

**MAYOR AND COUNCIL  
REGULAR MEETING  
September 22, 2015  
6:30 P.M.**

**CALL TO ORDER**

**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 7, 2015 and was placed on the Official Bulletin Board in the Municipal Building.

Furthermore, notice of the Early Closed Session was sent to the New Jersey Herald and Daily Record on September 19, 2015 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 Romano – present	Councilwoman Kuncken – present
Councilwoman Zdichocki – present	Councilman Depew – present
Councilman Thornton - present	Councilwoman Thistleton – present

Mayor Maio – present

**CLOSED SESSION**

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

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

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

1. The public shall be excluded from discussion of and action upon the hereinafter-specified subject matter(s).
2. The general nature of the subject matter(s) to be discussed is as follows:
  - 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 Councilwoman Kuncken, seconded by Councilwoman Thistleton, and unanimously carried by voice vote, the foregoing resolution was adopted.

The Mayor and Council went into Closed Session at 6:31 P.M.

At the conclusion of the Closed Session, the Mayor and Council reconvened the public meeting at 6:56 P.M. with all present.

## **SALUTE TO COLORS**

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

## **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.

Dennis Walker, Chestnut Street, stated he owns a piece of property located partially in Stanhope and partially in Hopatcong. Mr. Walker stated he has begun a project on this property. The Borough's water main runs directly in front of the property and this past March a curb box was installed. Mr. Walker asked if he would be permitted to connect to the water main and become a customer. Mr. Walker stated at this time there will be one building with the possibility for an additional building in the future. Mr. Walker stated this will not be a car wash. The building will be warehouse/flex space.

Mr. Stein stated there are no BPU issues with regard to providing water service to a customer outside the confines of Stanhope. The current law allows approximately 1,000 customers to be in another town before Stanhope would be subject to BPU regulations. The water line is already in place. A hook up fee and a user charge would have to be determined. The hook up fee would include the costs associated with having the work done by the Borough DPW in order to create a spot for the physical connection to the water system.

Mr. Stein stated, under the statute, the Borough is required to charge a water hook up fee based on service units. It has been many years since the Borough has had a new customer and as such it has been many years since the water hook up fee has been updated. The sewer hook up fee was updated approximately two years ago and the fee was approximately \$7,000 per EDU. In order to calculate the water hook up fee, all of the debt service, amount borrowed, plus the interest, plus any money spent out of pocket over the years to build the water system is divided by the number of water customers to determine the water hook up charge. The Borough auditor would have to provide some of these figures due to the fact the water system is quite old. The basis of the connection fee is to insure the new customer is on an equal footing with those residents that have been paying water charges for many years.

Mr. Stein stated in order for Mr. Walker to become a customer, the hook up fee would have to be calculated and an ordinance adopted. Mr. Stein stated the law allows for a hook up to be done prior to the adoption of the ordinance. The ordinance would be retroactive to the first of the year.

Mr. Stein stated a commercial building, as opposed to a residence, requires the uses to be equated to service units. A service unit is what the average single family home in Stanhope uses for water on a daily basis. A commercial warehouse property with a single bathroom for just a few employees would be similar to a residential home. If the use of the business uses water for more than that it is a different issue. Mr. Stein stated the Borough will need an application which needs to include the square footage and the individual uses once that information is available.

Mr. Stein stated if the Governing Body chooses to approve the water hook up, they can give Mr. Walker that assurance at this time. Mr. Walker will then be able to move forward knowing he will have access to public water as opposed to having to install a well on the property. Mr. Walker stated there is an additional hardship in that the water line was extended to the County Garage because their well is contaminated. Mr. Walker stated his property adjoins the County Garage property and if he were to drill a well, it may also be contaminated. Mr. Stein stated the cost for the hook up fee will probably be a lot less than the cost to install a well.

Mayor Maio asked the Governing Body if there were any objections to granting approval for Mr. Walker to hook up to the water system. The Governing Body had no objections. Mayor Maio asked Mr. Walker to put his request in writing and to include the information Mr. Stein has discussed. Mr. Walker asked if he could speak with Mr. Stein to go over the necessary requirements. Mr. Stein stated he will work with Mr. Walker. Mr. Stein stated once the letter is received from Mr. Walker, a resolution granting an undefined allocation can be adopted. Mr.

Walker will then be able to provide documentation to Hopatcong Borough indicating he has a water source available in order to move forward.

Mayor Maio asked what steps are necessary in order for the accountants to begin compiling the information. Mr. Stein stated Administrator McNeilly should contact Nisivoccia to request the information.

Administrator McNeilly informed Mr. Walker there is a blow off located in front of the property, not a service. Administrator McNeilly stated the water usage for the area comes from the water tower. A business such as a car wash would not be permitted. A service will have to be installed. Mayor Maio asked Mr. Stein if restrictions could be put in place to prevent a problem in the future with regard to water usage. Mr. Stein replied a restriction would be put on the allocation of water. Mr. Stein stated there will probably be two service units which would be approximately 500-550 gallons of water per day.

Mr. Walker stated there are already two 10,000 square foot buildings on the property which are fed by a well with a one inch line that is maxed out. Mr. Stein asked if those buildings are metered. Mr. Walker replied the buildings are not metered. Mayor Maio asked Mr. Walker if he plans to add the two existing buildings to the water service. Mr. Walker replied he is not going to change the service. The new building will be approximately 9,600 square feet.

Mr. Stein asked Mr. Walker to submit a copy of the site plan with the letter of request. Mayor Maio stated Mr. Walker should work with Administrator McNeilly and Mr. Stein in order to move forward with the request. Administrator McNeilly confirmed a letter of request and a site plan are needed. Mr. Stein asked Mr. Walker to provide a narrative describing what the uses will be. NJDEP provides a list of numbers that are fairly accurate for determining water usage for every type of commercial use. The figures can be used to determine the allocation. Mayor Maio asked Administrator McNeilly to contact Nisivoccia. Mr. Walker thanked the governing body. Mayor Maio stated the Borough is happy to welcome Mr. Walker as a new customer.

Seeing no one further 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:

August 11, 2015	Work Session/Agenda Meeting
August 25, 2015	Regular Business Meeting & Closed Session

On motion by Councilman Romano, seconded by Councilwoman Zdichocki and carried by a majority voice vote the above listed minutes were approved. Councilman Thornton abstained from the minutes of August 11, 2015. Councilman Depew abstained from the minutes of August 25, 2015.

### **CORRESPONDENCE (List Attached)**

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

### **COUNCIL COMMITTEE REPORTS**

#### **Public Safety – Councilwomen Kuncken/Thistleton**

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

Councilwoman Kuncken stated the Fire Department report for July states there were 4 calls, 34 ½ man hours and 1 meeting. For the month of August there were 8 calls, 54 man hours, 7 drills and 1 meeting.

Councilwoman Kuncken stated the Police Department report for the month of August states there were 245 calls.

Councilwoman Kuncken stated the Ambulance Squad for the month of August had 68 total calls; 25 in Stanhope and 43 in Netcong. The squad treated 37 patients, made 37 trips to the hospital, travelled 943 miles, volunteer hours totalled 196 hours and 23 minutes and 1 assist was provided by the Netcong Fire Department.

**Finance & Administration – Councilman Romano/Councilwoman Kuncken**

Councilman Romano reported the water collections year to date total \$322,620.35 as compared to last year's figure of \$327,315.59. The sewer collection year to date total is \$502,352.27 as compared to last year's figure of \$508,215.04.

**Community Development – Councilwoman Zdichocki/Councilman Thornton**

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

Councilwoman Zdichocki reported the Zoning Official had 13 zoning permit applications. There were a total of 20 code violations and 18 of the violations have been corrected.

Councilwoman Zdichocki stated she will contact the Chamber of Commerce for an update regarding the sign.

**Municipal Infrastructure – Councilman Thornton/Councilwoman Zdichocki**

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

Councilman Thornton stated he will be attending an infrastructure meeting tomorrow morning at 9:30AM with Administrator McNeilly, Mayor Maio, Councilwoman Zdichocki and Frank Russo from Omland Engineering with regard to the road conditions and the 2016 budget.

**Information Technology – Councilmen Depew/Romano**

Councilman Depew reported Mr. Stein is revising the wording for the website development contract. Mr. Stein stated he has sent the revised contract to Administrator McNeilly. Mayor Maio asked if the contract has been sent to the provider. Administrator McNeilly replied there are still some questions to be addressed. Mayor Maio asked if progress has been made with the emails. Administrator McNeilly replied the issues are tied together and the email has not been changed as yet. The email is attached with the domain name. Administrator McNeilly stated he will speak with Mr. Stein regarding this matter tomorrow.

**Boards/Commissions – Councilwoman Thistleton/Councilman Depew**

Councilwoman Thistleton stated the Half Way to St. Patrick's Day Dinner was held recently and all who attended enjoyed the evening. The Recreation Commission is sponsoring a bus trip to the Sands Casino on October 31<sup>st</sup>. Tickets are on sale for \$25.00. The bus will return to Stanhope by 4:00PM.

The Halloween Parade will be held on October 24<sup>th</sup> which will begin at Church Street and end at the Fire Department for refreshments, games and a costume contest.

Councilwoman Thistleton stated the Recreation Commissions from Stanhope Borough and Byram Township are in the process of planning dances for the students. Councilwoman Zdichocki stated the commissions are trying to develop a different method for collecting the payments for those attending the dances. The goal is to eliminate having to collect money at the door.

Mayor Maio stated the Environmental Commission will be holding the annual clean up on September 26<sup>th</sup>. The clean up day has been moved from Saturday to Sunday due to the number of volunteers involved in sports programs. Mayor Maio stated last year there was a discussion regarding the requirements for paying groups to participate. Mayor Maio asked Administrator McNeilly to speak with the CFO to ensure the guidelines are put in place. Mayor Maio stated they must be an existing recognized group in Stanhope, names must be provided, a minimum of six members must participate and attendance is mandatory for the full two hours. Mayor Maio stated the governing body would like to know the amount to be paid ahead of time. Groups who meet the requirements will receive \$200 for participating.

## **ADMINISTRATOR'S REPORT**

*Abandoned Properties* – Administrator McNeilly stated a tax penalty must be established for non-compliance of the abandoned property registration. The second notice, which will state compliance must be made in ten days, must be sent this week to the property owners who have not responded to date. The thirty day notice which was sent out has now expired. The ordinance range is between \$500 to \$1,000 per day. Mr. Stein stated Dana Mooney, CFO, asked for information regarding tax sale laws for these properties. Mr. Stein stated he will have to research the tax sale law and the provision for a special expedited tax sale for these properties. Mr. Stein will contact Administrator McNeilly as soon as he has the information in order to proceed with the penalty which will eventually become a tax lien on the property and will result in a tax sale.

Administrator McNeilly explained the importance of determining the penalty fee for property owners who fail to respond. Mr. Stein recommended the penalty be set at \$500. Mayor Maio asked the Governing Body if there were any objections to setting the penalty at \$500. There were no objections.

Mr. Stein asked how many property owners have not responded. Administrator McNeilly stated some registrations have been received without payments, several calls have been received, some of the local owners have called with a story to tell and some owners have sent in the registration fee without the registration form.

Mayor Maio stated Arlene Fisher, Zoning Official, is recommending two properties be exempt from registering. They are 17 Kelly Place and 17 Reeve Avenue. Mayor Maio asked if Ms. Fisher has already exempted these properties. Administrator McNeilly stated Ms. Fisher has letters from the property owners. Mr. Stein stated he has proposed amendments for the ordinance in order to address these particular issues which he can present during Council Discussion or with his Attorney Report. Mayor Maio stated this discussion will take place later on during this meeting.

*JCP&L* – Administrator McNeilly stated Mike from JCP&L dropped off information regarding the Montville-Whippany Reinforcement Project. A resolution of support has been requested. Administrator McNeilly stated Mike informed him that having another method to get power to from one specific part of the system to the other side can ultimately benefit the Borough. Administrator McNeilly stated one of the issues that seems to get lost in the objections submitted by the municipalities where this project will take place is the fact this is an established right of way. The power company obtained the right away back in the late 1920's and early 1930's.

Mayor Maio asked if JCP&L will be doing an investigation on the aging infrastructure within the Borough. Administrator McNeilly stated he has impressed upon Mike the fact that there is work to be done at wells 3 and 4. They are committed to that. The power presently strings its way along through the old Dynapac property and out and then comes into the wells. It needs to hook into the road directly in front on Continental Drive. Administrator McNeilly stated he has also asked to have JCP&L specifically focus on one section of infrastructure, whether it be the oldest section of town or not, to upgrade a stretch of the low power wires. There are areas within the Borough, such as downtown, where there are eight splices in the wires from pole to pole.

Mr. Stein stated he is aware that other Sussex County Municipalities that have adopted this resolution have received letters from Montville asking them to withdraw the resolution. Ellen Horak, Municipal Clerk, stated she has received an email from the Montville Clerk requesting to be notified if Stanhope Borough is considering adopting the resolution. Councilman Thornton stated he would like to know why they are objecting. Administrator McNeilly stated there is a large section of untouched right of way located in Montville Township. Mr. Stein stated he has reviewed the project online. This is an existing line and it will clearly cause a disturbance in Montville, very specifically within the right of way. The right of way is larger than what is currently developed. There are also areas in Montville where additional right of ways will have to be acquired which are located right up against residential neighborhoods. Mayor Maio stated Montville's objections are similar to the objections residents in our area have with regard to the railroad coming through this area. Mayor Maio asked the Clerk to add this topic for Council Discussion at the next scheduled meeting. Councilwoman Kuncken stated it would be helpful to have additional information. Councilman Thornton asked if it is possible to obtain a copy of the

letter Montville has sent to other municipalities. Mr. Stein stated he will ask one of the clerk's for a copy of the letter. Mayor Maio asked Administrator McNeilly and Ellen Horak to distribute any additional information to the Mayor and Council.

James Street – Administrator McNeilly reported the James Street project should be closed out in early October. The punch list includes additional yard repair, catch basin clean out and core samples.

2015 Best Practices – Administrator McNeilly reported he or Dana Mooney, CFO, will be present at the October 13<sup>th</sup> meeting to review the 2015 Best Practices Checklist. Copies of the 2015 Best Practices will be provided to the Governing Body by the end of the week.

Construction Department – Administrator McNeilly reported the new software package has been installed for the Construction Department. The training has taken place. The Zoning Official and Tax Assessor have been added as users to the system. The Tax Assessor will be able to utilize the software to assist with the added assessments. Mayor Maio stated the Tax Assessor told her he would have the added assessments done in August. Mayor Maio asked if the assessments have been done. Mr. Stein stated typically the added assessments are sent out as part of the fourth quarter taxes in November. Councilwoman Kuncken stated it is her understanding that added assessments cannot be applied until a final inspection has been scheduled and passed. Councilwoman Kuncken asked if this is true. Mr. Stein stated this is not necessarily true. There are instances where the owners do not schedule the final inspection in order to avoid paying the additional taxes. Once the improvement is functionally complete, the Tax Assessor can add the assessment. Much discussion took place regarding final inspections and the added assessments.

Street Lights – Councilwoman Zdichocki stated she called JCP&L regarding four street lights which were out and they were repaired the next day. When contacting JCP&L to report an outage the pole number is required. Outages can be reported by phone or online. Administrator McNeilly stated he has mentioned to Mike from JCP&L that additional street lights are needed. Additional lights are needed on Sparta Road from the line to the school and from Acorn Street to the divide. Councilwoman Zdichocki suggested the information to report an outage be placed on the Borough website.

Lloyd Avenue – Mayor Maio asked Administrator McNeilly if the issues on Lloyd Avenue have been addressed. Administrator McNeilly stated the issue with the car being able to get out of the driveway has been corrected. The milling machine had cut a sharp edge which in most cases is beneficial for water channeling. There are two more driveways to be corrected. The DPW will correct the problem by cutting and flaring them correctly with blacktop.

Lawrence Avenue - Administrator McNeilly stated there is an issue on Lawrence Avenue which is more of a historical problem. This will be discussed in more detail at tomorrow's infrastructure meeting. The ponding water may have always occurred, however now that the road is completely flat, it is an issue.

Mayor Maio asked if the water situation for the Bayliss property has been corrected. Administrator McNeilly confirmed this issue has been corrected.

Port Morris – Mayor Maio asked Administrator McNeilly for an update on the Port Morris Project. Administrator McNeilly stated today the system was scheduled to be up and sanitized.

## **COUNCIL DISCUSSION**

Property Maintenance Ordinance (Owner Occupied) – Mr. Stein distributed information regarding the abandoned property ordinance. Mr. Stein stated the ordinance has been implemented and unintended circumstances have arisen regarding the abandoned property ordinance. The Zoning Officer has sent a memo asking for some guidance and she has provided her recommendations. The following issues have been brought up:

Seasonally Occupied Properties – Mr. Stein stated there are Stanhope residents who live here part time and part time somewhere else. They are gone for two months and therefore under the

ordinance the property is considered vacant. Mr. Stein suggested a definition be added for Seasonally Occupied Properties and then they can be exempt by simply informing Arlene Fisher that they live part time somewhere else. These owners would be exempt from the fee but would still have to file the registration form. Mr. Stein stated there may be owners who are hesitant to put on record that their home will be empty for a certain amount of time but we are obligated and they are going to have to trust the Borough with this personal information.

Homes for Sale – Mr. Stein stated currently there is a home where the property owner passed away, the home is for sale and according to the definition of the ordinance the home is vacant. If there is a property being actively marketed, there is a listing agreement, a contract for sale pending or being advertised for sale by owner, documentation to support this could be provided to the Zoning Official. The owner would still register but would be exempt from paying the fee.

Mayor Maio asked Mr. Stein for his recommendation on the amendments. Mr. Stein stated the libertarian view would be that a statement would not have to be filed. Mr. Stein stated he personally believes by having everyone file the statement it makes the situation more even handed in how everyone is being treated. They will just be exempt from paying the fee. Administrator McNeilly stated from an operation standpoint the purpose is not only to motivate someone to place the home back on the roles, but to also inform emergency services on the status of the house by having a placard on the door. Administrator McNeilly stated he feels strongly that even a marketed house, with the fee waived, should have the placard on the door with all the pertinent information. Mayor Maio stated she agrees with a placard for a marketed home but not for seasonally occupied home.

Mr. Stein stated he is of the opinion that a procedure should be put in place to have the information in an index to be provided to the fire department. Administrator McNeilly stated a copy of the registration could be given to the fire department. Mayor Maio stated that would be acceptable for a marketed home but not for the seasonal homes. The ordinance requires a placard to be placed on the home for all homes registered. Mr. Stein stated wording can be added to also exempt the seasonal homes from having to post a placard. Much discussion took place regarding seasonal homes.

Administrator McNeilly asked how homes that are unoccupied but are being actively renovated should be handled. There is a home on Kelly Place which was damaged by water and the owners are unable to live there while it is under construction. Mr. Stein stated he can add a provision to the ordinance for homes under construction. Councilwoman Zdichocki asked what the minimum time is for residents to be away before considering the home vacant. Mr. Stein replied sixty days is the minimum.

Mayor Maio asked the governing body if they are in agreement that a placard will not be required for seasonal homes. The governing body agreed a placard is not required for seasonal homes. Mr. Stein stated he will create an exemption for homes under repair. Much discussion took place regarding the varying situations which constitute a seasonal home. Mr. Stein stated brokers have already been exempted as responsible parties with regard to marketed homes. Mr. Stein stated he knows how the governing body wants to handle seasonal properties and asked if marketed properties should be required to register and will be exempt from paying the fee.

Mr. Stein stated Article III states if you are put on the vacant or abandoned property list, the information is recorded with the County. This makes the owner eligible for one of the special tax sale provisions. Article II states banks located out of state do not get an appeal and they either take care of the property or they pay a fine. Article I for all the other properties is the one that will be the most in play and the Borough did not provide an appeal provision. Mr. Stein has drafted a suggested appeal. Forty five days is the typical amount of time that is allowed for the prerogative writ. Whenever the town adopts an ordinance or passes a resolution or takes some other action, the statute of limitations is forty five days from when notice of that action is published. Action must be taken within that forty five days or your time is up. The appeal must be in writing, served on the Borough Clerk, copied to the Zoning Officer and it then comes to the governing body who sit as a hearing tribunal and decide any appeal that has been raised.

Mayor Maio asked how the properties listed in Arlene Fisher's memo should be handled. Mr. Stein stated 17 Kelly Place is a damaged home and 17 Reeve Avenue is being actively marketed

so they will be addressed by the amendments. Mayor Maio stated Ms. Fisher's memo also indicates Mr. Wusterfield of 20 Kingsland Avenue and Eric Schuffenhauer of 264 Route 206 have requested an exemption. Mr. Stein asked that Ms. Fisher's letter be forwarded to him tomorrow and stated most of these issues will be addressed by the amendments discussed.

Councilman Thornton asked if wording could be included to prevent someone from saying they are actively marketing the home but the price they are asking is well beyond market value. Mr. Stein stated if that situation should arise the Zoning Officer could determine it is a sham and then require the owner to register. At that point, the owner could appeal to the governing body if they are not satisfied with the Zoning Officer's decision. Mayor Maio stated Arlene Fisher is asking for guidance. Mr. Stein stated he will review Ms. Fisher's letter and he will send a memo to Ms. Fisher. Mr. Stein will prepare the ordinance amendments into an adoptable format.

Mr. Stein stated the appeal process will be set up with the same rules that would be followed in an application to the Land Use Board. Witnesses would be sworn in by the chair. They can be represented by an attorney if they wish. Evidence can be presented. The strict rules of evidence do not apply with a hearing before the board. This is a less formal degree but it is still a statutory recognized process.

Mr. Stein stated he will prepare the amendment into an introductory format and he will send a memo to Ms. Fisher.

Discussion took place regarding vacant homes where the owner lives nearby. It was determined to wait and gain some experience with the ordinance to address further issues.

Qualified Purchasing Agent (QPA) – Administrator McNeilly stated there are three different classes to complete and it can take approximately a year to become a Qualified Purchasing Agent. The cost would be approximately \$4,000 for the training. Municipalities in the area spend anywhere between \$2,000 - \$5,000 to hire someone from outside. Mayor Maio asked how many instances have occurred over the past two years where the Borough would have benefited by having a QPA. Administrator McNeilly stated there were two this year but the average is approximately one per year. Mayor Maio stated in her opinion there is no benefit to having a QPA. Councilwoman Kuncken stated this issue has been discussed in the past and at that time the same conclusion was that it is not warranted. Administrator McNeilly stated in the last two and a half years there have been four projects where a QPA would have benefitted the Borough. Much discussion took place with regard to the QPA position. Mayor Maio asked the Council for their opinions on pursuing the QPA issue. The governing body agreed this was not a critical item at this time.

## **NEW BUSINESS**

### **RESOLUTIONS**

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

#### **Resolution 178-15**

#### **RESOLUTION AUTHORIZING BOROUGH OF STANHOPE TO JOIN INTERSTATE PURCHASING CO-OP**

**WHEREAS**, a New Jersey municipality must comply with the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. in the procurement of goods and services on behalf of the Borough and its agencies; and

**WHEREAS**, the Borough of Stanhope currently has a bid threshold of \$17,500.00 requiring any purchase by the Borough above the bid threshold to be competitively bid; and

**WHEREAS**, under the Local Public Contracts Law, the Borough may join any intrastate cooperative governmental purchasing entity and may then purchase goods and services through the use of any competitive bid for any particular goods or services made by that entity; and

**WHEREAS**, pursuant to the provisions of N.J.S.A. 52:34-6.2(3), the Borough may also join any nationally recognized and accepted governmental cooperative purchasing entity that has been developed utilizing a competitive bidding process within any other state; and



**WHEREAS**, the National Joint Powers Alliance (“NJPA”) is a governmental cooperative purchasing program established under Minnesota law, which authorizes any municipality in any state in the United States to join for purposes of utilizing the competitive bidding process of the NJPA for the purchase of goods and services; and

**WHEREAS**, the Borough of Stanhope wishes to join the NJPA by entering into an Interlocal Contract for Cooperative Purchasing Agreement with NJPA, a copy of which is attached hereto; and

**WHEREAS**, the form of the Interlocal Contract for Cooperative Purchasing Agreement to be entered into between the Borough of Stanhope and the NJPA has been reviewed and approved by the Borough Attorney; and

**WHEREAS**, the Governing Body is of the opinion that it is the best interest of the Borough of Stanhope to enter into the Interlocal Contract for Cooperative Purchasing Agreement with the NJPA

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Stanhope that the Borough shall join the NJPA; and

**BE IT FURTHER RESOLVED** that the Mayor and Borough Clerk be and the same are hereby authorized to execute and provide to the NJPA the Interlocal Contract for Cooperative Purchasing.

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

Roll Call:

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

**Resolution 179-15**

**RESOLUTION TO AUTHORIZE AN AMENDMENT TO THE MUNICIPAL SHARED SERVICES DEFENCE AGREEMENT**

**WHEREAS**, the Borough Council of the Borough of Stanhope entered into the Municipal Shared Services Defense Agreement (“MSSDA”) for the purpose as set forth therein, which included retaining a common expert in the Declaratory Judgment action (“Litigation”) that was filed in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Decision”); and

**WHEREAS**, the MSSDA identified Dr. Robert Burchell, a distinguished professor at Rutgers University, as the expert to be retained; and

**WHEREAS**, Dr. Burchell became ill and has been unable to complete the obligations under the Research Agreement as set forth in the MSSDA; and

**WHEREAS**, as a result, Rutgers University has exercised its right to terminate the Research Agreement as permitted under its terms; and

**WHEREAS**, the MSSDA requires modification to allow the members to retain one or more alternative experts, consultants and/or other professionals for the Litigation; and

**WHEREAS**, an Amendment to the MSSDA (“Amendment”) has been prepared to effectuate the modification; and

**WHEREAS**, the Borough Council of the Borough of Stanhope recognizes that the Litigation requires immediate action and may require further expedited actions by its counsel determined to be necessary and appropriate; and

**WHEREAS**, the Borough Council of the Borough of Stanhope has determined that it is in the best interests of the citizens of Stanhope to approve the Amendment, and/or to affirm and ratify the Amendment, and to authorize their designated counsel to take actions on behalf of the municipality with regard to the multiplicity of issues raised and associated with the continued implementation of the MSSDA;

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

1. The terms and conditions of the Amendment to MSSDA attached hereto are hereby approved, and/or ratified and confirmed.
2. The Mayor and Borough Clerk or Deputy Clerk, be and are hereby authorized to execute the aforesaid Amendment.
3. The Borough Council of the Borough of Stanhope hereby authorizes Jeffrey R. Surenian, Esq., to execute an agreement on behalf of Stanhope with Econsult Solutions, Inc.

The Borough Council of the Borough of Stanhope hereby authorizes Jeffrey R. Surenian, Esq., to execute on behalf of the Borough with the approval of Stanhope's designated counsel such other agreement(s) as are advisable to effectuate the purposes of the MSSDA as amended.

4. The Borough Council of the Borough of Stanhope further authorizes its designated counsel to approve such other changes to the MSSDA as may be necessary to effectuate its purposes, and to take action on behalf of the municipality with regard to the multiplicity of issues raised and associated with the implementation of the MSSDA provided that the action will not require the municipality to appropriate and commit any additional funding for the MSSDA.

In the event such changes and actions require the municipality to appropriate and commit any additional funding for the MSSDA, the Borough of Stanhope shall only be responsible for such funding if it authorizes same.

5. If additional monies are needed to effectuate the intent and purpose of the MSSDA, no such services shall be authorized by designated counsel without further action from the Borough.
6. This Resolution shall take effect immediately.

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

Mayor Maio stated this resolution has to do with the COAH resolution that was previously adopted appointing Dr. Robert Burchell. Dr. Burchell no longer available due to health issues.

Roll Call:

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

**CONSENT AGENDA** (All items listed on the Consent Agenda are considered routine by the Borough Council and were enacted by one motion of the Borough Council with no separate discussion.)

**Resolution 180-15**

**RESOLUTION OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF STANHOPE  
AUTHORIZING THE RENEWAL OF LIQUOR  
LICENSE TO LICENSE HOLDER IN THE  
BOROUGH**

**WHEREAS**, the liquor license renewal application submitted is complete in all respects, the renewal fees have been paid, Tax Clearance Certificate received, the license has been reviewed, and the premises inspected;

**NOW, THEREFORE, BE IT RESOLVED** that the statutory requirements thereto having been fulfilled, the application for renewal of liquor license be granted and the Borough Clerk be authorized to complete, sign and deliver said license on behalf of the Mayor and Council to the below named applicant, said license being renewed for the period July 1, 2015 to June 30, 2016 in the Borough of Stanhope, County of Sussex, New Jersey:

***Plenary Retail Consumption License:***

1919-33-005-009 Sammy's Italian Food, t/a Sal's Pizza, 81 Route 183

**Resolution 181-15**

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF STANHOPE AUTHORIZING THE ISSUANCE OF RAFFLE LICENSE RA-608**

**WHEREAS** the following Raffle Application, with required fees, has been submitted for Mayor and Council approval;

<u>Raffle #</u>	<u>Applicant</u>	<u>Date</u>	<u>Type of Game</u>
RA-608	Stanhope Home School Assoc.	11/09/2015	50/50 Off-Premise Raffle

and;

**WHEREAS** said Raffle Application has been provided to the Mayor, Council and Police Department for their review;

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

1. The appropriate officials are hereby authorized to execute the findings and determination for the above application and shall forward same to the Legalized Games of Chance Control Commission (LGCCC) for review.
2. That the above license shall be issued pending LGCCC approval, pursuant to N.J.A.C. 13.1 et seq.

**Resolution 182-15**

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF STANHOPE AUTHORIZING THE ISSUANCE OF RAFFLE LICENSE RA-609**

**WHEREAS** the following Raffle Application has been submitted for Mayor and Council approval;

<u>Raffle #</u>	<u>Applicant</u>	<u>Date</u>	<u>Type of Game</u>
RA-609	11 <sup>th</sup> Hour Animal Rescue, Inc.	10/18/2015	50/50 On-Premise Raffle

and;

**WHEREAS** said Raffle Application has been provided to the Mayor, Council and Police Department for their review;

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

3. The appropriate officials are hereby authorized to execute the findings and determination for the above application and shall forward same to the Legalized Games of Chance Control Commission (LGCCC) for review.

4. That the above license shall be issued pending LGCCC approval, pursuant to N.J.A.C. 13.1 et seq.

On motion by Councilman Romano, seconded by Councilwoman Thistleton and unanimously carried by the following roll call vote, the foregoing resolutions were duly adopted.

Roll Call:

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

### **Mayor's Appointment**

#### **Resolution 183-15**

#### **RESOLUTION APPROVING THE MAYOR'S APPOINTMENT OF STEVEN BUCKLEY, AS A MEMBER OF THE STANHOPE FIRE DEPARTMENT**

Mayor's appointment of Steven Buckley, as a 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 Steven Buckley, as a Member of the Stanhope Fire Department effective immediately.

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

### **PAYMENT OF BILLS**

#### **Resolution 184-15**

#### **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 September 22, 2015 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 Romano, seconded by Councilwoman Kuncken and unanimously carried by the following roll call vote the foregoing resolution was duly adopted.

Roll Call:

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

Councilwoman Kuncken stated in the past there was a specific time when the bills list was to be finalized and no changes made. Over the past few years, and certainly very recently, the Finance Committee signs the bills and a day later there are more bills added. In the past the bills list was in place on Friday and available to be signed over the weekend. Tonight there were two bills added. Ellen Horak, Clerk, stated she receives the bills list by 1:00PM on Friday and has never received a revised bills list. Mayor Maio stated any item on the bills list must be in the folder for signature on Friday. Mayor Maio stated bills are paid twice a month and therefore there is no reason to have to add bills. Mayor Maio asked Administrator McNeilly to speak with the CFO.

### **ATTORNEY REPORT**

Mr. Stein stated he received a memo from Administrator McNeilly stating the Mayor and Council want to add requirements to the property maintenance ordinance, similar to the vacant and abandoned ordinance. Mr. Stein reviewed the existing property maintenance ordinance and the commercial properties have a very good strict detailed section. The residential portion only states the grass must be cut, brush, garbage, rubbish and obnoxious weeds must be cleaned up. There are absolutely no provisions for the maintenance of any structures. Mr. Stein stated he has added one section to the property maintenance ordinance to address property maintenance issues. Mr. Stein read the list of items such as broken windows and doors and damaged roofing, any condition that would constitute a violation of a construction code. Mr. Stein asked if there are any other items to be added. Mr. Stein is of the opinion that this is a sufficient list.

Mayor Maio asked Mr. Stein if a complaint is received regarding junk cars on a property is there any way to be able to enforce the removal of the vehicles. Mr. Stein stated at this time there is no provision for removal of the vehicles. An ordinance could be adopted stating the vehicle has to be licensed, registered and insured in order to remain on the property. If they do not comply with the ordinance a summons could then be issued. Much discussion took place regarding heavy equipment, boats and trailers.

Councilwoman Kuncken stated she is of the opinion the vehicle portion should not be added at this time. Councilman Thornton stated the vehicle portion could be added in the future if necessary.

Mr. Stein stated, with Council approval, he will prepare the amendment and send it to the Borough Clerk for introduction at a future meeting. Mr. Stein stated he will also speak with Arlene Fisher to gather her input. Mayor Maio asked the Clerk to provide copies of the ordinance amendment to the Mayor and Council when she receives it.

Councilwoman Zdichocki asked if a provision needs to be added regarding signs. Mayor Maio stated an ordinance is already in place regarding signs. Administrator McNeilly stated once the new sign is installed the other signs will not be permitted and they will be collected.

### **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.

### **ADJOURNMENT**

On a motion by Councilman Romano, seconded by Councilman Depew, 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