

**MAYOR AND COUNCIL  
WORK SESSION AND  
AGENDA MEETING  
October 13, 2015  
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 7, 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

**BOROUGH PLANNER** (Fair Share Housing Plan)

Mayor Maio invited William Hamilton, Borough Planner, and Attorney Ursula Leo of Laddey, Clark & Ryan, to come forward to discuss the Fair Share Housing Plan. Mr. Hamilton stated he is working on the Housing Plan and Fair Share Plan and is here to provide an update. Mr. Hamilton stated Dave Troast last worked on the plan in 2010. Since that time lots of changes have occurred. COAH is no longer active in the state and there was a Supreme Court ruling in the spring which greatly changed the landscape of affordable housing. A new plan is being prepared and a declarative judgement has been filed.

Ms. Leo stated in March the Supreme Court ruled that due to COAH's inaction this was taken over by the courts. This required the municipalities to file a declaratory judgement action seeking immunity and essentially going through the COAH process with the court instead of a government agency. COAH had provided a number to use for the growth share. The Supreme Court decision ruled that the third round proposed regulations were not good and the previous methodology should be used, but they would not be providing the numbers, this would be up to the courts discretion. Morris County's numbers could be different than Sussex County's numbers.

Ms. Leo stated Stanhope Borough entered into a municipal consortium along with 230 other municipalities from around the state in order to rely upon the expert report of Dr. Burchell. Dr. Burchell was responsible for preparing the draft third round regulations for COAH. Ms. Leo stated Dr. Burchell's services were to be utilized to determine the COAH numbers but unfortunately Dr. Burchell will not be able to do so because of health issues. The E-Consult is the new agency which will be determining the methodology and coming up with the numbers through the municipal consortium. This will not be done by the time we have entered into a consent order. The municipality has a consent order, along with several other municipalities in Sussex County and Morris County that provides immunity for five months. This provides five months of immunity where we are not subject to builders suits. In order to get that, we had to agree to submit a report for the Housing Element and Fair Share Plan.

Ms. Leo stated on Friday there is a case management conference in Morristown, along with the other municipalities. At that time we will find out if we will be required to move forward without the expert report. We do have the Borough Planner who can substantiate our numbers. The Fair Share Housing Council today submitted additional information on how their numbers are calculated. Ms. Leo stated we disagree with those numbers. Ms. Leo stated at this time the Governing Body will have to move forward with the draft housing on the Fair Share Plan and the board must work on this also.

Mayor Maio asked if the methodology will be questioned. Ms. Leo confirmed this and stated the current figures can be reviewed on the local level and the Borough Planner can provide an explanation. At this time the court only has the information provided by Dave Troast in 2010.

Mr. Hamilton stated at this time Stanhope Borough's COAH number is 56 units. Mr. Hamilton referred to a zoning map used by Mr. Troast which took into account the environmental conditions of the properties. At that time what was proposed was an overlay zone. The highway commercial zone was analyzed which consists of three areas along with the village business district downtown. Mr. Hamilton stated Mr. Troast came up with the number of units that could potentially be built within those areas and he assumed it would be an inclusionary product so there would be a 25% setback for affordable units. The study used a figure of 4-6 building units per acre. Mr. Hamilton stated he is looking at the Kinsey numbers which are upward of 300 and the Burchell numbers, prepared through Rutgers, for the last COAH regulations which were not adopted. The Burchell numbers are more reasonable for Stanhope. There were 13 units in the present going to 20-24, with past obligations of 9 units for a total of 22 units. Mr. Hamilton stated the numbers have to be reconciled before a determination of the final obligation number is made by the court. The report will be prepared and in good shape with regard to the statute requirements for the housing report.

Mr. Hamilton stated, since the 2010 report, one lot changed from Industry to Age Restricted Housing with a COAH set aside figure of 1 unit for every 8 units. The site is four acres with a density of 25 units per acre which could yield 100 units for a total of 12 COAH units. Age restricted units can only make up a quarter of the COAH obligation. Depending on the requirement number all those units may not be usable in the Fair Share Plan. This information was not included in the 2010 plan.

Councilwoman Kuncken asked why the Compaq site was not included in the past calculations for 2010. Administrator McNeilly stated the zoning map was not updated to include that zone. Administrator McNeilly is of the opinion that Mr. Troast worked with the maps. Mr. Hamilton stated the plan will not be much different from the one Mr. Troast prepared. The extra 12 units may permit the Borough to modify the plan. The village business district could be removed where we may not want affordable housing. The housing may be more appropriate in the highway business district where there is mass transit, land available with sewers and some properties that may be underutilized. The downtown area has smaller lots and a more established residential and business community.

Mayor Maio asked if the Habitat for Humanity Home was included in the 2010 plan. Mr. Hamilton confirmed the Habitat Home was included. Mr. Hamilton stated there is a concentrated area along Route 183 where a significant number of units could be built. There is also an area north on Route 206 available. The southern highway business district, in Mr. Troast's report, had only one affordable unit that could be generated by developing that area. Mr. Hamilton is of the opinion this area should not be included in the study unless absolutely necessary.

Councilwoman Kuncken stated in the past other areas along Route 206, from the Corvino's property toward the Mendez's property, were discussed as options. Mr. Hamilton stated if those are the areas the governing body is interested in, those areas should be looked at in detail to see what could be developed there. Mayor Maio stated the areas Mr. Hamilton has outlined are the ones with the most potential. The more suburban areas of the Borough are not located near public transportation. The properties also have to be compliant with the Waste Water Management Plan.

Councilwoman Kuncken stated the transit village in Netcong which was discussed years ago may come alive again. The Compaq site has the potential to be accessible to stores, trains and buses. Mayor Maio stated a portion of the Compaq property is located in Stanhope Borough and the other part is in Netcong Borough.

Mr. Hamilton stated the report has to be prepared rather quickly. Mr. Hamilton stated he will provide the draft report to the Governing Body and the attorney as soon as possible. In preparing the report without knowing the exact numbers, we will have to be conservative.

Councilwoman Kuncken asked what the Borough's numbers are currently. Mr. Hamilton replied the Borough has a credit of 12 units. Councilwoman Kuncken suggested Mr. Hamilton go on a walking tour with Administrator McNeilly.

Councilwoman Kuncken asked Ms. Leo how long the plan will be in place. Ms. Leo replied the plan will be valid until 2025.

Mayor Maio thanked Mr. Hamilton and Ms. Leo for attending tonight's meeting.

### **ADMINISTRATOR'S REPORT**

Website Rework – Administrator McNeilly reported the agreement for the website rework, amended by Mr. Stein, was sent to Pavia Kriegman for her review. Once the agreement is accepted, a resolution will be placed on the meeting agenda.

Musconetcong Watershed Association – Administrator McNeilly stated in order to complete the required stormwater management points, the Musconetcong Watershed Association will have a representative present at the Mayor and Council meeting on October 27<sup>th</sup> to make their annual education presentation.

2016 DOT Local Aid Project – Administrator McNeilly stated there is a resolution included on the agenda this evening for approval of the 2016 DOT Local Aid Project. The project is entitled "Valley Road School Route Improvements – Phase 2 (Oak Drive Reconstruction) Project". Mayor Maio stated the project will include curbs, new road, drainage and saddles. This project will not involve any water mains, pipes or valves.

FEMA/Fire Department Grant – Administrator McNeilly stated Dana Mooney, CFO, has confirmed that all funds from FEMA for the Fire Department grant have been received by the Borough.

Budget 2016 Timeline – Administrator McNeilly stated Eric Keller will be attending the November 10<sup>th</sup> meeting to present the engineering projects for 2016. Ray Sarinelli and Dana Mooney will be attending the December 15<sup>th</sup> meeting for the initial auditor presentation. Jason Laliker, Tax Assessor, will be attending the December 15<sup>th</sup> meeting for the projected values presentation.

Administrator McNeilly stated the Public Safety Committee met with the Police Department on October 13<sup>th</sup> to discuss the budget. The Public Safety Committee met with the Fire Department to discuss their budget on September 30<sup>th</sup>. The Infrastructure Committee held a roads capital engineering meeting on September 23<sup>rd</sup>.

Mayor Maio asked if a budget meeting has been scheduled with the DPW to discuss the operating budget. Administrator McNeilly replied the meeting has not been scheduled at this time.

Resident Issues - Mayor Maio asked Administrator McNeilly if the letters received from residents, such as the one from Delaware Avenue, have been addressed. Administrator McNeilly replied he will meet with the Zoning Official tomorrow to discuss the issues.

Mayor Maio asked if the water meter issues for Mr. Wright's property have been resolved. Administrator McNeilly stated the water meters were not functional. Previous usage reports will be used to determine the usage.

Councilman Thornton stated there is an issue on Plane Street with the increased number of cars travelling the wrong way on the one way street. At the top of Plane Street one way is painted on the road three times but there is nothing at the lower half of the hill. The one way sign at Bedford Avenue is obscured by a tree and more signage is needed at the curve and at both ends of the street. Councilman Thornton suggested an additional sign be placed near King Street. Administrator McNeilly suggested the Police Department be contacted if there is a particular

time of day when the situation is most prevalent. The Police Department can then monitor the area. Administrator McNeilly will discuss the issue with Bill Storms, DPW Superintendent.

## **WORK SESSION**

*Best Practices Checklist* – Mayor Maio stated Administrator McNeilly and Dana Mooney, CFO, have answered all the questions on the Best Practices Checklist which is used to determine the allocated state aid. Ms. Mooney stated Stanhope Borough has obtained 100% for all but the first year. Ms. Mooney came forward to review the checklist with the Governing Body item by item.

Ms. Mooney and the Governing Body reviewed the Best Practices Checklist. Ms. Mooney gave brief explanations for the questions which have “no” as the answer.

Mayor Maio stated the procedures for the Employee Manual were reviewed with the Finance Committee and Administration last year. The changes were sent to Bob Merryman for review but the handbook changes have not come back to the Governing Body for review. Mayor Maio asked Administrator McNeilly to have the employee manual information brought back to the council for review. Administrator McNeilly stated he will provide copies to the Governing Body for review.

Ms. Mooney stated the Best Practice Checklist has a total of 37 yes responses, 5 no responses, 8 not applicable and no perspectives for a total score of 90%. This information is not used to determine the entire state aid it is only applicable for the last payment. The last payment is the smallest payment and is only 5% of the total state aid. Ms. Mooney stated the Borough will receive 100% of the payment.

Councilwoman Zdichocki asked why the answer to item #6 regarding instructional training for elected officials is “no”. Mayor Maio replied that the Borough’s elected officials do attend annual training but in order to answer “yes” the Borough would have to make this a requirement. The Governing Body has discussed this issue in the past and decided not to make this a requirement despite the fact that they do all attend training during the year. Councilwoman Zdichocki stated perhaps in the future this should become a requirement, especially due to the fact that the elected officials do participate in the training.

*Bills List* – Administrator McNeilly stated at the last Mayor and Council Meeting an issue was brought up regarding bills being added to the bills list after Friday and he asked to discuss the issue at this time with Dana Mooney, CFO, present. Ms. Mooney stated the final bills list is prepared by noon on Friday and no changes or additions are made after that time. Ms. Mooney stated she has noticed that many of the items are paper clipped together and it is possible items are getting accidentally clipped together.

Mayor Maio stated there have been instances where the bills have been signed over the weekend and on Tuesday additional bills appear requiring signatures. Councilman Romano stated it is possible that on occasion a bill is missed when they are being signed. Councilman Romano stated Councilwoman Kuncken found two this evening that he had missed.

Ms. Mooney stated there are times when the Administrator’s signature is required and if he has been out of the office that bill will be placed on the top of the pile on Friday with a note indicating his signature will be obtained on Monday. Ms. Mooney stated lien redemptions must be wired to the office by Friday morning. The actual signed voucher may not be delivered to the office until Monday morning and would then be added to the billing information already in the packet. If that has been placed on top instead of behind the already signed paperwork it might appear like an added item.

Councilwoman Kuncken stated there were a couple of bill list cycles where there were four or five additional bills. Mayor Maio stated the bills list and the corresponding paperwork is to be finalized by Friday and no additions are to be made. Mayor Maio thanked Ms. Mooney for attending tonight’s meeting.

*Resolution Supporting JCP&L Montville-Whippany Reinforcement Project* - Mayor Maio stated a request has been made by JCP&L for a resolution of support for the Montville-Whippany Reinforcement Project. Mayor Maio stated in her opinion it appears Montville objects to the project because it is located in their municipality. Councilman Thornton stated the letter written by Montville asking for municipalities not to provide a resolution of support does not indicate

that JCP&L will not address their concerns, just that they have not done so at this time. Mayor Maio stated the premise is that anything which strengthens JCP&L will benefit Stanhope Borough and this is an established right of way which has been in place since the late 1920's.

Councilwoman Kuncken and Councilman Thornton asked why Stanhope Borough is being asked to provide a resolution in support of the project and asked if the work will actually benefit the Stanhope residents. Councilman Thornton stated in his opinion if this project were in his backyard he might feel like the residents of Montville do.

Administrator McNeilly asked the Governing Body to imagine if the PSE&G line that runs near Stonegate Condominiums had been included in the Roseville line which was changed over recently. The towns that were affected by this had the right of ways cut back to the edges and the height of the towers was significantly increased. Administrator McNeilly asked the Governing Body how they would feel if other towns were supporting the change for something in our Borough.

Councilman Thornton asked if there is a necessity to address this now. Mayor Maio asked what the difference is whether it is done now or later. Councilman Thornton stated JCP&L may address some of the concerns Montville has in the meantime. Montville has asked the Borough to stay neutral for the time being. Councilman Thornton stated he is of the opinion the Borough should remain neutral at this time.

Councilwoman Kuncken stated this is a topic which could be discussed for hours and suggested a vote be taken.

Mayor Maio took a straw poll vote asking the governing body if they are in favor or against adopting a resolution of support for the Montville-Whippany JCP&L Project. The results are as follows:

Roll Call:

Councilman Depew – Against	Councilwoman Kuncken - Against
Councilwoman Zdichocki – In Favor	Councilwoman Thistleton – Against
Councilman Thornton - Against	Councilwoman Romano – In Favor

Mayor Maio stated as a result of the poll a resolution of support will not be adopted.

2016 Budget – Dana Mooney, CFO, distributed copies of the Recreation Budget to the governing body. Ms. Mooney stated if the Mayor and Council provide her with their budget binders from last year she will put the new budget books together for them.

Mayor Maio acknowledged that the 2016 budget has been received and two of the three largest budgets have already been preliminarily reviewed by a subcommittee. There are only a few budgets missing at this time. Administrator McNeilly stated the “charged” column figures are not exact. These numbers will change by the end of the year. Ms. Mooney stated the finance budget has not been prepared due to the fact the end of year figures are required. Mayor Maio stated what has been completed so far is a good beginning.

Councilwoman Kuncken stated the larger budgets which have been reviewed are already providing documentation. In the past this information would not have been provided until later on in the process. Mayor Maio stated some of the departments, like the Land Use Board, may lower their budget depending on the progress made with the Master Plan. Ms. Mooney stated the Borough could ask Mr. Hamilton for an estimate which could be adjusted at a later date if necessary. Mayor Maio stated she will speak with Mr. Hamilton on Monday.

Fire Department Budget - Mayor Maio and the Council reviewed the Fire Department budget. Administrator McNeilly stated good backup documentation has been provided. Mayor Maio stated item #26 regarding the installation dinner is an issue every year. The validity of this donation is always questioned. The Fire Department has requested an increase in the rent from \$800 to \$1,000 to cover operating expenses. Mayor Maio stated in her opinion increasing the rent is acceptable however the installation dinner donation should be eliminated. The tax payers should not be incurring that cost. Councilwoman Kuncken stated she is of the opinion the increase in rent is justifiable. The costs for operating the building have increased. Mayor Maio stated the officers of the Fire Department have been requesting this change for the past three years but they have finally presented it in their budget. The installation dinner expense of \$2,500

will be eliminated and \$2,400 will be added to the budget for the increase in the rent. The rent will increase from \$9,600 per year to \$12,000. Mayor Maio stated there is a line missing from the Fire Department budget. Ms. Mooney stated this has been corrected and she will provide new print outs.

Mayor Maio stated line #33 Flow Tests was not budgeted last year due to the fact the air packs were new. This year \$1,200 has been added back into the budget for this line item. Mayor Maio stated the line item for dress uniforms may be reduced. Mayor Maio stated the Fire Department requested a generator purchase totaling \$65,000 from capital. The Fire Department was informed that the generator will not be purchased for a building which the Borough does not own. Councilwoman Kuncken stated while the governing body supports the need for a generator in order to have the Fire Department open in an emergency, it could be done with a much smaller generator. Councilwoman Kuncken stated the Half Way to St. Patrick's Day fund raiser was held to raise funds for a generator. Councilwoman Zdichocki stated \$1,300 was raised for the Fire Department. Administrator McNeilly stated a substantial size generator was installed at well #3 for a cost of approximately \$39,000. Mayor Maio stated overall a very productive budget meeting was held with the Fire Department.

Mayor Maio asked the Council to review the budget and during the next few meetings the budget will be reviewed. Councilwoman Kuncken stated there may be some slight changes to the Fire Department budget. Councilman Thornton stated none of the backup documentation indicates the Fire Department has agreed to the elimination of the installation dinner line item. Mayor Maio stated it was discussed with Fire Department.

Councilwoman Zdichocki asked what the line item regarding incentives entails. Administrator McNeilly replied the incentives are a clothing allowance which is part of the bylaws. Mayor Maio stated the incentive is paid out according to the number of calls and drills that the fireman attends. Administrator McNeilly stated the formulas are calculated by the fire department and officers receive an additional stipend. The incentive totals \$5,000 and is disbursed by the fire department. Administrator McNeilly stated he does receive a copy of the disbursement list.

Mayor Maio stated the Borough ordinance provides funding to the Fire Department for a total of 50 members, which includes Fire Police. Mayor Maio stated the ordinance is over 110 years old and should be updated.

Mayor Maio stated budget discussion will be added to the agenda for the next few meetings to review the budget line by line. The time allotted at each meeting will not exceed one hour.

## **NEW BUSINESS**

Mayor Maio offered the following ordinances for Introduction which were read by title:

*Ordinances for Introduction [Public Hearing on October 27, 2015]*

## **ORDINANCES**

### **Ordinance 2015-16**

### **AN ORDINANCE AMENDING ORDINANCE 2015-12 ADDING DEFINITIONS AND AN EXEMPTION/APPEAL PROCESS FOR OWNERS OF VACANT AND ABANDONED PROPERTIES**

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

## **SECTION 1**

Ordinance 2015-12 finally adopted on July 14, 2015 is hereby amended as follows:

Section 1 "Definitions" is hereby amended to include the following definitions:

### **SEASONALLY OCCUPIED PROPERTIES-**

Seasonally occupied properties shall be those properties in the Borough which are occupied on a limited, part-time or seasonal basis and not on a year-round basis

by the owner. Owners of seasonably occupied residences shall be required to file a registration statement with the Borough, but shall be exempt from payment of any registration fee and the posting of a placard on the property as otherwise required by Section 5(1) hereof.

#### **ACTIVELY MARKETED VACANT PROPERTIES-**

Owners of properties meeting the definition of “Vacant Property” that are being bonafidely actively marketed for sale shall file a Registration Statement with the Borough in accordance with the terms and conditions of this Chapter, but shall be exempt from the payment of a registration fee. The owner of any such property in order to be exempt from the payment of a registration fee shall provide adequate proof to the Borough of the bonafide active marketing of the property for sale by providing such evidence of such bonafide active marketing activities as shall be reasonably required by the Borough, including but not limited to, copies of listing agreements and/or pending contracts of sale or other advertising or marketing efforts being made by the property owner directly to promote the sale of the property. Although exempt from the payment of any registration fee, in all other respects, the property owner of any vacant property that is being bonafidely actively marketed for sale shall be required to maintain the property while it is being bonafidely actively marketed in accordance with this Chapter and all other ordinances of the Borough of Stanhope.

#### **PROPERTIES UNDER REPAIR OR RENOVATION-**

Owners of properties meeting the definition of “vacant property” that are in the process of being repaired or renovated shall file a Registration Statement with the Borough in accordance with the terms and conditions of this chapter, but shall be exempt from the payment of a registration fee. The owner of any such property in order to be exempt from the payment of a registration fee shall have obtained all necessary permits and approvals from the Borough to repair or renovate the property and shall demonstrate proof to the Borough of diligent continuous efforts by the owner to promptly complete the repair or renovation of any such property.

### **SECTION 2**

A new section is hereby added to Article I of Ordinance 2015-12 to be entitled “Request for Exemption” to read as follows:

#### **SECTION 9 - REQUEST FOR EXEMPTION**

Any owner having received notice from the Borough that their property has been determined to be either vacant or abandoned may make a request in writing to the Borough for an exemption from any of the provisions of this chapter by demonstrating to the Borough such special circumstances peculiar to the property that warrants either a temporary or permanent exemption from any of the provisions of this Chapter. In the event of a denial of any such exemption request, the owner shall have the right to file an appeal in accordance with the provisions of Section 10 hereof.

### **SECTION 3**

A new section is hereby added to Article I of Ordinance 2015-12 to be entitled “Appeals” to read as follows:

#### **SECTION 10 - APPEALS**

Any owner having received notice from the Borough that their property has been determined to be either vacant or abandoned shall have the right to appeal any such determination by any Borough official directly to the Governing Body of the Borough of Stanhope. Any such appeal shall be taken within forty-five (45) days of the date of the receipt of notice from the Borough of such vacant or abandoned property determination. The appeal shall be in writing and served on the Borough Clerk with a copy to the Borough Zoning Officer. Upon the filing of the appeal,

all proceedings against the property shall be stayed pending the appeal process. The Governing Body shall schedule a hearing on the appeal as soon as practical at a regularly scheduled meeting of the Mayor and Council, at which time the property owner shall have the right to present relevant evidence to the Borough Council that the property is neither vacant or abandoned. Any such property owner shall have the right to be represented at any such hearing and shall have the right to call witnesses and present other relevant proof. The Mayor shall preside all such hearings, which shall to the extent applicable, be in accordance with the provisions of N.J.S.A. 40:55D-10.

#### **SECTION 4**

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

On motion by Councilman Depew, seconded by Councilman Romano, and unanimously carried by the following roll call vote, the foregoing ordinance was introduced.

Roll Call:

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

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

#### **Ordinance 2015-17**

#### **AN ORDINANCE AMENDING CHAPTER 111 OF THE CODE OF THE BOROUGH OF STANHOPE ENTITLED “PROPERTY MAINTENANCE” BY AMENDING ARTICLE 1 “GENERAL PROVISIONS” TO INCLUDE MAINTENANCE REQUIREMENTS FOR RESIDENTIAL STRUCTURES**

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

#### **SECTION 1**

Article I of Chapter 111 of the Code of the Borough of Stanhope entitled “General Provisions” is hereby amended to include a new § 6 entitled “Maintenance of Residential Structures” to read as follows:

##### **§ 111-6. Maintenance of Residential Structures**

- A. The owner of every residential structure in the Borough of Stanhope shall at all times be required to properly maintain the exterior of the residential structure and/or appurtenant structures thereto. Improper exterior maintenance shall include, but shall not be limited to, such items as cracked, broken or missing windows and doors, cracked, curling, broken or missing roofing, peeling paint, loose, broken or missing siding, fascia or trim, unpainted, unstained or otherwise uncovered, untreated raw wood or any other condition which would constitute a violation of the Uniform Construction Code, as adopted by Chapter 72 of the Code of the Borough of Stanhope.
- B. In all cases where improper exterior maintenance has occurred, the property owner shall be notified in writing by the Zoning Officer of the Borough of Stanhope to correct same within thirty (30) days of the date of the Notice unless such improper maintenance constitutes an immediate threat to the public’s health, safety or welfare, in which event the property owner shall be required to remedy the improper exterior maintenance in such time as the Zoning Officer shall deem appropriate to adequately protect the public’s health, safety or welfare.



- C. The notice of improper exterior maintenance may be delivered to the property owner personally or mailed to him at his last known place of address by Certified Mail, return receipt requested and by First Class Mail.
- D. Any property owner failing to comply with the notice to remedy, the improper exterior maintenance in the time provided by the notice served upon the property owner by the Zoning Officer shall, upon conviction, be punishable in accordance with Section 111-30 of this Chapter.

**SECTION 2**

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

On motion by Councilwoman Kuncken, seconded by Councilwoman Zdichocki, and unanimously carried by the following roll call vote, the foregoing ordinance was introduced.

Roll Call:

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

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

**RESOLUTIONS**

**Resolution 185-15**

**A RESOLUTION APPROVING THE SUBMISSION OF A GRANT APPLICATION AND THE EXECUTION OF A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR VALLEY ROAD SCHOOL ROUTE IMPROVEMENTS – PHASE 2 (OAK DRIVE RECONSTRUCTION) PROJECT**

**WHEREAS**, the Borough of Stanhope wishes to make a grant application for State Aid for the roadway reconstruction project entitled “Oak Drive Reconstruction Project”;

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Stanhope, in the County of Sussex, State of New Jersey formally approves the grant application for the above stated project.

**BE IT FURTHER RESOLVED**, that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as *MA-2016-Stanhope Borough-00333* to the New Jersey Department of Transportation on behalf of the Borough of Stanhope.

**BE IT FURTHER RESOLVED**, that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Stanhope and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

On motion by Councilwoman Kuncken, seconded by Councilman Romano 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

**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 186-15**

**RESOLUTION AUTHORIZING REFUND OF ERRONEOUS TAX PAYMENT**

**WHEREAS**, Corelogic, the servicing agent for many of the mortgage companies and banks in the nation, had made a lump sum payment for the first quarter of 2015 on January 23, 2015; and

**WHEREAS**, one of the payments was directed to a particular block and lot in error; and

**WHEREAS**, Corelogic has no relationship nor responsibility to that block and lot and has therefore requested a refund of this payment;

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Stanhope, that a warrant be drawn to Corelogic as per correspondence received, in the designated amount representing an overpayment of taxes, as follows:

**Incorrect Homeowner Information:**

Block	Lot	Qual	Name & Address	Tax Year	Amount
11001	28		Brian & Michelle McNeilly 106 Main Street Stanhope, New Jersey 07874	2015	\$342.92

**Make Check Payable to:** Corelogic Tax Services, LLC  
P.O. Box 961230  
Fort Worth, Texas 76161-0230

**Resolution 187-15**

**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. 2015-013, representing 2014 property taxes and/or utility charges on Block 11201, Lot 10, known as 4007 Waterloo Road, assessed to James N & Tracy A Capko, and;

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

To Lienholder:	US Bank Cust for Pro Cap 4 & CRDTRS 50 South 16 <sup>th</sup> St, Suite 2050 Philadelphia, PA 19102
Redemption Amount:	Tax Title Lien #2015-013 and Interest to Date of Meeting \$ 598.39 Premium Paid by Lienholder <u>1,200.00</u>
Total From Current Fund:	\$ 598.39
Total From Tax Premium Account	1,200.00

**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.

**Resolution 188-15**

**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. 2015-014, representing 2014 property taxes and/or utility charges on Block 11205, Lot 6, known as 7 Kelly Place, assessed to Robert E & Catherine M Foberg, and;

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

To Lienholder:	US Bank Cust for Pro Cap 4 & CRDTRS 50 South 16 <sup>th</sup> St, Suite 2050 Philadelphia, PA 19102
Redemption Amount:	Tax Title Lien #2015-014 and Interest to Date of Meeting \$ 452.77 Premium Paid by Lienholder <u>800.00</u>
Total From Current Fund:	\$ 452.77
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 Romano, seconded by Councilman Depew 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 Acceptance of Resignation

**Resolution 189-15**

**MAYOR'S ACCEPTANCE OF THE RESIGNATION OF  
CATHERINE FLANIGAN FROM THE STANHOPE  
ENVIRONMENTAL COMMISSION WITH COUNCIL  
CONCURRENCE**

**BE IT RESOLVED** by the Council of the Borough of Stanhope that they do hereby concur with the Mayor's acceptance of Catherine Flanigan's resignation as an appointed member on the Environmental Commission, effective immediately.

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

Mayor Maio stated Catherine Flanigan has served on the Environmental Commission for approximately thirty years. During that time Ms. Flanigan worked on many major projects within the Borough. Ms. Flanigan's years of service have been greatly appreciated.

**Resolution 190-15**

**MAYOR'S APPOINTMENT OF STACY GRAHAM TO THE  
BOROUGH OF STANHOPE RECREATION COMMISSION**

Mayor's appointment to the Recreation Commission as follows:

Stacy Graham to fill an unexpired term, said term to expire 12/31/2016

**BE IT RESOLVED** by the Council of the Borough of Stanhope that they do hereby concur with the Mayor's appointment of Stacy Graham as a member of the Recreation Commission, to fill an unexpired 5-year term, with said term to expire December 31, 2016.

Mayor Maio stated Stacy Graham is currently an alternate member of the Recreation Commission and she is being moved to a voting member position.

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

**PAYMENT OF BILLS**

**Resolution 191-15**

**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 October 13, 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

**AGENDA ITEMS**

All items listed on the Agenda for October 27, 2015 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.

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

**CLOSED SESSION**

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

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

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

1. The public shall be excluded from discussion of and action upon the hereinafter-specified subject matter(s).
2. The general nature of the subject matter(s) to be discussed is as follows:
  - 1 – Litigation
3. It is anticipated at this time that the above stated subject matter(s) will be made public at the conclusion of each individual specified subject matter.
4. This resolution shall take effect immediately.

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

The Mayor and Council went into Closed Session at 8:17 P.M.

At the conclusion of the Closed Session, the Mayor and Council reconvened the public meeting at 8:25 P.M. with all present.

**ADJOURNMENT**

On a motion by Councilwoman Kuncken, seconded by Councilman Thornton, and unanimously carried by voice vote the meeting was adjourned at 8:25 P.M.

Approved:

Linda Chirip,  
Deputy Clerk