

**MAYOR AND COUNCIL
REGULAR MEETING
July 22, 2014
7:00 P.M.**

CALL TO ORDER

SALUTE TO COLORS

Mayor Maio invited all those present to stand in a salute to the 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 8, 2014 and was placed on the Official Bulletin Board in the Municipal Building.

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

ROLL CALL

Council Members:

Councilwoman Zdichocki – present	Councilman Depew – present
Councilman Thornton - present	Councilwoman Thistleton – present
Councilwoman Kuncken - absent	Councilman Benson – present

Mayor Maio – present

CITIZENS TO BE HEARD

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

Seeing no one from the public 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:

June 10, 2014	Work Session/Agenda Meeting & Closed Session
June 24, 2014	Regular Business Meeting

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

CORRESPONDENCE (List Attached)

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

COUNCIL COMMITTEE REPORTS

Public Safety – Councilwomen Kuncken/Thistleton

(Police, Fire, Ambulance, Court & Violations Bureau, Emergency Management)

Councilwoman Kuncken was absent. No report was given.

Finance & Administration – Councilman Benson/Councilwoman Kuncken

Councilman Benson reported that the tax bills are due August 1st. Percentages have not changed since the last meeting. Water rents for the end of June have decreased slightly from last year. Collections are \$95,575 as compared to \$103,499 for last year. The sewer rents have also decreased by approximately \$10,000. The decrease may be due to the rate adjustment.

Community Development – Councilwoman Zdichocki/Councilman Thornton

(Zoning, Construction, Code Enforcement, Economic Development, Chamber of Commerce, Downtown Revitalization)

Councilwoman Zdichocki reported there were 10 zoning permit applications in May and 9 for the month of June. There were a total of 9 violations for May and June combined.

Municipal Infrastructure – Councilman Thornton/Councilwoman Zdichocki

(Water Distribution, Sewer Collection System, Road Construction & Maintenance, Buildings & Grounds)

Councilman Thornton had no report for this evening.

Information Technology – Councilmen Depew/Benson

Councilman Depew stated that Greg is working on the information required for the website design. Administrator McNeilly stated that he contacted Greg and work will resume on the website after some of the water projects are completed.

Boards/Commissions – Councilwoman Thistleton/Councilman Depew

Councilwoman Thistleton reported that Camp Lenape received a letter from a parent whose son attended camp this year. Councilwoman Thistleton read the letter aloud: “My son said that Camp Lenape is the best camp he has ever been to. He is very hard to please. He likes the classroom environment and how they are doing the fun projects and everything that they do during the day.” The letter thanked the Board and the Commission for putting together such a nice camp program. Councilwoman Thistleton stated thirty four (34) children have registered and to date this amounts to 102 weeks of camp. Camp will be running for another three weeks and children can still be registered. This is the highest attendance Stanhope has ever had. Thirty four (34) children have received the \$50 subsidy provided by the Borough.

Councilwoman Thistleton stated that Movies in the Park will be shown on July 25th, August 1st and August 8th at the Lakeland Little League Field beginning at 8:45PM.

Councilwoman Thistleton stated that tickets are available for the Half Way to Saint Patrick’s Day Dinner which will be held on September 6th. Tickets are \$20 each and there are a limited number of tickets available.

Councilwoman Thistleton stated that the Board of Health received the ACO report. The bill is for a three month time period and is over \$1,000. There were several sick raccoons due to the hot weather. Mayor Maio asked for an explanation of the veterinarian bill for a cat totaling \$3,000. Administrator McNeilly stated that he is aware of the bill and has not received an explanation as yet. Mayor Maio stated that the bill should not be paid. Administrator McNeilly stated that the Board of Health has not released the bill and he has not signed off on it. Councilwoman Thistleton stated that the bill has not been reviewed.

Councilwoman Thistleton stated that Family Fun Day was held recently. Over 100 children attended. The number of children was determined by the number of goody bags and sand pails that were distributed that day.

ADMINISTRATOR’S REPORT

Administrator McNeilly stated that he did not prepare a written report for this evening.

New York Box - Administrator McNeilly stated that a first reading is on the agenda this evening to remove the easements from New York Box. As of today, the internal water lines have been capped inside New York Box. New York Box is operating entirely from the new service located on Waterloo Road at the end of the iron bridge. Administrator McNeilly thanked the Clerk for revising the agenda today and for Mr. Stein’s assistance in preparing the necessary documents. It is important to have the first and second reading completed in order to have all the internal

pipng turned over to New York Box. New York Box has work being done on their side and all of the easements will be removed. Administrator McNeilly stated “to coin the phrase that someone taught me, that historical oddity that the Borough has enjoyed since 1915 is now over, on second reading.”

Administrator McNeilly stated that he has authorized a couple of releases for the contractors. PACT construction has been working here for two months today. The water tank contractors have been here a week and a half to two weeks. PACT has put in requests for payment. The Borough then has to request funds from NJEIT which is a process. Approximately \$300,000 on the loan has been received from the trust in addition to some upfront costs. The Borough is fronting the funds and being paid back to take care of that loan. The contractor submits a bill for payment, the Borough authorizes the payment and then the funds from the bond anticipation notes are used to cover that. NJEIT then reimburses the Borough from the master loan.

Administrator McNeilly reported that John Black has informed him that as of today 5,342 feet of 8 inch main, or 60% of the bid quantity, has been installed of the 8,950. Of the 2,550 feet of 12 inch main 2,529 has been installed or 99% and as of tomorrow it will be in use. The overall pipe installation is at 68%. The Musconetcong River crossing has been completed and is in operation. The old transmission lines underneath the river from Wells #3 and #4 which went across the canal and the Musconetcong River and through private property have been decommissioned as of today. The remaining work on the pipe is approximately 1,300 feet of Brooklyn Road pipe east of Sparta Road which will extend to Canfield Avenue. During that time Brooklyn Road will have one lane closed. Police Officers will be on site. 2,300 feet of line will be installed on Lloyd Avenue and the household connections will be made, 350 feet is remaining on Reeve Avenue and all the services on Lawrence Avenue will be done in September. The piping has been completed on Lawrence Avenue. In approximately four weeks 450 feet of Sagamore Road and Dell Place will be done. Aside from alerting the residents on Sagamore Road, Administrator McNeilly stated he will notify Cindy at High Point Condominiums that work will be done sometime during the second or third week of August at Dell Place. It is not just the work from the sidewalk in. The work will capture the pipe from the road in. Administrator McNeilly stated that when he met with High Point he explained the work from the road will go through the parking lot to building 4. The contractors will wait until after 9am to begin work. The residents will have to drive through the parking lot to get around the construction. Mayor Maio stated this is anticipated to take one week. Councilwoman Thistleton stated that the condominium association has a meeting scheduled for Thursday night. Administrator McNeilly stated that he will contact Cindy tomorrow.

Water Tower – Administrator McNeilly stated that Alpine subcontracted to Pittsburgh Tank. They have done all the metal work. Hatchways required by OSHA have been installed and railings have been installed around the very top hatch and the balcony. The hatch in from the top used to be acceptable but OSHA now requires two 30” hatchways at the halfway point. The overflow box was preventing the last 10-12 feet of the tank to be filled. The water was running outside of the tank. The contractor talked about patching it but once it was inspected it was determined that approximately 20 feet of the pipe was irreparable. Administrator McNeilly stated that he authorized a change order for approximately \$7,000 to replace the pipe from the overflow down the side of the tank in order for the sand blasting and painting to begin next week. The welders will be finished by Saturday. When the welders are gone, the sandblasters will begin the work. The inside of tank will be done first and then the outside. The contractor has been informed that prior to school beginning the tank will be refilled. Scaffolding will be completed soon and then the tank will be wrapped. Mayor Maio asked if the residents in the area have been contacted regarding the sand blasting. Administrator McNeilly stated that the noise will not be excessive.

Brooklyn Road - Administrator McNeilly stated the entire 12 inch main on Brooklyn Road from Tower Drive to Sparta Road has been installed and has water in it. All three sections have been pressure tested and passed. The first two sections have been tested for bacteria and have passed. The third section has been tested for bacteria and results will be available tomorrow. No problems are anticipated. The first two sections have all of the services connected to it and everyone from Tower to Port Morris is receiving water from the new main. On Wednesday and Thursday the remaining eleven connections to Sparta Road will be done along with the entire main and services and Sparta Road. Brooklyn Road to the point will be serviced off the 12 inch

main. Before the next section of Brooklyn Road is done the six inch line has to be capped off and retired. On Thursday when the cap came off it brought up a weak point in the entire system that our forefathers did not install enough valves in the system to isolate that section of the road. In order to cap off, Administrator McNeilly provided maps to Governing Body, detailing the sections that now have to be capped off. This process will require an intentional shutting of the system on Friday. The map was reviewed. The plan is to minimize the amount of disruption and all four holes will be dug at once down to the pipe. When all four are ready, they will break down into teams and then our crew will have the water turned off and then open the hydrant and the contractors will immediately cap Brooklyn Road and Tower Drive, Baker Place and Roberts Place. The water will then be turned back on. Mayor Maio asked if the Fire Department has been notified. Administrator McNeilly confirmed that he has spoken with the Fire Chief and explained the situation. The message that will be sent out will indicate that as of 10:00 AM on Friday residents may experience low or no pressure in the system. The subsequent reminder when the water is back on will state that air or discolored water may be present in the system. Mayor Maio stated there are 3 or 4 businesses on Sparta Road that will be affected. They will need to be notified. Councilwoman Zdichocki stated there is something going on at the church. Councilman Thornton stated the church has camp this week. Administrator McNeilly stated that he will contact the church, the deli and both schools. Administrator McNeilly stated that Wagner Industries and the SCARC home are on Nixle. Administrator McNeilly stated that he spoke with Chief Card and reminded him that while the tower is not in operation it's as if the hydrants are not there. Once the tower is operational all the hydrants out to the point will be operational.

Administrator McNeilly stated that the contractor has done a very good job and moved swiftly and has only hit a minimal amount of rock. The anticipated completion of the services including the full depth paving and capping of the old lines which will bring the detour of Brooklyn Road to a close and allow the road to be opened for through traffic should be ready by August 1st. This is three weeks ahead of schedule. Mayor Maio stated that the one lane closure on Brooklyn Road near Canfield Street is going to be difficult. Administrator McNeilly stated work will move slower there.

Administrator McNeilly stated that there will be an occasion later this fall or early next spring where the pavement on Brooklyn Road will have to be paved. The Borough's program calls for a complete shoulder to shoulder pavement from Tower Drive to Sparta Road and single lane pavement from Sparta Road to Canfield Street.

Police Department - Administrator McNeilly stated that he recently witnessed a drug related arrest in the Borough. The prosecutor's office and the sheriff's department were also present. Administrator McNeilly stated that these types of incidents do occur in the Borough and they are being handled. This happens in all our neighborhoods.

COUNCIL DISCUSSION

Re-zoning of Kynor Avenue & Leo Avenue (corner area) – Mayor Maio stated that an ordinance is required to re-zone Kynor Avenue and Leo Avenue which are currently zoned Residential/Conservation. Mr. Stein stated there are two properties owned by the Borough located at Kynor Avenue which the Council would like to sell. One is Block 10312, Lot 8 marked on tax map as Borough of Stanhope exempt and across the street on Kynor Avenue Block 10314, Lot 4 is also Borough owned. Right now the entire north easterly side of the railroad is zoned in the RC zone which is a five (5) acre zone. That made the Borough's own property substantially undersized. Undersized lots cannot be sold at public auction until they have been first offered to the adjoining property owners. Mr. Stein is of the opinion that this may have been a mistake to include those residential properties in the five acre zone. Mr. Stein stated that an ordinance can be prepared to re-zone the residential properties located along Kynor Avenue and Hazel Street going northeast toward Hopatcong into the nearest residential zone which is the MR Zone (Medium Density Residential Zone). The MR Zone has a minimum lot size of 14,520 square feet, minimum frontage of 100 feet, minimum setback of 25 feet, 15 foot side yards, 25 foot rear yard, 25% impervious coverage and a building height 35 feet. Mr. Stein stated if the Council decides to re-zone the area, after that re-zoning occurs, lot 8 in block 10312 would be a conforming size lot for zoning purposes and could be sold at a general public auction. Block 10314, Lot 4 would still be an undersized lot and would have to be first offered to the

three adjoining property owners. If those property owners do not bid on the property then the property could be sold generally.

Mayor Maio stated that the area is already established as a residential area. The current zoning was intended for the upper end area with the forestry and the size of the lots. The zoning as it is now would require the property owners to obtain a variance for any work to be done. Mayor Maio is of the opinion that this area should be rezoned. Mr. Stein stated that should the council choose to re-zone this area, there is a special provision under the Land Use Law with regard to notice that would be required for the Borough Clerk to follow. Mr. Stein stated that he will prepare a letter to the Clerk with the regulations. A notice will have to be sent by regular mail and certified mail to everyone in the district that will be affected and all the property owners within 200 feet of the district, including Hopatcong Borough. A certified list must be obtained from Hopatcong Borough because they are contiguous to the municipal zone change. Mayor Maio asked what the zoning is for Hopatcong in that area. Mr. Stein stated that the area is residential. Administrator McNeilly asked for clarification of the area for the zoning change. Mr. Stein replied the area of Block 10311 Lot 1 which is listed at 9.46 acres, would remain in the RC Zone and the southeasterly sideline that abuts the individual lots along Kynor Avenue and Hazel Street would be the new zone boundary.

Mayor Maio polled the Council asking if they are in favor of moving forward with the zone change. The results of the poll are as follows: Councilman Depew – yes, Councilman Benson – yes, Councilman Thornton – yes, Councilwoman Thistleton – yes, Councilwoman Zdichocki – yes

On motion by Councilman Benson, seconded by Councilman Depew, and unanimously carried by voice vote, approval was granted to direct the attorney to prepare the necessary ordinance for the zoning change.

OLD BUSINESS

Ordinance for Public Hearing and Final Adoption

Mayor Maio offered the following ordinance for public hearing and final adoption which was read by title.

Ordinance 2014-15 AN ORDINANCE TO AUTHORIZE THE SALE OF BLOCK NO. 11207, LOT NO. 11, LOCATED AT 67-69 MAIN STREET STANHOPE, NEW JERSEY

WHEREAS, the Borough of Stanhope is the owner of all those lots, parcels and tracts of land as hereinafter set forth in Schedule A, which land is not needed or required for municipal use; and

WHEREAS, said lot has no improvements located thereon; and

WHEREAS, the Mayor and Council of the Borough of Stanhope have deemed it in the best interest of the Borough of Stanhope to sell the lot to the highest bidder at an open public auction sale pursuant to the provisions of N.J.S.A. 40A:12-13(a);

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Stanhope that:

1. The Borough of Stanhope shall sell, pursuant to the provisions of N.J.S.A. 40A:12-13(a), the property set forth in Schedule A attached hereto.
2. After final passage of this Ordinance, the Borough of Stanhope shall sell the property set forth in Schedule A after offering same at a public auction to the highest bidder at the advertised time and place, which sale shall occur at the Stanhope Borough Municipal Building, 77 Main Street, Stanhope, New Jersey.
3. The said property shall be the sold subject to the following terms and conditions:

- (a) The said property shall be sold for not less than the amount set forth in Schedule A.
- (b) The sale shall be made at public auction, after legal advertisement of this Ordinance and public notice of this sale, and shall be to the highest bidder.
- (c) The Borough does not warrant or certify title to the property and in no event shall the Borough of Stanhope be liable for any damages to the purchaser-successful bidder if title is found unmarketable for any reason and the purchaser-successful bidder waives any and all right in damages or by way of liens against the Borough. The sole remedy being the right to receive a refund prior to closing of the deposit paid in the event title is found unmarketable. It shall be the obligation of the successful purchaser to examine title to said premises prior to the closing. In the event of closing and a later finding of defect of title, the Borough shall not be responsible for same, shall not be required to refund money or correct any defect in title or be held liable for damages.
- (d) Acceptance of the highest bid shall constitute a binding agreement of sale and the purchaser shall be deemed to agree to comply with the terms and conditions of the sale herein contained.
- (e) The purchaser shall be required to pay no later than the conclusion of the public sale ten percent (10%) of the bid, in cash or check; said payment shall be returned to the purchaser without interest, if the title to said property is legally determined to be unmarketable, providing claim is made therefor within sixty (60) days after the sale.
- (f) A Bargain and Sale Deed without covenants will be delivered at the office of the Borough Clerk on or before sixty (60) days after the date of the sale, at which time and place the balance of the purchase price shall be required to be paid in cash or bank check. The Mayor and Clerk are hereby authorized to execute said Deed.
- (g) The Deed of Conveyance will be subject to all matters of record, which may affect title herein, what an accurate survey may reveal, the Ordinances of the Borough of Stanhope and reserving an easement for all natural or constructed drainage systems, waterways, water and sewer easements on the premises and the continued right of maintenance and flow thereof.
- (h) The purchaser shall also pay to the Borough of Stanhope the cost of preparation of this Ordinance and the Deed of Conveyance plus all charges of sale, including the cost of advertisement, the notice of public sale and all other instruments necessary or required by law at the time of the sale.
- (i) The purchaser, in addition to the purchase price and the Borough's costs of sale set forth in subparagraph (h), shall also be required to pay directly to the Borough's real estate agent a Buyer's premium equal to five percent (5%) of the purchase price.
- (j) The property will be sold subject to 2014 taxes, pro rated from the date of sale.
- (k) The Governing Body does hereby reserve the right to withdraw this offer to sell, or upon completion of the bidding to accept or reject any or all bids for said property or to waive any informality in relation thereto.

4. This Ordinance shall take effect after final passage and publication according to law.

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

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:

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

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

Mr. Stein stated now that the ordinance has been adopted, a sale date must be chosen. The date of the sale will have to be published twice, one within one week and one the week before. Weichert Realtors will have to be contacted to place a sign on the property. Administrator McNeilly stated there is a for sale sign posted. The date will have to be added to the sign. Mr. Stein suggested the date of September 23rd which would be the Business Meeting. Mayor Maio asked if this could be done sooner, on August 26th. Administrator McNeilly stated that would be too soon. Time is needed to advertise for a buyer. Mr. Stein stated the legal advertisement and the marketing advertisement by Weichert Realtors must be done. Administrator McNeilly stated that at least two months was given last time for marketing the property. Mr. Stein stated September 23rd would be two months from today. Administrator McNeilly confirmed that the property is being sold without any specific restrictions. Mr. Stein confirmed that the property will have to conform to the current zoning requirements. The cost will be \$75,000. Mayor Maio stated that she spoke with Arlene Fisher, Zoning and Code Enforcement Officer, and if an apartment is to be constructed behind the store front portion of the building that use would have to be approved by the Land Use Board. Mr. Stein asked if the date of September 23rd was acceptable. The Governing Body was in favor of the September 23rd date. Mayor Maio asked Administrator McNeilly to contact Weichert Realtors.

NEW BUSINESS

Mayor Maio offered the following ordinance for introduction which was read by title.

Ordinance for Introduction [Public Hearing on August 12, 2014]

Ordinance 2014-16

AN ORDINANCE AUTHORIZING RELEASE OF EASEMENT FOR MUNICIPAL WATER SYSTEM

WHEREAS, the Borough of Stanhope heretofore acquired easements over real property located in the Township of Mount Olive, County of Morris, State of New Jersey on premises commonly known as 20 Continental Drive, Block 106, Lot 1, on the Tax Maps of the Township of Mount Olive; and

WHEREAS, said property is more particularly described in Deed Book 5984, at Page 81, which deed was recorded in the Morris County Clerk's Office on December 30, 2003; and

WHEREAS, the Borough of Stanhope has completed construction of new water main facilities and no longer requires or will utilize any easement heretofore acquired over the premises commonly known as Block 106, Lot 1 on the Tax Maps of the Township of Mount Olive; and

WHEREAS, said easements are burdensome and of no further public use and should be formally released and abandoned;

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

SECTION I.

The Borough of Stanhope is hereby authorized to release and abandon any and all municipal utility easements on the property located at 20 Continental Drive, Block 106, Lot 1 on the Tax Maps of the Township of Mount Olive, which property is more particularly described in Deed Book 5984, at Page 81, recorded in the Morris County Clerk's Office on December 30, 2003.

SECTION II

The Mayor and Clerk are hereby authorized to execute and record a release of easement to effectuate the purpose of this Ordinance.

SECTION III - WHEN EFFECTIVE.

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

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

Roll Call:

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

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

Resolutions

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

<u>Resolution 126-14</u>	RESOLUTION AUTHORIZING THE RELEASE THE PERFORMANCE BOND OF PETRO MECHANICS, INC. FOR TWO NEW FUEL PUMPS FOR STANHOPE DPW
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WHEREAS, the Mayor and Council had deemed it necessary for Petro Mechanics, Inc. to submit a performance bond prior to the commencement of the installation of the two new Fuel Pumps for Stanhope DPW; and

WHEREAS, Petro Mechanics, Inc. did produce and the Borough did accept a performance bond guaranteeing the quality and completeness of the work; and

WHEREAS, the DPW Superintendent has inspected the project site and has deemed the project has been completed in general compliance with the contract; and

WHEREAS, the Borough Attorney has advised the Mayor and Council that a maintenance bond be required in the amount of \$51,250.00 to be effective for two years from the date of issuance to ensure the quality of the work.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stanhope, County of Sussex, State of New Jersey, at the concurrence of the Borough Attorney do hereby authorize the release of the performance bond to Petro Mechanics, Inc. for the installation of the two new Fuel Pumps for Stanhope DPW.

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

Roll Call:

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

<u>Resolution 127-14</u>	RESOLUTION AUTHORIZING THE ACCEPTANCE OF MAINTENANCE BOND IN THE AMOUNT OF \$51,250.00 OFFERED BY PETRO MECHANICS, INC. FOR TWO NEW FUEL PUMPS FOR STANHOPE DPW
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WHEREAS, the Mayor and Council heretofore authorized the release of a performance bond submitted by Petro Mechanics, Inc.; and

WHEREAS, Petro Mechanics, Inc. has substantially completed the installation of the two new Fuel Pumps for Stanhope DPW; and

WHEREAS, Petro Mechanics, Inc. has offered to the Borough a Maintenance Bond in the amount of \$51,250.00, which amount has been specified by the Borough Attorney; and

WHEREAS, the Borough Attorney has reviewed and approved of the form of said Maintenance Bond.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stanhope, County of Sussex, State of New Jersey, that the Borough does hereby accept the Maintenance Bond issued by Petro Mechanics, Inc. in the amount of \$51,250.00 for the installation of two new Fuel Pumps for Stanhope DPW.

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

Roll Call:

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

Resolution 128-14

RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF SUMMER CAMP FEE

WHEREAS, Kim Reistad had presented \$825.00 to pay for (5) weeks of Summer Camp, and

WHEREAS, her daughter is unable to attend one of the five weeks selected;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Stanhope, that a warrant be drawn to the homeowner listed below in the designated amount representing a refund of Summer Camp Fees:

Name & Address	Amount
Kim Reistad 7 Valley Road P.O. Box 23 Stanhope, New Jersey 07874	\$ 175.00

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

Roll Call:

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

Resolution 129-14

RESOLUTION AUTHORIZING REFUND OF ZONING APPLICATION FEE

WHEREAS, the contractor hired by Paula Salazar of 48 Brooklyn Road had paid \$50.00 for the submission of a zoning application, and

WHEREAS, the architect had also submitted an application for a zoning permit and had also paid \$50.00, creating a duplicate payment on this account; and

WHEREAS, Arlene Fisher, Zoning Officer, recommends that we refund the payment of \$50.00;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Stanhope, that a warrant be drawn to the homeowner listed below in the designated amount representing a refund of a Zoning Application fee:

Name & Address	Amount
Paula Salazar 48 Brooklyn Road Stanhope, New Jersey 07874	\$ 50.00

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

Roll Call:

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

Resolution 130-14

RESOLUTION AUTHORIZING REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER

WHEREAS, the Tax Collector has received payment for the redemption of Tax Title Lien No. 2013-032, representing 2012 property taxes and/or utility charges on Block 11605, Lot 9, known as 17 Maryann Terrace, assessed to Ysaac Mariano & Ali-Mariano, and;

WHEREAS, the Tax Collector certifies that reimbursement is now required to be made to the following lien holder for the required redemption amounts as shown below:

To Lienholder:	US Bank Cust for BV001 Trust 50 S. 16 th Street, Suite 1950 Philadelphia, PA 19102-2513
Redemption Amount:	Tax Title Lien #2013-032 and Interest to Date of Meeting \$ 1,432.01 Premium Paid by Lienholder <u>800.00</u>
Total From Current Fund:	\$ 1,432.01
Total From Tax Premium Account	800.00

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

Roll Call:

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

Resolution 131-14

**RESOLUTION OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF STANHOPE TO AMEND
THE 2014 BUDGET**

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

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

WHEREAS, the Borough of Stanhope has received a total of \$6,457.91 from the NJ Solid Waste Administration for the 2014 Clean Communities Grant, and

WHEREAS, the Borough of Stanhope now wishes to amend its 2014 budget to include the additional grant funds approved of \$6,457.91 as a revenue.

NOW THEREFORE, BE IT RESOLVED that the Council of the Borough of Stanhope does hereby request the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2014 in the sum of \$6,457.91, which will be available as a revenue from:

Miscellaneous Revenues

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

And Private Revenues Offset with Appropriations: 2014 Clean Communities Grants,
and

BE IT FURTHER RESOLVED that a like sum of.....\$6,457.91
be and the same is hereby appropriated under the caption of:

General Appropriations

(A) Public and Private Programs Offset by Revenues:
2014 Clean Communities Grant, and

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

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

Roll Call:

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

Mayor's Appointment

Resolution 132-14

**RESOLUTION APPROVING THE MAYOR'S APPOINTMENT
OF NICHOLAS R. FERRER, AS A JUNIOR MEMBER OF
THE STANHOPE FIRE DEPARTMENT**

Mayor's appointment of Nicholas R. Ferrer, as a junior member to the Stanhope Fire Department.

BE IT RESOLVED by the Council of the Borough of Stanhope that they do hereby concur with the Mayor's appointment of Nicholas R. Ferrer, as a Junior Member of the Stanhope Fire Department effective immediately.

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

Resolution 133-14

RESOLUTION APPROVING THE MAYOR’S APPOINTMENT OF ALEX WROBLESKI, AS A JUNIOR MEMBER OF THE STANHOPE FIRE DEPARTMENT

Mayor’s appointment of Alex Wrobleski, as a junior member to the Stanhope Fire Department.

BE IT RESOLVED by the Council of the Borough of Stanhope that they do hereby concur with the Mayor’s appointment of Alex Wrobleski, as a Junior Member of the Stanhope Fire Department effective immediately.

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

PAYMENT OF BILLS

Resolution 134-14

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 July 22, 2014 and on file and available for public inspection in the Office of the Chief Finance Officer and approved by the Chief Finance Officer for payment, be paid.

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

Roll Call:

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

ATTORNEY REPORT

Administrator McNeilly asked Mr. Stein to explain the change order for James Street. Mr. Stein stated that he checked on the administrative regulations regarding construction change orders. NJAC 5:30-11.3 General Requirements for All Change Orders is broken down specifically. For construction change orders, change orders shall not be used to substantially change the quality or character of the items to work being provided in as much as same would have been a determining factor in the original bidding. Change orders shall not serve the purpose of escalating causes. The total number of change orders executed for a particular contract shall not cause the original awarded contract to exceed by more than 20% unless otherwise authorized by these rules. If the proposed change orders do exceed the 20% limitations, no work shall be performed or purchases made until both ... have been complied with. If the Governing Body determines that the issuance of a change order is not justifiable, a new contract shall be executed in accordance with the Local Public Contracts Law. NJAC 5:30-811.8 Change Order for Construction, Reconstruction and Major Repair. Change Order for Construction, Reconstruction and Major Repair contracts shall be limited to the following types: (1)unforeseeable problems which are defined as conditions or circumstances that could not be foreseen at the time the specifications were written and the contract awarded, provided that a substantial amount of the construction would be delayed which would result in substantial increases in cost above the original contract amount or substantial inconvenience to the public if bidding were to be required and (2)if modifications to affect economies improve service or resolve minor problems with affected property owners.

Mr. Stein stated that if 20% is exceeded it is a longer provision but certain steps must be taken such as filing with the Division of Community Affairs, the contractor has to certify that the change order is necessary if it is above the 20%, after the contractor certifies it is necessary, the Governing Body then has to examine it and approve it and notify the Division of Community Affairs. It is very difficult to do anything above 20%. It is easier to do change orders below 20% but they must be kept within the confines of unforeseen circumstances to affected economies or to resolve issues with affected property owners.

Mayor Maio stated that it was the sense of the Council at the last meeting that given the change order that has already been done we are uncomfortable pursuing anything further with respect to James Street. Administrator McNeilly was in agreement. Mr. Stein stated it is more prudent for James Street to be a separate project.

Administrator McNeilly stated that Bill Storms, DPW Superintendent, met with Frank, Omland Engineering, and they walked James Street today top to bottom to confirm the requirements for planning. Administrator McNeilly stated that he confirmed with Frank that the project will have three sign offs. The sign offs will be done by the head of the Public Works Water Operator, the Fire Department and the Administrator. A hydrant will be added to this project similar to what was done on Maple Terrace. Coordination of all services is working well. Administrator McNeilly stated that time is an issue. Mayor Maio stated that the Governing Body made it clear to Mr. Keller that the line must be installed this year and the engineering would have to be done. Mayor Maio asked Administrator McNeilly to confirm with Mr. Keller.

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.

Andy Orinick, 10 Mountain Terrace, stated that he is displeased with the work that was done on Mountain Terrace. Mr. Orinick stated that it is his opinion that the engineer did not spend enough time designing the plan. The driveway is too steep and the pitch is off. There is a slope in front of the house that makes cutting the lawn difficult. Mr. Orinick stated that two weeks ago he requested to have temporary stairs installed to replace the ones that were taken out. There is a slope there now. Mr. Orinick asked for a timeline. Mr. Orinick stated that Mayor Maio visited his property and he thanked her for doing so. The work that was done has to be taken out and redone because part of the old driveway was left underneath. Mayor Maio stated that it is her understanding that the Administrator had requested that Mr. Orinick put his concerns in writing in order that he can meet with the Engineer to discuss the issues. Mr. Orinick stated he was unaware that his request needed to be put in writing. Administrator McNeilly stated that he was not at the last meeting and having the information in writing will assist him in reviewing the issue. Mr. Orinick stated he is concerned that there are no stairs in place. Mayor Maio stated the quicker the request is put in writing the sooner the issues can be addressed.

Michael Choquette, Mountain Terrace, stated that grass was planted in front of his house. Top soil was supposed to be used and instead it is fill dirt. Grass is growing but through the rocks. Administrator McNeilly stated that the complete restoration has not been completed. Mr. Choquette asked about the status of the curb entry for 10 Mountain Terrace. Mayor Maio asked if he discussed this with the engineer that day he was on site. Mr. Choquette replied that he did speak with the engineer and he was told that they would look into it. The survey was done and there are stakes in the ground on his side of the property. Mayor Maio is of the opinion that the engineer determined that the opening was not on his property. Mayor Maio stated that the Borough needs a copy of the survey. Mr. Choquette stated that he is of the opinion that Mr. Keller agreed that the opening is on his property. Administrator McNeilly stated that copies of all the surveys need to be compared. Mr. Choquette stated that he has already given a copy of his survey to Mr. Keller. Administrator McNeilly stated that the widening of the driveway was done to assist the owners of 10 Mountain Terrace with their driveway access. Mr. Choquette stated that his driveway was paved but he is not pleased with the quality. Mr. Choquette asked if the area between the road and the curb will be filled in. Administrator McNeilly confirmed that it will be filled in.

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

ADJOURNMENT

On a motion by Councilman Depew, seconded by Councilwoman Zdichocki, and unanimously carried by voice vote the meeting was adjourned at 8:00 P.M.

Approved:

Linda Chirip
Deputy Clerk for
Ellen Horak, RMC
Borough Clerk