

**MAYOR AND COUNCIL  
REGULAR MEETING  
November 24, 2015  
7:00 P.M.**

**CALL TO ORDER**

**SALUTE TO COLORS**

Council President Thistleton 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 – absent

**CITIZENS TO BE HEARD**

Council President Thistleton 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, Council President Thistleton closed the public portion of the meeting.

**MINUTES FOR APPROVAL**

Council President Thistleton read aloud the list of minutes being presented for approval:

October 13, 2015	Work Session/Agenda Meeting & Closed Session
October 27, 2015	Regular Business Meeting & Closed Session

On motion by Councilman Romano, seconded by Councilwoman Kuncken and carried by voice vote the above listed minutes were approved.

**CORRESPONDENCE (List Attached)**

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

**COUNCIL COMMITTEE REPORTS**

On motion by Councilwoman Zdichocki, seconded by Councilwoman Kuncken and unanimously carried by voice vote, the Council Committee Reports were waived.

**Public Safety – Councilwomen Kuncken/Thistleton**

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

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

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

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

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

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

**Information Technology – Councilmen Depew/Romano**

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

Council President Thistleton asked Councilwoman Zdichocki for an update on the upcoming Recreation Commission events. Councilwoman Zdichocki stated pictures with Frosty and Santa will be held on Sunday, December 6<sup>th</sup>, at Borough Hall from 2:30 – 4:30 PM. The tree lighting will take place at 5:30 PM. Flyers were sent out to the residents in the water/sewer bills. The holiday decorating contest will be held the week of December 14<sup>th</sup>. Councilwoman Zdichocki stated a dance was held this past Friday for the 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> grade students. There were 111 students who attended the dance. The next scheduled dance will be free for the students due to the fact enough funds were collected to cover the costs for the next dance.

**ADMINISTRATOR’S REPORT**

*Deferred Comp* – Councilman Romano stated a meeting was held with Axa Equitable and Lincoln Financial Advisors a few weeks ago. The Finance Committee is going to recommend that a second plan be added with Axa Equitable. Administrator McNeilly stated the plan is a deferred compensation for employees. All contributions are made solely by the employee. Presently, Valic is available to the employees. In order to recommend another plan, two companies had to be interviewed. Councilwoman Kuncken stated this is a voluntary program available to the employees. Some of the employees have been asking for another avenue for deferred income. The employees who already participate in Valic can continue to do so. Those same employees can also sign up with the new company as well. Councilwoman Kuncken stated that Axa Equitable has been in this business throughout the state for quite some time and they provide a more personal contact for the employees taking into consideration their individual requirements. Administrator McNeilly stated he will work with Dana Mooney, CFO, to prepare a resolution.

*Website Rework* – Councilman Romano stated he and Councilwoman Thistleton attended a class during the NJ League of Municipalities Conference with regard to mobile apps and communications. Councilman Romano is of the opinion the Borough needs to think about more than the website moving forward. Councilman Romano is of the opinion that Pavia is not taking this into consideration and he feels she is behind in technology. The website to be built has to serve the Borough’s needs now but it also has to have the ability to move into mobile apps. The vast majority of the constituency works from their mobile phones. Councilman Romano recommended the Borough reopen the discussion about the website and abandon the present course with Pavia. Councilman Romano stated Princeton has done impressive work. Councilwoman Thistleton stated one of the gentlemen that spoke at the meeting has a community similar in size to Stanhope and they have a mobile app. Councilwoman Kuncken stated she and Councilman Thornton spoke with representatives at the League Meeting. Councilwoman Kuncken is also of the opinion that the Borough needs to find another option which is more up to date.

Councilman Romano stated he was very impressed with the technology to scan, digitize and make the municipalities records searchable. Councilman Romano stated having the records digitized and searchable will eliminate the need for employees to search through boxes for information. This would help with fulfilling OPRA requests, which have been increasing. Councilman Romano stated a meeting will be scheduled with the Technology Committee in

December or January. Councilwoman Kuncken stated the company which provides the scanning suggested the Borough provide some of our records to them in order for them to prepare a presentation tailored to the Borough. Administrator McNeilly stated he is hesitant to provide documents prior to a contract being in place. Administrator McNeilly stated providing the meeting minutes may be acceptable. Being able to have the construction files in a searchable format would be beneficial. The number of OPRA requests has increased considerably. Administrator McNeilly stated he and the Borough staff are determining what documents can be destroyed. The required approvals to destroy the records will be obtained. A company will be contacted to provide the shredding.

Right of Way – Administrator McNeilly stated there is a resolution on tonight’s agenda for a right of way agreement for JCP&L to install the new service at Wells 3 and 4.

Abandoned Homes – Administrator McNeilly stated Arlene Fisher, Code Enforcement, has 8-10 properties which will be in non-compliance as of tomorrow. The charges will be \$500 per day. The Borough has started to receive unsolicited registrations, many of which are for the condominiums. In some instances registration forms are being submitted without payment and in others payment has been received without the necessary paperwork. The property at 85 Main Street now has a maintenance company taking responsibility. Ms. Fisher had good results with the Hoer property. The area has been cleaned up. A resolution will be prepared for the December 15<sup>th</sup> meeting.

Councilwoman Kuncken stated she attended the foreclosure seminar and the vacant and abandoned homes seminar at the league meeting. There were so many people in attendance regarding the abandoned homes that the meeting had to be moved to a larger room. One of the attendees mentioned he works in a town that is only one square mile and in that town they have 66 vacant homes. The recommendation given at the seminar was to pass an ordinance regarding vacant and abandoned homes and to compile a list. Councilwoman Kuncken stated the Borough is on target with what was suggested. Councilwoman Kuncken stated the Mayor of Hopatcong has asked if the Borough could provide her with a copy of our ordinance. Administrator McNeilly stated he will forward the information.

Garbage Pickup – Administrator McNeilly reminded everyone garbage collection will take place on Friday this week due to the holiday.

Leaf Pickup – Administrator McNeilly stated the DPW is moving ahead of the schedule to remove piles of leaves in the event of heavy rains or snow. The final run through for the routes will still be picked up as per schedule starting November 30<sup>th</sup> for Route 1.

James Street – Administrator McNeilly stated there will be a resolution on the December 15<sup>th</sup> meeting agenda for a negative change order for Reivax Construction.

Dennis Walker – Administrator McNeilly stated he has spoken with Mr. Stein regarding Mr. Walker’s request.

Lee Purcell – Administrator McNeilly stated he will be meeting with Mr. Purcell to determine the value of the documents his office has relative to recent projects. Mr. Purcell will be retiring and closing the Lee T. Purcell Associates offices. Mr. Purcell’s office has the documentation for the chlorination project, the water project and the water tower project. The Borough was very fortunate to have been able to complete the water project with Mr. Purcell.

Lee Purcell Final Billing – Administrator McNeilly stated Mr. Purcell has submitted a final bill in the amount of \$4,080.00 for the work which was done to finalize the change orders, the required paperwork for the river crossing and the preparation for the NJEIT closeout meeting. Administrator McNeilly will review this information with the CFO.

Administrator McNeilly stated two weeks ago the final inspection was held with NJEIT. Administrator McNeilly stated he, the Clerk and the CFO prepared all the paperwork necessary for the inspection prior to the visit. The inspector toured and looked at all the different aspects. The only comment made was regarding when more money will be sent to them. Councilwoman

Kuncken stated Stanhope may become a sample town for the proper way to do this type of project.

Budget 2016 Timeline – Administrator McNeilly stated Ray Sarinelli, Borough Auditor, Dana Mooney, CFO, and Jason Laliker, Tax Assessor, will be attending the December 15<sup>th</sup> meeting. The budget appropriations will be reviewed at 6:00PM on December 15<sup>th</sup>.

Property on Route 206 – Councilman Depew asked Administrator McNeilly for the status on the property located next to Dimetrio's Garage on Route 206. Administrator McNeilly stated the owner has presented plans for residential, then changed to commercial and back again to residential. Arlene Fisher, Zoning Official, has been working on this issue. There is an issue with the front porch. If the porch is removed the footprint of the building will change. Administrator McNeilly stated the property also has a septic tank.

Vacant Property Demolition - Councilwoman Kuncken stated at the League meeting there was a discussion regarding vacant homes that are in disrepair and need to be taken down. Councilwoman Kuncken asked Mr. Stein about the Townsend property and what happens with a home that does need to be removed. Mr. Stein replied this type of issue would traditionally be overseen by the Construction Department. Administrator McNeilly stated a similar situation occurred with the Corvino property. Administrator McNeilly stated a maintenance company is doing clean up at the Townsend property. The Borough has an interest in the Townsend property. The owner had a rehabilitation loan. Mr. Stein stated there is a reverse mortgage on the Townsend property for three times more than the property is worth and the Borough provided a loan for the roof to be repaired when Mrs. Townsend was living there.

Administrator McNeilly stated the house on Young Drive, which the Borough boarded up several years ago and emptied the pool, is now occupied. Councilwoman Kuncken stated there was a home on Elm Street that was rehabilitated and is now a beautiful home.

## **COUNCIL DISCUSSION**

2016 Municipal Budget - Council President Thistleton stated the budget discussion will take place at the next scheduled meeting.

Holiday Party – Council President Thistleton asked Ellen Horak, Borough Clerk, for the holiday party details. Ms. Horak asked for permission to hold the annual holiday party on Friday, December 18<sup>th</sup>, at 2:00PM at Sal's Pizzeria. The snow date will be December 21<sup>st</sup>. Ms. Horak stated the cost will be \$20.00 per person and invitations will be distributed .

On motion by Councilwoman Kuncken, seconded by Councilwoman Zdichocki, and unanimously carried by voice vote, permission was granted to close the office at 2:00PM to hold the annual holiday party on December 18<sup>th</sup>, with a snow date of December 21<sup>st</sup>.

## **NEW BUSINESS**

### **RESOLUTIONS**

Council President Thistleton offered the following resolutions which were read by title:

#### **Resolution 205-15**

#### **RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF STANHOPE, COUNTY OF SUSSEX STATE OF NEW JERSEY AUTHORIZING THE SIGNING OF GOVERNMENT ENERGY AGGREGATION PROGRAM AGREEMENTS**

**WHEREAS**, the State of New Jersey has been engaged in a process to establish a competitive market place through deregulation and restructuring the electric and natural gas utility markets; and

**WHEREAS**, the establishment of a governmental energy aggregation program ("GEA Program") to purchase electric generation service and natural gas pursuant to the Government

Energy Act of 2003, *N.J.S.A. 48:3-93.1 et seq.* ("Act") and the New Jersey Board of Public Utilities' implementing rules at *N.J.A.C. 14:4-6.1 et seq.* ("Rules") will increase competition for the provision of electric power and natural gas to residential and non-residential electricity and gas ratepayers, thereby increasing the likelihood of lower electric rates and natural gas rates for these users without causing an interruption in service; and

**WHEREAS**, under a GEA Program the residential ratepayers may have the opportunity to receive a direct reduction in their electric bills through the bulk purchase of energy from a third-party energy supplier; and

**WHEREAS**, pursuant to an ordinance adopted by the Borough of Stanhope on December 17, 2013, Ordinance 2013-18, the Borough of Stanhope publicly declared its intent to commence a GEA Program by participating in the PASSAIC COUNTY ENERGY COOPERATIVE PRICING SYSTEM ("PCECPS"); and

**WHEREAS**, the COUNTY OF PASSAIC is the Lead Agent for the "PCECPS" program and shall accept or reject pricing on behalf of the Cooperative and its participant members; and

**WHEREAS**, the Borough of Stanhope, as a participating member of the "PCECPS" program hereby agrees to proceed with the program, by signing the Supplier Agreement, should the COUNTY OF PASSAIC accept pricing, which provides a minimum of nine (9)% savings, on the supply portion of the electric bill for the residential energy aggregation program; and

**WHEREAS**, the COUNTY OF PASSAIC appointed CONCORD ENERGY SERVICES ("CES") for the "PCECPS" to serve as Energy Agent to assist and administer the GEA program at no cost to the County or "PCECPS" participating members; and

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Stanhope, in the County of Sussex, New Jersey, duly assembled in public session, that:

The Mayor is hereby authorized and directed to execute, on behalf of the Borough of Stanhope, any documents necessary to carry out the purpose this Resolution providing a minimum of nine (9)% savings is achieved.

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

Roll Call:

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

**Resolution 206-15**

**RESOLUTION RESCINDING RESOLUTION 059-15  
ADOPTED ON FEBRUARY 24, 2015 CONCERNING  
ENERGY AGGREGATION**

**WHEREAS**, the Borough of Stanhope heretofore adopted Resolution 059-15 on February 24, 2015; and

**WHEREAS**, said Resolution was adopted pursuant to the provisions of *N.J.S.A. 48:3-39*, and the rules of the New Jersey Board of Public Utilities at *N.J.A.C. 14:4-6.1*, providing for the Borough of Stanhope to participate in an Energy Aggregation program being conducted by the County of Passaic as the lead agency; and

**WHEREAS**, said Resolution provided authority to the Mayor to execute all documents on behalf of the Borough of Stanhope necessary to carry out the purpose of Resolution 059-15, providing a minimum of ten (10%) percent savings as achieved; and

**WHEREAS**, the Borough has adopted a new authorizing Resolution authorizing the Mayor to execute on behalf of the Borough any documents necessary to carry out the purposes of the Energy Aggregation Act, provided a minimum of nine (9%) percent savings as achieved, thus making Resolution 059-15 moot;

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Stanhope, in the County of Sussex, New Jersey, that Resolution 059-15 adopted on February 24, 2015 is hereby rescinded and is null and void.

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

**Resolution 207-15**

**RESOLUTION AUTHORIZING BOROUGH ADMINISTRATOR TO EXECUTE EASEMENT TO JCP&L FOR ELECTRIC SERVICE TO WELLS NOS. 3 AND 4**

**WHEREAS**, the Borough of Stanhope is the owner of a well field property located in the Township of Mount Olive, County of Morris and designated as Block No. 4, Lot No. 2.2 on the Tax Maps of Mount Olive Township; and

**WHEREAS**, the Borough desires to have new electric service extended to its well site by Jersey Central Power and Light (JCP&L); and

**WHEREAS**, under New Jersey law, N.J.A.C. 14:3-8.3, a regulated utility such as JCP&L is not required to extend service on any property unless legally authorized to do so through an easement; and

**WHEREAS**, JCP&L has provided a proposed form of easement in standard format as approved by the Borough Attorney;

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Stanhope, that the Administrator be and the same is hereby authorized to execute an easement with JCP&L to extend new electric service to the Borough's well site for Wells Nos. 3 and 4.

On motion by Councilwoman Kuncken, seconded by Councilman Depew 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 208-15**

**RESOLUTION IN SUPPORT OF MANJIT SINGH BAJWA FOR THE DEVELOPMENT OF BLOCK 11703, LOT 1 246 U.S. HIGHWAY 206, STANHOPE, NEW JERSEY**

**WHEREAS**, the Borough of Stanhope heretofore acquired the property designated as Block 11703, Lot 1 on the Tax Map of the Borough of Stanhope and located at 246 U.S. Highway 206 South by way of In Rem tax foreclosure proceeding under Docket No. F-029861-12, with final judgment being recorded in the Sussex County Clerk's Office on May 22, 2013 in Deed Book 3313 at Page 612; and

**WHEREAS**, by Ordinance 2014-1 introduced on January 28, 2014 and passed after public hearing on February 25, 2014, the Borough of Stanhope authorized the sale of the property at public auction to the highest bidder; and

**WHEREAS**, Manjit Singh Bajwa was the highest bidder for the property held at a duly advertised public sale on March 25, 2014; and

**WHEREAS**, Manjit Singh Bajwa took title to Block 11703, Lot 1 from the Borough of Stanhope by Deed dated May 27, 2014 recorded in the Sussex County Clerk's Office on June 19, 2014 in Deed Book 3337 at Page 714; and

**WHEREAS**, the prior owner of the property had received approvals from the Planning Board of the Borough of Stanhope to construct an automobile service station, parts store and gasoline sales for the property; and

**WHEREAS**, the prior owner also obtained a highway access permit with direct access onto Route 206 South for the aforesaid retail use; and

**WHEREAS**, said highway access permit has now expired; and

**WHEREAS**, Manjit Singh Bajwa must obtain a new highway access permit from the New Jersey Department of Transportation (NJDOT); and

**WHEREAS**, Manjit Singh Bajwa purchased Block 11703, Lot 1 from the Borough of Stanhope in good faith relying on the ability to develop the property for gasoline and retail sale; and

**WHEREAS**, the property is located at the intersection of U.S. Route 206 South and Belton Drive; and

**WHEREAS**, there currently exists three (3) entranceways from the property onto Route 206 Southbound; and

**WHEREAS**, there is no currently existing entrance to the property from Belton Drive; and

**WHEREAS**, Manjit Singh Bajwa proposes a less intensive use of the property than had been previously approved by the Stanhope Borough Planning Board;

**NOW THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Stanhope, that it does hereby wish to express to NJDOT its support of the application of Manjit Singh Bajwa to NJDOT for an appropriate highway access permit to provide access to the property directly from Route 206 South.

**BE IT FURTHER RESOLVED** that a certified true copy of this Resolution shall be provided to NJDOT in support of the property owner's application for a highway access permit.

Councilwoman Kuncken asked if this issue has been addressed by the Land Use Board. Mr. Stein replied this resolution is for the access permit to the property. There was an access permit granted in the past, however NJDOT access permits expire after two years. This permit expired in approximately 2001. NJDOT is now claiming the category for the property has changed and the State is now stating no driveway access should be permitted in this area. Mr. Stein stated many years ago the Land Use Board approved the property for use as an auto parts store, gas station and a repair shop. There are three curb cuts already existing on Route 206 and on Belton Drive. The NJDOT is stating the access from Belton Drive should be utilized. Mr. Stein stated Attorney McConnell made a request to the Governing Body to provide a resolution. The Governing Body previously reviewed the matter and agreed to adopt the resolution. Mr. Stein stated Mr. McConnell appreciates the assistance.

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

**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 209-15**

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE  
BOROUGH OF STANHOPE AUTHORIZING THE  
ISSUANCE OF RAFFLE LICENSE RA-611**

**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-611	The Nicholas Wihlborg Foundation	02/02/2016	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:

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 210-15**

**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. 2015-032, representing 2014 property taxes and/or utility charges on Block 11701, Lot 13.18 C923B, known as 1923B Stonegate Lane, assessed to Christine A Dalessio and;

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

To Lienholder:	US Bank Cust for BV001 Trust & Creditors 50 S. 16 <sup>th</sup> Street, Suite 1950 Philadelphia, PA 19102-2513
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Redemption Amount:	Tax Title Lien #2015-032 and	
	Interest to Date of Meeting	\$ 1,645.16
	Premium Paid by Lienholder	<u>900.00</u>
		\$ 3,535.07

Total From Current Fund:	\$ 1,645.16
Total From Tax Premium Account	900.00

**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 211-15**

**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. 2015-026, representing 2014 property taxes and/or utility charges on Block 11501, Lot 2, C0303, known as 16303 Dell Place, assessed to Juan Monegro, and;



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

To Lienholder:	Stuart Lasher P.O. Box 83 Milltown, NJ 08850
Redemption Amount:	Tax Title Lien #2015-026 and Interest to Date of Meeting \$ 961.73 Premium Paid by Lienholder <u>900.00</u>
Total From Current Fund:	\$ 961.73
Total From Tax Premium Account	900.00

**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 Councilwoman Zdichocki, seconded by Councilwoman Kuncken 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 212-15**

**MAYOR'S ACCEPTANCE OF THE RESIGNATION OF  
PATTI VANCE FROM THE STANHOPE BOARD OF  
HEALTH 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 Patti Vance's resignation as an appointed member on the Board of Health, effective immediately.

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

**PAYMENT OF BILLS**

**Resolution 213-15**

**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 November 24, 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

**ATTORNEY REPORT**

Mr. Stein stated he has a list of six properties which was provided by Administrator McNeilly and Dana Mooney, CFO, regarding in-rem tax foreclosures. The owner of one of the properties is unknown. A search will have to be done of our records to find the previous owner. The cost to have a search done by an outside company would cost approximately \$2,000. The property is located off of Lloyd Avenue on Burnett Street. Administrator McNeilly stated he will assist Mr. Stein with locating the name of the owner.

Mr. Stein stated the other property he needs to discuss is the Block property. In the past, the Borough had begun in-rem foreclosures twice on this property. Each time Mr. Block or the mortgage holder redeemed the property. NJDEP issued wetlands violations against the property. Different parties have estimated there are between 10,000 to 100,000 tires located on the property. There are remains from a peat bog operation and there is at least one above ground tank. Mr. Stein stated he walked the property one December day with two representatives from NJDEP Green Acres to determine if the property could be foreclosed on and handed over to DEP. After a few months, NJDEP contacted Mr. Stein and told him the answer was no. Mr. Stein stated at that time the Governing Body had asked him to contact other conservation agencies to make the same offer. The Borough would foreclose on the property and turn it over to the conservation agency for free to do the cleanup. None of the groups contacted agreed. Going forward the Borough does has the option to do nothing. Mr. Stein is of the opinion that at some point in the future the State will require something to be done. The State does have a statute that provides a safe harbor for municipalities that take these properties. The safe harbor is simply that the municipality would not be responsible for any natural resource damages. The municipality could not be sued for loss of wildlife or vegetation but the property would still have to be cleaned up. There is a grant program available which will provide a 100% grant to the Borough to have a comprehensive study done to determine what hazardous substances have been discharged on the property and what else would have to be done to clean up the property. The maximum grant available for a cleanup would be 75% if the property is dedicated to open space or recreation. This sounds like a good option if the cleanup is \$100,000, the Borough would have to provide \$25,000. However, if the cleanup is one million dollars, the Borough would have to provide \$250,000. A cleanup cost of ten million dollars would require the Borough to provide \$2.5 million.

Administrator McNeilly stated he spoke about this property with Dennis Walker. Mr. Walker explained to Administrator McNeilly after the peat bog was taken out, construction debris and concrete were brought in to fill the area so they could drive out further. Eventually they started using tires to fill in the area. If the property could be cleaned up and become a commercial rateable it might be worth considering. At this time the area is static and no harm is coming to the animals. Mr. Stein stated the lien on the property began in the late 1980's. Mr. Stein stated under the State program having a tax lien on the property enables the municipality to obtain grants.

Administrator McNeilly stated there are two properties located off of Spruce Drive. Administrator McNeilly stated the lots are small, 40' x 100' and his recommendation is to proceed with the in-rem foreclosures on these properties, as well as, the Fresh Start property. Mr. Stein stated the Borough filed a foreclosure on the Fresh Start property and then they begged for mercy. Tax sale certificates are sold to speculators, some more sophisticated than others. In this case, Fresh Start thought they were obtaining a nice piece of developable property. The property actually contains wetlands. After a lot of back and forth with NJDEP there is a small corner area that might be able to be developed. Fresh Start bought the tax lien and then foreclosed to become the owner. When Fresh Start failed to pay the taxes, the Borough proceeded to foreclose on them. Fresh Start asked for another desperate attempt to try and get

something out of the property and the Governing Body graciously agreed to let them redeem in installments. They made a few payments and then the payments stopped. Mr. Stein stated this property should be a top priority. Administrator McNeilly stated the property is located between Elm Street and the back of the girls' soccer field. The previous owner was informed by NJDEP that not one area was available on the property to build a house because of all the buffers. The area could be used for trails once it is owned by the Borough. Discussion took place regarding other properties located in the area.

Councilwoman Kuncken stated in the past Stanhope School had expressed an interest in providing an outdoor education area. Councilwoman Kuncken asked Mr. Stein if it would be possible to give the property to the school for that type of use. Mr. Stein stated NJDEP permits would have to be obtained for that use. Administrator McNeilly stated the school has a very large piece of property. Most of the property is undeveloped and backs up to Borough owned property. A great deal of the land is wetlands.

Mr. Stein stated there are five properties on the in-rem foreclosure list to move forward with. Mr. Stein is of the opinion one of the five properties will be redeemed.

### **CITIZENS TO BE HEARD**

Council President Thistleton 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, Council President Thistleton closed the public portion of the meeting.

### **ADJOURNMENT**

On a motion by Councilwoman Kuncken, seconded by Councilman Romano, and unanimously carried by voice vote the meeting was adjourned at 7:45 P.M.

Approved:

Linda Chirip  
Deputy Clerk for  
Ellen Horak, RMC  
Borough Clerk