

**MAYOR AND COUNCIL
WORK SESSION AND
AGENDA MEETING
July 14, 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 – absent	Councilwoman Kuncken – present
Councilwoman Zdichocki - present	Councilman Depew – present
Councilman Thornton – present	Councilwoman Thistleton – present

Mayor Maio – present

PRESENTATION (2014 Audit - Ray Sarinelli)

Mayor Maio amended the agenda due to the fact Ray Sarinelli was not present as yet to give the 2014 Audit report. Mr. Sarinelli did inform the Governing Body, prior to tonight's meeting that he was on a fixed timeframe. Mayor Maio asked Eric Keller, Borough Engineer, to come forward to begin his report until Mr. Sarinelli arrives.

ENGINEER'S REPORT

Maple Terrace - Eric Keller, Omland Engineering, stated he has sent a request to Tilcon to arrange for the co-op to do paving in the Borough. A response has not been received to date. Mr. Keller stated he will obtain a schedule. The work which needed to be done in the road by one of the homeowners has been completed and Maple Terrace is ready to be paved. The homeowner still has onsite work to complete which does not affect paving. Mr. Keller stated he has contacted the homeowner by email.

Port Morris Reclamation – Mr. Keller stated only one contractor has picked up a bid packet to date. The bid opening is scheduled for Thursday morning.

James Street – Mr. Keller stated the curbing work is anticipated to begin soon on James Street. Administrator McNeilly stated he had concerns about the driver of the front end loader on Maryann Terrace. Mr. Keller stated he will follow up on this issue.

At 7:05 Mr. Sarinelli, Borough Auditor, arrived. Mayor Maio asked Mr. Keller to allow Mr. Sarinelli to make his presentation at this time. Mr. Sarinelli came forward and thanked Mr. Keller and apologized for being late.

PRESENTATION (2014 Audit Ray Sarinelli)

Ray Sarinelli, Borough Auditor, stated many people are checking to ensure the finances of the Borough are in order. The current fund is not as good as it was last year. At the beginning of the

year the fund was \$1,652,000 and by the end of the year it was \$1,565,000, a difference of \$84,000. The fund balance is down due to a combination of things. The delinquent tax collections are down \$40,000 which is \$15,000 less than anticipated. Tax collections have improved in the past three years. A noticeable improvement of ¾% has been made over the past two years. The amount for pending tax appeals is \$138,000 which is a good figure. There is a sale of assets reserve of \$200,000. This reserve should be spread out over several years. The laws have changed for the snow removal reserve to include all storms. The Borough has \$133,000 in this reserve. The amount of \$103,000 in the sick and vacation reserve is also a solid figure.

Mr. Sarinelli stated the capital fund contained four projects. There was a \$450,000 Department of Transportation grant and \$558,000 in new debt authorized. The \$2,000,186 debt will be paid off in seven years. Mr. Sarinelli suggested the Borough try to increase the amount being paid off. Mayor Maio asked Mr. Sarinelli what the increase should be. Mr. Sarinelli suggested \$25,000 more based on \$250,000-\$300,000 debt per year.

Mr. Sarinelli stated the capital improvement fund for 2016 should budget more than expected to build up a reserve. There was only \$1,000 left at the end of the year.

Mr. Sarinelli stated the water utility is fine and has gone as expected. The move of sewer and water rents went well. One more move may be necessary.

Mr. Sarinelli stated the water project is complete, or nearly complete, and the pay back process has begun. The pay back will be done until 2033. Administrator McNeilly stated the twenty year pay back on a project which will last for eighty years or more was a good plan.

Mr. Sarinelli recapped the overall budget. Mr. Sarinelli stated the audit found three minor findings with regard to compliance. The recommendations are as follows: 1) internal control is not an ideal circumstance, adequate segregation of duties is recommended; 2) grant balances and receivables should be cancelled, reappropriated or expended; and 3) a ledger book for the Land Use Board should be maintained for ease of finding information.

Mr. Sarinelli stated the Finance Department and the Administration are experienced and they keep the Borough on track.

Mayor Maio thanked Mr. Sarinelli for his help and guidance. Mayor Maio stated that the Governing Body would like to meet with Mr. Sarinelli to discuss these issues and next year's budget.

ENGINEER'S REPORT (continued)

DPW Gates – Mr. Keller, Omland Engineering, stated the DPW gates will be installed tomorrow. Administrator McNeilly has distributed some of the key fobs. The Borough has not received all of the key fobs.

Port Morris Project – Mr. Keller stated the DPW has been working on the Port Morris area water project.

Crosswalks – Mr. Keller stated he has contacted two manufacturer representatives regarding the crosswalks. The representative from Statewide, who installed the original crosswalks, is available to meet on Friday at 10:00AM. The other representative is available on Tuesday or Wednesday. Mayor Maio stated the Infrastructure Committee should be included in the meetings. Councilwoman Kuncken and Councilman Thornton stated they are available on Friday and Wednesday. Councilwoman Zdichocki will not be available. Mr. Keller will confirm the meetings with the representatives for Friday at 10:00AM and Wednesday at 10:00AM.

Mr. Keller stated he has spoken with two different companies regarding the materials to be used for the crosswalks. Councilwoman Zdichocki asked which product is more cost effective. Mr. Keller stated Endurablend is the most cost effective. Mr. Keller stated there is a hump in the crosswalk which has to be examined to determine if it will be a problem. The life cycle of the product is 50 freeze – thaw cycles. Councilwoman Zdichocki asked if the product can be repaired if necessary. Mr. Keller replied the crosswalk would have to be redone, it cannot be patched. The product is a cementitious polymer and the current roadways underneath are in good condition.

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

ADMINISTRATOR'S REPORT

Borough Sign – Administrator McNeilly stated Sign Art Graphix will have the sample business plaques ready this week. Councilwoman Zdichocki stated she has spoken with Paula Zeliff-Murphy. Ros Bruno and Jeanne Schwartz from the Stanhope Chamber of Commerce will be working with the businesses in regard to the signs. Once they have the samples they can move forward.

Website Rework – Administrator McNeilly stated the agreement for the new website is under review. Mr. Stein has made recommendations regarding some of the wording in the agreement.

Houdaille Road Foot Bridge – Administrator McNeilly reported Mt. Olive has informed him the contractor is preparing to deliver the bridge. The DEP State Park approval has not been received which will permit the site clearing. Administrator McNeilly stated he received an email this evening from Steve Ellis requesting specific dates. Administrator McNeilly reported he has responded to Mr. Ellis's email and expressed how important it is to move this along quickly. A meeting was held this past winter with Stanhope Borough, Mt. Olive Township and Marie Raffay, representing Steve Ellis, to devise the plan for the bridges. The plan was to have both bridges finished by the first of July.

Mayor Maio asked if there is any information regarding the Plane Street Bridge. Administrator McNeilly stated the Borough has the DEP permission required for the temporary structure. Mt. Olive Township is working on purchasing the materials for the bridge.

DPW Summer Projects – Administrator McNeilly reported the DPW summer projects are moving along. The only items remaining from last month are the plantings to be completed along the fence line at wells 3 and 4 and the drainage pipe across Kelly Place.

Water Main (Spring Street/Hillside Avenue) – Administrator McNeilly reported the installation of the water line is moving forward. The Spring Street line should be completed and filled by Thursday. Once Spring Street is completed, the work will begin on the Hillside Avenue section. Mayor Maio asked if Tilcon will do all the jobs at the same time. Mr. Keller replied the paving to be done will require 1,700 tons of material. The work will be done at one time and will require 1 ½ to 2 days. Administrator McNeilly stated the "on or about letters" to the residents will be sent out as soon as the dates are obtained.

DPW Backhoe – Administrator McNeilly reported the new backhoe was delivered today. The old backhoe will be given a final inspection by our DPW and then it will be delivered to the school. Mr. Stein has prepared the paperwork.

2016 Budget Timeline – Administrator McNeilly provided the budget timeline for 2016.

WORK SESSION

Police Department: Domestic Violence Team (Use of Municipal Building) – Mayor Maio invited Chief Pittigher forward for this discussion. Chief Pittigher introduced Jessica Menick who has been working with Sgt. Zweigle and has screened and trained the volunteers for the Domestic Violence Team. Councilwoman Zdichocki recused herself from the discussion due to the fact she is a volunteer for the program.

Mayor Maio stated the Governing Body has a policy regarding the use of the Council Chambers. The policy is that the Council Chambers cannot be used unless a council member or employee is present during its use for security reasons. Chief Pittigher stated the victim of the abuse needs to be where the police officer is but also in an environment where they are separate from their attacker. The victim would be meeting with a domestic violence team volunteer in order to have the options available explained to them. This would be a one on one situation. The Council Chambers has a brick wall between the two areas to keep them safe. A key to the chambers would be given to the volunteer when he/she arrives at the police department and the key would be returned before the volunteer leaves.

Mayor Maio stated the concern is how to keep the rest of the building secure. Mayor Maio stated Councilwoman Zdichocki is a domestic violence team member but she would not be available for every call. Mayor Maio also asked what would happen if the victim has children with them. One volunteer would not be able to control all of those people. Chief Pittigher stated sometimes the police have to arrest people and their children have to be brought with them to the police department. The police department has concerns with shredders and other equipment too. Chief Pittigher stated the victims cannot be turned away. Mayor Maio asked what would happen if the room is not available due to previously scheduled meetings. Mayor Maio is of the opinion it would be better to have a room which would be available at all times. Chief Pittigher stated the police officer has to have direct access to the victim and the volunteer in case there is an issue with the victim.

Mayor Maio stated there is no way to secure the building and the Council Chambers.

Ms. Menick stated other towns have specific teams. Ms. Menick stated she has asked Councilwoman Zdichocki if she would be willing to head a team. At this time there are four team members including Councilwoman Zdichocki. Councilwoman Zdichocki would then meet the volunteer at the building and wait while the volunteer meets with the victim. When the meeting is over, the volunteer would give the paperwork to Councilwoman Zdichocki and she would pass the information on to the police department and lock the building. In the event that Councilwoman Zdichocki is not available that team would not be called out. Andover has had a team in place for three years and they were just called out for the first time. Ms. Menick stated in her experience with victims and volunteers there has never been a problem. Ms. Menick stated she is currently responsible for 20 volunteers. There were 78 call outs last year and 58 to date this year. The volunteers receive 40 hours of training. The volunteer is present to explain about DASI, various programs and the shelters available. Dad's Taxi transports the victims when necessary. Mayor Maio asked Ms. Menick to confirm that if a council meeting was in session or the chambers was unavailable the team would not be called out. Ms. Menick confirmed this and stated in that case the police would have to determine how to proceed. The officer can provide the victim with information about DASI and the hotline number. There are municipalities who do not have teams and in those cases the State Police Barracks in Augusta is used.

Ms. Zdichocki, from the audience, stated the Borough has to try and devise a plan, even if it is initially set up with a trial period. Ms. Zdichocki stated that Councilman Depew has offered to be present when the council chamber is needed. If there are children present, arrangements would be made for someone else to watch them or pick them up. For confidentiality purposes only the victim and the volunteer will be meeting together. The majority of these types of calls occur between the hours of 12:00AM to 6:00AM when the council chambers would not be in use.

Administrator McNeilly stated this is a great program but in his opinion a different location needs to be found due to concerns for security of the building and wear and tear on the Council Chambers.

Councilman Thornton asked Chief Pittigher how many cases have occurred in the past year where this program would have been put into action. Chief Pittigher stated he can provide figures for domestic violence but this is a different matter. This has to do with victims and the domestic violence response teams. This is a separate special category of people who need assistance. Chief Pittigher stated the policy needs to be written in the simplest form and he asked if it would be acceptable to add Councilwoman Zdichocki to the policy in order to address the security concerns. Mayor Maio stated the Governing Body has to make a decision regarding this issue but in her opinion the security is still an issue. Councilwoman Thistleton stated the existing policy has been in place for quite some time and it applies to all outside organizations. Councilwoman Zdichocki stated the existing policy states the Council Chambers can be used provided a Council member is present. Mayor Maio confirmed the policy is that a council member or an employee must be present. Councilwoman Zdichocki stated she will be present. Much discussion took place regarding the security and the existing policy.

Mayor Maio asked Chief Pittigher to prepare the policy for council review. Councilwoman Kuncken suggested perhaps a six month trial period could be put in place and if it does not work it could be cancelled. Chief Pittigher stated the "what if's" cannot be the focus. The "what if's" may never occur. Administrator McNeilly stated if a member of the council, an employee or a board member is present the operation is the same as any other that occurs in the Council Chambers.

Councilwoman Zdichocki stated the State of New Jersey is telling municipalities this program has to be put in place. Chief Pittigher stated due to the size of the Borough and the Police Department this is an issue. Councilwoman Kuncken stated the Council knows this program is the right thing to do and the Governing Body understands the value of it. The Council also commends those who volunteer their time to provide the service. There is a concern about being able to make the building secure.

The Mayor and Council thanked Chief Pittigher and Jessica Menick for attending tonight's meeting. Mayor Maio asked Administrator McNeilly to provide a copy of the policy to the Governing Body for review as soon as it is available.

Community Garden – Mayor Maio stated the community garden will not be started this year. Mayor Maio stated Councilwoman Kuncken has agreed to meet with other organizations, such as Hopatcong Borough and the state to begin gathering the information necessary to establish the community garden. The goal is to have this program running next year. The garden will be located at Musconetcong Park near the storage building. The plots will be 8' x 10'. The number of plots needs to be determined and the rules and regulations need to be established.

Municipipay – Mayor Maio stated Municipipay is a service which would enable residents to pay utility bills and tax bills by electronic transfer or credit card. Municipipay states they would have to be allowed to access the Borough accounts for charge backs. Mayor Maio stated she objects to allowing Municipipay access to the Borough accounts. Councilwoman Kuncken stated the Finance Committee has read Mr. Stein's letter listing his concerns and they agree with them. Councilwoman Kuncken asked if there is a way to make the service acceptable and stated if Mr. Stein is not comfortable with the service the committee would not agree to implement it.

Dana Mooney, CFO, stated she contacted Municipipay with the concerns but the representative in charge is away on vacation. Ms. Mooney stated Municipipay has indicated they are willing to make adjustments to the contract and the list of concerns has been forwarded to Municipipay. Ms. Mooney stated many residents have requested to have the use of credit cards for paying taxes and utility bills.

Mr. Stein stated he has spoken with Ms. Mooney regarding this program. Mr. Stein stated he is not trying to end the program. Mr. Stein stated if the program is put in place, payments will not be able to be made by telephone. The State has been using a credit card system successfully for several years in the court system and it is the way of the future. Mr. Stein stated he is not aware which program is used by the State or what agreement they have in place.

Mayor Maio stated it is unacceptable for Municipipay to have access to the Borough account. Mr. Stein stated the wording is standard in every merchant agreement and in this case the municipality is the merchant. Mayor Maio stated at this point in time the program is off the table. Mayor Maio stated once more information is available the issue can be added back to the agenda. Ms. Mooney stated the program needs to comply with government rules. Mayor Maio thanked Mr. Stein for the information he has provided and asked Ms. Mooney to keep the Governing Body informed.

Finance Department - Administrator McNeilly stated Mr. Sarinelli mentioned the collection rate for taxes is at 97 percent, which is excellent. Ms. Mooney and her department do a great job tracking and collecting the payments each year. Mr. Stein stated he and Ms. Mooney share a love for the Yankees and having a municipal tax collection rate like this is like batting 400. Councilwoman Kuncken stated the collection for delinquent taxes is down \$40,000 but the Borough is getting the money when it is supposed to. Ms. Mooney stated this is a double edge sword because the interest on the revenue is income. The Mayor and Council congratulated Ms. Mooney and her department on a job well done.

Water Pressure Issue (Afrim & Rozalina Devolli) – Mayor Maio stated the Devolli family, on Towpath Lane, sent a letter to the Borough indicating they have a problem with low water pressure. Administrator McNeilly stated he is of the opinion the problem is due to the elevation level. Typically the DPW will test hydrants near a house and then test the hose bib on the home and then the house to measure the pressure. This testing has not been conducted to date. Councilwoman Kuncken asked if other residents in the area have complained. Administrator McNeilly stated he is aware of another resident who has installed a booster pump. Councilwoman Kuncken asked if any of the work done should have helped with this issue. Eric

Keller, Borough Engineer present in the audience, replied the work done would not have helped because it is on the other side, it is a different system. Mayor Maio asked if it would help to connect those homes to the tower side instead of the reservoir. Mr. Keller stated the pressure would increase but it may be too much.

Mayor Maio and the Council asked to have the readings done as soon as possible. Administrator McNeilly stated when the water project is complete he will have the DPW test the pressure. Administrator McNeilly stated Mr. Keller would have to review the issue in order to correct the problem. Much discussion took place regarding options that may be available. Councilwoman Zdichocki stated if the pressure is increased there could be an issue with the appliances and warranties may not cover any damages. Councilwoman Kuncken stated sometimes there is a difference in pressure between hot water and cold water. If that is the case switching over from an expansion tank to a full size water heater may help. Councilwoman Zdichocki asked if there are any other reasons for the low pressure. Administrator McNeilly stated the elevation is most likely the problem. Mr. Keller stated the downtown area receives higher pressure because they receive water directly from the wells pumping it up to the reservoir. On the other side of Route 183 their pressure is coming from the ground reservoir tanks. The tanks have a great deal of water but it is not very high. Administrator McNeilly stated he will arrange to have the pressure testing done. Mayor Maio asked Administrator McNeilly to let the homeowners know what is going to be done.

Recreation Commission – Mayor Maio stated there are two vacancies on the Recreation Commission. Mayor Maio appointed Doreen Thistleton to sit on the Recreation Commission temporarily until the vacant positions are filled. Councilwoman Zdichocki stated in her opinion appointing an interim member was not necessary.

On motion by Councilwoman Kuncken, seconded by Councilman Thornton and carried by the following majority roll call vote, the Mayor’s temporary appointment of Doreen Thistleton to serve on the Recreation Commission was approved.

Roll Call:

Councilman Romano – absent	Councilwoman Kuncken yes
Councilwoman Zdichocki - no	Councilman Depew – yes
Councilman Thornton - yes	Councilwoman Thistleton – yes

OLD BUSINESS

ORDINANCES

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

Ordinances for Public Hearing and Final Adoption

Ordinance 2015-12

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 Councilwoman Kuncken, seconded by Councilwoman Thistleton, 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.

Bruce Shapiro, representative for New Jersey Realtors and the Sussex County Association of Realtors, introduced himself along with John Leavitt, representative from Exit Realty in Hopatcong. Mr. Shapiro stated he sent a letter to the Mayor and Council and to Mr. Stein and he asked to speak tonight with regard to the vacant and abandoned property ordinance. Mayor Maio stated she did not receive Mr. Shapiro's letter. Several members of the Council and Mr. Stein stated they did not receive the letter. Councilman Thornton and Councilwoman Zdichocki did receive the letter on July 6th. Mr. Shapiro stated the letters were all individually addressed and mailed at the same time.

Mr. Shapiro stated they have concerns with the ordinance fees and registration. They understand the purpose of the ordinance but asked to have the ordinance adoption tabled in order to schedule a meeting to discuss their concerns.

Mr. Leavitt stated they understand the vacant and abandoned homes and the unmaintained homes are a problem. Home values are reduced, vandalism increases and properties deteriorate. Senior citizens on fixed incomes are often unable to make repairs and as a result they will have fines imposed. These fees will pass on to the estate sale. Mr. Leavitt stated with foreclosures the banks should be held responsible and they should be required to register and maintain the properties. The banks should be bonded to secure the properties. The banks sell the properties as is and then the buyer is responsible. If the property has too many liens it may not sell. Mr. Leavitt stated homeowners with real hardship will have daily fines which will quickly add up. The Borough may have to make arrangements with the homeowners.

Administrator McNeilly stated most of the vacant homes in the Borough are owned by people who are not located nearby. The ordinance will put the owners in a position to sell these homes. There is only one vacant home in the Borough with a for sale sign on the property.

Mr. Leavitt stated if the fines are imposed to the banks, the banks should be required to pay the fines and not be able to pass those fees onto the buyers.

Mr. Stein stated the realtors are only showing the property. The realtors are not the "agent" in question. Article I of the ordinance states the owner is responsible. Article II outlines the foreclosing bank's responsibilities for maintenance of the exterior of the property. This information has been taken directly from state statute. The ordinance does not have a hardship appeal because everyone would have some type of hardship. The issue can always be handled by a court. Mayor Maio stated often times a hardship is put on the neighbor next door who has to deal with the appearance, lower property value and rodents.

Much discussion took place regarding the current state of foreclosures in New Jersey and the problems associated with them.

Mr. Shapiro asked to have the word "agent" changed to exclude realtors from having responsibility for the vacant and abandoned homes. Mayor Maio stated the definition of ownership needs to be clarified. Mr. Stein advised the Governing Body to move forward and adopt the ordinance this evening. An amendment to address the ownership definition can be introduced at the next scheduled meeting. Mayor Maio asked the Council if there were any objections. The Council had no objections.

Mr. Shapiro provided copies of a Market Update Report for Stanhope for the Governing Body. Administrator McNeilly asked if the report is zip code based and if it is the report would not be a true report for Stanhope. There are other towns which use the Stanhope zip code. Mr. Shapiro also provided the Deputy Clerk with copies of the letters he had sent to the Governing Body and Mr. Stein and a copy of tonight's presentation. Mr. Shapiro and Mr. Leavitt thanked the Mayor and Council. The Mayor and Council thanked Mr. Shapiro and Mr. Leavitt for attending tonight's meeting.

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

Roll Call:

Councilman Romano – absent
Councilwoman Zdichocki - yes
Councilman Thornton - yes

Councilwoman Kuncken yes
Councilman Depew – yes
Councilwoman Thistleton – yes

On motion by Councilman Depew, 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.

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 Councilwoman Zdichocki, seconded by Councilwoman Kuncken, 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 – absent	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.

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 Councilwoman Zdichocki, seconded by Councilman Thornton, 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 – absent	Councilwoman Kuncken yes
Councilwoman Zdichocki - yes	Councilman Depew – yes
Councilman Thornton - yes	Councilwoman Thistleton – yes

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

RESOLUTIONS

Resolution 142-15

RESOLUTION ATTESTING THAT THE STANHOPE GOVERNING BODY HAS COMPLIED WITH THE PROMULGATION OF THE LOCAL FINANCE BOARD OF THE STATE OF NEW JERSEY RELATIVE TO THE 2014 ANNUAL REPORT OF AUDIT

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2014 has been filed by a Registered Municipal Accountant with the Borough Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations”, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Stanhope, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

Roll Call:

Councilman Romano – absent
Councilwoman Zdichocki – yes
Councilman Thornton - yes

Councilwoman Kuncken – yes
Councilman Depew – yes
Councilwoman Thistleton – yes

Resolution 143-15

**RESOLUTION TO AMEND BUDGET TO INCLUDE 2015
CLEAN COMMUNITIES GRANT**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough of Stanhope has received a total of \$7,848.82 from the NJ Solid Waste Administration for the 2015 Clean Communities Grant, and

WHEREAS, the Borough of Stanhope now wishes to amend its 2015 budget to include the additional grant funds approved of \$7,848.82 as a revenue.

NOW THEREFORE, BE IT RESOLVED that the Council of the Borough of Stanhope does hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$7,848.82, which will be available as a revenue from:

Miscellaneous Revenues
Special Items of General Revenue Anticipated with Prior Written
Consent of the Director of Local Government Services – Public
And Private Revenues Offset with Appropriations: 2015 Clean Communities Grants, and

BE IT FURTHER RESOLVED that a like sum of.....\$7,848.82
be and the same is hereby appropriated under the caption of:

General Appropriations
(A) Public and Private Programs Offset by Revenues:
2015 Clean Communities Grant, and

BE IT FURTHER RESOLVED that the Chief Financial Officer shall submit one copy of the Chapter 159 certification form to the Director of Local Government Services.

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

Roll Call:

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

Resolution 144-15

**RESOLUTION ACCEPTING MAINTENANCE BOND AND
ENVIRONMENTAL MAINTENANCE BOND FROM PACT
CONSTRUCTION INC. FOR CONTRACT NO. WM-1-12
AND AUTHORIZING RELEASE OF PERFORMANCE
BOND**

WHEREAS, the Borough of Stanhope previously publically bid for Contract WM-1-12 for a major reconstruction of the municipal water system; and

WHEREAS, PACT Construction Inc. was the lowest responsive, responsible bidder and was awarded Contract WM-1-12; and

WHEREAS, pursuant to the Local Public Contracts Law, PACT Construction Inc. provided Performance Bond No. 2117862 to the Borough in the full amount of the contract to secure the performance of its work; and

WHEREAS, work on Contract WM-1-12 is now complete; and

WHEREAS, the Borough’s Consulting Engineers have recommended release of the final payment to PACT Construction Inc., conditioned only on receiving a Maintenance Bond and an Environmental Maintenance Bond from PACT as required by the contract documents; and

WHEREAS, PACT Construction Inc. has now provided Maintenance Bond No. 2121399 issued by itself as principal and the Great American Insurance Company as surety, together with Environmental Maintenance Bond No. 2121400 with PACT Construction Inc. as principal and the Great American Insurance Company as surety; and

WHEREAS, the Borough Attorney had reviewed and approved the form of Maintenance Bond and Environmental Maintenance Bond;

NOW, THEREFORE, be it resolved by the Mayor and Council of the Borough of Stanhope that the Borough does hereby accept Maintenance Bond No. 2121399 and Environmental Maintenance Bond No. 2121400 from PACT Construction, Inc. as principal and the Great American Insurance Company as surety; and

BE IT FURTHER RESOLVED that Performance Bond 2117862 issued by PACT Construction Inc. as principal and the Great American Insurance Company as surety be and the same is hereby released.

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

Roll Call:

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

Resolution 145-15 **RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF STANHOPE AUTHORIZING THE ISSUANCE OF RAFFLE LICENSE RA-606**

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

<u>Raffle #</u>	<u>Applicant</u>	<u>Date</u>	<u>Type of Game</u>
RA-606	American Legion Post #278 Musconetcong	8/13/2015 through 8/15/2016	Instant Raffle

and;

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

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

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

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

Resolution 146-15 **RESOLUTION APPROVING SUBMISSION OF THE CORRECTIVE ACTION PLAN FOR THE YEAR ENDED DECEMBER 31, 2014 TO THE STATE OF NEW JERSEY, DIVISION OF LOCAL GOVERNMENT SERVICES**

WHEREAS, all municipalities operating under the Local Fiscal Affairs Law must prepare and submit a Corrective Action Plan as part of their annual audit process, and

WHEREAS, the Borough of Stanhope has by Resolution accepted the 2014 audit as prepared and presented by the Borough Auditors, and

WHEREAS, Dana Mooney, the Chief Financial Officer for the Borough of Stanhope has prepared a Corrective Action Plan to address the findings and recommendations for the 2014 audit and presented copies of same to the Mayor, Council, and Administrator,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stanhope, in the County of Sussex, that the Corrective Action Plan, attached hereto and made a part hereof, be approved for submission to the Division of Local Government Services.

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

Roll Call:

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

Resolution 147-15

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. 2014-022, representing 2013 property taxes and/or utility charges on Block 11501, Lot 2, C0041 known as 441 Dell Place, assessed to Valerie G. Pyfrom, 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:	Isaac Moradi 520 Elm Street Kearny, New Jersey 07032
Redemption Amount:	Tax Title Lien #2014-022 and Interest to Date of Meeting \$ 18,748.24 Premium Paid by Lienholder <u>15,100.00</u>
Total From Current Fund:	\$ 18,748.24
Total From Tax Premium Account	15,100.00

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Stanhope, County of Sussex, State of New Jersey, that the Borough Treasurer be authorized to prepare the necessary check as stated above and to forward same to the lien holder.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the Borough Chief Financial Officer/Tax Collector.

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

Roll Call:

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

Resolution 148-15

RESOLUTION AUTHORIZING CONTRACT MODIFICATIONS AND FINAL PAYMENT AMOUNT FOR CONTRACT NO. WM-1-12 WITH PACT CONSTRUCTION INC.

WHEREAS, the Borough of Stanhope previously publicly bid for Contract WM-1-12 for a major reconstruction of the municipal water system; and

WHEREAS, PACT Construction Inc. was awarded Contract WM-1-12 as the lowest responsive, responsible bidder in the amount of \$1,446,175.00; and

WHEREAS, the Borough and the Contractor previously agreed to Contract Modification Proposal and Acceptance (Change Order) No. 1 in the amount of \$27,188.00 for additional work performed by the Contractor, increasing the contract to \$1,473,363.00; and

WHEREAS, the project is now complete; and

WHEREAS, the Borough and the Contractor have agreed as to final as built quantities and a settlement of all outstanding claims; and

WHEREAS, Contract Modification Proposal and Acceptance (Change Order) No. 2 has been prepared by the Borough's Consulting Engineers, increasing the amount of the contract by \$41,207.30 to a final total of \$1,514,570.30;

NOW, THEREFORE, be it resolved by the Mayor and Council of the Borough of Stanhope that Contract Modification Proposal and Acceptance Nos. 1 and 2 resulting in a final contract amount of \$1,514,570.30 be and the same are hereby approved.

THIS RESOLUTION approving Contract Modification Proposal and Acceptance Nos. 1 and 2 is subject to certification by the Chief Financial Officer of the availability of funds for same.

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

Roll Call:

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

Administrator McNeilly stated the final bill for Purcell Engineering is on the bills list this evening.

Resolution 149-15

RESOLUTION AUTHORIZING LEASE AGREEMENT WITH PITNEY BOWES FOR POSTAGE METER

WHEREAS, the Borough of Stanhope is in need of a postage meter; and

WHEREAS, Pitney Bowes has available a lease agreement designed for municipal government use of its postage meters; and

WHEREAS, the cost of the lease agreement is such that public bidding or quotation therefore is not required; and

WHEREAS, a form of the lease agreement has been reviewed and approved by the Municipal Attorney;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stanhope that the Borough shall execute a sixty (60) month lease agreement with Pitney Bowes for a postage meter with a service agreement as is set forth on the Pitney Bowes Lease Agreement State and Local Term Rental Form.

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

Roll Call:

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

Mayor's Acceptance of Resignation:

Resolution 150-15

**MAYOR'S ACCEPTANCE OF THE RESIGNATION OF
CHARLOTTE ZAWACKI FROM THE STANHOPE
RECREATION COMMISSION WITH COUNCIL
CONCURRENCE**

BE IT RESOLVED by the Council of the Borough of Stanhope that they do hereby concur with the Mayor's acceptance of Charlotte Zawacki's resignation as an appointed member on the Recreation Commission, effective July 2, 2015.

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

PAYMENT OF BILLS

Resolution 151-15

**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 July 14, 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 Councilwoman Kuncken, seconded by Councilman Thornton and unanimously carried by the following roll call vote, the foregoing resolution was duly adopted.

Roll Call:

Councilman Romano – absent
Councilwoman Zdichocki – yes
Councilman Thornton - yes

Councilwoman Kuncken – yes
Councilman Depew – yes
Councilwoman Thistleton – yes

AGENDA ITEMS

All items listed on the Agenda for July 28, 2015 were approved.

ATTORNEY'S REPORT

Mr. Stein stated the NJPA (National Joint Powers Alliance) is a co-op that he has been researching for the Borough. The Borough is in need of a new sewer jet vac. Administrator McNeilly stated the current sewer jet vac was purchased 35 years ago. Mr. Stein stated the sewer jet vac was purchased used at that time. Mr. Stein stated Administrator McNeilly and Dana Mooney, CFO, have found a sewer jet vac through the NJPA co-op. Mr. Stein stated the co-op has to comply with New Jersey laws. The bid for the sewer jet was bid nationally. It was advertised in three papers. Mr. Stein has researched the process followed and it appears to be in order. Mr. Stein stated much criteria was used to award the bids and he will continue to research this issue. Mr. Stein stated according to some attorneys the NJPA meets the criteria for the State of NJ, while others are of the opinion the co-op does not meet the requirements. The co-op is based on Minnesota law and was primarily created for school districts but it has evolved. Mr. Stein stated he has read the statute created by Minnesota and they did take into account other states would be joining the co-op.

Administrator McNeilly stated the estimated cost for the sewer jet through the co-op is \$80,000. If this equipment is bid locally the cost would be over \$100,000.

Mayor Maio asked if any local municipalities have used the NJPA. Mr. Stein stated he has contacted Summit. Mr. Stein stated there is no cost to join. The vendors pay an administration fee to be part of the co-op. The Borough would have to adopt a resolution. Administrator McNeilly stated the Borough pays \$1,500 to be a member of the Morris County Co-op. Mr. Stein stated Summit has joined the co-op and there are two other towns in Texas that have joined to purchase firefighting equipment. Mr. Stein stated he will advise Administrator McNeilly of his findings prior to the first Mayor and Council meeting in August. Mr. Stein stated if his findings are in favor of joining the co-op he will provide a resolution.

CITIZENS TO BE HEARD

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

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

CLOSED SESSION

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

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

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

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

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

The Mayor and Council went into Closed Session at 9:09 P.M.

At the conclusion of the Closed Session, the Mayor and Council reconvened the public meeting at 9:16 P.M. with all present.

ADJOURNMENT

On a motion by Councilman Thornton, seconded by Councilwoman Kuncken, and unanimously carried by voice vote the meeting was adjourned at 9:16 P.M.

Approved:

Linda Chirip
Deputy Clerk