

**MAYOR AND COUNCIL
REGULAR MEETING
July 25, 2017
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 4, 2017 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 Depew – present
Councilwoman Kuncken – present
Councilman Romano – absent

Councilwoman Thistleton – present
Councilman Thornton – present
Councilwoman Zdichocki – absent

Mayor Maio – present

CITIZENS TO BE HEARD

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

Gary Whyte, 289 Old Tote Road, Mountainside, NJ asked the governing body to consider adopting a resolution or proclamation supporting his Fibrodysplasia Ossificans Progressiva (F.O.P.) Awareness Initiative. Mr. Whyte explained the disease which is a rare genetic condition in which the body makes additional bones in locations where bone should not form, which in time produces a second skeleton that immobilizes the joints of the body. At this time, he has received support from over 500 municipalities, which includes all but 3 from Sussex County with Stanhope being one of the three. Mayor Maio asked Mr. Whyte to send a sample resolution and the topic will be put on the August 8th Agenda for council discussion.

Nancy Hoyt, 33 Lawrence Avenue, Stanhope, NJ asked for an update on the paintings to be hung in the council room. Mayor Maio deferred to the Administrator and Clerk. Administrator McNeilly stated he and the Clerk have been working on the project. They have taken measurements and created a layout for the pictures; however, their recent schedules have not allowed them to be available at the same time to complete the project. Ms. Hoyt also asked if Hill Road will be milled and paved. Administrator McNeilly responded the road will be milled tomorrow then paved.

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

MINUTES FOR APPROVAL

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

June 13, 2017	Work Session/Agenda Meeting
June 27, 2017	Business Meeting

On motion by Councilwoman Thistleton, seconded by Councilman Thornton and unanimously carried by voice vote the above listed minutes were approved.

CORRESPONDENCE (List Attached)

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

Public Safety – Councilwomen Kuncken/Thistleton

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

Finance & Administration – Councilman Romano/Councilwoman Kuncken

Community Development – Councilwoman Zdichocki/Councilman Thornton

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

Municipal Infrastructure – Councilman Thornton/Councilwoman Zdichocki

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

Information Technology – Councilmen Depew/Romano

Boards/Commissions – Councilwoman Thistleton/Councilman Depew

ADMINISTRATOR'S REPORT

Lakeside Park – Administrator McNeilly stated rope for the parking area is scheduled to start on July 31st.

Mill and Pave Project – Administrator McNeilly reported the milling will take place tomorrow, July 26th and the paving will be done on July 27th. Notices were mailed to all property owners and no parking signs have been posted on Hill Road and specific notices were placed in every door. The contractor will be starting on Hill Road at 7:00 a.m. The police are on notice to assist with removal of vehicles and trailers as needed. The DPW will be providing traffic control and assisting with recycling, garbage and mail delivery.

Crosswalks – Administrator McNeilly reported Lakeside Construction milled out the old crosswalks and we hope to have bid to award for the surface treatment on August 8, 2017.

Tax Bills – The seniors will be in on Friday to assist on the tax bills. The bills will go out on Friday. By law, residents are allowed 25 days to pay their tax bill without interest. The due date is August 22, 2017. If the tax bill is paid after August 22nd, the interest is then calculated back to August 1st.

Route 183/206 Sidewalk Project – Administrator McNeilly stated they had a pre-con meeting with the contractor. The State representative gave a safety briefing. Eric Keller introduced the inspector who will be on site at all times during construction. The contractor anticipates starting on August 1, 2017. This project has a 60-day construction window. Property owners will be receiving the third notification by mail this week. The contractor will be working with property owners to maintain access.

Defibrillator – Administrator McNeilly informed the governing body that the battery for the defibrillator has been ordered.

Red Light/Green Light – Administrator McNeilly stated, as per Council direction, each member of the Recreation Commission will receive this as an email to enter into the system. All drop-in volunteers at events will need to provide their name and email address 14 days prior to the event

so they can be checked through the system. Administrator McNeilly attached a copy of the information that will be given to the volunteers containing the registration instructions. Administrator McNeilly added the Chair of the event or the Chair of the Recreation Commission will have to police this.

Engineer – Administrator McNeilly requested that Eric Keller attend the August 8th meeting to discuss active and future projects. Mayor Maio said she would like to also discuss with Eric the overall plan for executing the grant the Borough received for the path lights and Sparta Road traffic calming activities. She would like to discuss the plan in detail and she asked Council to give thought to the project and provide their ideas at the next meeting.

Scanning of Records – Administrator McNeilly stated he spoke with the vendor and they are revising the quote due to joining the Middlesex Co-op to get a better price. The vendor will attend a meeting to give a demonstration. Mayor Maio asked Administrator McNeilly to schedule the demonstration for the September Work Session.

Family Fun Day – Administrator McNeilly reported he received an email from a resident thanking the Recreation Commission for their hard work and for making Family Fun Day a pleasure to attend. He has also received additional compliments about the event. Mayor Maio asked the Administrator to forward a copy of the email to the Recreation Commission.

Nixle -Mayor noted a Nixle alert went out about licensing your pet before the door-to-door checks are conducted and fines issued. The Deputy Clerk informed her that today they collected \$320 in licensing fees. Mayor Maio stated this is a good indication that Nixle works.

COUNCIL DISCUSSION

There were no topics for Council Discussion.

NEW BUSINESS

ORDINANCES

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

Ordinances for Introduction and First Reading [Public Hearing on August 22, 2017]

Ordinance 2017-06

AN ORDINANCE OF THE BOROUGH OF STANHOPE, SUSSEX COUNTY, NEW JERSEY AMENDING SECTION 105-2.A OF THE CODE OF THE BOROUGH OF STANHOPE TO REFLECT CHANGES TO PARK HOURS AT MUSCONETCONG AND LAKESIDE PARKS

WHEREAS, the Borough Council desires to amend the current township code in order to permit legal fishing activities at night;

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

SECTION 1.

Section 105-2.A is deleted in its entirety and replaced as follows:

A. Parks shall be open daily to the public from 8:00am to sunset. No person shall enter or remain in any park before 8:00am or after sunset, except that individuals may be present at the parks beyond the 8:00am to sunset hours for legal fishing activities only.

SECTION 2 - SEVERABILITY

If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

SECTION 3 - REPEALER

All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

SECTION 4: EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption and publication in accordance with law.

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

Roll Call:

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

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

<u>Ordinance 2017-07</u>	AN ORDINANCE OF THE BOROUGH OF STANHOPE, SUSSEX COUNTY, NEW JERSEY AMENDING SECTION 133-37.1 OF THE CODE OF THE BOROUGH OF STANHOPE TO ELIMINATE PERMIT PARKING IN MUNICIPAL LOTS
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WHEREAS, the Borough Council has reviewed the permit parking requirements in municipal lots and has determined that revisions are necessary;

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

SECTION 1.

Section 133-37.1, in accordance with 133-11.1, is revised by the deletion of the following:

Permit Parking		
Premises	Location	Hours
. . .		
Municipal Parking Lot	Block 11203, Lot 1	4:00am to 6:00am
Salmon Park Parking Area	Block 11203, Lot 12.1	4:00am to 6:00am

All other provisions of Section 133-37.1 shall remain

SECTION 2 - SEVERABILITY

If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

SECTION 3 - REPEALER

All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

SECTION 4: EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption and publication in accordance with law.

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

Roll Call:

Councilman Depew – yes
Councilwoman Kuncken - yes
Councilman Romano - absent

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

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

RESOLUTIONS

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

Resolution 130-17

RESOLUTION EXTENDING THE 3RD QUARTER 2017 PROPERTY TAX PAYMENT DUE DATE

WHEREAS, R.S. 54:4-66.3 states that the third quarter taxes shall not be subject to interest until the later of either August 1, the additional 10-day grace period, or the twenty-fifth calendar day after the date that the tax bill was mailed; and

WHEREAS, R.S. 54:4-66.3 also states payments received after the later of August 1, the additional 10-day grace period, or the twenty-fifth calendar date after the date that the tax bill was mailed, may be charged interest back to August 1; and

WHEREAS, a delay in the certification of the tax rate has resulted in a delay of the printing and mailing of the 2017 tax bills;

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

1. The due date for Third quarter 2017 Property Tax Payments, which would normally be August 1, 2017 with a 10-day interest-free grace period until August 10, 2017 or the first business day thereafter, will be extended to 25 days from the date of mailing.
2. All subsequent payments in the 2017-2018 billing cycle will be due as pre-printed on the tax bill coupons, with the regular 10-day interest-free grace period.

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 Depew –yes
Councilwoman Kuncken – yes
Councilman Romano - absent

Councilwoman Thistleton – yes
Councilman Thornton – yes
Councilwoman Zdichocki – absent

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 131-17

Resolution Urging the State Legislature to Extend the 2% Cap on Police and Fire Arbitration Contract Awards

WHEREAS, local municipalities require specific tools to address the rising cost of municipal government; and

WHEREAS, in July 2010 the Governor and New Jersey State Legislature enacted a permanent 2% cap on municipal and school board tax levies with limited exceptions that did not include police and fire arbitration contract awards; and

WHEREAS, salary costs, to a great extent, drive property tax increases; and

WHEREAS, in December 2010 the Legislature unanimously approved and the Governor enacted a temporary 2% cap on police and fire arbitration contract awards in an effort to control increasing salary costs and provide a solution to assist local governments in keeping property taxes down and cost under control; and

WHEREAS, the December 2010 legislation included an April 1, 2014 sunset on the 2% arbitration cap while the 2% property tax levy remained permanent for municipalities and school boards; and

WHEREAS, in June 2014 the Legislature unanimously approved and the Governor enacted an extension to December 31, 2017 for the 2% arbitration cap, however, the 2% property tax levy cap continues to remain permanent, without an exemption for police and fire arbitration contract awards; and

WHEREAS, municipalities continue efforts to contain costs and provide vital services to residents within the 2% property tax levy while the New Jersey economy remains sluggish and taxpayers struggle to keep their homes and pay their taxes; and

WHEREAS, we recognize that this change in arbitration reform needs a longer time to mature in order to see the benefits of the legislation and its actual impact on the cost of local government budgets and the impact on taxpayers; and

WHEREAS, the final report and recommendations of the Police and Fire Public Interest Arbitration Impact Task Force, which was established in the December 2010 legislation, is not due until the same day as the expiration of the cap on interest arbitration awards, December 31, 2017; and

WHEREAS, we recognize it is now time for our taxpayers to benefit directly from these cost saving measures as many police and fire contracts will come due for negotiation after the sunset date, and

WHEREAS, if the cap on interest arbitration expires while the 2% levy cap remains in effect, municipalities will be forced to reduce or eliminate municipal services in order to fund interest arbitration awards;

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Stanhope urges the State Legislature to extend the 2% cap on Police and Fire Arbitration Contract Awards for 5 more years at which time the Legislature will have hard data to examine and then make a final decision as to whether this law should be made permanent; and

BE IT FURTHER RESOLVED, that a copy of this Resolution is forwarded to Assemblywomen Gail Phoebus, Assemblyman Parker Space, Senator Steven V. Oroho, the Commissioner of the Department of Labor, the Lieutenant Governor and the Governor of State of New Jersey, The New Jersey Conference of Mayors and the League of Municipalities.

Resolution 132-17

RESOLUTION IN SUPPORT OF ASSEMBLY BILL NO. 4532 / SENATE BILL NO. 3049 AMENDING THE OPEN PUBLIC RECORDS LAW

WHEREAS, Assembly Bill No.4532 would exempt certain personal information from the open public records law and bar attorney's fees awards when access is denied in certain circumstance; and

WHEREAS, said bill was unanimously approved by the General Assembly on March 23, 2017; and

WHEREAS, identical legislation, Senate Bill No. 3049 awaits action in the Senate; and

WHEREAS, the Borough Council has reviewed the proposed legislation and wishes to support said Bill which would protect the privacy of the residents of New Jersey, as well as relieve the financial burden to municipalities;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stanhope in the County of Sussex and State of New Jersey that the Mayor and Council hereby supports Assembly Bill No. 4532 and urges the State Senate to adopt the companion legislation.

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to the Governor of the State of New Jersey, the Speaker of the New Jersey State Assembly, the President of the New Jersey State Senate, the Sussex County League of Municipalities, all municipalities in the 24th Legislative District and the Assemblymen and Senator representing the Borough of Stanhope urging their support of this legislation.

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

Roll Call:

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

Mayor's Acceptance of Resignation

Resolution 040-17

**MAYOR'S ACCEPTANCE OF THE RESIGNATION OF
MARIA GRIZZETTI 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 Maria Grizzetti's resignation as an appointed member on the Recreation Commission, effective July 11, 2017.

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

The acceptance of Maria Grizzetti's resignation was accepted with much regret from the governing body. Mayor Maio said Maria was a tremendous asset to the Recreation Commission and her efforts are greatly appreciated by the governing body.

PAYMENT OF BILLS

Resolution 134-17

**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 25, 2017 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 Depew and unanimously carried by the following roll call vote the foregoing resolution was duly adopted.

Roll Call:

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

ATTORNEY'S REPORT

Ursula Leo, Borough Attorney, had no report this evening.

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.

Don Drake, 2 Summit Street noted the monthly bill of \$1,000 from Millennium and asked if the Borough receives monthly reports and if the service is worth the \$1,000 a month. Mayor Maio responded that Millennium has been very successful in securing grants for the Borough, noting the recent grant of almost \$1 Million Dollars the Borough received for the Sparta Road and path lights project. There have been numerous grants that the Borough has been awarded due to the services of Millennium. Administrator McNeilly responded he receives monthly reporting. Mr. Drake spoke about grants available for fire departments and asked why Millennium does not apply for those grants. Mayor Maio said if a department finds a grant they would like to apply for, they should forward the information to the Administrator, who will contact Millennium. Mayor Maio asked Mr. Drake to provide the Administrator with the information on the grant for the fire department.

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

CLOSED SESSION

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

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

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

1. The public shall be excluded from discussion of and action upon the hereinafter-specified subject matter(s).
2. The general nature of the subject matter(s) to be discussed is as follows:
 - 1 - 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 Councilman Thornton, seconded by Councilman Depew, and unanimously carried by voice vote, the foregoing resolution was adopted.

The Mayor and Council went into Closed Session at 7:25 P.M.

RETURN TO OPEN SESSION

At the conclusion of the Closed Session, the Mayor and Council reconvened the public meeting at 7:38 P.M. with all present.

ADJOURNMENT

On motion by Councilwoman Thistleton, seconded by Councilman Depew, and unanimously carried by voice vote the meeting was adjourned at 7:38 P.M.

Approved:

Ellen Horak, RMC
Borough Clerk