

**MAYOR AND COUNCIL
REGULAR MEETING
June 23, 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

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:

May 12, 2015	Work Session/Agenda Meeting & Closed Session
May 26, 2015	Regular Business Meeting

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

CORRESPONDENCE (List Attached)

On motion by Councilman Romano, seconded by Councilman Depew 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 May totals 436. The motor vehicle stops totaled 266 for the month.

Councilwoman Kuncken stated the Fire Department report for the month of April states there were 11 calls, 6 mutual aids, 134 man hours and 4 drills.

Councilwoman Kuncken stated the Ambulance Squad for the month of May reported a total of 63 calls; 28 in Stanhope, 34 in Netcong and 1 standby. The out of town mutual aid calls consisted of 1 in Byram and 4 in Hopatcong totaling 5 calls. There was a total of 68 calls, 36 patients, 36 trips to the hospital, 942 miles travelled for a total of 302 hours and 30 minutes of volunteer time. There were two assists this month from the Stanhope Fire Department. The Ambulance Squad participated in the Netcong Fire Department 110th Anniversary Parade, as well as an Active Shooter Simulation at Lenape Valley Regional High School.

Councilwoman Kuncken stated a Public Safety Meeting was held with the Fire Department regarding the FEMA grant and the switch of the manufacturer from MSA to Scott. The production of the air packs is progressing nicely. The Stanhope Fire Department Ladies Auxiliary is sponsoring a pancake breakfast fund raiser at Applebee's on June 28th from 8:00AM – 10:00AM.

Finance & Administration – Councilman Romano/Councilwoman Kuncken

Councilman Romano stated the utility collection report for the month of May states water utility collections totaled \$14,173.74 and the sewer utility collections totaled \$26,266.66. The Borough appears to be on track with these figures.

Councilman Romano stated a meeting was held last week with the CFO, Dana Mooney, who presented information regarding a program that would allow payments to be made with a credit card. The Borough would not incur any costs by using this program. There would be a cost to those people that choose to pay with a credit card. Councilman Romano stated the CFO was asked to obtain recommendations from other municipalities who are using this particular program. At that time further consideration will be given.

Councilman Romano stated the costs for the road projects were reviewed and he recommended that the bonding procedure move forward.

Councilman Romano stated RFP's are being developed for banking.

Councilman Romano stated the payment for the Clean Communities invoices was discussed. The recommendation made asked for better back up information regarding the bills and that a more detailed report be obtained on clean-up day regarding the committees involved and the areas that were cleaned.

Community Development – Councilwoman Zdichocki/Councilman Thornton

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

Councilwoman Zdichocki stated there were 3 zoning permit applications for the month and 10 code violations and complaints. Councilwoman Zdichocki stated she met with Arlene Fisher, Code Enforcement Official. As a result of that meeting it was decided to include the follow-up information as part of the report and 90% of the complaints have been completed. Contacting the banks responsible for the abandoned properties is still a difficult process.

Councilwoman Zdichocki stated the information regarding the new signs was presented to the Chamber of Commerce. The Chamber of Commerce was receptive to the idea for signs and they are forming a committee in order to work with the businesses.

Municipal Infrastructure – Councilman Thornton/Councilwoman Zdichocki

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

Councilman Thornton stated he, Mayor Maio, Councilwoman Zdichocki, Administrator McNeilly and DPW Superintendent Bill Storms met to prepare a priority list of projects to be completed this summer. A copy of the priority list was given to the members of the Governing Body. A progress report will be discussed at a follow-up meeting which will be scheduled in the fall. Councilman Thornton stated the meeting was very productive.

Information Technology – Councilmen Depew/Romano

Councilman Depew stated a meeting is scheduled to be held tomorrow with Pavia to discuss the redesign of the Borough website.

Boards/Commissions – Councilwoman Thistleton/Councilman Depew

Councilwoman Thistleton stated the Recreation Commission sponsored the bounce house at the Stanhope Spring Festival and socks were sold. Councilwoman Thistleton stated the in-person registrations have been completed for Camp Lenape. Councilwoman Zdichocki stated residents can still register for camp up until a week before the child will be attending camp. Councilwoman Thistleton stated movies in the park will be held on June 26th, July 17th and July 31st. Half-way to St. Patrick's Day will be held in September. Family Fun Day will be held on July 12th from 12-4 with a carnival theme.

ENGINEER'S REPORT

Maple Terrace - Mayor Maio invited Eric Keller, Borough Engineer, forward to give his report. Mr. Keller reported that he and Frank Russo examined Maple Terrace prior to the pre-construction meeting. The Borough has been considering fixing the hill at "the knob" of Maple Street for quite some time. In Mr. Keller's opinion it does not make sense to exclude this section of the road from the current milling and paving project. The work that needs to be done at "the knob" is not an urgent project and there are many other projects which will precede it. Mr. Keller's recommendation for Maple Terrace is to include the area from Brooklyn Road to Mountain Terrace. This will cost an additional \$9,000. Administrator McNeilly stated there is a sufficient amount of money in the bond to include this section in the project. Mayor Maio stated the hill will not be on the priority list for at least the next five to seven years. Mayor Maio asked the Governing Body if they are in favor of adding this section of Maple Terrace to the project. The Governing Body had no objections. Mr. Keller stated this will be included as one job and will take approximately two or three days to be completed by the co-op.

Lloyd, Lawrence and Reeve Avenues – Mr. Keller stated he and Frank Russo have put together a rough estimate for the Lloyd, Lawrence and Reeve Avenues project. The roads were measured and the estimate is higher than first estimated. Mr. Keller stated this is a mill and overlay project. Two inches will be removed from the road and two inches will be put back. No profile changes or drainage changes will be made. When the milling is done there will be a two inch gap until the day the paving is completed. Millings will be placed by the driveways to allow access. Administrator McNeilly stated the berms will remain in exactly the condition they are currently in. Mr. Keller stated some of the bituminous concrete curbs may be removed or damaged during the milling. If that occurs, the DPW will be able to repair them.

Port Morris Reclamation Project – Mr. Keller stated the authorization to advertise for bids for the Port Morris reclamation project is on the agenda this evening. The timeframe works with the anticipated schedule for the DPW to replace the water main on Hillside Avenue and complete the connection. Administrator McNeilly stated the bid opening is scheduled for July 16th. The awarding of the contract would take place at the July 28th Mayor and Council Meeting. Mr. Keller stated the pre-construction, construction start and completion dates are flexible. There are only a few contractors who will bid on this project.

James Street – Mr. Keller stated the James Street project is ready to move forward. The NJDOT will have all the paperwork tomorrow. The contractor is scheduled to begin work on July 6th. Administrator McNeilly stated the informational letter to the residents is ready to be sent. Mayor Maio stated the letter needs to be sent this week.

Gate Controllers – Mr. Keller stated once the DPW gate is delivered the last gate controller will be installed. Administrator McNeilly stated not all of the remote control units have been received.

Route 183/Route 206 – Mr. Keller stated he will follow-up on the Route 183/Route 206 project. The State sent a letter saying that the Borough needs to execute a maintenance agreement for non-standard items. Mr. Keller is of the opinion the agreement would be for items such as the retaining wall. Mr. Keller has asked the State for clarification.

Crosswalks – Mr. Keller stated he drove through the Borough of Wharton and the crosswalks there are in worse shape than Stanhope's. Mr. Keller stated he emailed John Rheinhardt to ask how Wharton is going to address the problem. The Borough of Wharton has begun to install pavers in the crosswalks. Mr. Keller stated the issues with pavers are the cost and settling. A concrete header would be required on both sides to prevent the snow plow from removing the pavers.

Mr. Keller stated there is another product available which is manufactured by two different companies. One of the companies is the same one that provided the current crosswalk material. The existing product which was used is essentially asphalt. Asphalt cracks and is subject to freeze and thaw. There is no way to maintain it. The new product is a cementitious material that can be placed over the existing crosswalks. The crosswalks would not have to be removed. The pop outs would have to be repaired. The product has been used in West Caldwell on Bloomfield Avenue and Passaic Avenue and in Jersey City and it has held up well over the past four or five years. This product would be provided by Endurablend.

The other option would be to remove the existing crosswalks and repave them and install a polymer material, from Ennis-Flint. This would be chemically and heat bonded to the pavement. It is not asphalt.

The Endurablend has several different design choices but it will have a decorative look. The Borough will be required to paint the white stripes on either side which is required to designate the crosswalk. Councilman Depew asked if there are any guarantees. Mr. Keller stated if the pavement underneath cracks the surface will be affected. Mayor Maio stated the existing surface is cracked and she asked if the material needs to be removed first. Mr. Keller stated there are narrow and small cracks in the colored material. The Endurablend material can be placed over top of the existing surface. The last option would be to install paver blocks. To use pavers the edges of the crosswalks would have to be sawed out and excavated. A concrete base would be installed, the pavers set and a concrete header would be required. Mr. Keller stated the Endurablend and Ennis-Flint product have a four to five year history in New Jersey with the weather conditions and heavy traffic areas. Councilwoman Zdichocki asked if the product would have to be resealed every five years or so similar to sealing driveways. Mr. Keller stated he does not have an answer as to the exact life cycle.

Mayor Maio stated in her opinion the manufacturers should look at the condition of the existing crosswalks and provide quotes. This project will not be able to be completed this year due to other work that is being done in the Borough. Mayor Maio stated information is needed regarding the frequency and cost required to maintain the crosswalks.

Councilman Romano asked Mr. Keller for more information regarding the use of pavers. Mr. Keller stated the use of pavers have less maintenance. They are less impacted by the underlying pavement. The initial cost is an issue and the damage that could be done by the plow blades is a concern. With pavers there would be two different materials placed up against each other but they will be affected by the weather differently. Mayor Maio asked if the island on High Street and Main Street is similar in that concrete is placed against pavement and she asked if the plows have damaged the island at all. Administrator McNeilly stated the island has not been damaged and does not have any cracks. Administrator McNeilly stated installing pavers would require a road closure during installation. Mayor Maio stated a decision will have to be made to determine if the Borough is going to spend \$25,000 to \$30,000 every two to three years or spend the money once and be done with it for seven or eight years.

Mr. Keller stated he will make an appointment to have the manufacturers inspect the existing crosswalks. Mayor Maio stated a decision needs to be made by this August for inclusion on the 2016 capital budget.

Mayor Maio and the Council thanked Mr. Keller for attending tonight's meeting.

ADMINISTRATOR'S REPORT

Audit - Administrator McNeilly stated Dana Mooney, CFO, and Ray Sarinelli, Borough Auditor, will be attending the July 14th Mayor and Council Meeting to discuss the audit.

Pitney Bowes – Administrator McNeilly stated the contract with Pitney Bowes is due for renewal. The contract has been forwarded to Mr. Stein, Borough Attorney, for review.

Houdaille Road/Plane Street Bridge – Administrator McNeilly stated the pre-construction meeting was held on June 10th regarding the Houdaille Road and Plane Street Bridges. Mount Olive has awarded the contract for the construction of the foot bridge. The bridge will be pre-manufactured off-site, delivered and installed. Stanhope Borough's in-kind obligation is the removal of the gate and fence, along with the clearing of the trail to a width of 40 feet to allow the crane access to the site. Administrator McNeilly stated the 8' high fencing and the gate with the barbed wire will be removed. Administrator McNeilly stated he had a follow-up meeting with Steve Ellis from the State Park to review the area of disturbance. No site work will take place until written approval is received from Steve Ellis. Land Use will do a quick review and provide a letter to allow for the work to be done. Administrator McNeilly stated Mr. Ellis made it clear to all those in attendance that once the permission is granted, Administrator McNeilly's office has the authority for all actions on Stanhope's side of the river. During the installation of the structure precautions will have to be made to ensure that nothing falls into the river. Administrator McNeilly stated, according to the contractor, the bridge will be ready for installation by the first week in July.

Administrator McNeilly stated Mount Olive is purchasing the supplies for the temporary structure for the Plane Street Bridge. This will be a two day project. They will have four men assigned to do the work. Stanhope will have two men assist with the decking and the ramps approaching the bridge. Once completed, the trail will loop across the canal, across the Houdaille Bridge, up the sidewalk all the way back into town and will meet up on this side. Administrator McNeilly stated he has sent a reminder to Steve Ellis indicating the Borough is waiting for permission to schedule this work.

Family Fun Day – Administrator McNeilly stated he has spoken with Herb Yardley at the Sussex County Health Department regarding the food handling issues for Family Fun Day. No fees will be required for this Borough run event. The Recreation Commission has completed the Event Coordinator sheet and it has been forwarded to Mr. Yardley's office for review. The County Board of Health may or may not send an inspector. Administrator McNeilly stated he is waiting for confirmation from the Health Department.

Water Project – Administrator McNeilly stated the water project of 2014 is winding down. Administrator McNeilly stated he met with John Black from Lee Purcell's office today for a final walk through. Mr. Black is finalizing the "as-built" drawings. Administrator McNeilly stated he and Mr. Black toured the project areas looking for open issues. Overall, project sites have been fully restored. There is a 2" diameter rust blister on the water tower. Pictures will be sent to the contractor for repair. The performance bond is in place for another 16-18 months. Administrator McNeilly stated monitoring will continue to be done. At the one year mark in September, Administrator McNeilly will have someone check the upper section of the tower.

COUNCIL DISCUSSION

Abandoned Properties – Mayor Maio stated Mr. Stein has provided an ordinance regarding abandoned properties which is on the agenda for introduction tonight. Mr. Stein stated there are three different articles because there are three different items as part of the ordinance. The first article deals with an obligation by the property owners to register properties that become abandoned or vacant. This will provide the Borough with contact information for the property in

the event there are issues with the interior or exterior maintenance of the property. A fee will be required to be paid and the fee increases over the years.

Mr. Stein stated the second part of the ordinance deals with a social issue with regard to properties in a state of foreclosure. There are still properties that are “under water” from the financial crisis. This means the mortgage on the property is greater than the amount the property can be sold for. Many residents will stay in the home but not pay the mortgage. When time runs out they pack up and leave. If a bank has started a foreclosure action and they have served the summons and complaint, under the second article the bank is then responsible to take care of the outside of the property. This is taken directly from the state statutes. If the bank is located out of state, they must appoint an in state agent for the municipality to deal with. If the bank does not appoint someone in state they can be fined \$2,500 per day for every day they are not in compliance. If there is an issue with the exterior of the property, our Code Enforcement person, who will be chosen by the Governing Body to enforce this ordinance, will send a notice to the bank. If the issue is not taken care of within 31 days of the notice, they can be fined a fee for every day it is not taken care of. If the issue is a public health, safety or welfare, they have 11 days to address the issue. Fines can be imposed beginning on day 12. Properties which are in foreclosure or abandoned can take two years to process through the system. The longer the foreclosure process takes the more it bears on the housing market. The Supreme Court in New Jersey put a stop to all foreclosure actions in the state at one point. They have recently allowed them to start putting them through the mill again. This section of the ordinance would require the banks to cut the grass, pick up the leaves, remove trash, fix broken windows and make the home appear as though the property is not abandoned.

Mr. Stein stated the third article is unlike the first two. In the first two articles, the state has granted the municipalities authority to adopt ordinances to address these social ills. The third part is a new state statute that gives the towns the direct authority to act without the need to adopt an ordinance, except for an abandoned property list. If a municipality establishes an abandoned property list, the list can be recorded with the County Clerk’s Office. There is a procedure to be followed which would allow for expedited tax sales for those particular properties. There is also a procedure in place that would permit the person who buys the particular tax sale certificate to essentially do an in-rem foreclosure as opposed to an in-persona foreclosure. As a private citizen if you purchase a tax sale certificate, you would have to wait two years to foreclosure. A municipality only has to wait six months.

Mr. Stein is of the opinion that Article III would only be used on rare occasion but it will be in place if needed. Article I and II will be a benefit to the municipality to make sure the vacant properties are maintained until someone lives in them again.

Mayor Maio asked when the funds collected where do they get are placed in the budget. Mr. Stein stated the fees collected would go into the general budget.

Administrator McNeilly asked for clarification of Article II number 4. Mr. Stein stated the article was taken directly from the state statute. The fines and when they occur have been decided by the legislature. This gives the power to the towns to be able to police the properties in foreclosure. Administrator McNeilly asked if the method for collecting the fines comes from the value of the home. Mr. Stein confirmed this and stated a lien will be placed on the property. The lien jumps ahead of the mortgage. New Jersey law makes real property taxes the first and paramount lien.

Animal Census Update – Administrator McNeilly stated a memo was sent from the Board of Health Secretary to the Police Chief to check on the status of the animal census. As per ordinance, the animal census must be completed on or before September 1st. The Borough’s ordinance still calls out to have the census performed each year, but it is actually required to be done every other year. Administrator McNeilly stated Chief Pittigher has informed him that the census is ongoing. Mr. Stein stated the state statute requires the animal census be conducted every two years. The census can be done every year if the Borough chooses to do so.

Police Department – Domestic Violence Team (Use of Municipal Building) – Mayor Maio stated a letter has been received from Sgt. Zweigle, Stanhope Police Department, requesting use of the Council Chambers for the Domestic Violence Team. Mayor Maio stated prior discussions regarding the use of the room resulted in a policy stating the room cannot be used unless a member of the Council or an employee is present at the meeting. This is due to the fact that the balance of the building cannot be secured. Mayor Maio stated the letter received does address the fact that the Council Chambers may not always be available when it is being used for other meetings and they are looking for alternative locations. Administrator McNeilly stated the Police Department would keep the key to the room and it would be given to the volunteer when the need arises and the key would be returned to the Police Department before the volunteer leaves the premises.

Councilwoman Zdichocki stated she has completed the training course for the Domestic Violence Team and she is a volunteer for the organization. Councilwoman Zdichocki stated she is willing to be present whenever the situation arises for use of the Council Chamber. Last year Stanhope Borough had a total of six domestic calls. The question was raised as to what the procedure would be in the event that Councilwoman Zdichocki was unavailable or if the Council Chambers was unavailable due to a scheduled meeting of the Mayor and Council or the Boards and Commissions of the Borough.

Councilwoman Zdichocki stated the room where the volunteer meets with the victim has to be located in close proximity to the police in the event that a problem is encountered. The other party of the domestic dispute would be in the Police Department and for the safety of the volunteer and the victim they need to be in a separate area. The Police Department does not have the space to accommodate both parties of the domestic dispute on their side of the building.

Much discussion took place regarding the fact that the Construction Department and the Tax Assessors office are located directly outside of the Council Chambers. Councilwoman Zdichocki suggested locking the Council Chamber door. Mayor Maio stated access to the bathroom would then be restricted. Councilwoman Zdichocki suggested if the door was locked a police officer could be called to escort the person to the bathroom. Administrator McNeilly stated if the police officer has someone in custody in the police department it would be difficult for the officer to also protect or be available to the volunteer and the victim. Councilman Romano asked what alternatives are available. Councilwoman Zdichocki stated that perhaps an arrangement could be made with Hopatcong Borough.

Administrator McNeilly suggested asking Chief Pittigher to attend the next meeting to discuss this issue. The Mayor and Council agreed. Mayor Maio stated at this time a decision cannot be made. Additional information is required. Administrator McNeilly stated he will ask Chief Pittigher to attend the July 14th meeting.

Animal Control - Councilman Depew stated the animal control report indicates a bat was captured in a residence and was sent to the Fredon Animal Hospital where it was euthanized and sent to the state for testing even though the report does not indicate that the bat bit anyone. Mr. Stein stated the teeth on the bat are so small that someone may not realize they have been bitten. Once people have had contact with the bat it must be sent for testing.

NEW BUSINESS

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

Ordinances for Introduction [Public Hearing on July 14, 2015]

ORDINANCES

**AN ORDINANCE AMENDING THE CODE OF THE
BOROUGH OF STANHOPE BY THE ADDITION OF A
NEW CHAPTER TO BE ENTITLED “VACANT AND
ABANDONED PROPERTIES” PROVIDING FOR
REGISTRATION OF VACANT AND ABANDONED
PROPERTIES, CREDITOR RESPONSIBILITIES
AND MUNICIPAL POWERS TO REHABILITATE**

BE IT ORDAINED, by the Mayor and Council of the Borough of Stanhope, Sussex County, New Jersey, that a new chapter of the Code of the Borough of Stanhope to be entitled “Vacant and Abandoned Properties” be adopted as follows:

ARTICLE I - Registration of Vacant Properties

SECTION 1 - DEFINITIONS

As used in this section, the following terms shall have the meanings indicated:

ABANDONED PROPERTY-

As defined in accordance with the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq., shall mean the following:

- (1) Except as provided in Section 6 of P.L. 2003, c. 210 (N.J.S.A. 55:19-83), any property that has not been legally occupied for a period of six months and which meets any one of the following additional criteria may be deemed to be abandoned property upon a determination by the Construction Official that:
 - (a) The property is in need of rehabilitation in the reasonable judgment of the Construction Official, and no rehabilitation has taken place during that six-month period;
 - (b) Construction was initiated on the property and was discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least six months as of the date of a determination by the Construction Official pursuant to this section;
 - (c) At least one installment of property tax remains unpaid and delinquent on that property in accordance with Chapter 4 of Title 54 of the Revised Statutes (see N.J.S.A. 54:4-1 et seq.) as of the date of a determination by the Construction Official pursuant to this section; or
 - (d) The property has been determined to be a nuisance by the Construction Official in accordance with Section 5 of P.L. 2003, c. 210 (N.J.S.A. 55:19-82).
- (2) A property which contains both residential and non-residential space may be considered abandoned pursuant to P.L. 2003, c. 210 (N.J.S.A. 55:19-78 et seq.) so long as two-thirds or more of the total net square footage of the building was previously legally occupied as residential space and none of the residential space has been legally occupied for at least six months at the time of the determination of abandonment by the Construction Official and the property meets the criteria of either Subsection (1)(a) or Subsection (1)(d) of this Subsection 8.1.

EVIDENCE OF VACANCY-

- (1) Any condition that on its own or combined with other conditions present would lead a reasonable person to believe that the property is or has been vacant for three or more months. Such evidence would include, but is not limited to, evidence of the existence of two or more of the following conditions at a property: overgrown or dead vegetation; accumulation of newspapers, circulars, flyers or mail; past-due utility notices or disconnected utilities; accumulation of trash, junk or debris; the absence of window coverings such as curtains, blinds or shutters; the absence of furnishings or personal items consistent with residential habitation; statements by neighbors, delivery agents, or government employees that the property is vacant or abandoned; infestation by insects,

vermin, rats or other pests; windows or entrances that are boarded up or closed off; multiple window panes that are damaged, broken or unrepaired; doors that are smashed, broken, unhinged or continuously unlocked; or any uncorrected violation of a municipal building, housing or similar code during the preceding year.

- (2) Property determined to be "abandoned property" in accordance with the meaning of such term in the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq., shall also be deemed to be vacant property for the purposes of this section.

OWNER-

Shall include the title holder, any agent of the title holder having authority to act with respect to a vacant property, any foreclosing entity subject to the provisions of C.46:10B-51 (P.L. 2008, c. 127, § 17), or any other entity determined by the Borough of Stanhope to act with respect to the property.

VACANT PROPERTY-

Any building used or to be used as a residence which is not legally occupied or at which substantially all lawful construction operations or residential occupancy has ceased for a period of at least three months, and any commercial property that has not been legally occupied or at which substantially all lawful construction operations have ceased for a period of at least three months, and which exhibits evidence of vacancy such that a reasonable person would believe that the property is vacant. Any property that contains all building systems in working order, is being maintained on a regular basis, has not been cited by the Borough for any violation of municipal ordinance within such time and is being actively marketed by its owner for sale or rental shall not be deemed vacant.

SECTION 2 - GENERAL REQUIREMENTS.

- (1) The owner of any vacant property as defined herein shall, within 30 days after the building becomes vacant property or within 30 days after assuming ownership of the vacant property, whichever is later, file a registration statement for each such vacant property with the Borough of Stanhope on forms provided by the Borough of Stanhope for such purposes. The registration shall remain valid until the end of the calendar year. The owner shall be required to renew the registration annually, no later than January 31, as long as the building remains vacant property and shall pay a registration or renewal fee in the amount prescribed in Subsection 5.4 of this section for each vacant property registered. The initial and renewal fees shall be prorated and or credited accordingly upon legal occupancy.
- (2) Any owner of any building that meets the definition of "vacant property" prior to adoption date, shall file a registration statement for that property on or before adoption date plus 60 days. The registration statement shall include the information required under Subsection 5.3 of this section, as well as any additional information that the Construction Official may reasonably require.
- (3) The owner shall notify the Borough of Stanhope within 30 days of any change in the registration information by filing an amended registration statement on a form provided by the Borough of Stanhope for such purpose.
- (4) The registration statement shall be deemed prima facie proof of the statement therein contained in any administrative enforcement proceeding or court proceeding instituted by the Borough of Stanhope against the owner or owners of the building.

SECTION 3 - REGISTRATION STATEMENT REQUIREMENTS; PROPERTY INSPECTION

- (1) After filing a registration statement or a renewal of a registration statement, the owner of any vacant property shall provide access to the Borough of Stanhope Construction Official if requested, following reasonable notice, during the period covered by the initial

registration or any subsequent renewal. If an inspection is required of the interior of the property due to complaints or other cause, the fee for such inspection shall be the same as that for a Continued Certificate of Occupancy inspection as provided in the applicable provisions of the Code of the Borough of Stanhope.

- (2) The registration statement shall include the name, street address, and telephone number of a natural person 21 years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding, on behalf of such owner or owners in connection with the enforcement of any applicable code. The designated agent must have a contact number that will be available 24 hours per day on an emergency basis. The statement shall also include the name of the person responsible for maintaining and securing the property, if different from the designated agent.
- (3) An owner who is a natural person and who meets the requirements of this section as to availability of a contact number on a twenty-four-hour emergency basis may designate himself or herself as agent.
- (4) By designating an authorized agent under the provisions of this section, the owner consents to receive any and all notices of code violations concerning the registered vacant property and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purpose of this section until the owner notifies the Borough of Stanhope of a change of the authorized agent or until the owner files a new annual registration statement. The designation of an authorized agent in no way releases the owner from any requirement of this section.

SECTION 4 - FEE SCHEDULE.

The initial registration fee for each building shall be \$250. The fee for the first renewal is \$500. The fee for any subsequent renewal is \$1,000. After five years, the registration fee shall be \$5,000. Initial fee shall be prorated according to the month of registration and renewal fees shall be credited when a property becomes legally occupied during a renewal period.

Vacant and Abandoned Property Registration Fee Schedule

Registration	Fee
Initial registration	\$250
First renewal	\$500
Any subsequent renewal up to five years	\$1,000
After five years	\$5,000

SECTION 5 - REQUIREMENTS FOR OWNERS OF VACANT AND ABANDONED PROPERTY.

The owner of any building that has become vacant and abandoned property, and any person maintaining, operating or collecting rent for any such building that has become vacant, shall, immediately:

- (1) Post a sign affixed to the inside of the building indicating the name, address and telephone number of the owner, the owner's authorized agent for the purpose of service of process (if designated pursuant to Subsection 5.3 of this section), and the person responsible for the day-to-day supervision and management of the building, if such person is different from the owner holding title or authorized agent. The sign shall be of a size and placed in such a location so as to be legible from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than 15 inches by 17 inches; and
- (2) Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the Code of the Borough of Stanhope and maintain the sign required in

Subsection 5.5(1) above until the building is again legally occupied or demolished or until repair or rehabilitation of the building is complete; and

- (3) Make provision for the maintenance of the lawn and yard, including regular grass cutting as required by the applicable provisions of the Code of the Borough of Stanhope; and;
- (4) Make provision for the cessation of the delivery of mail, newspapers and circulars to the property, including having the property listed on the exclusion list maintained by the Borough of Stanhope for the delivery of circulars and advertisements to the property; and
- (5) Make provision for the winterizing of the property by the cessation of water service to the property and the draining of water lines; other than buildings with a fire sprinkler system, and
- (6) Make provision for the cessation of electric or gas utility services to the property; other than buildings with a fire sprinkler system, and
- (7) Make provision for the regular maintenance of the exterior of the property.

SECTION 6 - ADMINISTRATION.

The Borough of Stanhope Mayor and Council shall issue rules and regulations for the administration of the provisions of this section.

SECTION 7 - VIOLATIONS AND PENALTIES.

- (1) Any owner who is not in full compliance with this section or who otherwise violates any provision of this section or of the rules and regulations issued hereunder shall be subject to a fine of not less than \$500 and not more than \$1,000 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this section shall be recoverable from the owner and shall be a lien on the property.
- (2) For purposes of this section, failure to file a registration statement in time, failure to provide correct information on the registration statement, failure to comply with the provisions of Subsection 5 of this section, or such other matters as may be established by the rules and regulations of the Borough of Stanhope shall be deemed to be a violation of this section.

SECTION 8 - COMPLIANCE WITH OTHER PROVISIONS.

Nothing in this section is intended to nor shall be read to conflict or prevent the Borough of Stanhope from taking action against buildings found to be unfit for human habitation or unsafe structures as provided in applicable provisions of the Code of the Borough of Stanhope and/or the Uniform Construction Code. Further, any action taken under any such code provision other than the demolition of a structure shall not relieve an owner from its obligations under this section.

ARTICLE II - RESPONSIBILITIES OF CREDITORS

SECTION 9 - RESPONSIBILITIES OF CREDITORS, VIOLATIONS AND FINES

- (1) Pursuant to the provisions of N.J.S.A. 40:48-2.12s, the creditor filing the summons and complaint in an action to foreclose shall be responsible for the care, maintenance, security, and upkeep of the exterior of the vacant and abandoned residential property. This obligation applies whether the determination that the property is vacant and abandoned is made by the public officer pursuant to Chapter 111 "Property Maintenance", Chapter 67 "Buildings or Structures, Repair or Demolition of", N.J.S.A. 2A:50-73, or otherwise.
- (2) If the creditor is located out-of-State, the creditor shall be responsible for appointing an in-State representative or agent to act for the foreclosing creditor.

- (3) An out-of-State creditor shall include the full name and contact information of the in-State representative or agent in the notice required to be provided to the municipal clerk pursuant to N.J.S.A. 46:10B-51(a)(1).
- (4) An out-of-State creditor found by the municipal court, or by any other court of competent jurisdiction, to be in violation of any provision of this Article shall be subject to a fine of \$2,500.00 for each day of the violation, commencing on the day after the ten (10) day period set forth in N.J.S.A. 46:10B-51(a)(1) for providing notice to the municipal clerk that a summons and complaint in an action to foreclose has been served.
- (5) A public officer appointed pursuant to N.J.S.A. 40:48-2.3 et seq., or any enforcement officer described in this chapter, shall be authorized to issue a notice to the creditor filing the summons and complaint in an action to foreclose, if the public officer or enforcement officer determines that the creditor has violated this chapter by failing to provide for the care, maintenance, security, and upkeep of the exterior of the property. The notice shall require the person or entity to correct the violation within thirty (30) days of receipt of the notice, or within ten (10) days of receipt of the notice if the violation presents an imminent threat to public health and safety. The issuance of this notice shall constitute proof that a property is "vacant and abandoned" for purposes of N.J.S.A. 2A:50-73.
- (6) A creditor found by the municipal court, or by any other court of competent jurisdiction, to be in violation of the requirement to correct a care, maintenance, security, or upkeep violation cited in a notice issued pursuant to §9(1) shall be subject to a fine of \$1,500 for each day of the violation commencing thirty one (31) days following receipt of the notice, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence eleven (11) days following receipt of the notice.

ARTICLE III - MUNICIPAL POWERS TO REHABILITATE ABANDONED PROPERTIES

SECTION 10 - MUNICIPAL POWERS TO REHABILITATE ABANDONED PROPERTY.

The Borough of Stanhope hereby grants to itself all such powers granted to municipalities by the State of New Jersey for the rehabilitation of abandoned property. Such powers are set forth, inter alia, in the "Abandoned Properties Rehabilitation Act" (N.J.S.A. 55:19-78 et seq.) and in applicable portions of the "New Jersey Urban Development Corporation Act" (N.J.S.A. 55- 19-1 through -77). These state statutory powers are collectively referred to herein as the "enabling statutes."

SECTION 11 - PUBLIC OFFICER.

The Public Officer, as defined in N.J.S.A. 55:19-80, who is responsible for executing the provisions of this chapter for the rehabilitation of abandoned property, shall be designated by resolution of the Borough Council.

SECTION 12 - ABANDONED PROPERTY.

The Public Officer shall designate a property as an "abandoned property" if said property meets the criteria set forth in N.J.S.A. 55:19-81 (abandoned property criteria) and/or N.J.S.A. 55:19-82 (nuisance property criteria). The Public Officer's designation is limited by the provisions of N.J.S.A. 55:19-83.

SECTION 13 - ABANDONED PROPERTY LIST.

The Public Officer shall establish an Abandoned Property List pursuant to N.J.S.A. 55:19-55. An interested party (as that term is defined in N.J.S.A. 55:19-105a) may request that the Public Officer include a property on the Abandoned Property List, pursuant to N.J.S.A. 55:19-105.

SECTION 14 - RIGHTS OF OWNER OF ABANDONED PROPERTIES.

The owner of a property on the Abandoned Property List has such rights designated to said owner by the enabling statutes. Such powers include but are not limited to:

- (1) Challenging the inclusion of a property on the Abandoned Property List, pursuant to N.J.S.A. 55:19-55e;
- (2) Seeking removal from said list, pursuant to N.J.S.A. 55:19-57 and 55:19-103;
- (3) Petitioning for reinstatement of control and possession, pursuant to N.J.S.A. 55:19-92 et seq.;

SECTION 15 - MUNICIPAL POWERS.

Borough of Stanhope has such powers and rights regarding abandoned properties as set forth in the enabling statutes. Such powers include but are not limited to:

- (1) Sale of tax lien, pursuant to N.J.S.A. 55:19-56;
- (2) Special tax sales, pursuant to N.J.S.A. 55:19-101;
- (3) Foreclosing the right to redemption, pursuant to N.J.S.A. 55:19-58;
- (4) Recourse directly against property owner, pursuant to N.J.S.A. 55:19-100;
- (5) Possession and control of property, pursuant to N.J.S.A. 55:19-84 to 55:19-92 et seq.;
- (6) Rehabilitation and reuse of property, while in possession and control, pursuant to N.J.S.A. 55:19-90;
- (7) Borrowing money and making applications for rehabilitation of property, while in possession and control, pursuant to N.J.S.A. 55:19-91;
- (8) Sale of property, pursuant to N.J.S.A. 55:19-96;
- (9) Purchase of property, pursuant to N.J.S.A. 55:19-96;
- (10) Recover rehabilitation costs by lien on property, pursuant to N.J.S.A. 55:19-98;
- (11) Clearance, development, redevelopment or repair of property through power of eminent domain, pursuant to N.J.S.A. 55:19-56, 55:19-102.

SECTION 16 - RIGHTS OF UTILITIES.

Electric and natural gas utilities are granted such rights to abandoned properties as are set forth in N.J.S.A. 55:19-106.

SECTION 17 - INTERPRETATION.

All references in this chapter to state statutes include reference to all amendments thereto. References to particular sections of the enabling statutes are for ease of reference, but may not be exhaustive and are not meant to be exclusive of other applicable statutory provisions contained in the enabling statutes or elsewhere in the New Jersey statutes.

SECTION 18.

All ordinances or parts of ordinances of the Borough of Stanhope inconsistent herewith are repealed to the extent of such inconsistency.

SECTION 19.

If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

SECTION 20.

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

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

Ordinance 2015-13 **CAPITAL ORDINANCE APPROPRIATING \$27,500.00
FROM THE WATER CAPITAL FUND FOR
RECONSTRUCTION OF ROADWAY PAVEMENTS DUE
TO WATER IMPROVEMENTS TO LLOYD AVENUE,
LAWRENCE AVENUE AND REEVE AVENUE, TO BE
UNDERTAKEN BY THE BOROUGH OF STANHOPE IN
THE COUNTY OF SUSSEX, NEW JERSEY.**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF STANHOPE, IN THE COUNTY OF SUSSEX, NEW JERSEY AS FOLLOWS:

Section 1. The improvements described in Section 3 of this capital ordinance are hereby respectively authorized as general improvements to be made or acquired by the Borough of Stanhope, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefore and amounting in the aggregate to \$27,500, which has heretofore been set aside for the improvement or purpose stated in Section 3 and now available therefore by virtue of provision in a previously adopted budget or budgets of the Borough for capital improvement purposes.

Section 2. For the financing of said improvements or purposes and to meet the part of said \$27,500 appropriations, the Borough will use \$27,500 from Water Capital Surplus, as described in Section 3.

Section 3. The improvements hereby authorized and the several purposes for the allocation of which said obligations are to be spent, the appropriation made for an estimated cost of each such purpose, and the estimated maximum amount of funds to be spent for each such purpose, are respectively as follows:

Reconstruction of Roadways Pavements due to Water Improvements to Lloyd Avenue, Lawrence Avenue and Reeve Avenue - \$27,500.00 - Water Capital Surplus

All the aforesaid improvements or purposes where applicable, are in accordance with specifications on file in the office of the Borough Clerk, which specifications are hereby approved.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

- (a) The said purposes described in Section 3 of this capital ordinance are capital expenses and are each a property or improvement which the Borough may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specifically assessed on property specially benefited thereby.
- (b) The average period of usefulness of said purposes within the limitations of said Local bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the reasonable life thereof computed by this capital ordinance, is five (5) years.

Section 5. This capital ordinance shall take effect ten (10) days after the publication thereof after final adoption.

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

Ordinance 2015-14 BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF VARIOUS ROADS IN AND BY THE BOROUGH OF STANHOPE, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$120,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$114,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF STANHOPE, IN THE COUNTY OF SUSSEX, NEW JERSEY (not less than two thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by The Borough of Stanhope, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$120,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$6,000 as the down payment for said improvement or purpose required by law and now available therefor by virtue of provision in a previously adopted budget or budgets of the Borough for down payment or capital improvement purposes.

Section 2. For the financing of said improvement or purpose and to meet said \$120,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$114,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Borough in a principal amount not exceeding \$114,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. (a) The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the improvement of various roads and in and by the Borough by the construction or reconstruction therein of new roadway pavements at least equal in useful life or durability to a roadway pavement of Class B reconstruction (as such

term is used or referred to in section 40A:2-22 of said Local Bond Law), including Lloyd Avenue, Lawrence Avenue and Reeve Avenue, together with all milling, paving, drainage facilities, equipment, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved.

(b) The estimated maximum amount of bonds or notes to be issued for said purpose is \$114,000.

(c) The estimated cost of said purpose is \$120,000, the excess thereof over said estimated maximum amount of bonds or notes to be issued therefor being the amount of the said \$6,000 down payment for said purpose.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purpose described in Section 3 of this bond ordinance is not a current expense and is a property or improvement which the Borough may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of said purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is ten (10) years.

(c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$114,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$15,000 for interest on said obligations, costs of issuing said obligations and other items of expense listed in and permitted under section 40A:2-20 of said Local Bond Law may be included as part of the cost of said improvement and is included in the foregoing estimate thereof.

Section 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 6. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 7. The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

Section 8. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

On motion by Councilman Romano, seconded by Councilwoman Kuncken, 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 Thistleton, seconded by Councilwoman Zdichocki, 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 137-15

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF STANHOPE AUTHORIZING THE RENEWAL OF LIQUOR LICENSES TO LICENSE HOLDERS IN THE BOROUGH

WHEREAS, the liquor license renewal applications submitted are complete in all respects, the renewal fees have been paid, Tax Clearance Certificates received, the licenses have been reviewed, and the premises inspected;

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

Plenary Retail Consumption Licenses:

1919-33-006-005 JMK Hospitality Group, LLC t/a The Stanhope House, 45 Main Street
1919-33-004-005 Kacz MJ Corp., t/a Bell's Mansion, 11 Main Street

Club Licenses:

1919-31-008-001 Musconetcong Post #278, American Legion, 119 Route 183
1919-31-009-001 Stanhope Hose Co. No. 1, 26 Main Street

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

Resolution 138-15

RESOLUTION AUTHORIZING PUBLIC BIDDING FOR PORT MORRIS RECLAMATION PROJECT

WHEREAS, the Borough of Stanhope is in need of roadway reclamation in the Port Morris area of the Borough, including the Port Morris Avenue, Hillside Avenue, Coursen Street and Spring Street; and

WHEREAS, the Borough Engineer has prepared plans and specifications for the Port Morris Reclamation Project, which requires public bidding; and

WHEREAS, the Borough Engineer has recommended July 16, 2015 as a date to receive bids for the Port Morris Reclamation Project;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Stanhope, that the Borough shall advertise for public bids for the Port Morris Reclamation Project in accordance with the plans and specifications prepared by the Borough Engineer.

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

Roll Call:

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

Resolution 139-15

RESOLUTION AWARDING CONTRACT FOR THE PURCHASE OF WATER MAIN DUCTAL IRON PIPE AND SUPPLIES

WHEREAS, the Borough of Stanhope heretofore advertised for the receipt of sealed competitive bids for the purchase of Water Main Ductal Iron Pipe and Supplies to be used in conjunction with improvements to be made to Hillside Avenue and Spring Street; and

WHEREAS, the Borough accepted sealed, competitive bids on June 23, 2015 for said Water Main Ductal Iron Pipe and Supplies; and

WHEREAS, the Borough received three (3) sealed competitive bids in the following amounts: HD Supply Water Works, Ltd., \$21,487.50; Capital Supply Construction Products, Inc., \$21,505.17; and Kenney Culvert Supply Co., \$22,478.00; and

WHEREAS, the Borough Attorney has reviewed the bids for compliance with the Local Public Contracts Law and the Borough’s bidding requirements; and

WHEREAS, HD Supply Water Works, Ltd. is the lowest responsive, responsible bidder for the Borough’s request for bids on June 23, 2015;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Stanhope that the Borough does hereby award a bid to HD Supply Water Works, Ltd. in an amount not to exceed \$21,487.50; and

BE IT FURTHER RESOLVED that the award of this bid is subject to certification of the availability of funds by the Chief Financial Officer; and

BE IT FURTHER RESOLVED that the Borough Clerk shall notify all bidders on June 23, 2015 of the award of the bid to HD Supply Water Works, Ltd.;

On motion by Councilwoman Thistleton, 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

Mayor's Appointment

Resolution 140-15

MAYOR'S APPOINTMENT OF DPW LABORER WILLIAM WORMUTH WITH COUNCIL CONCURRENCE

Mayor's appointment of William Wormuth as DPW Laborer with Council concurrence.

BE IT RESOLVED by the Council of the Borough of Stanhope that they do hereby concur with the Mayor's appointment of William Wormuth as DPW Laborer effective July 7th, 2015 at the annual salary of \$40,716.00 to be pro-rated in CY2015, and in accordance with the provisions of the current DPW Collective Bargaining Unit's contract.

BE IT FURTHER RESOLVED that said appointment and offer of employment shall be subject to the candidate passing a pre-employment physical examination, drug testing, criminal background check and licensing verification, where appropriate.

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

PAYMENT OF BILLS

Resolution 141-15

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 June 23, 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 Thistleton 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 will not be available for the July 28th Mayor and Council meeting. Mr. Stein stated he can send a substitute attorney to the July 28th meeting and/or Mr. Stein can attend the meeting on July 14th. The Governing Body asked Mr. Stein to attend the July 14th meeting.

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.

Jimmy Dimitriou – Mr. Dimitriou stated he is the owner of Jimmy's Towing since 1983. Mr. Dimitriou stated the Zoning Official has informed him there are complaints regarding the number of vehicles on the property. Mr. Dimitriou stated he is unable to return to work until the end of August or September. Mr. Dimitriou stated at that time he will reduce the number of vehicles to the permitted amount. Some of the vehicles are for sale and once sold they will be moved. Mayor Maio asked Mr. Dimitriou if he has spoken with the Zoning Official regarding

this matter. Mr. Dimitriou replied he has spoken with Ms. Fisher, Zoning Official, and she suggested that he speak to the Mayor and Council. Mr. Dimitriou stated his injury dates back to October 2013 which has resulted in several surgeries. Mayor Maio asked if anyone else is operating the shop during this time. Mr. Dimitriou stated the shop is essentially shut down at this time.

Mayor Maio asked for suggestions. Administrator McNeilly stated if any accommodations are made they should be put in writing outlining the plan and the agreement. Mayor Maio stated a courtesy can be made extending the time frame to September 1st. Administrator McNeilly asked Mr. Dimitriou to meet with Ms. Fisher in order for her to write up the arrangement to include in her report. Mr. Dimitriou agreed to meet with Ms. Fisher. The Mayor and Council wished Mr. Dimitriou luck with the next surgery. Mr. Dimitriou thanked the Governing Body.

Seeing no one further 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 – Potential Litigation (PACT Construction)
 - 2 – Litigation (Garcia Suit and Hopkins Suit)
 - 1 - Personnel
3. It is anticipated at this time that the above stated subject matter(s) will be made public at the conclusion of each individual specified subject matter.
4. This resolution shall take effect immediately.

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

The Mayor and Council went into Closed Session at 8:15 P.M.

At the conclusion of the Closed Session, the Mayor and Council reconvened the public meeting at 8:45 P.M. with all present.

ADJOURNMENT

On a motion by Councilman Depew, seconded by Councilman Thornton, and unanimously carried by voice vote the meeting was adjourned at 8:45 P.M.

Approved:

Linda Chirip
Deputy Clerk for
Ellen Horak, RMC
Borough Clerk