department and Council members went door to door. Flyers will still need to be distributed regardless of what is done to deliver information electronically. Mayor Maio stated that it is better to be prepared and never have to use the plan.

Brush and Leaf Pickup – Administrator McNeilly reported that directly after the storm a restriction was put on brush being brought to the DPW yard. The emergency brush curbside collection will continue until November 30<sup>th</sup>. Beginning December 3<sup>rd</sup> residents can bring brush to the DPW yard. Administrator McNeilly stated that he approved additional overtime on Monday and Tuesday in order to get the brush collection completed by Friday. The volume of brush was less than it had been last October. Leaf collection is slightly off schedule but weather permitting that will be completed before the end of the year. Councilman Benson asked if all the equipment is operational. Administrator McNeilly stated that all the equipment is operating but the older leaf machine does burn a considerable amount of oil. The Borough has enough staff to run one leaf machine at the same time the chipper is being used. A three man crew can be used for leaf pickup on the side streets but on roads such as Sparta Road and Brooklyn Road the full crew is required.

Jetur Riggs – Sewer Ejector – Administrator McNeilly reported that Mr. Riggs contacted him via email. Mr. Riggs has requested to be added to the existing group of Borough covered ejector pumps. There are circumstances where other pumps are under Borough operation. Mr. Stein

stated around 1970 there were 5 or 6 property owners whose homes were below the sewer level of the sewer line in the street and in order to save money when the new sewer system was last completed they were given an ejector pump. The pumps only lasted a few years and would burn out and the homeowner would have to go and purchase another one. After several years they came to the Council and Council agreed to install grinder pumps which required the homeowner to give an easement to the Borough because the grinder pumps then became Borough property. The homeowner supplies the electricity to run it but other than that it is part of the Borough sewer system. Mr. Riggs is apparently in that situation and is looking for that same agreement. The cost to purchase and install the grinder pumps is quite substantial. Paperwork will have to be drafted and signed for the easement required, costs need to be obtained and a determination made to see if the Borough has to go out to bid. The DPW may have a grinder pump in stock and may be able to do the installation themselves. Administrator McNeilly stated that the Borough has a company that takes care of this for us. Administrator McNeilly asked the Governing Body if he and Mr. Stein have permission to move forward to execute this request. Mayor Maio affirmed that they can move ahead with this issue.

Comp Request – Administrator McNeilly reported that Bill Storms, DPW Superintendent, will be notified that the Governing Body will discuss this matter in closed session at the December 11<sup>th</sup> meeting.

Mayor Maio took a moment to publically thank the people who were involved in the storm for the work they did. Mayor Maio commended the Fire Department, the Auxiliary, the DPW, the Police and the Borough staff, all of whom went the extra mile. The emergency management coordinator did a great job and Administrator McNeilly worked 24/7 during this event. There was a great deal of energy expended in the care and keeping of our community during that period of time.

## **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 October, answered 14 calls and held 7 drills for a total of 21 activities. At the first OEM meeting which was held regarding the storm, ground rules were laid out which were similar to what happened last year during the power outage. The Auxiliary stepped up and took charge to provide food for the emergency workers. This included the Fire Department, Ambulance Squad, DPW, Police and anyone who was working to meet the needs of the community. At that time it was agreed that the Auxiliary would be reimbursed for supplies and food that was purchased. Councilwoman Kuncken stated that she has received a detailed list from the Fire Chief dated November 24<sup>th</sup> for a total spent of \$553.68. Councilwoman Kuncken stated that in her opinion this is a reasonable amount of money for the length of time that the Auxiliary provided this service. This expense would have been higher except for the fact that the members of the Auxiliary provided food from their own homes that would have spoiled due to the lack of power. Councilwoman Kuncken asked to have this item placed on the next bills list for reimbursement to the Auxiliary. Mr. Stein stated that a motion with an all in favor is needed to place the item on the bills list. A roll call vote will take place with the actual bills list.

On motion by Councilman Benson, seconded by Councilwoman Thistleton, and unanimously carried by voice vote, approval was granted to reimburse the Auxiliary in the amount of \$553.68 for expenses incurred to provide meals for the emergency workers during the power outage. Administrator McNeilly will forward the bill to the CFO for inclusion on the next bills list.

Councilwoman Kuncken reported that the Police Department had 65 total traffic citation violations and 149 moving violations for the month of October. Councilwoman Kuncken stated that the Ambulance Squad report was not available. The Captain was occupied with personal and family matters.

**Finance & Administration – Councilman Benson/Councilwoman Kuncken** – Councilman Benson reported that the utility collection report for water collections is down from last year to this year by approximately \$4,000 for the month of October and sewer collections are up a couple thousand dollars. The year to date figures in both categories are down 1% - 2% which will need to be monitored. The due date for property taxes was extended for the month of November. Some homes have sustained tree damage which will affect the Borough going forward. Councilwoman Kuncken stated there are two homes which have been declared uninhabitable. Mayor Maio stated there is also a third home. Councilman Benson stated rent collections need to be watched closely because a reduction in rent collections is not something that was expected.

Councilman Benson stated that contrary to the procedure agreed to by the Council there were bills that were paid earlier this month. Administrator McNeilly made that decision but nonetheless the procedure was abridged in some respects. Councilman Benson stated that a phone call should have been made to the Council. Procedures must be followed along with state mandates and the process should not be circumvented. Mayor Maio stated that the CFO needs to be made aware of this as well. Councilwoman Kuncken stated that we need to be aware that the Administrator and the Clerk attend the meetings and information that pertains specifically to something that needs to be done or not done in the CFO's office has to be brought to the CFO's attention. Councilwoman Kuncken stated as one of the signers of the bills she has noticed some are coming through without the Administrator's signature. That needs to be corrected. Administrator McNeilly stated that he does sign purchase orders every day and to his knowledge he does sign all of them. Councilman Benson stated that they may be last minute additions to the list. Administrator McNeilly stated that the interim bills list that was generated will not happen again. The bills list is distributed the Friday before the meeting at the same time as the agenda. Administrator McNeilly stated that he does not see how any bills could be added. Mayor Maio is of the opinion that bills are being added on Monday or Tuesday. Ellen Horak, Municipal Clerk, stated the bills list that is distributed on Friday is never changed. Councilwoman Kuncken stated that she signed the bills prior to Councilman Benson and there are 7 or 8 that he noticed which she had not signed. Councilman Benson stated he is of the opinion that this is a churned list. Administrator McNeilly stated the list is locked down on Friday and the only bills in the pile should have his signature along with the other two Council signatures. Mayor Maio suggested that Administrator McNeilly review the bills after the meeting to see what has not been signed and compare the bills to the list.

**Community Development – Councilmen Thornton/Graham**  
**Zoning, Construction, Code Enforcement, Economic Development, Chamber of Commerce, Downtown Revitalization** – Councilman Thornton had no report.

**Municipal Infrastructure – Councilmen Graham/Thornton**  
**Water Distribution, Sewer Collection System, Road Construction & Maintenance, Buildings & Grounds** – Councilman Graham reported that an infrastructure meeting was held on November 7<sup>th</sup> which dealt with the power outage. The Borough was in good condition. There were several concerns regarding propane and diesel fuel but the Borough was in better condition than most of the towns around us. One well was operating fully on generator power which kept the Borough supplied with water. This was remarkable because other towns were having problems with their water supply. There were rumors circulating through the Borough that we were going to lose the water supply. Councilman Graham stated that he did not know where or how that rumor was started but it perpetuated more rumors. In the future we need to dispel the rumors. Daily phone calls were held with JCP&L which were useless. Not knowing what to do or where to go everyday was a problem. We were looking to JCP&L not for the good news but for the bad news about where we were going. In the future the League of Municipalities will look into this issue in a regional way and have JCP&L come and talk with us about where things have to change. JCPL was here a week before the storm and the Borough was told that this would not happen again. One week later exactly what the Borough was told would never happen again did happen.

Councilman Graham stated that our Police Department did a remarkable job not just in doing regular duties but they also did well checks on the residents on a daily basis in a very personal manner. Many of the elderly residents were scared and concerned and they appreciated that time was taken to check on them. The EMT's provided the same service to the residents. Neighbors

were helping each other all over town. Mayor Maio stated that every resident in the community who had a generator or heat was sharing by running extension cords across the streets or having people into their homes. Councilman Graham stated that he, Administrator McNeilly and the Police Department were monitoring Stonegate because it became a ghost town. Councilman Graham was amazed at how well everyone handled the consistent breaking down of the system. Councilman Graham suggested that a location in the Borough should have a billboard installed in order to have a place to provide information for the residents in the event that everything breaks down again in the future.

Councilman Graham extended congratulations and thanks to everyone on the Governing Body for the efforts that were put forth. Everyone did something to help someone else. Many things were learned from this event. When the time comes to rewrite the OEM manual Councilman Graham has input to include. Administrator McNeilly commented on the situation at wells 3 and 4 which used to be called Sherwood Forest. Councilman Graham stated that the winds on this side of the Borough knocked down trees but on that side of the Borough the pine trees were sheared off 20 feet up. It was an incredible situation. Everyone performed above and beyond it was the best of times and the worst of times.

#### **Information Technology – Councilmen Depew/Benson**

**Acquisition of Hardware & Software, Technical Equipment Services, Telecommunication, Cable Television Franchise** – Councilman Depew reported that he, Administrator McNeilly, Councilman Benson and Linda Chirip, Deputy Clerk attended a meeting at Navitend regarding the Borough website and are waiting for a quote which has been delayed due to the power outage.

#### **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 several of the boards and commissions cancelled their meetings for various reasons. The Recreation Commission held the Halloween parade for the children. The annual tree lighting will be held on December 2<sup>nd</sup>. Pictures with Frosty and Santa will be taken from 3:00 - 4:30, the tree lighting will be at 5:30 and refreshments will be served at the Presbyterian Church which will be provided by the Senior Citizens Club and the Lake View Heights Community Club. The house and condo decorating contest will be held on December 11<sup>th</sup>. Residents do not have to register to be in the contest. The Recreation Commission will drive around the Borough and determine the winners.

### **COUNCIL BUSINESS**

**Taxi Cab License Ordinance** – Mayor Maio stated that a taxi cab license ordinance is being presented tonight for introduction. The number of licenses that the Borough will issue for the year needs to be determined. Mayor Maio stated that the current taxi application does not indicate a company name. Mr. Stein responded that a company name is not required. The taxi driver can be a sole proprietor. Councilwoman Kuncken asked if the taxi business can be operated from the owner's home or is an office location required. Mr. Stein replied that a zoning permit is required for that particular use. Councilwoman Kuncken asked if a limo can be run from a residence. Mr. Stein stated that a limousine can be run from a residence because the State looks at limousines differently. Mayor Maio stated that the number of licenses has to be determined. Mr. Stein stated that the legislature passed a law which requires the number of taxi cab licenses to be set by ordinance. In the event that more licenses are applied for than are set forth in the ordinance, additional licenses can be auctioned off. This may have been put in place to generate income in the larger towns. Councilwoman Thistleton stated that the Borough is so small more than a couple should not be necessary.

On motion by Councilwoman Kuncken, seconded by Councilman Benson, and unanimously carried by voice vote, it was determined that the number of taxi cab licenses for the year will be set at three.

**2013 Municipal Calendar** – Mayor Maio asked if anyone on the Council has any changes or suggestions for the municipal calendar. Ellen Horak, Municipal Clerk, stated the draft the Governing Body received did not show the month before and the month after on the top of the page. This will be added manually. The cover should be ready next week. Councilman Graham



stated something should be included about the Nixle communications. Mayor Maio stated the Nixle information could be added to the calendar. The calendar will not be distributed until the end of December. Administrator McNeilly stated that the public can register in advance. Ms. Horak stated that the information could be added to the back page of the calendar which includes general information. Councilman Graham asked if the reorganization meeting for 2014 could be added to the calendar. Ms. Horak replied that January 2014 is not included in the calendar.

Holiday Party – Mayor Maio asked the Clerk for information regarding the holiday party. Ms. Horak replied that the staff would like to hold the annual holiday party on Thursday, December 13<sup>th</sup> at Sal's and are requesting permission to close the office at 2 P.M. Mayor Maio stated this is what has been done in the past. Council authorized closing Borough Hall at 2:00 PM on December 13<sup>th</sup>.

Mount Olive Change in Planning Area – Mayor Maio stated that the Borough has received a notification from the State of NJ concerning a change in the planning area in Mount Olive. It is a change from planning area 5 to planning area 2 and it affects the property where the Borough's wells are located. Administrator McNeilly replied that he spoke with Sean Canning, Mount Olive's Administrator, who reiterated that this is not a zoning change in Mount Olive's zone it is a change on the State planning map strictly for them to qualify for a specific type of business grant. Councilwoman Kuncken stated that there is a significant difference in what is permitted in planning area 5 as opposed to planning area 2. Planning area 2 does not have the same restrictions. Administrator McNeilly stated that he told Administrator Canning that the Borough's well field is located there and we are actively concerned about what is going to be taking place. Mayor Maio is of the opinion that this will affect Mount Olive's zoning. Administrator McNeilly stated the change is on the State planning map. Netcong went through a similar situation when Lowes and Walmart were built which impacted their well field.

Mayor Maio stated that the State did not make this decision to change the planning. Mount Olive had to solicit to have it changed because they are going to change the zoning. Administrator McNeilly stated that Mount Olive is attempting to make those properties more attractive for development. A day will come when there will be development outside of the 8 or so acres that the Borough owns. There is already one developed property located next to the Borough's that has been there for a long time. Councilwoman Kuncken asked if the Borough is just going to monitor this. Mayor Maio replied that a public meeting is scheduled for December 11<sup>th</sup> at 7:00 PM which is the same night as the Borough's meeting.

Councilman Benson asked if Mount Olive is looking for industrial development or if they indicated what type of development they are looking into. Administrator McNeilly replied that it is along that line. Mayor Maio asked if that is where they were looking to build a mixed use high density area. Councilman Graham stated that the Borough was informed of that a long time ago. Administrator McNeilly stated in his opinion they will do what the market allows. Mount Olive has a tremendous amount of property that the International Trade Center recognizes will never be built as offices. Councilman Graham stated in the years ahead things could change. Councilman Graham asked if the Borough has information regarding how the water runs in that area. Administrator McNeilly stated that a professional planner or hydrologist would have to determine how the water runs underneath the ground. The Borough has wells in proximity to other development as well. Councilman Graham stated that the Borough could demand studies to be done by Mount Olive because of the water situation.

Mayor Maio stated that the borough must have a presence at this meeting. Mayor Maio asked Administrator McNeilly to contact Eric Keller, Borough Engineer, and ask him to attend the meeting. Councilman Benson asked if the Borough has any studies available from past issues in that area. Mr. Stein stated that he does not recall any. Councilman Graham stated that there is some correspondence. Mayor Maio stated that the correspondence is in regard to the water lines. Councilman Benson asked if there was information from the prior owner of New York Folding Box that may have addressed the issue of the water and the well. The information would date back 20 years. Mayor Maio asked Administrator McNeilly to speak with Bill Storms, DPW Superintendent, to see if he recalls any discussion on that.

Councilwoman Kuncken stated there is a file on the box company that should be reviewed. Mr. Stein stated that the Borough's water line cuts across folding box property. At one time they took liberties by putting things onto the Boroughs easement and the Borough had to have that

corrected. There was also an issue with their property being connected almost directly into the Borough's well and that had to be straightened out. Councilwoman Kuncken asked if development in that area would use up the Boroughs water supply. Councilman Benson stated there may be information with regard to the flow of the water in that area with the Dynapac file. There may be information on the effect on our wells from that time. Mayor Maio stated that depending on what type of construction is done it could have a tremendous effect on the quality of the water. Mr. Stein raised the question of where the development would connect to for water. They might connect to Mount Olive's system or they may put in wells. Councilwoman Kuncken stated they may ask to connect to the Borough's system.

Administrator McNeilly stated that one of the projects that the Governing Body authorized in the capital project is to address how the water comes from the well fields back to the Borough. Councilman Graham stated that the Environmental Commission should be notified to have a presence at this meeting as well. Mayor Maio asked Administrator McNeilly to contact John Rogalo, Chairman of the Environmental Commission.

### **OLD BUSINESS**

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

#### **Ordinance 2012-18**

#### **BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF THE WATER SUPPLY AND DISTRIBUTION SYSTEM IN AND BY THE BOROUGH OF STANHOPE, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$2,300,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,300,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION.**

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF STANHOPE, IN THE COUNTY OF SUSSEX, NEW JERSEY** (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

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

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

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

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

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

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

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

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

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

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

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

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

Section 6. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and, unless

paid from revenues of the water supply and distribution system of the Borough, the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

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

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

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

Mr. Stein stated the reason for the gap in time between introduction and final reading was due to the fact that the Borough had to submit this to the Local Finance Board for approval. Mr. Stein stated that he has been informed by Bond Counsel that the Local Finance Board approved this at their meeting on November 7<sup>th</sup> and the Borough is now free to adopt the ordinance.

Mayor Maio opened this portion of the meeting for public comment on this ordinance only.

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

**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 Councilman Depew, 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.

Mayor Maio stated this is an opportunity for the Borough to move the base rate fees from the sewer charges to the water charges so that the Borough can pay for the bonds without any additional charges to the residents. When the water and sewer bill is received it will be essentially the same as what it has been. The difference will be that the cost of the base fee for water will be higher and the sewer base rate will be lower.

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

### **NEW BUSINESS**

Ordinance for Introduction [Public Hearing on December 18, 2012]

Mayor Maio offered the following ordinance for introduction:

#### **Ordinance 2012-21**

**AN ORDINANCE TO AMEND ARTICLE 1 OF CHAPTER 126 OF THE CODE OF THE BOROUGH OF STANHOPE ENTITLED “TAXI CABS” BY AMENDING SECTION 126-7 THEREOF TO ESTABLISH THE NUMBER OF TAXI CAB LICENSES FOR THE BOROUGH OF STANHOPE**

**WHEREAS**, the legislature has adopted P.L. 211 Chapter 135, which provides that a municipality shall determine by ordinance the number of taxi licenses available for issuance; and

**WHEREAS**, the Borough wishes to amend its Taxi Cab Ordinance to specifically provide for the number of taxi cab licenses available in the Borough;

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

## **SECTION I.**

Section 126-7 “Term of License; Fee” is hereby repealed in its entirety and is revised to read as follows:

### **Section 126-7 - Number of Licenses, Term of License, Fee**

- A. The number of taxi cab licenses that may be issued by the Borough of Stanhope is three.
- B. Each license issued hereunder shall expire on the 31<sup>st</sup> day of December, following its issuance.
- C. The annual fee for taxi cab owners’ license shall be as provided for in Chapter 82, Fees.

## **SECTION II. When Effective**

This ordinance shall take effect upon passage and publication as required by law.

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

## **RESOLUTIONS**

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

### **Resolution 176-12**

### **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. 2010-20, representing 2009 property taxes and/or utility charges on Block 11605, Lot 1, known as 1 Maryann Terrace, assessed to Joseph Cultrera, Jr., 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:	FNA Jersey Lien Services, LLC P.O. Box 1030 Brick, New Jersey 08723
Redemption Amount:	Tax Title Lien #2010-20 and Interest to Date of Meeting     \$     5,146.88 Premium Paid by Lienholder <u>0.00</u>
Total From Current Fund:	\$     5,146.88
Total From Tax Premium Account	0.00

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

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

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

**Resolution 177-12**

**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. 2010-07, representing 2009 property taxes and/or utility charges on Block 10615, Lot 4, known as 4 Spring Street, assessed to John & Robert J. Kazawic 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 16 <sup>th</sup> Street, Suite 1950 Philadelphia, PA 19102
Redemption Amount:	Tax Title Lien #2010-07 and Interest to Date of Meeting   \$       12,243.22 Premium Paid by Lienholder <u>          0.00</u>
Total From Current Fund:	\$       12,243.22
Total From Tax Premium Account	0.00

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

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

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

**Resolution 178-12**

**RESOLUTION**

BE IT RESOLVED by the Borough Council of the Borough of Stanhope, Sussex County and State of New Jersey, the Governing Body of the Borough of Stanhope that the Tax Sale Certificates as shown on the attached Tax Foreclosure List now held by the Borough of Stanhope be foreclosed by the summary proceedings IN REM, and as described by New Jersey Statutes R.S. 54:5-104.29 et seq., as amended, and pursuant to the Rules of Civil Practice of the Superior Court of New Jersey.

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

Roll Call:

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

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

**Resolution 179-12**

**RESOLUTION EXTENDING GRACE PERIOD FOR  
PAYMENT OF FOURTH QUARTER TAX PAYMENTS**

**WHEREAS**, under N.J.S.A. 54:4-66(a) and 54:4-66.1(a), fourth quarter taxes shall not be subject to interest until the later of either November 1, the additional 10-day grace period, or the twenty-fifth calendar day after the date that the tax bill was mailed; and

**WHEREAS**, R.S. 54:4-66.3 also states payments received after the later of November 1, the additional 10-day grace period, or the twenty-fifth calendar date after the date that the tax bill was mailed, may be charged interest back to November 1; and

**WHEREAS**, the Governor of New Jersey has issued Executive Order #113 extending the grace period to November 16, 2012; and

**WHEREAS**, Executive Order #113 allows a municipality to extend the November 1, 2012 grace period beyond November 16, 2012;

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

1. The due date for Fourth Quarter 2012 Property Tax Payments, which would normally be November 1, 2012 with a 10-day interest-free grace period until November 10th or the first business day thereafter, will be extended to November 20, 2012.
2. All subsequent payments in the 2011-2012 billing cycle will be due as pre-printed on the tax bill coupons, with the regular 10-day interest-free grace period.

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

Roll Call:

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

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

**Resolution 180-12**

**RESOLUTION AUTHORIZING THE EXECUTION OF A  
SHARED SERVICES AGREEMENT WITH THE  
BOROUGH OF NETCONG AND THE STANHOPE-  
NETCONG AMERICAN LEGION AMBULANCE SQUAD  
FOR FUNDING THE COSTS ASSOCIATED WITH THE  
REFURBISHMENT OF AN AMBULANCE PURSUANT TO  
N.J.S.A. 40A:65-1, ET SEQ.**

**WHEREAS**, the Borough of Stanhope wishes to contribute towards the refurbishment of an ambulance maintained by the Stanhope-Netcong American Legion Ambulance Squad; and

**WHEREAS**, the Borough of Netcong has also agreed to contribute towards the cost of the refurbishment of said ambulance; and

**WHEREAS**, in consideration of the funding by the Municipalities, the Ambulance Squad has agreed to continue to provide emergency medical services to the residents of the Municipalities at no cost to the Municipalities or their residents; and

**WHEREAS**, the Borough Council has determined that it is in the Borough's best interest to enter into an agreement with the parties setting forth the terms and conditions of said funding and emergency medical services; and



**WHEREAS**, the Borough's Chief Financial Officer has certified that sufficient funds are available for this purpose; and

**WHEREAS**, execution of said agreement is authorized pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1, et seq.

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

3. The Mayor and Borough Clerk are hereby authorized and directed to execute an agreement with the Borough of Netcong and the Stanhope-Netcong American Legion Ambulance Squad for the refurbishment of an ambulance. A copy of the agreement is on file in the office of the Borough Clerk and may be inspected by the public during regular office hours.
4. The term of the agreement by and between the parties shall be for seven (7) years. The Borough shall pay the Stanhope-Netcong American Legion Ambulance Squad the sum of \$75,000.00 in accordance with the terms and conditions of the Agreement.
3. This Resolution shall take effect immediately.

On motion by Councilman Depew, seconded by Councilman Thornton 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

Mayor Maio stated that this has been a long process and she is delighted that the end of the agreement has been reached which will allow the Ambulance Corps to refurbish the box which is long overdue. The Borough was happy to participate in this project.

Councilwoman Kuncken stated that as a member of the committee that has been involved along with the Mayor since the beginning of this process which has taken a year or more, she too is pleased that it is time for signatures on the agreement. The ambulance squad can now move forward to have the ambulance delivered.

Administrator McNeilly stated that one of the requirements is that each town has to provide a down payment of \$6,000 toward the \$12,000 down payment by December 1<sup>st</sup>. Administrator McNeilly asked what the procedure is for adding this item to the bills list. Mayor Maio stated that the funds are in place. Mr. Stein dictated the following resolution:

**Resolution 185-12**

**RESOLUTION AUTHORIZING THE EXECUTION OF A  
SHARED SERVICES AGREEMENT WITH THE  
BOROUGH OF NETCONG AND THE STANHOPE-  
NETCONG AMERICAN LEGION AMBULANCE CORPS**

**WHEREAS**, the Borough of Stanhope has heretofore adopted resolution 180-12 authorizing the execution of a shared services agreement with the Borough of Netcong and the Stanhope-Netcong American Legion Ambulance Squad for the funding for the refurbishment of an ambulance pursuant to N.J.S.A. 40A:65-1; and

**WHEREAS**, the Boroughs of Netcong and Stanhope are each immediately authorized a payment of \$6,000 representing 50% of the down payment for the cost of the refurbishment for the ambulance;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Stanhope that the Borough is hereby authorized to issue payment in the amount of \$6,000 to be applied to the down payment for the refurbishment of the ambulance.

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

Roll Call:

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

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

### **MAYOR'S APPOINTMENT**

#### **Resolution 181-12**

#### **RESOLUTION OF THE MAYOR AND COUNCIL APPROVING THE MAYOR'S APPOINTMENT OF THOMAS BRUNO TO THE LAKE MUSCONETCONG REGIONAL PLANNING BOARD WITH COUNCIL CONCURRENCE**

Mayor's appointment to the Lake Musconetcong Regional Planning Board with Council concurrence as follows:

Thomas Bruno to fill a vacant 4-year term, with said term to expire December 31, 2014.

**BE IT RESOLVED** by the Council of the Borough of Stanhope that they do hereby concur with the Mayor's appointment of Thomas Bruno to the Lake Musconetcong Regional Planning Board to fill a vacant 4-year term effective immediately, with said term to expire December 31, 2014.

Councilman Graham asked to have this item tabled. Mr. Stein replied that the request is out of order at this time. The proper order requires that someone offer it, second it and then there can be council discussion if you want to offer to table it then it would be done at that time.

Councilman Benson made the motion which was seconded by Councilwoman Kuncken. Councilman Graham asked to have this item tabled.

Discussion took place regarding this resolution. Councilman Graham is of the opinion that other individuals have expressed interest and he does not feel that the open position has been widely circulated and would like to give an opportunity for someone else to also apply. Mayor Maio stated that this is her appointment and she has spoken with Mr. Bruno who is an engineer and a hands on guy, he has attended some of the meetings, he is interested and as a business man in town he has a vested interest in the success of the lake and she would like to go forward with the appointment. Councilwoman Kuncken asked what the procedure is for a Mayor's appointment and does it allow for Council to comment. Mr. Stein stated that the appointment does allow for Council concurrence on certain types of appointments. It is the Mayor's appointment with the advice and consent of the Council according to the Borough code. If the appointment falls in that category the Mayor has the right to make the appointment and the Council has the right to deliberate on the appointment and decide whether or not they will consent to the Mayor's appointment or not. Councilman Benson asked how many Stanhope representatives are on the lake board. Mayor Maio replied that there are three. Councilwoman Kuncken stated that it is rare that a discussion arises over an appointment and she is of the opinion that this may not be the proper place to air that discussion at this point in time. However, the question has been brought forward and asked if there was any reason why it could not be tabled until the next meeting to gather more information.

Councilman Graham stated his concern has nothing to do with the individual being appointed. This has to do with the lake. There are a lot of people invested in the lake. Mayor Maio stated that she is of the opinion that everyone in the community has an interest in the lake. Councilman Graham stated that he is of the opinion that some people are more invested than others. Councilman Graham stated that the open position was formerly held by Barney Hunts. Mr. Hunts' term expired quite a while ago and he has not been involved for quite some time except for his work harvesting the lake. Mayor Maio stated that he had asked not to be reappointed. Mayor Maio stated his term expired at the first of the year. The Municipal Clerk stated that Mr. Hunts' term expired in December 31, 2010. Councilman Graham stated there are other people who have expressed an interest in the past. Mayor Maio stated that none of them have expressed an interest to her. Councilman Graham stated that the Governing Body has spoken about this at previous meetings that people have expressed interest. Councilman Graham is asking for the appointment to be tabled to allow those people to put their names forward and then make a

decision. Mayor Maio asked why those people have not come forward. Councilman Graham replied that was because no one knew there was an opening on the board.

Mayor Maio stated there is a motion and a second on the table and asked Mr. Stein what the procedure is in this instance. Mr. Stein stated the procedure is as follows: the person who made the motion and the one that seconded it need to decide whether they want to withdraw the motion, if they do not then it goes to a vote. If they withdraw the motion then we have Councilman Graham's motion to table which would then be made and seconded and then voted on. Or the Mayor can pull the nomination back at this time and put it forward at another time. Mayor Maio stated that she is comfortable with the appointment and she believes Mr. Bruno is qualified and wants to serve. Councilman Benson reaffirmed his motion. Councilwoman Kuncken withdrew her motion. Mayor Maio asked if there is a second. Councilwoman Thistleton seconded and stated she is confused about the Mayors appointment and why is it being questioned. Mr. Stein stated there are two forms of Mayors appointments. There is one where the Mayor appoints and there is no advice or consent by the Council. The second form is with the advice and consent of the Council. A member to the Regional Planning Board is with the advice and consent of the Council and you have the right to weigh in and either approve or disapprove the Mayor's appointment by a majority vote. Councilwoman Thistleton asked if she seconds this motion will it go to a vote. Mr. Stein confirmed this. Councilwoman Thistleton reaffirmed her second of the motion.

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

Roll Call:

Councilman Thornton - yes	Councilwoman Thistleton – yes
Councilwoman Kuncken - no	Councilman Graham - no
Councilman Depew – no	Councilman Benson – yes

Mr. Stein stated that there is a tie which requires Mayor Maio to vote. Mayor Maio voted to appoint Mr. Bruno.

**Resolution 182-12**

**RESOLUTION APPROVING THE MAYOR'S APPOINTMENT  
OF RUDOLPH SHAUN MARINARO, AS AN ACTIVE  
MEMBER TO THE STANHOPE FIRE DEPARTMENT**

Mayor's appointment of Rudolph Shaun Marinaro, as an active member to the Stanhope Fire Department.

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

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

**Resolution 183-12**

**RESOLUTION APPROVING THE MAYOR'S APPOINTMENT  
OF MATTHEW J. HANDY, AS AN ACTIVE MEMBER TO  
THE STANHOPE FIRE DEPARTMENT**

Mayor's appointment of Matthew J. Handy, as an active member to the Stanhope Fire Department.

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

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

## **PAYMENT OF BILLS**

### **Resolution 184-12**

### **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 November 27, 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 Councilwoman Kuncken, seconded by Councilman Benson and carried by the following unanimous roll call vote, the foregoing resolution was duly adopted.

Roll Call:

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

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

## **ATTORNEY REPORT**

Mr. Stein stated that earlier in the evening the Council adopted a resolution to authorize an in-rem tax foreclosure. The Borough has not had one in many years and there were 21 properties on the list. Mr. Stein had discussed with Administrator McNeilly putting together a map to indicate to the Governing Body where these properties are located. Many of the properties are small and isolated. Due to the storm that information is not available at this time but should be available for the next meeting.

Mr. Stein stated that the Borough's solid waste contract is due to expire in May 2013. By State statute the Borough has to advertise at least 60 days in advance of awarding the contract. One of the first items of business for next year is going to be to start thinking about this, what length contract do you want, how will it be bid. Councilman Graham asked if this is a five year contract. Mr. Stein replied that what the Borough has now is a five year contract that expires May 31, 2013. Councilman Benson asked if this is for recycling as well. Mr. Stein stated recycling is a separate contract but it also expires at the same time.

Mayor Maio asked if these items were bid separately or was there an option. Councilwoman Kuncken stated that the first time the Borough had two different haulers. This past time the same hauler was awarded both. Mayor Maio asked that this item be added to the agenda for the first meeting in January. Mayor Maio stated that copies of the contract are available and the Infrastructure Committee should review them.

Administrator McNeilly stated that a meeting was held regarding the recycling side. The change in the markets and the economy has created a potential for revenue for the Borough. The Borough should look at some applications to single stream recycling which would allow for pickup to be done every other Wednesday. This will allow everything to be picked up at once which will also reduce the haulage by 40%. Mayor Maio stated this would reduce our costs and the potential for revenue for us is there if we own the recycling. Administrator McNeilly stated that right now once the recycling is taken from the curb the Borough no longer owns it. The new program would allow the Borough to direct the hauler to deliver the material to a designated facility and they will give the Borough the maximum value. At some point if that hauler gets competition, we can direct the hauler to bring it there. If recycling can be consolidated into one can and be picked up every other Wednesday, it is his opinion that recycling will increase because of the convenience.

Mr. Stein stated in Green Township they just switched to a single stream every other Wednesday and the town has already saved \$30,000 in a relatively short period of time. Councilwoman Kuncken stated in Netcong pick up is every other Monday but two separate trucks pick up the recycling. There is one for paper and cardboard and one for comingle. Administrator McNeilly stated that the MUA which has the recycling contract for Netcong is a renewed customer. By presorting the recycling the revenues are usually higher. This may be why Netcong is using two trucks. Administrator McNeilly stated that even with curbside pickup there will still be people in the Borough who will insist on bringing their recycling to the DPW yard. That recycling would still be sorted.

Mayor Maio stated that other towns that have switched to single stream have increased the amount of recycling. The Borough needs to increase the recycling in order to reduce the amount of the trash. Administrator McNeilly stated that the location in Mine Hill will take the hard plastics. Councilman Benson stated that plastic is polyethylene which can be ground and melted again. Mayor Maio stated they will take electronics as well. Administrator McNeilly stated that the Borough currently has a good arrangement for electronics recycling.

### **CITIZENS TO BE HEARD**

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

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

Mayor Maio again expressed her thanks to everyone that worked very hard during the storm. As neighbors we should all be proud of what we accomplished. It was a good thing out of a bad experience.

### **ADJOURNMENT**

On a motion by Councilman Benson, seconded by Councilman Depew, and unanimously carried by voice vote the meeting was adjourned at 9:30P.M.

Approved:

Linda Chirip  
Deputy Clerk  
For Ellen Horak  
Borough Clerk