

**MAYOR AND COUNCIL
REGULAR MEETING
July 28, 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 – absent
Councilwoman Zdichocki – absent	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:

June 9, 2015	Work Session/Agenda Meeting & Closed Session
June 23, 2015	Regular Business Meeting & Closed Session

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

CORRESPONDENCE (List Attached)

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

COUNCIL COMMITTEE REPORTS

On motion by Councilwoman Thistleton, seconded by Councilman Romano, and unanimously carried by voice vote, the Council Committee Reports were moved to the next meeting.

Public Safety – Councilwomen Kuncken/Thistleton

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

Finance & Administration – Councilman Romano/Councilwoman Kuncken

Community Development – Councilwoman Zdichocki/Councilman Thornton

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

Municipal Infrastructure – Councilman Thornton/Councilwoman Zdichocki

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

Information Technology – Councilmen Depew/Romano

Boards/Commissions – Councilwoman Thistleton/Councilman Depew

ADMINISTRATOR'S REPORT

Municipal Infrastructure – Administrator McNeilly stated the Spring Street water main has been installed and is in use. The Hillside Avenue water main is scheduled to be done next.

Public Safety – Administrator McNeilly reported the Fire Department has received the air packs which were obtained with the grant.

Technology – Administrator McNeilly stated he and Mr. Stein are working on amendments to the service agreement for the website.

Borough Sign (South End of Main Street) – Administrator McNeilly stated the final changes requested by the Mayor and Council have been sent to Sign Art. Once the changes are confirmed a Purchase Order will be submitted. A quote has been requested specifically for the business plaques. This information, along with the sample Borough sign, will be provided to the sub-committee for the Chamber of Commerce when available. Mayor Maio stated she will be meeting with the Chamber of Commerce tomorrow morning.

Houdaille Road / Plane Street Bridge – Administrator McNeilly stated the NJ DEP has been reviewing the bridge site to determine for required permits. At last report, they have concluded that all site prep will fall under permit-by-rule. Land Management in Trenton has some concerns over the actual ownership of the right of way. Administrator McNeilly has forwarded copies of the tax maps. Administrator McNeilly stated final written confirmation must be received prior to work beginning on the Stanhope side of the river.

Reclamation Project – Administrator McNeilly reported that a memo was sent to the Governing Body indicating there were no bidders for this project. The reclamation project includes Spring Street, Coursen Street, Port Morris Avenue and Hillside Avenue. Administrator McNeilly stated he and Eric Keller, Borough Engineer, have revised the specifications for the reclamation project in an attempt to get active bidders. There is a resolution authorizing to go to bid on the agenda this evening. The timeline is as follows:

Authorization:	July 28, 2015
Notice In pater:	July 29, 2015
Bidders Conference:	August 6, 2015
Bid Opening:	August 20, 2015
Bid Award:	August 25, 2015
Work Should Begin on the 3 rd or 4 th Week of September	

James Street – Administrator McNeilly stated the work on James Street is progressing according to plan. The drainage work is complete and the curbing is more than 50% complete.

Crack Sealing – Administrator McNeilly stated crack sealing will be done on Grove Road, Elm Street and Delaware Avenue.

Letter to Property Owners – Administrator McNeilly stated a letter will be sent this week to the property owners on Lloyd Avenue, Lawrence Avenue, Reeve Avenue and Maple Terrace regarding the timeframe for the milling and paving work to be done. Mayor Maio asked if the date has been confirmed with Tilcon. Administrator McNeilly stated the confirmed date is August 10th. There is a two week window to account for weather and milling. The work should be completed by August 21st.

2016 Budget – Administrator McNeilly stated the budget/capital letter will be sent out tomorrow with a return date of August 28th.

Water Pressure (Towpath Lane) - Mayor Maio asked Administrator McNeilly if any additional information is available regarding the water pressure issue on Towpath Lane. Administrator McNeilly stated he has informed the property owners that the pressure test will be done as soon as the water project is complete.

Finance – Mayor Maio stated a tax sale memo was sent out by the CFO on July 6th regarding the tax sale. Mayor Maio asked why the names on the tax sale list are not removed once payment has been received. Mayor Maio stated in other counties the lists are revised as payment is received. Revising the list would reduce the size of the advertisement and lower the cost of the advertisement. Administrator McNeilly stated he will ask for clarification from the CFO.

Payroll 2016 - Councilman Romano stated the CFO distributed a memo regarding a payroll for next year. Councilman Romano is of the opinion the pay schedule should be adjusted based on the salaries for the year. Administrator McNeilly stated the CFO should speak with the Mayor and Council and/or the Finance Committee regarding this issue. Mayor Maio stated this payroll issue occurs every few years and she is of the opinion that the entire payroll process should not have to be changed. Mayor Maio stated a Finance Committee meeting should be scheduled.

COUNCIL DISCUSSION

Municipal – Mayor Maio asked if any additional information is available. Councilman Romano stated the CFO is still waiting for a reply from Municipal regarding Mr. Stein's concerns.

Crosswalk Rehabilitation – Mayor Maio stated she, Administrator McNeilly, Councilman Thornton and Councilwoman Kuncken met with the company that supplies the Endurablend crosswalk material and with the company, Traffic Patterns, who supplies the Thermoplastic product. The committee was not impressed with the Endurablend product or the presentation. The recommendation is to move forward with the Traffic Patterns group. Administrator McNeilly stated both products require the surface to be milled out and blacktopped. Administrator McNeilly described the process for installing the product from Traffic Patterns. Mayor Maio stated the product can be repaired in the future if necessary. Mayor Maio stated the crosswalks will have to be redone every five to six years regardless of which product is used. The cost of the two products is almost identical.

Councilman Depew asked if there is a warranty. Administrator McNeilly stated due to the cost the Borough will have to go out to bid. There would be a one year performance bond and a one year maintenance bond as a result of the bidding. Much discussion took place regarding the product. Mayor Maio stated based on the committee's report the recommendation is to go with the Traffic Patterns material. The crosswalk project would be placed in the budget for next year. Councilman Thornton stated the estimate is approximately \$40,000 which includes the preparation work. A separate company would be contracted to do the preparation work and then the certified installers would install the crosswalks.

Resolution Supporting Establishment of U.S. Dept. of Veterans Affairs Outpatient Clinic in Sussex County – Mayor Maio stated the Borough of Franklin has sent a copy of their resolution supporting the establishment of a veteran’s outpatient clinic in Sussex County. Mayor Maio stated Franklin has the location available in their municipality to establish the clinic. Most counties have outpatient clinics, but Sussex County does not. Mayor Maio is of the opinion that Stanhope Borough should support the establishment of the clinic. Mayor Maio asked the Governing Body if there were any comments or objections. Seeing none, Mayor Maio asked Administrator McNeilly to contact Mr. Stein to draft the resolution.

Lakeview Estates Block Party Request – Mayor Maio stated Lakeview Estates has sent a letter requesting permission to hold their annual block party on Towpath Lane. The block party has been held every year since this development was established. The road would be closed on September 19th from 11:00AM to 8:00PM, between house numbers 10 and 14. The Governing Body approved the request. The resolution will be added to the next meeting agenda.

Property Maintenance (Owner Occupied) – Mayor Maio stated she has been receiving multiple complaints from residents regarding properties that are not being maintained, despite the fact that the homes are owner occupied. There are homes on Lloyd Avenue, Delaware Avenue and Kelly Place. The Stanhope Borough code book does not address owner occupied residences with regard to property maintenance. The only item that is enforceable is grass overgrowth. Mayor Maio stated there are provisions for enforcing maintenance on commercial and rental properties but not owner occupied property.

Administrator McNeilly stated the Borough’s property maintenance code was adopted twenty five years ago and it makes a distinction between owner occupied and not owner occupied. Mayor Maio stated residents are concerned about health issues and property values. Administrator McNeilly gave an overview of the current code. Mayor Maio stated she is of the opinion that the same code for commercial properties should not apply to residential properties. Mayor Maio asked Administrator McNeilly to obtain copies of code from other municipalities in Sussex County for comparison. This item will be placed back on the agenda for ongoing discussion. Mayor Maio stated the Borough is not looking to be so restrictive that residents cannot decorate or paint in the way they want. The code would be put in place for basic maintenance. Administrator McNeilly stated he will collect copies of code from various municipalities and he suggested the Governing Body review the Borough’s current code which is Chapter 111.

NEW BUSINESS

Mayor Maio offered the following ordinance for Introduction which was read by title:

Ordinance for Introduction [Public Hearing on August 25, 2015]

ORDINANCES

Ordinance 2015-15 **AN ORDINANCE AMENDING ORDINANCE 2015-12 TO AMEND THE DEFINITION OF THE TERM “OWNER”**

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

SECTION 1

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

The definition of the word “owner” as contained in Article 1 - Section 1 - Definitions of Ordinance 2015-12 is hereby amended to read as follows:

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. The term “Owner” shall not include any duly licensed real estate agent engaged solely in the sale of the property on behalf of the Owner.

SECTION 2 - When Effective

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

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

Mayor Maio stated at the last meeting when the abandoned homes ordinance was open for discussion, the Borough was asked to make this amendment.

Roll Call:

Councilman Romano – yes	Councilwoman Kuncken - absent
Councilwoman Zdichocki - absent	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.

RESOLUTIONS

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

**Resolution -152-15 RESOLUTION DESIGNATING MUNICIPAL OFFICIALS
TO ENFORCE ORDINANCE 2015-12**

WHEREAS, the Borough of Stanhope finally adopted Ordinance 2015-12 on July 14, 2015; and

WHEREAS, said Ordinance provides broad authority for the Borough to register, regulate and rehabilitate vacant and abandoned properties, as well as those properties in the foreclosure process; and

WHEREAS, Article 3, Section 11 provides that the Borough Council shall designate the public officer or officers responsible for executing the provisions of Ordinance 2015-12; and

WHEREAS, the Governing Body is of the opinion that the Construction Code Official, the Code Enforcement Officer, the Zoning Officer and the Borough Administrator are the proper Municipal Officers to be designated as a “Public Officer” under Ordinance 2015-12;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stanhope that the following shall be “Public Officers” authorized to enforce all of the provisions of Ordinance 2015-12:

Construction Code Official;
Code Enforcement Officer;
Zoning Officer;
Borough Administrator

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

Resolution 153-15

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 August 20, 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 Councilman Depew, seconded by Councilman Romano and unanimously carried by the following roll call vote, the foregoing resolution was duly adopted.

Roll Call:

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

Resolution 154-15

RESOLUTION AUTHORIZING USE OF CO-OP PUBLIC BID FOR MAPLE TERRACE MILLING AND PAVING PROJECT

WHEREAS, the Borough of Stanhope is in need of roadway milling and paving for Lloyd Avenue, Lawrence Avenue, Reeve Avenue and Maple Terrace (“Maple Terrace Project”); and

WHEREAS, the Borough is a member of the Morris County Co-Op which has already publically bid milling and paving services for the year 2015 and has awarded a contract therefore; and

WHEREAS, the Borough may utilize the Co-Op bid price as a member of the Co-Op without the need for further public bidding; and

WHEREAS, the Borough Engineer has recommended the use of the Co-Op bid for the Maple Terrace Project;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Stanhope, that the Borough shall utilize the Co-Op awarded bid for milling and paving for 2015 for the Maple Terrace Project at the Co-Op awarded bid price.

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

Roll Call:

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

Mayor Maio asked Administrator McNeilly if a resolution needs to be adopted for Lloyd Avenue, Lawrence Avenue and Reeve Avenue. Administrator McNeilly stated Lloyd Avenue, Lawrence Avenue and Reeve Avenue are included in this resolution. The name of the project is the Maple Terrace Project. Mayor Maio asked that an amendment be made to this resolution to designate the streets included in the project.

On motion by Councilman Thornton, seconded by Councilwoman Thistleton and unanimously carried by the following roll call vote, the foregoing Maple Terrace Project resolution was amended to include Lloyd Avenue, Lawrence Avenue, Reeve Avenue and Maple Terrace.

Roll Call:

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

CONSENT AGENDA (All items listed on the Consent Agenda are considered routine by the Borough Council and were enacted by one motion of the Borough Council with no separate discussion.)

Resolution 155-15 **RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF STANHOPE AUTHORIZING THE ISSUANCE OF RAFFLE LICENSE RA-604 and RA-605**

WHEREAS the following Raffle Applications with required fees have been submitted for Mayor and Council approval;

<u>Raffle #</u>	<u>Applicant</u>	<u>Date</u>	<u>Type of Game</u>
RA-604	Netcong Fire Co. #1	October 17, 2015	Tricky Tray
RA-605	Netcong Fire Co. #1	October 17, 2015	50/50 Raffle

and;

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

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

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

Resolution 156-15 **RESOLUTION AUTHORIZING REFUND OF UNUSED ESCROW FUNDS**

WHEREAS, James and Courtney Boyle had placed funds on deposit with the Borough of Stanhope for a Variance Application for Block 10604, Lot 7 in August 20, 2014; and

WHEREAS, the project was deemed complete by notice received in the Finance Office on July 17, 2015; and

WHEREAS, there are unused funds in the amount of \$3,358.02.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Stanhope, that a warrant be drawn to James and Courtney Boyle in the designated amount representing a refund of unused escrow funds, as follows:

James and Courtney Boyle
One North Central Avenue
Stanhope, New Jersey 07874

Original Deposit	\$4,000.00
Funds Expended	(641.98)
Balance to be Refunded	\$ 3,358.02

Resolution 157-15

RESOLUTION AUTHORIZING REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER

WHEREAS, the Tax Collector has received payment for the redemption of Tax Title Lien No. 2013-023, representing 2012 property taxes and/or utility charges on Block 11501, Lot 2, C0097, known as 697 Audubon Court, assessed to Craig Powell, and;

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

To Lienholder:	Tower Fund ACF Ebury Fund 1NJ LLC P.O. Box 37695 Baltimore, MD 21297-3695
Redemption Amount:	Tax Title Lien #2013-023 and Interest to Date of Meeting \$ 2,681.06 Premium Paid by Lienholder <u>1,100.00</u>
Total From Current Fund:	\$ 2,681.06
Total From Tax Premium Account	1,100.00

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.

Resolution 158-15

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

WHEREAS, the liquor license renewal application submitted is complete in all respects, the renewal fees have been paid, Tax Clearance Certificate received, the license has been reviewed, and the premises inspected;

NOW, THEREFORE, BE IT RESOLVED that the statutory requirements thereto having been fulfilled, the application for renewal of liquor license be granted and the Borough Clerk be authorized to complete, sign and deliver said license on behalf of the Mayor and Council to the below named applicant, said license 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 License:

1919-33-001-002 Karlbar Inc., t/a Black Forest Inn, 249 Route 206

On motion by Councilman Romano, seconded by Councilman Depew and unanimously carried by the following roll call vote, the foregoing resolutions were duly adopted.

Roll Call:

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

PAYMENT OF BILLS

Resolution 159-15

**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 28, 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 – absent
Councilwoman Zdichocki – absent	Councilman Depew – yes
Councilman Thornton - yes	Councilwoman Thistleton – yes

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.

ADJOURNMENT

On a motion by Councilman Romano, seconded by Councilman Depew, and unanimously carried by voice vote the meeting was adjourned at 7:40 P.M.

Approved:

Linda Chirip
Deputy Clerk for
Ellen Horak, RMC
Borough Clerk