

**MAYOR AND COUNCIL  
WORK SESSION AND  
AGENDA MEETING  
July 8, 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 - present	Councilman Benson – present

Mayor Maio – present

**ENGINEER'S REPORT**

Mayor Maio invited Eric Keller, Borough Engineer, to come forward.

*Maple Terrace & Mountain Terrace Reconstruction Project* - Mr. Keller, Omland Engineering, reported that a letter was sent today to the contractor for the Maple Terrace and Mountain Terrace Reconstruction Project asking for an updated schedule for the completion of this job. Mr. Keller stated that he attended a meeting on June 12<sup>th</sup> with John Garcia Construction, Administrator McNeilly and Frank from Omland Engineering, to discuss moving this project forward and to determine a schedule. The curbing for Maple Terrace took two weeks to complete but was only scheduled for only one week. The work at Mountain Terrace was scheduled to be done in conjunction with Maple Terrace. The water portion of the project was to be completed by June 10<sup>th</sup> but was not finished until June 19<sup>th</sup>. The tie in at Brooklyn Road went smoothly. The curb work began on the 23<sup>rd</sup>, not the 19<sup>th</sup> as scheduled, and was completed last week. The pointing of the curbs was recently completed.

Mr. Keller reported that the letter to the contractor states the pot holes and sunken trenches must be repaired in order for the roadway to have a drivable surface by the end of this week. Mayor Maio asked when the milling and paving will be scheduled for Maple Terrace. Mr. Keller replied that he has been asking for a week and a half and was told by the foreman that Mr. Garcia will be scheduling it. The curbing consisted of 1,500 feet of curb and should not have taken longer than a week. All the work is done except for the milling of the road, base repairs, and paving. The six sanitary manholes have to be reset and resealed prior to the milling. Mayor Maio asked if the contractor is aware that the area must be clean and clear for this Sunday. Mr. Keller confirmed this and stated there is a piece of plastic pipe at the park which is supposed to be removed. In the event that it is not removed, the DPW can remove the pipe.

Mr. Keller stated the Mountain Terrace work was scheduled to begin on June 9th and 10th according to the schedule dated May 21<sup>st</sup>. At the June 12<sup>th</sup> meeting, the contractor had stated when the water main work was completed he would send a crew to Mountain Terrace while another crew worked on the storm pipe on Maple Terrace. The work did not begin on Mountain Terrace until last week. Mr. Keller stated that the completion of Maple Terrace was the first concern considering that Brooklyn Road is closed. Mr. Keller stated that he drove through the construction site today. The pipe was installed last Wednesday, the curb was started last Thursday and it was completed yesterday. Today the pavement was being removed and a full depth repair of the north side of the road was being done. Mr. Keller stated that he had expected more work to have been completed by now. Only 100 feet of pavement was done. Approximately 40% of the work is done. Fortunately the contractor did not remove all of the pavement at one time. The middle of the road is in a half state of disruption. Mr. Keller stated that he does not know how work can be done so slowly. Councilwoman Kuncken asked Mr. Keller if Frank was inspecting today. Mr. Keller stated that Frank was not there today but was onsite yesterday. Councilwoman Kuncken asked if Frank will be onsite tomorrow. Mr. Keller replied that he will check Frank's schedule and arrange to have him onsite tomorrow or Thursday. Mayor Maio stated there are bad weather forecasts predicted. Mr. Keller stated that his letter to the contractor requests that a new schedule be received by close of business Thursday.

James Street - Mr. Keller stated that the James Street survey field work is complete. The design work will begin by the end of the week once the base map is ready. The water main design is scheduled to proceed next week.

Mr. Keller stated that he and Administrator McNeilly had discussed adding the James Street project on to the PACT contract. The current contract amount with PACT is \$1.45 million. The James Street estimate is approximately \$200,000 using PACT's unit price. As a stand-alone job the Borough had estimated the cost to be \$235,000. This would be a 15-16% savings. The estimate represents 13½% of the contract value of PACT's contract amount for the water main replacement job that they are working on now.

Mayor Maio stated that the original discussion regarding adding the James Street project could only be done if, by using PACT's numbers, the Borough could reach a price that does not exceed the 20% overage allowed for a change order. There has already been a \$50,000 change order. Mayor Maio stated that a decision cannot be made until the Governing Body has a precise estimate from Mr. Keller. Mayor Maio is of the opinion that there may be other change orders from PACT. The Borough cannot risk exceeding the 20%. Mr. Keller stated that 20% of PACT's contract is approximately \$289,000. After subtracting the \$50,000 change order, the balance is \$239,000. The estimate for James Street is \$195,000 – \$200,000. Mayor Maio stated that the most difficult portion of the project is currently underway. However, the easiest part of the job is what generated the largest change order. It is unknown at this time if there will be any issues crossing Sagamore Road to the condominiums or what issues there will be on Reeve Avenue and Lloyd Avenue.

Mr. Keller stated that Mr. Purcell can check to see if there are areas where the expected costs were less than anticipated. Mayor Maio stated that in her opinion the decision to add the James Street project is not an option at this time. Administrator McNeilly will need to meet with Mr. Purcell to discuss this matter. Mayor Maio stated that \$200,000 is a good figure based on the original estimate and it would be to the Borough's advantage to have PACT do the work. PACT is thorough, quick and efficient. Mr. Keller stated that if the Borough agrees to have PACT do the work for the James Street project, the plans will be made available. Mr. Keller stated that a coordination of efforts with the Fire Department and Bill Storms, DPW Superintendent, will be necessary. Mayor Maio stated that should not be a problem. Mr. Keller stated there is a very limited scope for the Fire Department. The location of the fire hydrants must be determined. There is only one fire hydrant located on James Street. Mr. Keller stated that controlling the cost of the project is important. Mayor Maio stated this is not a project where the estimate can be exceeded due to the constraints.

Fencing & Gates - Mr. Keller stated that the fencing contractor, EB Fence, is the approved contractor for the Morris County Co-op and the State. The State pricing estimate is the less expensive of the two. The quantities were off for the State pricing. The estimate is \$67,000 for

fencing at the water tower and at the well lot. This is the total price for both. Mr. Keller stated at the last meeting he had given an estimate of \$85,000 - \$90,000 but that included the gates. A gate is also needed for the DPW yard. The estimate is \$27,300 for the gates at the water tower and the well lot. The estimate is over the allowed limit. Specifications have been supplied for the motor controls. The fencing contractor will install the gates for the cost of a penny per square foot. The total cost to install the gates will be a \$1.60.

Councilwoman Kuncken asked Mr. Keller to confirm that the gate estimate does not include the gate for the DPW. Mr. Keller confirmed the DPW gate is not included. Mr. Keller stated, based on the estimate, the estimated cost for three gates would be \$41,000. The cost includes the gate operator, loop detectors, keypad, etc. Mr. Keller stated he has asked for updated pricing. In order to have this work done on the same contract, the quotes must be submitted to the CFO. The CFO will prepare a purchase order for the Governing Body's approval which would then be sent out to the contractor to be added to their schedule. In the meantime, a bid packet will be prepared for the gate controls.

Sewer Investigation Project - Mr. Keller stated that the Sewer Investigation has been delayed. In the next week or two Mr. Keller will arrange a meeting with the company that the Borough worked with for the flow metering. Mr. Keller will discuss this project with Administrator McNeilly upon his return.

Sidewalk Project - Mr. Keller stated the sidewalk project field work is scheduled for the end of July or early August which will keep the Borough on schedule to go out to bid early next year.

James Street Plans - Mr. Keller stated on James Street, once the water main plans are finished, work will begin on the design for the road reconstruction. These will be separate documents. The focus is to get the water main plans ready in case PACT will be contracted for this project. If PACT does not take on this portion of the project, the specifications will be prepared in order to go out to bid.

Surveying Monuments - Mayor Maio asked Mr. Keller if the monuments for the park have been set. Mr. Keller stated that several of the monuments were already in place. Two of the monuments located near the Post Office are not in agreement with some of the findings. The survey is being reviewed. Mr. Keller stated that he spoke with the head of the surveying department and everything ties in together. The work that has been done indicates the three main deeds fit with the original Salmon Brothers deed when the property was all one parcel. There is one piece of property, which was also owned by Salmon Brothers, which does not fit in. The corners have been set near the Tannery. The monument located in the trees near the river side continues to get buried. It is now tied to different objects and it will be published on the map so that we can locate it in the future. The property located between the Borough and DEP is not readily accessible at this time due to its natural state. Mayor Maio stated the property is very wet this time of year.

Garcia Construction - Councilman Thornton asked Mr. Keller when Garcia Construction will be in violation of the completion date. Mr. Keller responded that the Borough's date of June 23<sup>rd</sup> has already passed. Mr. Keller stated that Mr. Garcia is not in agreement with that date. To be considerate of the broader picture, Mr. Keller stated that he does not agree with Mr. Garcia's interpretation but Mr. Garcia is of the opinion that the completion date is July 13<sup>th</sup>. Mr. Keller stated the work will not be done by that date. Mr. Keller stated that Mr. Garcia's calculation was based on the performance bond that the Borough asked him to re-issue. Mr. Garcia is using that date as the point where the 60 day contract period would be exceeded.

Mayor Maio asked Mr. Keller if the Borough is going to accept the July 13<sup>th</sup> date. Mr. Keller replied that he is going to discuss the matter with Mr. Stein, Borough Attorney, and Administrator McNeilly. Part of this issue deals with the performance bond. The Borough made the decision to have the Borough take out the road opening permit with the County which required the performance bond to be re-issued in both the Borough's name and the County's name. Mayor Maio stated that is the date that Garcia Construction is using as the start date. Mayor Maio asked Mr. Keller if Garcia Construction understands that once the cut-off date is missed he will be in violation and will be subject to fines. Mayor Maio stated that the Borough will not back down on this issue. Mr. Keller replied that this was made clear at the June 12<sup>th</sup>

meeting. The liquidated damages are part of the contract and there will be ramifications for missing the sixty day deadline.

Councilman Depew asked Mr. Keller how high the curb will be on Mountain Terrace once the work is completed. Mr. Keller replied that the curb will have a six inch curb base once it is completed. Part of the curb foundation is currently exposed. The chimney of the drainage pipe will be filled in as well as the curb. Once the curb is completed it will look like all the other curbing in the Borough. Approximately one foot in front of the curb there will be a two inch strip to pick up the water. The top portion of Mountain Terrace is very flat and the water ponds. The cross slope will be approximately 4 ½% which is more than the average cross slope of 2% - 3%. This is an acceptable amount for this area. The cross slope at this time is at 10%-11% which is unacceptable.

Mayor Maio thanked Mr. Keller for his attendance at tonight's meeting.

### **WORK SESSION**

Kynor Avenue - Mayor Maio stated that a letter has been received from Mr. Stein, Borough Attorney, which was distributed to the Governing Body, regarding the sale of the property located at Kynor Avenue. The letter states that this property borders three other properties, one of which is owned by the Borough. Mayor Maio stated that she reviewed the tax maps and saw that the property is zoned for five acre construction. Mayor Maio stated that she spoke with Arlene Fisher, Zoning & Code Enforcement, who suggested that the zoning should be reviewed and rezoned to residential. Mayor Maio stated that the conservation area was intended to cover the Format property. Kynor Avenue and Leo Avenue were included in that zoning even though there are no five acre lots in that location and it is strictly a residential area. The current zoning would require the property owners in that area to have to apply for a variance for any work to be done.

Mayor Maio stated in order to sell the Borough property, the adjoining property owners would have to be given the first opportunity to purchase the lot or lots. Dependent upon the results of the rezoning, the Borough may choose to combine the two lots into one. Mayor Maio asked the Borough Clerk to add the rezoning of the property to the agenda for the next meeting when Mr. Stein, Borough Attorney, will be in attendance.

Homestead Rebate - Mayor Maio stated that Dana Mooney, CFO, informed her today that the Homestead Rebate will not be issued this year. The earliest it will be available is in May 2015. The tax bills will be mailed out on Friday. Councilwoman Kuncken stated that the senior citizens will not be aware of the change and this could affect the tax payments.

NJLM Conference in Atlantic City – Mayor Maio stated there was a discussion last year regarding the NJLM Conference in Atlantic City. During that conversation the Governing Body agreed to send three members of the Council and the Mayor to the conference each year. This year's attendees will be Mayor Maio, Councilwoman Kuncken, Councilman Depew and Councilman Benson. Councilman Benson stated that a portion of his expenses would be covered by the MSA. Mayor Maio stated that if the other Council members would like to attend they may do so at their own expense. Councilwoman Kuncken suggested that the Borough cover the cost of the registration fee for all members of the Governing Body who register to attend the convention. Mayor Maio stated she is in agreement to cover the registration costs.

Councilwoman Zdichocki stated that last year when this issue was discussed it was not clear if there was a policy in place designating the number of attendees or if it was just an agreement to send three people. Mayor Maio stated that this policy was put in place last year. Councilwoman Zdichocki stated last year the members of the Council that were slated to attend chose not to attend. Councilwoman Zdichocki is of the opinion that a policy was not put in place. Councilman Depew is of the opinion that during last year's discussion it was determined that the newest members of the Council; Councilwoman Thistleton, Councilwoman Zdichocki and Councilman Thornton, should attend the conference and as a result the other members of the Council stepped aside. Councilwoman Zdichocki stated that she appreciated having the opportunity to attend but feels that policy was not established it was just an agreement that was

made for last year. Councilwoman Zdichocki stated that she is of the opinion that all the members of the Governing Body should be allowed to attend the annual conference.

Mayor Maio polled the Governing Body. Mayor Maio stated that a policy was established last year to allow three members of the Council to attend the League Conference every year and asked the Council if that is their understanding. The results are as follows: Councilman Depew – yes, Councilman Benson – yes, Councilman Thornton – yes, Councilwoman Kuncken clarified that three members of the Governing Body plus the Mayor would attend for a total of four, Councilwoman Thistleton – yes, Councilwoman Zdichocki stated this was never voted on. Councilwoman Kuncken agreed that a vote was not taken but it was agreed to at the time.

Councilwoman Thistleton asked Councilwoman Zdichocki what she means by a policy. Councilwoman Zdichocki replied that she wants to know if this is a rule or will it change next year. Mayor Maio replied that it should not change. This was an agreement that was made last year that going forward three members of the Council and the Mayor would attend.

Councilwoman Kuncken stated, for the record, that there was a discussion last year regarding the possibility that the Governing Body's budget might be exceeded. Several Council members had stated they were planning to attend the conference. As a result of the budget information which was presented by Mayor Maio, Councilwoman Kuncken, Councilman Depew and Mayor Maio stepped aside. Councilwoman Zdichocki stated that she disagrees with the issue of the budget shortage. Mayor Maio stated she was given a report that indicated the budget may have been exceeded and as a result the agreement was that three members of the Council and the Mayor would attend going forward. Mayor Maio stated there was also a discussion about the reaction several years prior concerning the number of people overall that were attending. Councilwoman Zdichocki stated that she was the first one last year to volunteer to pay her own way in order for another member of the Council to attend and no one else wanted to attend the conference.

Mayor Maio asked if the Governing Body is in agreement moving forward to have three members of the Council and the Mayor attend the League Conference each year. In addition, anyone else is able to attend but must cover the cost of their hotel. Ellen Horak, Borough Clerk, stated that in the past she has made the reservations for anyone attending the conference for additional days but they are responsible for reimbursing the Borough. The CFO is then informed as to which attendees must reimburse the Borough. Ms. Horak asked if she is permitted to make the reservations through the Borough and have the attendees reimburse the Borough. Mayor Maio asked the Governing Body if they are in favor of having all the reservations made through the Borough. The Governing Body had no objections. Mayor Maio stated the existing policy will remain in effect.

On motion by Councilwoman Kuncken, from this year going forward, the Borough will pay for three members of the Governing Body and the Mayor to attend the conference in Atlantic City, those positions will rotate from year to year as to who is eligible to attend, anyone else that wants to attend can obtain a comp room or pay their own way and reimburse the Borough and the Borough will pay the registration fee for the convention for anyone attending, seconded by Councilman Depew, and unanimously carried by the following roll call vote:

Councilwoman Thistleton asked Ms. Horak, Borough Clerk, if the costs for the hotel rooms are only available for reservations made through the Borough. Ms. Horak confirmed that the pricing is for the municipalities but she is of the opinion there are special rates available for those attending the conference.

Roll Call:

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

Crosswalk at Route 183 and Main Street - Mayor Maio stated the crosswalk at Route 183 and Main Street has been brought up several times by a few residents who have asked for a pedestrian crossing state law sign stating you must stop for pedestrians in the crosswalk. The crossing itself has faded to the point that the crosswalk is not visible. Chief Pittigher has contacted the DOT and was told by the DOT that the engineers had done a study which resulted

in a determination that several crosswalks within the County would not be repainted because they are too dangerous. The DOT was not certain at that time if this crosswalk was in that category. The DOT did contact Chief Pittigher and they informed him that the crosswalk was not deemed dangerous and will be repainted as early as this coming week. This is the crosswalk located at Main Street and the Enrite gas station on Route 183. Mayor Maio stated that she spoke with Chief Pittigher and he is of the opinion that the Borough should wait until the crosswalk is painted but he is concerned about placing the sign in the road due to the amount of traffic turning onto Main Street from Netcong. The sign may not last. Councilman Benson stated that the traffic coming from Byram Township at the curve in the road is also an issue.

Crosswalk on Main Street - Councilman Depew asked what the status is regarding the crosswalk located on Main Street near the Antique Store. Mayor Maio stated that she has spoken with Bill Storms, DPW Superintendent, regarding the crosswalk and he and Administrator McNeilly are planning to meet with Mr. Keller, Borough Engineer to discuss the issue. Mr. Keller, present in the audience, replied that Administrator McNeilly informed him of the problem with the crosswalk. Mr. Keller has contacted the representative who in turn reached out to the contractor that installed the crosswalk. No response was received from the contractor. Mr. Keller has also tried to contact the contractor and there has been no response. Mayor Maio stated that she was of the opinion that the contractor had supplied the grid and materials along with the instructions in case repairs were needed. Mr. Keller stated the material is colored asphalt. The contractor left a sealant and a color treatment for the sidewalks. The crosswalks have a colored crack sealing material to keep water from penetrating. Mayor Maio asked Mr. Keller to contact Statewide again and if there is no response then the DPW will have to make the repair.

Mr. Keller stated that he informed the company that he is disappointed in the product and he will not specify it again. Mayor Maio stated that the Governing Body researched the product prior to purchasing it. The crosswalks in Wharton had been in place for three years and the town was pleased with the crosswalks. Mr. Keller stated that Wharton did not have a problem because it was installed in a road that was not repaved. The Borough repaved the road and keyed it and then installed the material. Councilwoman Thistleton stated that the product is already coming up in Byram. Mr. Keller stated he will try to contact the contractor and the manufacturer representative again.

## NEW BUSINESS

### ORDINANCES

Mayor Maio read the following ordinance for introduction by title.

Ordinance for Introduction [Public Hearing on July 22, 2014]

#### 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 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 Councilwoman Kuncken, seconded by Councilman Benson, and unanimously carried by the following roll call vote, the above ordinance was introduced.

Roll Call:

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

On motion by Councilman Benson, seconded by Councilman Depew 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:

**Resolution 124-14**                      **RESOLUTION AUTHORIZING THE RELEASE THE PERFORMANCE BOND OF LONGO ELECTRICAL-MECHANICAL, INC. FOR VARIABLE FREQUENCY DRIVE CONTROLLERS FOR WELLS NO. 2 AND 3**

**WHEREAS**, the Mayor and Council had deemed it necessary for Longo Electrical-Mechanical, Inc. to submit a performance bond prior to the commencement of the installation of the Variable Frequency Drive Controllers for Well Nos. 2 and 3; and

**WHEREAS**, Longo Electrical-Mechanical, 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 \$12,850.00 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 Longo Electrical-Mechanical, Inc. for the installation of the Variable Frequency Drive Controllers for Well No. 2 and Well No. 3.

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

Roll Call:

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



**Resolution 125-14**

**RESOLUTION AUTHORIZING THE ACCEPTANCE OF MAINTENANCE BOND IN THE AMOUNT OF \$12,850.00 OFFERED BY LONGO ELECTRICAL-MECHANICAL, INC. FOR VARIABLE FREQUENCY DRIVE CONTROLLERS FOR WELL NOS. 2 AND 3**

**WHEREAS**, the Mayor and Council heretofore authorized the release of a performance bond submitted by Longo Electrical-Mechanical, Inc.; and

**WHEREAS**, Longo Electrical-Mechanical, Inc. has substantially completed the installation of the Variable Frequency Drive Controllers for Well No. 2 and Well No. 3; and

**WHEREAS**, Longo Electrical-Mechanical, Inc. has offered to the Borough a Maintenance Bond in the amount of \$12,850.00, 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 Longo Electrical-Mechanical, Inc. in the amount of \$12,850.00 for the installation of Variable Frequency Drive Controllers for Well No. 2 and Well No. 3.

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

Roll Call:

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

**AGENDA ITEMS**

All items listed on the Agenda for July 22, 2014 were approved.

**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.

*Peggy Findley*, 88 Main Street, and her tenant that resides at 3 High Street stated their concern regarding a tree that was hit by lightning which is located on Bell’s Mansion’s property. Mrs. Findley stated that the tree is split and she is concerned that it may fall in one of three directions. Mrs. Findley stated that she has spoken with the owner of Bell’s Mansion, Maria, but she did not indicate that she is willing to remove the tree. Mrs. Findley stated that she has not been able to get in contact with Pederson’s Tree Service. Mrs. Findley asked if the Shade Tree Commission can be involved. Mayor Maio stated that in an issue such as this the property owners are responsible. Mayor Maio stated there is a request form that can be submitted to the Shade Tree Commission asking them to inspect the tree. The tenant stated that she has pictures from Friday night when the tree was hit by lightning and pictures that show that the tree is continuing to move. The tenant stated she is afraid the tree will fall on the house. Mayor Maio stated that the issue is between the property owners and if there is concern a tree service should be contacted. Mayor Maio stated that she will ask the Clerk to contact the Borough Attorney to see if anything can be done. Mayor Maio strongly encouraged Mrs. Findley to contact a tree service if the tree is hanging over her property.

Mrs. Findley stated that Bell’s Mansion has built a patio near the area where the tree is. On Friday, Saturday and Sunday nights they have karaoke night until 12:30 AM. Mrs. Findley’s tenant stated the area is only 20 feet from where she lives. Mrs. Findley asked if this use was granted by the resolution which was passed by the Land Use Board. Ellen Horak, Borough Clerk, stated that she has asked Arlene Fisher, Zoning and Code Enforcement, to look into this

issue. Mayor Maio advised Mrs. Findley to speak with the Zoning Officer. Mrs. Findley asked if Ms. Fisher would be able to address an issue with the wood pile. Mrs. Findley's tenant stated that there is also an issue with parking. She stated that originally parking was not allowed on High Street in that area but the no parking signs were not reinstalled after the road was redone. Mayor Maio stated the police need to be called when there is a parking problem. Mayor Maio asked Mr. Keller to review the signage requirements for High Street and to contact the Clerk with his findings. Mayor Maio suggested that Mrs. Findley, as the landlord, contact the Police Department with the issues that her tenant is experiencing.

Mrs. Findley's tenant stated that one of the street lights is not working. Councilwoman Zdichocki explained that the tenant can contact JCP&L and inform them of the pole number which is located on the pole.

Lois Marchitto, Musconetcong Avenue, stated that she spoke with Mayor Maio last week regarding the crosswalk at Route 183 and Main Street. Ms. Marchitto stated that she walks this area frequently and it is a dangerous intersection. Much discussion took place regarding signage, blinking lights and a police presence for the area. Mayor Maio stated that she has in the past advised Ms. Marchitto that the safest way to cross Route 183 would be to travel to the traffic light in Netcong. Ms. Marchitto stated that she agrees with Mayor Maio's suggestion. Mayor Maio stated that Ms. Marchitto's recommendations will be taken under consideration.

Andy Orinick, 10 Mountain Terrace, stated that he has issues with the work being done on Mountain Terrace. Mr. Orinick is of the opinion that the curb heights are too high, the drain that was installed is going to be an issue in the future as to who is going to clean it and he is concerned that a child may get a finger stuck in the drain. The curb has been raised in front of his home by 18" and the curb in front of the driveway is raised 14". The driveway is very steep already. Mr. Orinick stated that he has spoken with the workers on site and last night he spoke with Frank Russo on the phone to inform him that when pulling out of his driveway he needs to do so straight, not on an angle and it needs to be semi level. Mayor Maio stated that it is her understanding that Mr. Orinick viewed the plans prior to construction. Mr. Orinick stated it was his mistake because he did not look at the heights. Mr. Orinick stated he had looked at the drainage which he disagreed with and the change has made it difficult to cut the lawn in that area as well. Mr. Orinick stated there is also an issue with the neighbor's driveway.

Mayor Maio asked Mr. Keller, Borough Engineer, to come forward to answer Mr. Orinick's issue regarding the next driveway. Mr. Keller stated the end of the curb replacement was going to end in the middle of 14 Mountain Terrace's driveway and therefore the decision was made to extend an additional 20 feet to encompass the entire driveway. This is a nominal increase in the scope of the work and will make for a better transition. Mr. Keller stated he is aware of the cost implications and this was a decision that had to be made in the field. Mr. Keller stated that the height of the curb has not been increased any more than 12 inches. The cross slope on Mountain Terrace is still greater than what a regular cross slope would be due to the recognition of the driveways. Each driveway opening remained the same except for Mr. Orinick's. The drop curve was widened 3 feet toward the front door of the house to allow for a better alignment to the street. Mr. Keller stated that Mr. Orinick's driveway has always been on an angle to the street. By widening the opening it allowed for a more perpendicular entry.

Councilwoman Kuncken asked about Mr. Orinick's concern regarding the angle when he pulls in and out of the driveway. Mr. Orinick stated that for safety reasons the top part of his driveway needs to be flat so that he can see when backing out of the driveway. Mayor Maio asked Mr. Keller if something can be done. Mr. Keller stated that he will have to look at the driveway and may have to make a change further down the driveway. The driveway restoration was already extended to make a smoother transition from the lower part of the driveway up to the street. Mr. Keller stated that he will speak with Frank. Mr. Keller stated there are constraints with the property corner due to a utility pole. The driveway sweeps out into the public right of way and therefore the driveway cannot be widened to the outside to the curb because it would extend onto the neighbor's property. Mr. Orinick stated that this is a difficult driveway and he is requesting to have the access be at a reasonably flat angle. Mr. Orinick asked if a temporary arrangement could be made to the stairs. Mayor Maio asked Mr. Keller to contact her tomorrow with his findings. Mr. Keller agreed to do so.

*Michael & Kenia Choquette*, 12 Mountain Terrace, stated that the driveway from 10 Mountain Terrace was extended toward his property. The original drop in the curb was to the left of the telephone pole. The new location is approximately six feet to the right of the telephone pole. Mr. Keller replied that the survey located the driveway prior to construction. The driveway does extend in front of the telephone pole. Mr. Choquette disagreed and stated that the curb has been moved quite a bit. Mr. Keller stated he will review the plans and photographs.

Mr. Choquette stated that he, and the other neighbor, would have appreciated being notified that this work was going to be done. Mayor Maio stated that the contractor was responsible for notifying the residents. Mr. Choquette replied that other than seeing the survey markers on his property, he was not noticed. Mr. Keller stated that a letter was prepared by the contractor outlining the type of work to be done which was supposed to have been sent to the residents. Mr. Keller stated that he presumed the letter was sent to property owners on Maple Terrace and Mountain Terrace. Mr. Keller stated that the contractor said they distributed the letter and went door to door. Mr. Keller apologized but stated it is a requirement of the contract for the contractor to provide notice.

Mr. Choquette stated he has lived here for four years and has never had a water issue. He questioned why a drain had to be installed and why his lawn and driveway had to be torn up. Mr. Keller stated that Administrator McNeilly had informed him that from the center line of the road to Mr. Choquette's side of the street there was noticeable pitch. Once the road was surveyed it was discovered just how steep the pitch was, how low the curb was compared to the centerline and how flat it was across the top. There is water that comes down the road and it should not stay on the other side of the road. There was a lot of ponding along the road and therefore the drain was chosen to be installed as opposed to adding additional inlets because the pitch would not allow the water to flow. Mr. Choquette asked that an inspection be made prior to the contractor completing the job and asked that the property be graded to be as flat as possible. Mr. Keller replied that the property will be graded, top soil will be put down and it will be seeded. Mr. Keller advised Mr. Choquette to contact him directly if that is not done. Councilman Benson stated that the contractors recently reseeded the lawns on Maple Terrace which have been restored nicely. Mr. Choquette stated he has resealed his driveway every year and asked if the driveway will be sealed. Mr. Keller replied that it will not be sealed.

Mrs. Choquette asked about the height of the driveway, and stated it seems to be quite high. Mr. Keller stated that the work is not complete. Mrs. Choquette stated that in the future they would like to be informed if any work is going to be done at their property. Mayor Maio apologized for the fact that they were not noticed and stated that it is not the Borough's policy to not inform the neighbors. This was an error on the fault of the contractor.

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

### **ADJOURNMENT**

On a motion by Councilwoman Kuncken, seconded by Councilwoman Zdichocki, and unanimously carried by voice vote the meeting was adjourned at 8:30 P.M.

Approved:

Linda Chirip  
Deputy Clerk for  
Ellen Horak, RMC  
Borough Clerk