

**MAYOR AND COUNCIL  
WORK SESSION AND  
AGENDA MEETING  
December 11, 2012  
8:00 P.M.**

**CALL TO ORDER**

**SALUTE TO COLORS**

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

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

Adequate Notice of this Meeting has been provided according to the Open Public Meetings Act, Assembly Bill 1030. Notice of this Meeting was included in the Annual Meeting Notice sent to the New Jersey Herald and the Daily Record on January 3, 2012 and was placed on the Official Bulletin Board in the Municipal Building.

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 - Absent  
Councilman Depew - Present

Councilwoman Thistleton - Present  
Councilman Graham - Present  
Councilman Benson - Absent

Mayor Maio – Present

**PUBLIC HEARING**

*Cablevision Television Franchise Renewal Agreement* – Mayor Maio stated that tonight a public hearing is being held for the Cablevision Television Franchise Renewal. Discussions began last year with Don Viapree and Mr. Viapree has come back this evening with an offer for a \$5,000 grant for a 10 year franchise or a \$12,000 grant for a 15 year franchise. The reason the grant is less this year than it was 10 years ago is two-fold. The Borough has fewer television subscribers than we had 10 years ago and 10 years ago Cablevision inadvertently sent us a contract that had been agreed to by the Borough of Hopatcong which has considerably more subscribers than Stanhope. At that time the Borough received a \$16,000 grant.

Mayor Maio invited Mr. Viapree to come forward. Mr. Viapree thanked the Governing Body for the opportunity to attend the public hearing tonight, which is part of the public franchise renewal process. Mr. Viapree stated that several technological advances to enhance Cablevision's services have taken place since he last met with the Governing Body. The major work being done at this point is the restoration required due to the damage from the hurricane which impacted the wires. Cablevision is still working on the restoration but tremendous progress has been made. The Borough brought to our attention issues that needed to be addressed immediately and we did respond to those. Mayor Maio stated that she was speaking with Administrator McNeilly this morning about Cablevision's home page. Throughout the storm the website allowed for a zip code to be entered which then listed whether there was power at that locations and whether or not your home had service. Mayor Maio stated that this technology should be shared with JCP&L. Mr. Viapree stated that Cablevision is seeking to work with the power companies because they depend on the power companies to provide their services.

Mayor Maio opened this portion of the meeting to the public for questions. Seeing no one from the public wishing to speak Mayor Maio closed the public portion of the meeting. Mayor Maio asked Mr. Stein if the Governing Body is in the position to make a decision tonight.

Mr. Stein stated that the procedure is as follows: the municipality has to pass a resolution of denial or adopt a resolution to grant a franchise. Once a resolution is adopted to grant a franchise, the Borough needs to act within 45 days. The draft of the ordinance has to be sent to the office of cable television and they have to review it and pass on it first and then it will be sent back to the Borough. Once the ordinance is returned to the Borough, it must be introduced and adopted within 30 days. Upon adoption, a final copy is to be sent to Cablevision and they have a brief period of time to either accept it or file an appeal if they find the ordinance to be unsatisfactory for any reason. The type of ordinance is laid out in the administrative regulations. There is a model and it has to carry certain things. The ordinance has to designate the territory, which in this case is the entire Borough because cable service is available throughout the Borough, the franchise term, the designation of a complaint officer, a local business office agent for operations in its location, the incorporation of the municipal consent application, the franchise fee which is 2% and any modifications to the information contained in the municipal consent application. Mr. Stein stated that he does not foresee any modifications. The regulations suggest that a resolution not be adopted. The resolution is only done if there is a technical problem that would not allow for the ordinance to be adopted in the designated amount of time. If the Governing Body decides this evening that the Cablevision franchise is going to be extended for either 10 or 15 years, the Borough then has 45 days from tonight to submit the draft ordinance to the office of cable television. Mr. Stein stated that the draft ordinance can be made available for the next meeting if the Governing Body wants to move ahead with this due to the holiday schedule. The draft ordinance will be reviewed by the Mayor and Council and then it will be sent to the office of cable television for their review. If this meets all with all the technical requirements of the regulations and the federal and state statutes, they will ask the Borough to adopt the ordinance or they will request modifications.

Mayor Maio asked the Council for their input. Mr. Viapree stated that most municipalities are not aware that the contract is a non-exclusive contract. Mr. Stein stated that the model ordinance does state this as well. Councilwoman Thistleton asked what the choices are. Mayor Maio stated that a 10 year franchise is \$5,000 and a 15 year franchise is \$12,000. Councilwoman Thistleton is of the opinion that the 15 year franchise agreement should be chosen. Mr. Stein stated that a consensus of the Council should be made at this time. A draft of the ordinance can be reviewed at the next meeting and approved for the purposes of sending to the office of cable television. Councilman Depew asked if this agreement was negotiated with Cablevision. Mayor Maio stated that the original offer was lower. The current offer is higher for the 15 year term. The negotiations were done through a committee that was set up by Mayor Kuncken last year. Mr. Stein stated that the Board of Public Utilities sent the initial letter to the Clerk on June 25, 2010. This has been an ongoing process. There was a sub-committee that met twice with Mr. Viapree and reviewed some technical issues, in addition to other items. There have been discussions, emails and correspondence back and forth since early 2010. Councilman Depew asked Mr. Stein if he is of the opinion that this is an acceptable agreement. Mr. Stein replied that it is just a matter of choosing the length of the time for the franchise to be granted. In some municipalities where only a small portion of the town has cable service there are other considerations. Stanhope and Hopatcong were the first two towns to have cable television which is why they have Cablevision instead of Service Electric which services the rest of Sussex County. Councilman Thornton asked if Service Electric was given the opportunity to talk with the Borough. Mr. Stein replied that they can come in anytime they want, but they have never made that request. Mayor Maio asked Councilman Depew for his opinion. Mr. Stein stated we are coming off a 10 year renewal and prior to that the renewal was also done for 10 years. Councilman Depew stated that in his opinion the 15 year franchise should be chosen. Councilman Thornton, Councilman Graham and Councilwoman Thistleton were all in agreement to grant the 15 year franchise. Mr. Stein stated that he will draft the ordinance for review by the Council for approval to send to the office of cable television. Mr. Viapree stated that he will email a draft to Mr. Stein. Mayor Maio thanked Mr. Viapree for attending tonight's meeting.

## **ADMINISTRATOR'S REPORT**

Borough Hall Renovations – Administrator McNeilly reported that the patrol squad room furniture was installed on December 4, 2012. The back hallway and the computers on the rack are complete. The temporary secure evidence locker has been installed as well as the safe which allows for an excellent chain of evidence. The woodwork for the Council Room has been delivered. The electrician and Andy Orinick will complete the ceiling and the lights on December 14<sup>th</sup>. The installation of the woodwork will begin on Monday, December 17<sup>th</sup>. Byram Carpet will do a final measurement and once the lighting and woodwork are completed, the carpet will be installed. There are three sample chairs here tonight. Sample materials and chair styles for the audience area should be available at the next meeting.

Fire Department – Administrator McNeilly reported that the high band radio status is unchanged. The Fire Department has submitted a request for FEMA reimbursement. Questions were raised at the last meeting with regard to the equipment and the man hours. The man hour issue was deferred to the Public Safety Committee. Administrator McNeilly stated that FEMA will reimburse 75% of the true cost. The utility #6 vehicle falls under FEMA code #8690 which allows for a \$70 per hour use. FEMA's reimbursable time on that vehicle is 15 hours. At \$70 per hour multiplied by 15 hours the total is \$1,050. FEMA will reimburse 75% of that which amount to \$787.50. Engine #5 is a much larger vehicle and the reimbursable rate is \$20 per hour higher. The total for that vehicle is \$1,330 and the Borough will receive just under \$1,000. The total run time for both vehicles was 34 hours.

Mayor Maio asked if the reimbursement check will be forwarded to the Fire Department. Administrator McNeilly stated that the Borough has been fully reimbursed. The funds were received as revenue and are in the general fund. Administrator McNeilly stated that if the Governing Body wants the funds to be given to the Fire Department then the CFO will have to determine how that money can be transferred to them. Mayor Maio stated that at the last meeting the Governing Body determined that the Fire Department should be reimbursed for the vehicle that they own. Councilman Graham stated utility #6 is the blue truck and the Fire Department does carry all the expenses on that vehicle. Councilman Graham stated that the Borough has extended funds from capital recently for the Fire Department and questioned whether the funds for engine #5 should be reimbursed. Mayor Maio stated that engine #5 funds will not go to the Fire Department because that vehicle is owned by the Borough. Administrator McNeilly stated that the man power issue will be discussed at the Public Safety Committee meeting and their recommendation will be brought back to the Council. The Governing Body agreed to have the CFO reimburse the Fire Department for the utility #6 vehicle. Administrator McNeilly reported that the fire truck was involved in an accident while it was stationary. The estimate to repair the fire truck is higher than the insurance company estimate. Administrator McNeilly is working with the adjuster to correct the payment before the repair work begins. Mayor Maio asked what is being done in the meantime while the truck is out of service. Administrator McNeilly stated it will not take long to repair. Most of the repairs are being made with replacement parts.

Brush and Leaf Pickup – Administrator McNeilly reported that the brush pickup was completed on November 30<sup>th</sup>. Brush will again be accepted at the DPW yard on Wednesday's and Saturday's. Leaf pickup concludes this week. There was some equipment failure today that will be repaired. The DPW will make one final pass through the Borough on Friday and that will complete leaf pickup for 2012. The machine will be weatherized and stored.

Jetur Riggs (Sewer Ejector) – Administrator McNeilly stated that Mr. Stein has prepared the easement documents. Administrator McNeilly has notified Mr. Riggs that the paperwork is ready to be signed. Once the paperwork is complete Bill Storms will meet with Mr. Riggs and the contractor to arrange for the grinder installation.

FEMA – Administrator McNeilly reported that he and Wayne Anthony are working on the paperwork to submit to FEMA for reimbursement for the storm related damage and other qualified expenses such as the generators and material losses.

Website Development – Administrator McNeilly reported that Councilman Depew asked for the copy of the quote for the redesign of the Borough website to be included with his report. The quote from Navitend exceeds the threshold. Mr. Stein stated the threshold is \$2,650 and therefore a minimum of one more quote is required. Councilman Graham stated that specifications need to be written in order for the quotes to be based on the same information. Mr. Stein confirmed that the same specifications need to be given to any other companies that will be providing a quote. Councilman Depew stated that the quote from Navitend is dated November 27<sup>th</sup> and is only valid for 30 days. The Borough did not receive the quote until yesterday. Administrator McNeilly stated that it was emailed but he could not confirm the date at this time. Administrator McNeilly is of the opinion that Navitend will still honor the quote. Mayor Maio stated that in her opinion Navitend has most likely worked with other municipalities and would understand. Councilman Thornton asked if any of the items are duplicated in terms of what was approved for Nixel. Mayor Maio stated that the website design will allow a space for the Nixel information. Administrator McNeilly stated there are four hours listed on the Navitend quote for work to provide an email subscription list which will not be needed. Mayor Maio asked Administrator McNeilly to inform Navitend of the change and ask for a revised quote. That will provide a better comparison once the other quotes are received. Councilman Graham stated that a list of requirements should be made and all of the quotes should be based on that information including Navitend. Administrator McNeilly stated that at the Navitend meeting there was a discussion of what the website should include and Navitend made suggestions too. A specification sheet does not exist at this time. Mayor Maio stated that the same information has to be provided to the other companies that will be bidding on this. Councilman Graham stated that a review should be done and specification put down in writing. Mayor Maio stated that the Technology Committee, Administrator McNeilly and Linda Chirip, Deputy Clerk, should be involved in listing the specifications required.

DPW – Administrator McNeilly reported that Bill Storms returned to work today.

Contract Audit – Administrator McNeilly stated that on October 24<sup>th</sup> the Borough underwent an audit from the State conducted by Anthony Carlos to review public contracts. Administrator McNeilly commended Ellen Horak, Borough Clerk, and Linda Chirip, Deputy Clerk for their efforts in providing Mr. Carlos with the information he requested. The audit was performed on October 24<sup>th</sup> and on October 29<sup>th</sup> Hurricane Sandy occurred. Despite the technology issues that occurred, the Clerk still had a deadline to meet in order to supply the requested information. The documentation was provided and the Borough has received a letter stating that all action has been taken and everything is in order. Mayor Maio stated that the first time the Borough underwent this type of audit there was a different Clerk and the Borough did not fare well at all. Everything has been corrected and the Borough has passed without issue.

## **COUNCIL DISCUSSION**

Reorganization Meeting – Mayor Maio asked the Clerk, Ellen Horak, to include the former Mayor's on the invitation list along with the members of the boards and commissions. Ms. Horak stated that the former Mayor's will be added to the invitation list. The boards and commissions, along with everyone else that has a mailbox at Borough Hall, always receive an invitation to the reorganization meeting.

Mayor Maio stated that Janice Hunts has requested not to be reappointed to the Land Use Board. Mayor Maio stated there are two people that have indicated they may be interested in serving on the Land Use Board and she will contact them.

Administrator McNeilly asked if the meeting dates have been checked against the holiday schedule. The Clerk responded that the dates have been checked. Administrator McNeilly asked if the reorganization meeting for next year is scheduled for January 1, 2014 at 12:00 noon to be held at the American Legion. Mayor Maio replied that traditionally that is when the reorganization meeting is held. Councilwoman Thistleton asked if the reorganization meeting has always been held on New Year's Day. Mr. Stein stated back in the 1980's the meeting was held on a regular night during the week after the holiday. The Governing Body changed the meeting to make it a special event and invited everyone to attend. The meeting has been held on January 1<sup>st</sup> for many years. Administrator McNeilly stated that originally the meeting was held on the first Saturday after the holiday and then eventually the date was changed to be January 1<sup>st</sup>. Councilwoman Thistleton stated that many people are away at this time of year. Councilman

Graham stated that when the full Council is present a discussion should be held to determine if the reorganization meeting should be changed from January 1<sup>st</sup> for 2014. Mayor Maio stated that the Clerk has to finalize the calendar. The discussion would have to take place at the next meeting. Ms. Horak stated that the reorganization information will be completed by the last week in December. Mayor Maio asked that this item be put on the agenda for Council discussion.

Mayor Maio stated that Eric Keller, Borough Engineer, attended the public meeting that was held tonight in Mount Olive regarding the rezoning of Planning Area 5 to Planning Area 2, which includes the property where the Borough wells are located. Mr. Keller came forward and stated that the meeting is still in progress. There are two areas that are changing. One of the areas is the Flanders area from Roxbury to Route 206. All the neighborhoods in that area are included. The International Trade Zone lands are all within the trade zone designated boundaries. There are different zoning areas in place for the various components of it. A lot of the land is developed. There are a couple of vacant pieces. The piece of land to the northwest of the wells is part of the plan conformance process with the State plan that Mount Olive has been discussing for a long time. The area is designated PA5 which is environmentally sensitive and they are looking to change it to PA2 which is suburban. This is how most of the developed portions of Stanhope are classified. This is an extension of the State Planning Designation that covers Stanhope and would extend into this area. The change in designation will not change the zoning, wetlands, flood hazard or surface water quality standards that are all governed by other State regulations. Mr. Keller stated that the representative from the Office of Planning Advocacy stated by having a PA1 or a PA2 designation it allows the State to make investments into that area for infrastructure to support business and to keep business.

Mr. Keller stated that a discussion was held regarding the process in the State Planning Report about designating critical environmental sites. Mr. Keller is of the opinion that the Borough's well property would be an appropriate designation to highlight the fact that these are municipal wells. Mr. Keller will research this issue further. Mr. Keller stated that a representative from Byram was also present at the meeting. The West Brookwood development has wells located across the river. Councilman Graham asked if there is a buffer area around the Borough's wells that precludes any type of development. Mr. Keller replied that the actual buffer area around the wells is very small. Under the Bureau of Safe Drinking Water Regulations, building is not permitted within 50 feet of a well. Depending on where the wells are situated on the lot, the 50 foot buffer may not extend beyond the lot. There are well head protection areas for 2 years, 5 years and 12 years. The 2 year covers a large portion of the old New York Folding Box property and a portion of the vacant piece that lies between the Borough's well property and Route 206. There would be restrictions regarding what can be put in that area.

Mr. Keller stated there is a 30 day comment period for written comments beginning tonight and ending in early January. The Borough can choose to make written comments to the office for consideration. The public comments, including the testimony and questions asked tonight, will be reviewed along with the reports and then a final recommendation will be made to the State Planning Commission. The State Planning Commission will hold a public hearing in Trenton to take action or request modifications to this plan.

Mayor Maio asked Mr. Keller if he spoke at the meeting to the issue of the Borough's wells. Mr. Keller confirmed that he did. Mr. Keller stated that the change in the planning area itself really changes nothing. The planning area designation from a regulatory perspective has very little practical application. It does come into effect when dealing with the State stormwater rules and flood hazard area permits as far as how a system is designed. It does not change the municipal zoning in that area. The Engineer and the Planner for Mount Olive were both in attendance and they stated that they have no intentions at this point of changing the zoning. It is important to have that critical environmental designation site for the Borough's wells so that when a search of the area is done it will clearly show that this is a well site. Mayor Maio asked Mr. Keller to draft a letter. Councilman Graham stated that the letter needs to document that this is a municipal well site which pulls more water than a regular residential well. Councilman Graham asked if any extra credence is given to wells like the Boroughs over that of a residential well. Mr. Keller affirmed that a community water system has a higher level. Mr. Keller is unsure if there are any residential wells located in this immediate area. The West Brookwood neighborhood is also a community well. Councilman Graham stated they are not as close to this designated area. Mr.

Keller stated that is correct and it is located across the river. The river creates a boundary. The river is the aquifer rising to the surface.

Councilman Graham stated that the Borough's concern has been the area just north of where the wells are located, the area between the hotel and across the street. Councilman Graham asked if there is anything in what was discussed tonight regarding the change of planning designation that would make it more likely for development to be done in that area. Mr. Keller stated by changing the designation to Planning Area 2 Mount Olive will have the opportunity to get State incentives. There is an enhanced opportunity to build in the area but it still comes back to the economic climate. The BASF 900,000 sq. ft. building is still unoccupied. Mayor Maio stated the initial discussion for that area, which was reiterated again recently, is for that area to become 55+ senior housing. Councilman Graham stated that at the present time our concern is that whatever is done now will affect the area in the future because the wells will still be located there. Councilman Graham is of the opinion that the economic climate does not affect the Borough's concerns. Mr. Keller stated that he mentioned the economic climate in the sense of investment. Investments from the State will not go to senior housing. They will keep the investments commercial.

Administrator McNeilly stated that the big problem is that the original model for an office park is over and now they are looking to commercial or mixed use where the money is going to be. Mr. Keller stated that is not to say that private interest would not build the senior or mixed use development but the age restrictive market is still not very strong. Councilman Graham asked who owns the land across the road from where the wells are. Administrator McNeilly stated this is owned by Cherry Farm. Councilman Depew asked who owns the property where the wells are. There are State posters posted there. Mayor Maio stated that the Borough owns the property. Administrator McNeilly stated that it is a flag lot. Mr. Keller stated there is land behind the wells that is owned by the State along the river. The land owned by the State is not part of the change in designation. Councilman Depew stated just past the entrance to the well there are State posters. Administrator McNeilly replied that the State has access due to the fact that the canal is State owned.

Councilman Graham asked to see the draft of the letter prior to it being mailed to ensure that it states firmly that the Borough is looking at the longer broader reach on this. Mayor Maio stated that the letter needs to stress this is a water supply for the municipality. Mr. Keller stated that he made it clear at the meeting that the two wells in Mount Olive and the other well that is located on the Musconetcong River comprise more than three quarters of the Borough's water supply. Mayor Maio asked Mr. Keller to draft the letter and submit it to the Mayor and Council for approval.

Administrator McNeilly asked Mr. Keller how this property is affected by the sewer service area issue. Mr. Keller replied that the entire area is included in the sewer service area. Most of it is developed. BASF West has approvals. The environmentalists that were at the meeting tonight were concerned because that area used to be part of Allamuchy State Park and that has approvals. The designation as PA2 covers the area on the Permit Extension Act. Changing the area to PA5 would cause it not to be covered under the Permit Extension Act. That area is far away from our wells. Mr. Keller stated there were representatives from some of the environmental groups in attendance, Elliott from the Highlands Coalition, Amil Devita and David Phiffer. Mr. Keller stated that someone at the meeting mentioned that there are available sewer allocations at the MSA plant. Some of the environmentalists said that those are reserved for people with failing septic systems. Mr. Keller stated that at the Mount Olive meeting Gene said the 383,000 gallonage that they spoke about was only what is available for Mount Olive for the Trade Zone. They have already taken care of failing septic systems when they put sewers in. Mr. Keller stated that at the meeting he said it is all well and good that we have allocation for failing septics but to remember that the towns that are members of the MSA have spent a lot of money expanding the plant, putting infrastructure into the ground and the allocations are related to that. There is no process to give that allocation away to someone else. The towns have paid a lot of money for a lot of years for those allocations.

Administrator McNeilly stated when the plant was built in 1992, which was the boom for the International Trade Center, they knew they were going to need allocation and they paid cash for 500,000 gallons of capacity and they could not bond it because they are a private entity. The Rockefellers made the payment and they own all 500,000 gallons that are outside of the whole

process. That entity has more than enough gallonage to do what they want. Mr. Stein stated that they are the only private entity that the MSA ever dealt with or has dealt with period. Administrator McNeilly stated that became the foundation money for the beginning of the \$45 million dollar plant. Mr. Keller stated it is not standard process to sell allocation to a private user that does not have the usage for it at that time. Administrator McNeilly stated empty warehouses do not use the gallonage that was envisioned originally. They have the gallonage to do whatever they need to.

Mayor Maio thanked Mr. Keller for attending the Mount Olive meeting tonight and reporting back to the Governing Body this evening.

Paving Linden Avenue & Church Street - Administrator McNeilly stated there were two beautiful days in December when the paving was able to be completed. Councilman Depew stated that the paving on Linden Avenue and Church Street was done very well and in a timely manner. Councilman Depew stated that if the Borough plans to pave anymore roads it should be done sooner than December. Mr. Keller stated the paving was originally scheduled for the week that Hurricane Sandy occurred. Administrator McNeilly stated that Mr. Keller faced many challenges with this paving job. For example there was one resident that attempted to drive across pavement that was not even rolled yet. Fortunately Tilcon was able to stop him. Administrator McNeilly stated that he drove that road the next day when it rained and there is no ponding. Mayor Maio stated that job was done very well. Administrator McNeilly stated that Sparta Road with the zigzag was seamed nicely. Fortunately there were two days in a row in December with temperatures of 48 degrees and 51 degrees. Mayor Maio thanked Mr. Keller for his persistence in completing this project.

Project Self-Sufficiency – Enough Abuse Campaign (child abuse prevention) Mayor Maio stated that Project Self-Sufficiency is sponsoring the *Enough Abuse Campaign* which is a pilot program that the State has implemented and it is being tested in Sussex and Warren Counties. There will be three implementation sites. Project Self-Sufficiency has asked the Borough to sign a letter of support for the program. There is no cost to the Borough. Mayor Maio stated that she sees no problem with supporting this campaign. In the future Project Self-Sufficiency may do some advertising for the campaign which would indicate that our municipality is supporting the campaign. Mayor Maio asked the Council if they have any issues or concerns. Councilman Graham asked if any documentation was received regarding the campaign. Ellen Horak, Borough Clerk, replied that information was received on November 15<sup>th</sup> and was put in all the mailboxes. The Governing Body gave approval to support the Enough Abuse Campaign. Mayor Maio asked Ms. Horak to process the necessary paperwork.

Budget - Mayor Maio stated that the preliminary budget packets were distributed today. Mayor Maio stated that the first formal budget meeting will be held at the January 22<sup>nd</sup> meeting. The CFO meets with the Department Heads but Mayor Maio stated she would like the Public Safety Committee to meet with the Fire Department and the Police Department. In addition, the Infrastructure Committee needs to meet with DPW to provide feedback for the Council. Mayor Maio asked Administrator McNeilly to schedule the meetings to be held prior to the meeting on January 22<sup>nd</sup>.

Garbage/Recycling Contracts - Mayor Maio stated that the garbage and recycling contracts will be expiring on May 31st. Mayor Maio stated that this issue will also be discussed at the January 22<sup>nd</sup> meeting. Ms. Horak, Borough Clerk, stated that this item is included on the agenda for the Work Session meeting and asked if this should be changed. Mayor Maio asked that this be changed to the January 22<sup>nd</sup> meeting in order for her to meet with the Infrastructure Committee, Bill Storms, DPW Superintendent, and Administrator McNeilly to discuss about any changes that may need to be made so that information can be brought back to the Council for discussion. Mr. Stein, Borough Attorney, stated that under the Local Public Contract Law, garbage contracts need to be advertised for 60 days. The bid specifications should be decided on and ready to go by the end of February or early March at the very latest. Mayor Maio stated that at the meeting with the Infrastructure Committee, Bill Storms and Administrator McNeilly they will determine what if any changes need to be made and will then bring that information back to the Council for the meeting on January 22<sup>nd</sup>. At that time the bid specifications should be ready.

**NEW BUSINESS**

**RESOLUTIONS**

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

**Resolution 186-12**                      **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. 2012-21, representing 2011 property taxes and/or utility charges on Block 11601, Lot 15, known as 22 Young Drive, assessed to Thomas & Paula Cerezo 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:	Ridgeback Ventures LLC P.O. Box 503 Mount Freedom, New Jersey 07970
Redemption Amount:	Tax Title Lien #2012-21 and Interest to Date of Meeting    \$            778.11 Premium Paid by Lienholder <u>          0.00</u>
Total From Current Fund:	\$            778.11
Total From Tax Premium Account	0.00

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

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

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

**Resolution 187-12**                      **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. 2012-13, representing 2011 property taxes and/or utility charges on Block 11501, Lot 2, C0030, known as 330 Alpine Court, assessed to Christopher Baulier 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:	Stuart Lasher P.O. Box 83 Milltown, New Jersey 08850
Redemption Amount:	Tax Title Lien #2012-13 and Interest to Date of Meeting    \$            1,244.05 Premium Paid by Lienholder <u>          0.00</u>
Total From Current Fund:	\$            1,244.05
Total From Tax Premium Account	0.00

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



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

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

**Resolution 188-12**

**RESOLUTION AUTHORIZING A REFUND OF OVERPAYMENT DUE TO A SUCCESSFUL VETERAN'S DEDUCTION APPEAL**

**WHEREAS**, the homeowner had applied for the Veteran's deduction in 2011, and his application was denied by the Tax Assessor due to a state limitation on the time periods allowed for active duty, and

**WHEREAS**, the homeowner appealed the decision to the County of Sussex, where he was successful in getting the municipality's decision overturned, and

**WHEREAS**, the credit of \$250.00 has created an overpayment on his account, but the homeowner has paid his 2012 property taxes in full and will not owe any further property taxes until February 2013,

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Stanhope, that a warrant be drawn to the homeowner in the designated amount representing a refund of overpayment on his 2012 taxes, as follows:

**Homeowner Information:**

Block	Lot	Qual	Name & Address	Tax Year	Amount
11403	3		Michael Choquette 12 Mountain Terrace Stanhope, New Jersey 07874	2012	\$ 250.00

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

Roll Call:

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

**Resolution 189-12**

**RESOLUTION AUTHORIZING THE ISSUANCE OF CHANGE ORDER NUMBER 1 TO PENN-BOWER, INC. IN THE AMOUNT OF \$1,500.00**

**WHEREAS**, the Borough of Stanhope awarded a contract to Penn-Bower, Inc. on June 12, 2012 in the amount of \$106,749.44 for the replacement of the water main on a portion of Sparta Road; and

**WHEREAS**, during the course of the project, it was necessary for the contractor to connect two additional homes to the temporary water main and, upon completion of the work, to remove the temporary connections and restore the permanent water service connections; and

**WHEREAS**, the contractor provided a quotation in the amount of \$1,500.00 for the additional work; and

**WHEREAS**, the Borough Engineer has advised that the additional work request was reasonable and was necessary and recommended the Governing Body approve the amendment to the contract in the amount of \$1,500.00 for the additional two connections; and

**WHEREAS**, the Governing Body must approve the change order to authorize payment to the contractor;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council that the Borough does hereby authorize the issuance of a Change Order to Penn-Bower, Inc. in the amount of \$1,500.00.

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

Roll Call:

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

**Resolution 190-12                      RESOLUTION AUTHORIZING TRANSFER OF 2012 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 2012 budget appropriations in the amount of \$36,028.00 within the Current Fund, as follows:

CURRENT FUND	From:	To:
Grant Writing – O/E	\$ 3,000.00	
Legal – Litigation – O/E	\$ 10,000.00	
Engineering – O/E	\$ 10,000.00	
Affordable Housing - COAH Planning - O/E	\$ 5,000.00	
Liability Insurance – O/E	\$ 1,000.00	
Flow Control – O/E	\$ 4,528.00	
Envir Comm Grant Match – O/E	\$ 2,500.00	
Tax Assessor - O/E		\$ 32,400.00
Bldg & Grounds - S & W		\$ 593.00
Vehicle Repairs - O/E		\$ 900.00
Vehicle Repairs - O/E		\$ 1,100.00
Telephone - O/E		\$ 1,035.00
	\$ 36,028.00	\$ 36,028.00

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

Roll Call:

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

**Resolution 191-12                      RESOLUTION AUTHORIZING EXECUTION OF A CONTRACT FOR THE TOWNSHIP OF SPARTA TO PROVIDE RADIO COMMUNICATION SERVICES TO THE BOROUGH OF STANHOPE**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Stanhope, State of New Jersey, that the Radio Communication Agreement with the Township of Sparta to provide dispatch services for the term between January 1, 2013 to December 31, 2017 be and is hereby approved; and

**BE IT FURTHER RESOLVED**, by the Mayor and Council of the Borough of Stanhope that the Mayor and Clerk be and are hereby authorized to execute the Radio Communication Agreement with the Township of Sparta.

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

Roll Call:

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

### **Mayor's Appointment**

#### **Resolution 192-12**

#### **RESOLUTION APPROVING THE MAYOR'S APPOINTMENT OF CRAIG A. VELARD, AS AN ACTIVE MEMBER TO THE STANHOPE FIRE DEPARTMENT**

Mayor's appointment of Craig A. Velard, 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 Craig A. Velard, 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 193-12**

#### **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 December 11, 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 Thistleton, 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 Thistleton– yes
Councilwoman Kuncken -absent	Councilman Graham - yes
Councilman Depew – yes	Councilman Benson – absent

### **AGENDA ITEMS**

All items listed on the Agenda for December 18, 2012 were approved.

Mayor Maio stated that the meeting will be held next week instead of the week after because of the Christmas Holiday.

### **CITIZENS TO BE HEARD**

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

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

### **CLOSED SESSION**

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

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

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

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

1 Personnel

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

Mayor and Council went into Closed Session at 8:55 P.M.

At the conclusion of the Closed Session, Mayor and Council reconvened the public meeting at 9:12 P.M. with all present.

On motion by Councilman Graham, seconded by Councilman Depew and unanimously carried by voice vote, Bill Storms' request for comp time and meal allowance was approved.

### **ADJOURNMENT**

On a motion by Councilman Graham, seconded by Councilman Depew, and unanimously carried by voice vote the meeting was adjourned at 9:13 P.M.

Approved:

Linda Chirip  
Deputy Clerk  
For Ellen Horak  
Borough Clerk