

**MAYOR AND COUNCIL  
REGULAR MEETING  
May 26, 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

**PRESENTATION** (Fire Department)

Mayor Maio stated the Fire Department is scheduled to make a presentation this evening. Administrator McNeilly stated the Fire Department is not present.

**CITIZENS TO BE HEARD**

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

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

**MINUTES FOR APPROVAL**

Mayor Maio read aloud the list of minutes being presented for approval:

April 14, 2015	Work Session/Agenda Meeting
April 28, 2015	Regular Business Meeting & Closed Session

On motion by Councilwoman Kuncken, seconded by Councilwoman Thistleton and carried by majority voice vote the above listed minutes were approved. Councilwoman Zdichocki abstained from the minutes of April 28, 2015.

**CORRESPONDENCE (List Attached)**

On motion by Councilman Thornton, seconded by Councilman Romano 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 Stanhope Police Department breakdown of calls for the month of April totals 261.

Councilwoman Kuncken stated the Ambulance Squad for the month of April reported a total of 40 calls; 26 in Stanhope, 14 in Netcong and 0 standby. The out of town mutual aid calls consisted of 3 in Byram, 5 in Hopatcong and 1 in Roxbury totaling 9 calls. There was a total of 49 calls, 17 patients, 17 trips to hospital, 491 miles travelled for a total of 145 hours and 38 minutes. There were no assists this month from the Netcong Police or the Netcong Fire Department. There was 1 assist from the Stanhope Fire Department.

Councilwoman Kuncken stated there was no report from the Stanhope Hose Company.

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

Councilman Romano stated Dana Mooney, CFO, provided him with a memo regarding the Bond Anticipation Note and the results of the NJ SEM Electric Power Bid. Councilman Romano distributed copies to the Governing Body. Councilman Romano read the note which stated the Borough has received a rate of 0.5% on the Bond Anticipation Note of \$2,696,700. The CFO's memo states this is the lowest rate she has ever received. The winning bidder was PNC Bank and the closing is scheduled for Thursday at the Byram Township office.

Councilman Romano stated the Borough has received the electric power supply bid results for the municipal electricity. The rates are for one year beginning in June 2015. General Service is separate from Street Lighting. The results are as follows: General Service will be through Constellation New Energy with a bid price of \$0.090400, with an average savings of 8%. Street Lighting will be through TriEagle Energy with a bid price of \$0.054734, with an average savings of 18%. Mayor Maio stated this electric bid has nothing to do with the residential electric.

Mayor Maio asked why street lighting is different from regular lighting. Administrator McNeilly stated it is different due to timing issues. Mr. Stein, Borough Attorney, stated street lighting is billed differently by statute to municipalities.

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

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

Councilwoman Zdichocki stated there were 5 zoning permit applications for the month and 8 code violations and complaints.

Councilwoman Zdichocki stated additional pricing information is still needed for the new Borough sign.

Mayor Maio stated the zoning reports have indicated several instances where violations have been issued repeatedly, at what point will they get fined or do something. Mr. Stein replied under the Borough ordinance it is a requirement to issue a notice of violation in order to give the property owner a reasonable chance to abate. The process can be abused. If there is a pattern documented by the Zoning Officer, Mr. Stein is of the opinion that a summons can be issued. Mr. Stein stated the Zoning Officer does keep very copious records. Councilwoman Zdichocki stated she spoke with the Zoning Officer who indicated that she does have detailed records regarding the properties. Mayor Maio stated it is time to move forward and asked Mr. Stein how to proceed. Mr. Stein stated the process is to issue a summons in the Municipal Court. Mayor Maio asked Administrator McNeilly to follow up on this issue. Administrator McNeilly asked Mr. Stein for his assistance to review the information. Mr. Stein asked Administrator McNeilly to have Arlene Fisher, Zoning Officer, call him tomorrow to discuss the matter and review the information.

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

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

Councilman Thornton stated the leaf and brush collection has been completed. Early next month a project punch list will be made. Administrator McNeilly stated the project list will be compiled based on the capital list and the annual summer projects.

### **Community Development**

Councilwoman Zdichocki added that the Stanhope Chamber of Commerce is sponsoring the Stanhope Spring Festival on June 14<sup>th</sup>. The clambake is scheduled for Friday, June 12<sup>th</sup>, and the garage sale will be held on Saturday, June 13<sup>th</sup>. A website has been created for anyone wishing to register for the car show.

### **Information Technology – Councilmen Depew/Romano**

Councilman Depew stated the funding is in the budget for the redesign of the Borough website and Administrator McNeilly is still trying to straighten out the issue with the domain. Administrator McNeilly stated the State Police are involved with some of the municipal websites across the state. They have provided some additional information relative to the Borough's current vendor. Mayor Maio stated the vendor needs to be contacted. Administrator McNeilly suggested the choice for the website designer be formalized at the June Business Meeting. Mayor Maio asked Councilman Depew to schedule a technology meeting with the website designer in order to gather the information necessary to prepare a contract.

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

Councilwoman Thistleton stated at the last Board of Health meeting the new Sanitarian, Denise, explained the rules and regulations for a street festival.

Councilwoman Thistleton stated the Recreation Commission has several events going on. The first in-person registration was held for Camp Lenape. Five children registered for a total of 21 weeks. Stanhope residents will receive a \$50 discount per child for one week of camp. Camp Lenape will run from July 6<sup>th</sup> through August 14<sup>th</sup>. The next in-person registration is scheduled for Monday, June 15<sup>th</sup>, at Borough Hall from 6PM – 9PM.

Councilwoman Thistleton stated the Recreation Commission will be sponsoring Movies in the Park on June 26<sup>th</sup>, July 17<sup>th</sup> and July 31<sup>st</sup>. Family Fun Day will be held on July 12<sup>th</sup> from Noon to 4PM. Half Way to St. Patrick's Day will be held on September 12<sup>th</sup>.

## **ADMINISTRATOR'S REPORT**

**Backhoe Purchase** – Administrator McNeilly stated a letter has been received from Lenape Valley Regional High School requesting to purchase the Borough's backhoe. Administrator McNeilly stated he has given LVRHS an opportunity to examine the backhoe and they have been provided with information regarding the backhoe. Administrator McNeilly asked for the Governing Body's input and stated there is specific information which must be provided by Mr. Stein. Councilwoman Kuncken asked to be recused from this discussion. Mayor Maio stated she does not object to LVRHS purchasing the equipment but she is of the opinion that the equipment cannot be delivered until the new backhoe is received. It has to be made clear this is an as is sale. Mayor Maio stated she is uncomfortable with this sale from that perspective. Councilman Romano asked how the value was determined. Administrator McNeilly replied this is the trade-in value.

Mayor Maio asked Mr. Stein if an agreement could be drafted to indicate the sale as is. Mr. Stein stated transfer sales between government entities are not subject to Local Public Contracts Law. The Borough could ask to have a disclaimer signed which would state the backhoe has been inspected by LVRHS, there is no warranty, once transferred it is theirs. Mayor Maio asked if the school is going to issue a check for payment. Administrator McNeilly confirmed a purchase order will be issued. The school needs to do this prior to the end of their fiscal year, which is the end of June. Administrator McNeilly stated the Borough's new backhoe should be delivered by the end of month. Councilman Thornton stated the purchase order could be processed even if they do not take possession at that time.

Mayor Maio asked the Council for their opinions. Councilman Depew, Councilman Thornton, Councilwoman Thistleton, Councilwoman Zdichocki and Councilman Romano had no objections. Mayor Maio asked Mr. Stein to draft a document. Mayor Maio asked Administrator

McNeilly to make sure the document is signed by LVRHS. The Borough will not have a trade in once the sale is made with the school.

Street Sweeper – Administrator McNeilly stated the street sweeper is out for repair. The sweeper is twenty two plus years old. The main bearings and the blower are broken. The cost of repairs totals approximately \$10,000. The second sweeping of the Borough was completed prior to breaking down. Some manual sweeping was done yesterday for the parade. The repair will take approximately three weeks.

Green Communities Grant – Administrator McNeilly stated he has worked with Paula Zeliff-Murphy, Shade Tree Commission, on the Green Communities Grant. The grant is ready to be submitted. This is the same grant that was submitted five years ago. The in kind services are the same and no funds are required. Once the grant is awarded, the contract will be signed and a resolution will be adopted. The grant will provide the funds for Ron Farr, Forrester, to develop a plan for the next five years.

Fire Department - Administrator McNeilly stated the Red Cross has contact the Fire Department regarding the distribution of smoke detectors. Administrator McNeilly stated he spoke with Chief Card about the program. The Fire Department would like to set up a table for the Spring Festival on June 14<sup>th</sup>. The Fire Department would arrange to install the smoke detectors if necessary. There is a disclaimer form provided by the Red Cross however, it is insufficient for the Borough. Administrator McNeilly stated he has provided a copy to risk management and Mr. Stein for review.

Administrator McNeilly stated the Borough submitted a grant through FEMA for smoke detectors. This is a completely different program. The results of the FEMA grant will not be determined until late fall. The detectors applied for through FEMA are combination smoke and carbon monoxide detectors.

Mayor Maio stated the Fire Department must provide the details to the Governing Body.

Car Lettering - Mayor Maio asked Administrator McNeilly if he had information regarding the lettering for the Borough car. Discussion took place regarding the costs for the sign and the car lettering. The costs cannot exceed \$17,500 when using the same vendor. Mayor Maio stated in that case another vendor should be contacted regarding the lettering for the car.

## **COUNCIL DISCUSSION**

Board of Health (Mailing Notice) – Councilwoman Thistleton stated the Board of Health is asking for permission to include a small notice in with the water/sewer bill mailing. The notice is a reminder for residents to clean up pet waste. Councilwoman Kuncken stated the size of the notice is too big. Mayor Maio asked if there is any other information to be included in with the water bills. Ellen Horak, Municipal Clerk, stated the Recreation Commission has their upcoming event flyer to be sent out. The Recreation Commission was give permission last year by the Governing Body to include upcoming event information without having to request permission each time, provided space is available. Councilwoman Thistleton stated she will contact Monique McNeilly, Board of Health Secretary, regarding the size of the notice to request it be made smaller.

Clean Communities (Fund Accounting) – Mayor Maio stated Administrator McNeilly has provided a report regarding the Clean Communities Fund and what the funds can be used for. Information has been provided by the CFO regarding the funds available. Mayor Maio stated the use of the funds is specific and in her opinion one person should not be responsible for how the funds are dispersed. Mayor Maio recommended that the Clean Communities Coordinator present a request to the Administrator and then a review by the Finance Committee should be done. If there is no issue at that point, then the funds can be used. If there is an issue, the Governing Body should be consulted for approval.

Administrator McNeilly stated he is of the opinion that the coordinator will welcome the involvement. Administrator McNeilly suggested the Clean Communities Fund be added to one of the Council Committees in order to hold periodic meetings throughout the year.

Councilwoman Kuncken suggested the Clean Communities Fund be included under the Finance Committee. Mayor Maio stated she is uncomfortable with how the funds are spent, specifically the \$1,600 which was spent for the Waterloo Village event. Administrator McNeilly stated additional oversight of the program is a positive. This will provide more ideas, this is not just a children's program.

Mayor Maio asked the Governing Body for their input. Councilman Romano stated he has read the guidelines and they are very restrictive. Councilman Romano is in favor of reviewing how the funds are going to be spent. Mayor Maio stated a shredding event can be done if it is in conjunction with some type of town wide cleanup. The funds can be used for a sign if the sign states the Borough is a Clean Community.

Mayor Maio asked the Governing Body if they were in agreement with implementing this procedure. The Governing Body had no objections. Mayor Maio asked Administrator McNeilly to inform the Clean Communities Coordinator that no funds are to be spent or funds committed without following this new procedure, which is effective immediately.

Resolution Supporting the Transparent Tax Act of 2015 – Mayor Maio asked Mr. Stein, Borough Attorney, if he has reviewed the resolution supporting the Transparent Tax Act of 2015. Mr. Stein stated in his opinion this falls into the category of being well intended but does not do any good. The Transparent Tax Act would do two things. It would allow a municipality to issue two tax bills. One tax bill would be for the municipal portion and one tax bill would include the school district, the regional school district, the county, open space, library and health. The citizens would then be able to see that the town is collecting the taxes but a majority of the funds are going somewhere else. The Borough would incur the costs associated with printing two tax bills.

Mr. Stein stated the second portion of the Transparent Tax Act addresses the fact that the municipalities pay 100% of the cost of assessing, collecting, defending, reserving and refunding when people win a tax appeal. The County and the Board of Education set their amount which the Borough must pay and that is the end of it. The other part of the law is that the municipality would have to tell the school district how much money was refunded in tax appeals. The school district and the county would then have to put that money into their budget and then the following year the Borough would withhold that amount of money from the school, county, etc. This would make the other districts put a little something in their budgets for an expense that the Borough bears, which the tax payers are paying either way.

Mr. Stein stated this year the Borough had one tax appeal which resulted in a small reduction for one property owner due to an error on his property record card. Mayor Maio stated she is of the opinion this act is the result of a municipality which encountered many tax appeals. Mayor Maio stated she does not see the practicality in this. Mr. Stein stated while it is well intended, in the long run would it cost more money than what might have been saved otherwise. Mayor Maio asked the Governing Body for their input. Councilwoman Kuncken stated it would be nice for the residents to see where the money is going. However, the current tax bill does include a breakdown. The Borough would incur additional costs printing two separate bills. Councilman Romano is of the opinion that sending out two tax bills would generate complaints. The Governing Body agreed not to support this bill.

Borough Planner Appointment – Mr. Stein stated his office is recommending the appointment of a Borough Planner. Mr. Stein's firm will be filing, on behalf of the Borough and other municipal clients, a declaratory judgement action regarding their status as either a participating or COAH certified municipality to obtain builder's remedy protection for the Borough. Stanhope Borough has some exposure as a town that has municipal water and sewer and is located relatively close to a train station. Mr. Stein is of the opinion the Borough should move ahead to the extent possible and a Borough Planner is needed to do this. Mr. Stein stated Ursula Leo, from his office, will be heading up the project.

Mr. Stein stated the professor from Rutgers University who determined the allocations for COAH in the third round, had Stanhope listed for 13 units. He is no longer contractually tied to COAH and he will be testifying on behalf of municipalities. The fair share number for Stanhope is over 300.

*Memorial Service for Janice Hunts* – Mayor Maio stated a memorial service will be held this Saturday from 3:00PM to 5:30PM at the American Legion for Janice Hunts. Mayor Maio stated she would like the Borough to plant a tree in Janice’s memory. Janice was responsible for making Stanhope a Tree City. Janice was extremely active with the Shade Tree Commission and the Environmental Commission. Mayor Maio stated she would like to plant a Kwanzan Cherry Tree at Borough Hall. Mayor Maio suggested the tree be planted prior to a Mayor and Council meeting at 6:30PM. By having the tree planting in the evening, members of the Shade Tree Commission and the Environmental Commission would be able to attend. The Governing Body agreed to plant a tree in memory of Janice. Mayor Maio asked Administrator McNeilly to order the tree and coordinate the planting with Bill Storms, DPW Superintendent.

*Street Festival Sign* - Councilman Depew stated the Street Festival Sign on Route 183 has been blown around and can no longer be read. Mayor Maio stated the sign belongs to the Chamber of Commerce.

**NEW BUSINESS**

Mayor Maio offered the following ordinance for Public Hearing and Final Adoption which was read by title:

*Ordinance for Public Hearing and Final Adoption*

**ORDINANCES**

**Ordinance 2015-11**

**AN ORDINANCE OF THE BOROUGH OF STANHOPE,  
COUNTY OF SUSSEX, NEW JERSEY AMENDING  
ORDINANCE 2015-07 FIXING THE SALARY AND WAGES  
FOR BOROUGH EMPLOYEES AND OFFICIALS**

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

**SECTION 1.** The annual salary, wage and compensation to be paid to Borough Employees and Officials as contained in Section 1 of Ordinance 2015-07 is hereby amended to correct the salary of the following position:

**Utility Collector/Assistant to Tax Collector:        \$36,249.00**

**SECTION 2.** The listing of public officials and employees under Department of Public Works is hereby amended to add the following position and following salary:

**Supervisor of Public Works:    \$50,000.00**

**SECTION 3.** This Ordinance shall become effective immediately upon final adoption and publication as required by law.

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

Mayor Maio opened the meeting to the public for comments on this ordinance only. Seeing no one from the public wishing to speak, Mayor Maio closed the public portion of the meeting.

Roll Call:

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

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

## **RESOLUTIONS**

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

### **Resolution 97-15                      Governor's Council on Alcoholism and Drug Abuse Fiscal Grant Cycle July 2014 - June 2019**

**WHEREAS**, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, non-profit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

**WHEREAS**, the Borough Council of the Borough of Stanhope, County of Sussex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages: and therefore has an established Municipal Alliance Committee; and,

**WHEREAS**, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

**WHEREAS**, the Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Sussex;

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Stanhope does hereby recognizes the following:

1. The Borough Council does hereby authorize submission of a strategic plan for the Lenape Valley Municipal Alliance grant for fiscal year 2016 in the amount of:

DEDR	\$11,420.00
Cash Match	\$ 2,855.00
In-Kind	\$ 8,565.00

2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administration compliance and audit requirements.

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

Mayor Maio stated this is an annual agreement. Mr. Stein stated this was adopted earlier in the year but it contained a typographical error. The resolution is being readopted with the same resolution number but the fiscal year has been corrected.

Roll Call:

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

### **Resolution 123-15                      RESOLUTION AUTHORIZING MUNICIPAL ATTORNEY TO PARTICIPATE IN JOINT DEFENSE OF OPRA SUIT**

**WHEREAS**, Shawn G. Hopkins has filed a complaint in the Superior Court of New Jersey, Law Division, Sussex County, Docket No. SSX-L-000128-15 against numerous Municipal Clerks and Municipalities under the provisions of N.J.S.A. 47:1A-1 et seq. (OPRA) alleging *inter alia* a denial of access to certain government records; and

**WHEREAS**, the Borough of Stanhope and its Municipal Clerk are named as defendants in said suit; and

**WHEREAS**, said government records relate to the Tax Assessment Data of the Borough of Stanhope; and

**WHEREAS**, the Borough of Stanhope has heretofore provided said Tax Assessment Data pursuant to an earlier OPRA request; and

**WHEREAS**, the Borough of Stanhope has also provided additional Tax Assessment Data to the Plaintiff prior to answering the Plaintiff's Complaint; and

**WHEREAS**, the Borough of Stanhope wishes to defend the Denial of Access Complaint; and

**WHEREAS**, the Municipal Attorneys, Laddey Clark & Ryan, also represent other Sussex County Municipalities who have also been sued by Mr. Hopkins, alleging an identical Denial of Access Complaint; and

**WHEREAS**, the Municipal Attorneys also represent the Township of Sparta; the Township of Byram; the Township of Green; the Township of Stillwater and the Town of Newton; and

**WHEREAS**, the Governing Body wishes to authorize Laddey Clark & Ryan to conduct a joint defense of the Township and its other municipal clients to the Denial of Access Complaint in accordance with the Borough's Professional Service Agreement with Laddey Clark & Ryan for the year 2015;

**NOW, THEREFORE, BE IT RESOLVED** that the Municipal Attorneys, Laddey Clark & Ryan, be and the same are hereby authorized and directed to engage in a joint defense of the aforesaid denial of access complaint in conjunction with the Township of Sparta; the Township of Byram; the Township of Green; the Township of Stillwater and the Town of Newton.

**BE IT FURTHER RESOLVED** that all Borough officials and employees are authorized and directed to assist the Borough Attorney in the defense of the above suit as may be required by the Borough Attorney.

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

Mr. Stein stated this resolution is in regard to the Hopkins suit. A joint defense resolution is required in order for Mr. Stein to represent and speak with all the towns so that attorney/client confidentiality is not lost.

Roll Call:

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

**Resolution 124-15**

**RESOLUTION REGARDING UTILITY  
COLLECTOR/ASSISTANT TO TAX COLLECTOR**

**WHEREAS**, the Borough of Stanhope heretofore adopted Resolution 111-15 authorizing the payment of the annual salary for the position of Utility Collector/Assistant to Tax Collector; and

**WHEREAS**, Resolution 111-15 was based upon Ordinance 2015-07; and

**WHEREAS**, Ordinance 2015-07 has now been amended to correct a clerical error in the salary to be paid for the position of Utility Collector/Assistant to Tax Collector by the adoption of an appropriate amending ordinance;

**NOW, THEREFORE, BE IT RESOLVED** that the following salary is hereby retroactive to January 1, 2015 for the following position:

Utility Collector/Assistant to Tax Collector	\$36,249.00
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On motion by Councilman Thornton, 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 125-15**

**RESOLUTION REGARDING PROVISIONAL PROMOTION FOR DPW EMPLOYEE**

**WHEREAS**, the Stanhope Borough Department of Public Works (“DPW”) is in need of a Supervisor; and

**WHEREAS**, it is appropriate where possible to promote from within the DPW; and

**WHEREAS**, Jason Titsworth is employed by the Borough of Stanhope in the DPW; and

**WHEREAS**, Mr. Titsworth has the qualifications to be a Supervisor; and

**WHEREAS**, the Borough may make a provisional promotion of a DPW Employee pending the civil service process;

**NOW, THEREFORE, BE IT RESOLVED** that Jason Titsworth shall be provisionally promoted to the position of DPW Supervisor effective May 27, 2015 at an annual salary of \$50,000 pro rated.

On motion by Councilman Depew, 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 126-15**

**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. 2013-011, representing 2012 property taxes and/or utility charges on Block 11004, Lot 5, known as 11 Ridge Road, assessed to Stephen B & Marisol Grissom, 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:	Tower Fund ACF Ebury Fund 1NJ LLC P.O. Box 37695 Baltimore, MD 21297-3695
Redemption Amount:	Tax Title Lien #2013-011 and Interest to Date of Meeting \$ 6,968.49 Premium Paid by Lienholder <u>1,300.00</u>
Total From Current Fund:	\$ 6,968.49
Total From Tax Premium Account	1,300.00

**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 Councilwoman Kuncken and unanimously carried by voice vote the foregoing resolution was duly adopted.

**Resolution 127-15**

**RESOLUTION AUTHORIZING PROFESSIONAL SERVICE AGREEMENT FOR PROFESSIONAL PLANNER TO ASSIST BOROUGH WITH COAH COMPLIANCE**

**WHEREAS**, the Mayor and Council of the Borough of Stanhope have not designated a Professional Planner for the year 2015; and

**WHEREAS**, on March 10, 2015, the New Jersey Supreme Court issued a decision and order upholding the Mount Laurel Doctrine and providing that until such time as the Council on Affordable Housing may act, the Courts will administer each municipality's COAH obligation and spending plan; and

**WHEREAS**, the Borough of Stanhope may file a Declaratory Judgment action between June 8, 2015 and July 8, 2015 seeking substantive certification from the Courts; and

**WHEREAS**, the Borough Attorney will require the assistance of a Professional Planner in filing a Declaratory Judgment action on behalf of the Borough to obtain substantive certification and protection from builder's remedies lawsuit; and

**WHEREAS**, the Borough currently has engaged Omland Engineering as the Municipal Engineer; and

**WHEREAS**, William H. Hamilton, PP, AICP, LLA, LEED, AP is a member of the Omland Engineering firm and is a duly qualified and licensed planner in the State of New Jersey; and

**WHEREAS**, it is not anticipated that the cost for the Planner's services shall exceed \$17,500; and

**WHEREAS**, Omland Engineering has provided a fee schedule to the Borough for Mr. Hamilton's services.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Stanhope that the Borough does hereby award a Professional Services Agreement to William H. Hamilton of Omland Engineering as Borough Planner for the year 2015 to assist the Borough Attorney as needed in the Borough's Declaratory Judgment action to obtain judicial substantive certification for the Borough's COAH plan at the rate set forth in the attached fee schedule.

On motion by Councilman Depew, 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

**Mayor's Acceptance of Resignation**

**Resolution 128-15**

**MAYOR'S ACCEPTANCE OF THE RESIGNATION OF MICHAEL VANCE FROM THE STANHOPE LAND USE BOARD 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 Michael Vance's resignation as an appointed member on the Land Use Board, effective immediately.

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

**Mayor's Appointment**

**Resolution 129-15**

**MAYOR'S APPOINTMENT OF JAMES BENSON TO THE BOROUGH OF STANHOPE LAND USE BOARD**

Mayor's appointment to the Land Use Board as follows:

James Benson to fill the unexpired 4-year term of Michael Vance, said term to expire 12/31/2015

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

Mayor Maio stated Jim Benson is currently an alternate member on the Land Use Board and will be a regular member now.

**PAYMENT OF BILLS**

**Resolution 130-15**

**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 May 26, 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.

Councilwoman Kuncken stated there was a bill held in March for the Fire Department. A review was done to see if part of the bill had been paid by someone else. The Public Safety Committee and the Finance Committee met with the Fire Chief to discuss the matter. The bill was not paid by anyone else. The entire bill has been added onto the bills list for this evening. Further discussion will take place with the Finance Committee with regard to the general nature of the bill.

Roll Call:

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

**ATTORNEY REPORT**

Water Quality Report - Mr. Stein stated last year the EPA came out with an interpretation of the statute that would allow for electronic delivery of the Water Quality Report under a rather lengthy list of to do's. Mr. Stein stated last year he sent the CFO a letter outlining all the steps necessary. Mr. Stein is of the opinion there was a misconception that this year the Borough could simply send the report electronically. A telephone conference call was held last Monday with everyone involved in the process. The law requires that every billed customer must receive the Water Quality Report once a year. If the report is sent electronically, a roster of those people who want it delivered electronically must be maintained along with a valid email address and the

Borough has to verify that the email was not bounced back as undeliverable once it has been sent. All the other residents would have to receive the report by mail.

Mr. Stein stated that Administrator McNeilly determined this was not workable and the Borough will continue mail the report. Administrator McNeilly stated the report is ready now and will be mailed out in plenty of time. Mr. Stein stated July 1<sup>st</sup> is the deadline to send the report.

COAH – Mr. Stein stated he has reviewed the COAH files and the Borough did submit to COAH a second round plan. On March 9, 2011 a letter was received from Sean Thompson which acknowledged receipt of the COAH submission. The second round plan was presented to COAH. COAH did not like that the land was donated to Habitat for Humanity to build condominiums which did not contain a three bedroom unit and therefore COAH said the buildings could not be counted. Mr. Stein stated the issue was discussed back and forth at the time and it was not long after that COAH ceased.

Mr. Stein stated at the same time the Borough was working on the third round. Dave Troast worked on this portion. Mr. Stein stated he has provided the Clerk with a copy of a letter dated November 15, 2010 which states the signed and sealed petition application, draft ordinances, COAH forms and spending plans were completed by Dave Troast. At that time Governor Christie stopped the COAH program. The Supreme Court Decision left the door open for COAH to come up with rules.

Mr. Stein stated there is a one month window to file our complaint to seek in effect judicial certification. It is anticipated that once filed, it may be at least five months before the court does anything with it. Mayor Maio asked if the report that Dave Troast prepared for round three is still valid. Mr. Stein stated the report is valid but it was written under the growth share plan which the courts have determined to be unconstitutional. The Rutgers professor did this on growth share, not on the theoretical number. The 300 figure is an end of time amount. The court left this open for COAH to act at any time during this process and then everything would be shifted back to COAH and we would be back in the administrative process. The last time COAH met, the six members were deadlocked three to three. Mr. Stein stated the Borough has to proceed along the judicial track until such time as the administrative track is opened again for COAH.

Mayor Maio asked if the Borough has to do anything else at this time. Mr. Stein stated all the information will be given to Mr. Hamilton for review. Mr. Stein stated the new rules that were proposed would give the Borough bonuses for the two SCARC homes.

### **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 further from the public wishing to speak, Mayor Maio closed the public portion of the meeting.

### **ADJOURNMENT**

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

Approved:

Linda Chirip  
Deputy Clerk for  
Ellen Horak, RMC  
Borough Clerk