

**MAYOR AND COUNCIL  
WORK SESSION AND  
AGENDA MEETING  
July 10, 2018  
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 3, 2018 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:

Councilwoman Kuncken – present	Councilwoman Thistleton - absent
Councilman Riccardi – present	Councilman Thornton - absent
Councilman Romano – present	Councilwoman Zdichocki - present

Mayor Maio – present

**ENGINEER'S REPORT**

Mayor Maio invited Eric Keller, Borough Engineer, forward to give his report.

*Flow Meter Study* – Mr. Keller distributed a graph showing the data from April to June. The contractor has not yet removed the meters so they are still reading, but at no cost to the Borough. They are still uploading the data to the cloud, so we still have access to the meters. Mr. Keller directed the governing body to the page containing data for Musconetcong Avenue which shows a dramatic drop. The depth of flow has dropped about 50%. There was a drop in Port Morris during the month of May. They still need to look at Lloyd Avenue and Brooklyn Road. The data shows no change. Mr. Keller stated they have not found anything significant. There are a few houses on septic north of the high school and also on Leo Avenue. They have not seen anything coming up from the ground so it becomes a question of sump pumps causing it. Mayor Maio stated if it is not seeping into the pipes, it is sump pumps. The governing body discussed the results shown on the graph. Mr. Keller noted points early on did not show as much spiking. Flows were high, but it was a groundwater issue. Mr. Keller will have a final report at the end of the month.

*Oak Drive Curb Replacement* – Mr. Keller reported it will be another 10 to 14 days before the project is completed. Mr. Keller will be inspecting the curbing again this Friday and will walk the project with the Administrator and DPW Acting Superintendent. Once the curbing is finished an order will be put in for paving and after paving they will do the striping.

*Sparta Road TAP Grant* – Mr. Keller reported he filed the wetlands permit on June 15<sup>th</sup>. Notices were sent to all property owners within 200' from which he received 2 telephone calls inquiring about the project. The wetlands permit application deals with the wetlands along the high school trail. Mr. Keller has been trying to get in touch with Milan at DOT to let him know the wetlands permit has been filed so he can help get it moving along.

*Port Morris* – Mr. Keller reported the survey of the pump station has been done and they are starting the preliminary design. There is not "as-built" for the pump station. Once the layout is done, they will see if they need to submit to the DEP for a permit.

Mayor Maio thanked Mr. Keller for his attendance and report.

## **ADMINISTRATOR'S REPORT**

Fire Truck Purchase – Administrator McNeilly reported the purchase order for the new fire truck was issues. Absolute Fire has received the purchase order and has processed it. Now the paperwork will work its way through the HGAC Co-op which will sign off and forward to manufacture. We will receive confirmation in a couple of weeks. Delivery is roughly 8 to 10 months.

Ambulance Purchase – Administrator McNeilly reported the cost share agreement is currently in Netcong for review.

Dilapidated Structures – Administrator McNeilly provided the following updated on the dilapidated structures:

- 13 Delaware Avenue – There is a new owner who is actively cleaning up the site.
- 37 Highland Avenue (Hoer Property) - The Code Enforcement Officer is currently working on this.
- 264 Rt 206 (Schuffenhauer) – The house was removed. The Code Enforcement Official issued a notice of violation for property maintenance.
- 7 Kelly Place – The Code Enforcement Officer has been to Court with the property owner. Clean-up and repair on the property is ongoing.
- 5 Ridge Road – No action has been done regarding the property. Administrator McNeilly recommended the Borough Attorney, Ursula Leo, review the file of the previous Borough Attorney, Rich Stein, on this property and provide advice to the governing body at the July 24<sup>th</sup> meeting.

Maple Terrace Signage – Administrator McNeilly reported the “No Parking” signs have been installed.

Oak Drive Update – Administrator McNeilly stated the DPW are working on the water service replacement. There are approximately 14 remaining and to date, there have been no issues.

2018 Employment Policy Manual Update – Administrator McNeilly reported the changed are with the Labor Attorney for review and should be ready for review by the governing body by the end of the month with an adoption of the updates in August. The deadline is the end of October. There are minor changes in the area of pregnancy and breastfeeding and changes in the internal social media area. Every two years the Master Joint Fund of the JIFF gets together and mandates certain things be contained in the manual.

2019 Budget – Administrator McNeilly provided the following timeline for the 2019 Budget:

- July 31<sup>sts</sup> Send out initial Budget and Capital Request Forms
- August 31<sup>st</sup> All Operating and Capital Requests due to the CFO
- September Prepare Budget Books

Councilwoman Zdichocki asked the Administrator the status of the house on Brooklyn Road. The Administrator said he will speak to the Code Enforcement Offer tomorrow. Administrator McNeilly questioned if the house is for sale since there is no sign posted. Councilwoman Zdichocki responded there is no sign on the property, but it is on the “multiple listings” for sale.

## **WORK SESSION**

There were no Work Session items discussed.

## **NEW BUSINESS**

## **ORDINANCES**

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

**Ordinance 2018-12**

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 108 OF THE CODE OF THE BOROUGH OF STANHOPE ENTITLED “PEDDLING AND SOLICITING” TO REVISE THE CURRENT CODE AND TO ADOPT AND CREATE A NEW SECTION 108-15 ENTITLED “NO KNOCK LIST” TO PERMIT BOROUGH RESIDENTS TO REGISTER AND PROHIBIT SOLICITING ON THEIR PROPERTY**

**WHEREAS**, the Borough of Stanhope regulates peddling and soliciting within the Borough by and through Chapter 108 of the Code of the Borough of Stanhope; and

**WHEREAS**, the Borough wishes to amend Section 108-3 “Application for License”; Section 108-5 “Fees”; and Section 108-6 “Display of Licenses; Hours”, to update existing solicitation regulations; and

**WHEREAS**, the Borough also wishes to add a new Section 108-15 entitled “No Knock List”, providing Borough residents with the option of registering for a “No Knock List”.

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

**SECTION 1.** Section 108-3, “Application for License”, Subsection A., is amended by deleting “and driver’s license number” at the end of the sentence.

**SECTION 2.** Section 108-3, “Application for License”, Subsection B., is amended by adding the phrase, “and telephone number” after “if any,”.

**SECTION 3.** Section 108-3, “Application for License”, Subsection G., is amended by adding the phrase “and driver’s license” to the end of the sentence.

**SECTION 4.** Section 108-3, “Application for License”, Subsection J., is deleted in its entirety and replaced to read as follows:

- J. Two business references, or in lieu thereof, such other available evidence of the character and business responsibility of the application as will enable an investigator to properly evaluate such character and responsibility.

**SECTION 5.** Section 108-3, “Application for License”, is amended to include a new Subsection L. to read as follows:

- L. Proof of insurance coverage in the minimum amount of \$100,000.00 per person/\$500,000.00 per occurrence for general liability and \$50,000.00 for property damage.

**SECTION 6.** Section 108-5, “Fees”, Subsection B is deleted in its entirety and replaced as follows:

- B. License Fee. The license fee to be paid by each licensee shall be set forth in Chapter 82, Fees.

**SECTION 7.** Chapter 108, Section 6, “Display of License”; Subsection B is deleted in its entirety and replaced to read as follows:

- B. Every such license shall restrict his selling activity within the Borough to the hours between 10:00am and 9:00pm, prevailing time, daily.

**SECTION 8.** A new Section 108-15, “No Knock List” shall be adopted to provide as follows:

- A. All the residents of the Borough may register their name, address and/or unit/apartment number with the Borough Clerk to be placed on the “No Knock

- List,” indicating that they do not want peddlers of any sort to approach their homes and/or seek personal contact with the occupants of the registered home. The Borough Clerk shall provide the registration form, which shall be available during normal business hours. By registering for the “No Knock List”, the resident chooses to allow the Stanhope Borough Police Department, Fire Department or First Aid Squads to be exempt.
- B. Residents shall remain on the “No Knock List” until such time as they advise the Borough Clerk in writing that they wish to be removed from the list.
  - C. The Borough Clerk shall maintain a “No Knock List”, a copy of which shall be provided to all persons and organizations required to obtain a license or register pursuant to Chapter 108. In accordance with the provisions of N.J.S.A. 47:1A-5, the Borough Clerk shall charge a fee for a copy of the “No Knock List”. The list shall be updated periodically.
  - D. It shall be unlawful for any peddler to approach and/or seek personal contact with the occupants thereof if that residence is registered on the “No Knock List”. Anyone violating this subsection shall be subject to a fine of not less than fifty (\$50) dollars nor more than one hundred (\$100) dollars for each violation.
  - E. Upon completion of registration on the “No Knock List”, the subscriber shall purchase and receive, for a nominal fee, a decal stating “DO NOT KNOCK – Registered on the “No Knock List” with Stanhope Borough Clerk’s Office. VIOLATORS WILL BE PROSECUTED”, which must be displayed in a clearly visible location (i.e., front door or window adjacent to the front door).

**SECTION 9.** All other provisions of Chapter 108 not amended by this Ordinance, shall remain in full force and effect.

**SECTION 10. 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 11. 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 12. EFFECTIVE DATE**

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

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

Roll Call:

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

On motion by Councilman Romano, seconded by Councilman Riccardi, 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 119-18**

**RESOLUTION OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF STANHOPE RELIEVING  
CERTAIN PAYMENT OF WATER AND SEWER FEES**

**WHEREAS**, Laura Schroeder, the owner of the property located at 604 Stonegate Lane in Stanhope Borough (the “Property”), had her house on the Property completely destroyed due to a fire on December 10, 2017; and

**WHEREAS**, Ms. Schroeder has continued to receive bills in the amount of \$122.00 per month for sewer and \$83.00 per month for water for the Property, as set forth in Section 82-2.J(1)(a) and 82.2.P(1)(a); and

**WHEREAS**, since December 10, 2017, the Property has not been occupied by the homeowner and has not used any water and sewer; and

**WHEREAS**, Ms. Schroeder has requested a waiver of water and sewer fees via correspondence to the Mayor dated June 22, 2018; and

**WHEREAS**, the Borough Council has considered Ms. Schroeder's request and has determined that she should be responsible for all water and sewer fees up through the end of the 4<sup>th</sup> quarter of 2017, but should be exempt from paying water and sewer fees after the 4<sup>th</sup> quarter of 2017 through the time a certificate of occupancy is obtained for the Property;

**NOW, THEREFORE, BE IT RESOLVED** that Ms. Schroeder shall be relieved from the payment of water and sewer fees in the amount of \$205.00 per month from the end of the 4<sup>th</sup> quarter of 2017 through the time a Certificate of Occupancy is obtained for the Property; and

**BE IT FURTHER RESOLVED**, Ms. Schroeder shall be responsible for the payment of water and sewer fees on the Property in the amount of \$205.00 for use of water and sewer through the 4<sup>th</sup> quarter of 2017.

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

Roll Call:

Councilwoman Kuncken – yes

Councilwoman Thistleton - absent

Councilman Riccardi – yes

Councilman Thornton - absent

Councilman Romano - yes

Councilwoman Zdichocki – yes

**Resolution 120-18**

**RESOLUTION OF THE MAYOR AND COUNCIL  
OF THE BOROUGH OF STANHOPE APPROVING  
THE TRANSFER OF PLENARY RETAIL  
DISTRIBUTION LICENSE 1919-44-003-010  
TO STANHOPE LIQUOR, INC.**

**WHEREAS**, an application has been filed for a Person-to-Person Transfer of Plenary Retail Distribution License Number 1919-44-003-010, heretofore issued to B and K Parekh, LLC held at premises 141 Route 183, Stanhope, New Jersey; and

**WHEREAS**, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

**WHEREAS**, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

**WHEREAS**, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Stanhope that the Borough does hereby approve, effective July 10, 2018, the transfer of the aforesaid Plenary Retail Distribution License to STANHOPE LIQUOR INC. and does hereby direct the Borough Clerk to endorse the license certificate to the new ownership as follows: This license, subject to all its terms and conditions, is hereby transferred to STANHOPE LIQUOR, INC, effective July 10, 2018.

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

**Resolution 121-18**

**AUTHORIZING FOVEONICS IMAGING TECHNOLOGIES TO PERFORM SCANNING & DOCUMENT MANAGEMENT SERVICES THROUGH THE EDUCATIONAL SERVICES COMMISSION OF NJ COOPERATIVE PRICING SYSTEM (ESCNJ)**

**WHEREAS**, the Borough of Stanhope has a need to scan, manage and index documents; and,

**WHEREAS**, the Borough of Stanhope, as a contracting unit, pursuant to the provisions of N.J.S.A. 52:34-6.2(3), is a member of the purchasing cooperative ESCNJ and therefore may, without advertising for bids, contract for those services through the ESCNJ; and

**WHEREAS**, Foveonics Imaging Technologies has been awarded the contract for document imaging services #65MCECCPS; and

**WHEREAS**, the Mayor and Council of the Borough of Stanhope authorize the contract as proposed February 12, 2018 which includes preparation & scanning of large and small documents (on and/or off site), microfiche/microfilm, pickup and delivery, indexing, importing images into cloud-based EDMS, compliance & security requirements and training; and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Stanhope that a total amount not to exceed \$27,675.00 is approved for the contract with Foveonics Imaging Technologies through ESCNJ.

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

Roll Call:

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

**PAYMENT OF BILLS**

**Resolution 122-18**

**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 10, 2018 and on file and available for public inspection in the Office of the Chief Finance Officer and approved by the Chief Finance Officer for payment, be paid.

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

Roll Call:

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

**AGENDA ITEMS**

All items listed on the Agenda for July 24, 2018 were approved.

**CITIZEN’S 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 - Personnel
3. It is anticipated at this time that the above stated subject matter(s) will be made public at the conclusion of each individual specified subject matter.
4. This resolution shall take effect immediately.

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

The Mayor and Council went into Closed Session at 7:38 P.M.

### **RETURN TO OPEN SESSION**

At the conclusion of the Closed Session, the Mayor and Council reconvened the public meeting at 7:40 P.M. with all present.

### **COUNCIL DISCUSSION**

Mayor Maio noted the governing body received a request for comp time from Arlene Fisher for her time at Court on behalf of the Borough. On motion by Councilwoman Kuncken, seconded by Councilman Riccardi and carried by the following unanimous roll call vote, the governing body approved Ms. Fisher's request for comp time for her court appearance, with the condition that the comp time be used within the calendar year:

Roll Call:

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

Mayor Maio stated she received a letter and a visit from a resident requesting relief from the Council of the ordinance restricting farm-like animals so he can keep chickens, hens and ducks on his property. The letter included a Petition signed by 75 people. In addition, there was a letter from a counseling clinic stating there is therapeutic benefit from these animals. The governing body discussed the request and agreed that, although this is a therapeutic benefit to the person, more information is needed. The governing body must take into consideration the welfare of the general public. Mayor Maio asked the Administrator to speak with the Board of Health on this issue as well as contacting other municipalities to inquire if they have had the same issue and how it was handled. Mayor Maio asked the Clerk to distribute copies of the letter and attachments to the Council.

### **ADJOURNMENT**

On motion by Councilman Romano, seconded by Councilwoman Kuncken, and unanimously carried by voice vote the meeting was adjourned at 7:50 P.M.

Approved:

Ellen Horak, RMC  
Borough Clerk