

**MAYOR AND COUNCIL
REGULAR MEETING
July 24, 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 - present
Councilman Riccardi - present	Councilman Thornton - present
Councilman Romano – absent	Councilwoman Zdichocki - present

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.

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 12, 2018	Work Session/Agenda Meeting
June 26, 2018	Business Meeting & Closed Session

On motion by Councilwoman Kuncken, seconded by Councilwoman Thistleton and carried by voice vote, the above listed minutes were approved. Councilman Thornton abstained from the Work Session/Agenda Minutes of June 12, 2018.

CORRESPONDENCE (List Attached)

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

COUNCIL COMMITTEE REPORTS

Public Safety – Councilwomen Kuncken/Thistleton

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

Councilwoman Kuncken stated the Fire Department for the month of June reported 7 calls answered, 60 man hours and 2 mutual aid calls, 2 drills including fund drives and out of county. Man hours totaled 63.75. There was a funeral service and a graveside detail. The total number of activities was 12 and the total number of man hours volunteered was 223.75.

Councilwoman Kuncken stated Virgil Rome, Sussex County Fire Marshal, has submitted a report which consists of three to four pages of summaries for the fire inspections. The report consists of 35 inspections for many of the businesses and the public buildings in the Borough.

Councilwoman Kuncken stated the Police Department reported 222 motor vehicle stops for the month of May. The total number of calls for the month was 381.

Councilwoman Kuncken stated the Ambulance Squad for the month of May reported 30 calls in Stanhope, 35 calls in Netcong and 1 standby for a total of 66 calls. There was an out of town call to Hopatcong and 1 to Mt. Olive. The total number of calls was 68. A total of 35 patients were treated with 51 trips to the hospital, 8 patients refused care, for a total of 1,412 miles. The volunteer hours totaled 278 hours and 25 minutes. There were no assists from the Police or Fire Departments.

Councilwoman Kuncken stated last night the Public Safety Committee, along with the Administrator, met with the Ambulance Squad to review with them the status of their rescue equipment and the rescue operations. Councilwoman Thistleton was unable to attend due to the short notice of the meeting date. Councilwoman Kuncken stated she did speak with Councilwoman Thistleton this morning to update her on what transpired. The Governing Body has been notified by the Fire Department that the rescue equipment, which they acquired several years ago, has been taken out of service. Councilwoman Kuncken read from her notes. The Squad has been the primary agency for many years with the Fire Department providing assistance in rescue operations when and where needed. With the Fire Department rescue tools being taken out of service I felt it was prudent to meet with the squad to discuss rescue operations to ensure that the Borough has proper coverage. Councilwoman Kuncken stated the first item discussed was for an update on the serviceability of the equipment. The response was that the equipment is in good working order and it is inspected and serviced every two years. The next service will take place this October. The next discussion dealt with training. The Squad reported that more than half of the membership is trained in rescue operations. Mutual aid was discussed along with backup now that the Fire Department is out of service. The Byram Fire Department is the backup for a rescue call in Stanhope. If a rescue operation takes place in Netcong, the backup would be provided by Roxbury Co. No. 1 or Budd Lake. These mutual aid systems have always been available. If the Squad's equipment is taken out of service for whatever reason, the Squad would purchase replacement equipment. Councilwoman Kuncken stated the Borough is covered and there are no concerns at this time.

Finance & Administration – Councilman Romano/Councilwoman Kuncken

Due to Councilman Romano's absence, no report was given.

Community Development – Councilwoman Zdichocki/Councilman Thornton

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

Councilwoman Zdichocki stated there were 4 zoning permit applications. There were 7 vacant property registrations received totaling \$4,000. The total amount collected to date for the vacant property registrations is \$44,500. Several notices of violation were sent out regarding vacant property registrations and one second notice of violation was sent. Councilwoman Zdichocki stated she is still waiting for information regarding Brooklyn Road. Administrator McNeilly stated he will get something in writing for 40 Brooklyn Road. Mayor Maio asked Administrator McNeilly if the \$44,500 total is the overall total from when the registration began. Administrator McNeilly confirmed this and stated the amount is growing due to the renewal fees which are increasing. The number of properties has been decreasing.

Municipal Infrastructure – Councilman Thornton/Councilwoman Zdichocki

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

Councilman Thornton stated last week he and Administrator McNeilly observed the work being done on Oak Drive. The DPW has met various challenges in replacing the water services such as trying to get a straight line from the house out to the main. Work is progressing. The project was expected to be complete by now but unfortunately the weather has been a challenge.

Information Technology – Councilmen Riccardi/Romano

Councilman Riccardi stated the document scanning project is still moving along. The forms and applications are all on the website as fillable PDF's. Administrator McNeilly stated the Borough's list of forms was compared to other municipalities for ideas. The Construction Department UCC forms have been added to our website directly from the State site. The forms such as raffles, bingo and voter registration have also been linked from the State and County sites.

Mayor Maio asked when the scanning project will begin. Administrator McNeilly stated the project is to start in August. The first box should be going out next week. Mayor Maio asked if there is a set completion date. Administrator McNeilly stated the scanning will continue until the funding is depleted. The Construction Official is going to go through the files to remove any unnecessary or duplicate information. The boxes will be brought to the scanning site in Hackettstown. If the files are needed while they are offsite, the company can be contacted and they will return them to the Construction Department for any OPRA requests.

Boards/Commissions – Councilwoman Thistleton/Councilman Riccardi

Councilwoman Thistleton stated the Recreation Commission had to cancel Family Fun Day due to the weather. The Recreation Commission will discuss holding an event in the Fall.

Councilwoman Thistleton stated Molly Clawson, Miss Stanhope, will be attending the Queen of the Fair Program on August 4th. We wish her the best of luck.

Councilwoman Thistleton stated the Environmental Commission was notified about Family Fun Day but for an unknown reason they were not able to participate this year.

ADMINISTRATOR'S REPORT

Oak Drive Update – Administrator McNeilly stated work is ongoing for the water service replacements on Oak Drive. There are four connections remaining. The weather has not been co-operating.

Oak Drive/East Drive/Hickory Drive – Administrator McNeilly stated Eric Keller, Borough Engineer, has measured the curb replacement for Oak Drive/East Drive and has placed the order with the Morris Co-op vendor. The contract will include removal, replacement, blacktop and repair of the grass area. The cost for the replacements right now is less than the budgeted 500 linear feet. Once the remaining connections, saddles, water lines, curb boxes, catch basins and curbing are complete, lower East Drive and Oak Drive will be ready for milling and paving. The parts of the curbing which have disappeared will be milled down low enough to be replaced. Hickory Drive needs one water line to be completed at the top of the circle and then it will be ready for paving.

Musconetcong Avenue and Walton Place – Administrator McNeilly stated he and Mr. Keller have walked the project area of Musconetcong Avenue and Walton Place. The DPW will complete the catch basin repairs. This is a State project and will require some sidewalk sections to be replaced and any and all crosswalk ramps in the project area need to be replaced with ADA compliant ramps and detectable pads. The project has four (4) crosswalks. The area at Spring Lane is a challenge. This will have to be cut way back quite a bit in order to meet the 2%. The DPW is taking care of the curb and storm drains. There is a section at the curve of Musconetcong Avenue and Walton Place with a defined dip which will be cut to see what is going on in that area. The plan is to have all the roads milled and paved at the same time.

DPW Mason Dump – Administrator McNeilly stated the new mason dump truck is being fitted for the plow frame and lights. The truck should be delivered on time in August.

2018 Employee Policy Manual Update – Administrator McNeilly stated the changes have been received from the Labor Counsel regarding the 2018 Employee Policy Manual Update. Administrator McNeilly stated he is formatting the changes and the updates will be ready for distribution to the Mayor and Council by the end of the month. Discussion, if necessary, can be held at the August 14th meeting with the adoption scheduled for the August 28th meeting. The deadline is the end of October.

Chickens – Administrator McNeilly provided a handout to the Mayor and Council regarding setback requirements and acreage required by other municipalities with regard to keeping chickens. This discussion is the result of a letter and a petition which was received requesting a change to the ordinance. The ordinance currently states, in order to have non-domestic animals, you must have five acres of land. Several municipalities also require five acres. Hardyston requires three acres and a 20 foot setback from the property line. Hainesport drops to one acre but with a 50 foot setback from the property lines. Oakland is one acre. Byram Township has a one acre requirement with a 25 foot setback. Washington Borough and Upper Freehold take a different approach. They have a 75 foot setback from the nearest dwelling. The Health Department has stated their concerns with salmonella and the ground feeding which can attract vermin. Administrator McNeilly stated the ground feeding attracts other animals such as mice, rats, fox, opossum, raccoons, coyotes and bears. The concern for disease and other animals is the reason for the five acres. One acre equals 43,000 sqft. On this side of town, where the request was generated from, the lot sizes average between 10,000 to 15,000 sqft. There is no way to be 75 feet from any dwelling. In the downtown area there are probably only 2 lots which are an acre and maybe 3 which are one acre or higher.

Mayor Maio asked Attorney Leo about the issue of emotional support animals. Attorney Leo has not had experience with the emotional support issue. Municipalities have grappled with whether or not they are pets, the setbacks and the right to farm. Attorney Leo stated given the size of the lots, she is of the opinion the right to farm is not an issue. Standards are out there and they are small for poultry. Administrator McNeilly stated on the chart of emotional support animals chickens are far down the list behind dogs, cats and pigs. This level of government has a duty to the general public health. The Borough does permit chickens but there is a five acre requirement. Administrator McNeilly stated in his opinion there is a valid reason for not having a farm animal on such small lots. Mayor Maio asked the Governing Body for their input. Councilwoman Zdichocki stated the request to keep chickens is being made because they are emotional support animals. Councilwoman Zdichocki asked if there is an ordinance addressing this use. Attorney Leo stated having a separate ordinance could lead to a discrimination argument. The reason does not matter. The zoning ordinance states the requirement is five acres. Councilwoman Kuncken stated this would not prohibit the resident from seeking further justification or relief. Councilwoman Kuncken stated the Governing Body's response, in her opinion, should follow what the ordinance permits. Mayor Maio stated if the resident decides to seek relief, this would have to come from the Land Use Board or the court. Attorney Leo stated the application to the Land Use Board would be for relief from a use which is not currently permitted by the code which would be for a specific use on a specific property. Mayor Maio asked Attorney Leo to review the issue and determine the response based on this conversation. Attorney Leo stated in some municipalities the issue has gone to municipal court because people have been cited for violations of the zoning code. Mayor Maio asked Administrator McNeilly to let the residents who made the request know that the issue is still under review.

DPW Lighting – Administrator McNeilly stated the LED lights were delivered today for the DPW garage.

WORK SESSION

Construction Department Additional Hours (6 month review) – Administrator McNeilly stated he has spoken with Tom Pershouse, Construction Official, and Tammy Minniti, Construction Secretary, regarding the additional hours which have been helpful in handling the OPRA requests and some of the backlog. Mayor Maio stated the OPRA requests have to be consuming more time than the two extra hours which have been provided. The OPRA requests from realtors and potential homeowners are being submitted in quantity. Mayor Maio suggested increasing the hours especially for this time of year when the department is busier. Much discussion took place regarding the hours needed. Administrator McNeilly stated when the Construction hours were put in place back in 2011, the department was not as busy as it is now. Administrator McNeilly stated he will speak with Mr. Pershouse and Ms. Minniti. Councilwoman Kuncken asked Administrator McNeilly if Ms. Minniti has been offered the flexibility to come in to work on a Saturday. Administrator McNeilly stated he has not mentioned working on Saturday's.

Mayor Maio amended the agenda at this time and moved the Mayor's Appointment Resolutions forward as a courtesy for the appointees.

Mayor's Appointments

Resolution 126-18

MAYOR'S APPOINTMENT OF ROSALIND BRUNO TO THE BOROUGH OF STANHOPE BOARD OF HEALTH

Mayor's appointment to the Board of Health as follows:

Rosalind Bruno to fill an unexpired term, said term to expire 12/31/2019

BE IT RESOLVED by the Council of the Borough of Stanhope that they do hereby concur with the Mayor's appointment of Rosalind Bruno as a member of the Board of Health, to fill an unexpired 3-year term, with said term to expire December 31, 2019.

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

Resolution 127-18

RESOLUTION OF THE MAYOR AND COUNCIL APPROVING THE MAYOR'S APPOINTMENT OF THOMAS BRUNO TO THE LAKE MUSCONETCONG REGIONAL PLANNING BOARD WITH COUNCIL CONCURRENCE

Mayor's appointment to the Lake Musconetcong Regional Planning Board with Council concurrence as follows:

Thomas Bruno to fill a vacant un-expired 4-year term, with said term to expire December 31, 2018.

BE IT RESOLVED by the Council of the Borough of Stanhope that they do hereby concur with the Mayor's appointment of Thomas Bruno to the Lake Musconetcong Regional Planning Board to fill a vacant un-expired 4-year term effective immediately, with said term to expire December 31, 2018.

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

Attorney Leo administered the Oath of Office to Rosalind Bruno as a member of the Board of Health and to Thomas Bruno as a member of the Lake Musconetcong Regional Planning Board.

Mayor Maio thanked Rosalind and Thomas Bruno for volunteering to serve on the boards.

WORK SESSION (continued)

TAP Grant – Administrator McNeilly stated there are no updates at this time. Eric Keller, Borough Engineer, will be present at the next scheduled meeting and will provide updates at that time.

Use of Fire Truck for Parade – Mayor Maio stated the Fire Department has submitted a request to use one of the fire trucks at the parade in Wildwood. It is traditional for the municipality who has had a loss of life within the fire department to lead the parade with one of their trucks. This would be to honor the memory of Ed "Bear" Frenenski. Administrator McNeilly stated the truck is registered and insured and there are no restrictions on bringing the truck to Wildwood. Mayor Maio stated the Public Safety Committee discussed the issue. Their recommendation was to permit the Fire Department to take the truck to Wildwood with certain restrictions. The restrictions are as follows: the truck shall transport only Stanhope Firemen, no one else; no transport of alcoholic beverages; the Borough will provide a full tank of gas for the trip down but will not be responsible for refueling on the way back; and the truck is to be used exclusively for the parade. Fire Chief Alan Bookspan has provided the information regarding who will be driving the truck. Councilwoman Kuncken stated the Borough owns the Fire Trucks and as such questions were asked regarding where the truck will be parked and how it will be protected. Councilwoman Kuncken stated Chief Bookspan has informed the committee that the truck will be locked in a secure area and no one else will be able to access it. Mayor Maio stated this is not to be construed as permission to take the truck in the future without discussion. Chief Bookspan, present in the audience, stated the Fire Department felt obligated and asked for approval due to the special circumstance. Councilwoman Kuncken stated under the circumstances, this is the right decision to make.

Mayor Maio asked the Governing Body for approval to permit the Fire Department to take a fire truck to Wildwood to lead the parade. The result of the straw poll vote is as follows:

Roll Call:

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

The Governing Body approved the use of the fire truck for the Stanhope Hose Company to lead the parade in Wildwood. Administrator McNeilly will send a memo of approval to the Fire Department.

Stanhope Hose Co. #1 Extrication Equipment Change Order – Mayor Maio stated the Stanhope Hose Company has sent a letter requesting a change order to remove the extrication equipment from the new truck. The equipment would support the existing extrication equipment which is no longer in use. Installing the supporting equipment on the new truck will be of no value. Removing the equipment will result in a \$16,000 savings. Mayor Maio asked the Governing Body for approval to have Administrator McNeilly submit the change order. Mayor Maio stated the fire department is also requesting to have the Borough purchase new equipment which would be done through a grant. This topic will be added to the agenda for Council Discussion at the next scheduled meeting.

Mayor Maio asked for the Governing Body’s approval to permit Administrator McNeilly to submit the change order to remove the extrication equipment and conducted a straw poll vote. The results of the straw poll vote are as follows:

Roll Call:

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

Mayor Maio asked Administrator McNeilly to work with Fire Chief Alan Bookspan and Dana Mooney, CFO, to prepare the change order.

Councilwoman Kuncken asked if the resolution needs to be revised. Mayor Maio asked Attorney Leo to prepare an amended resolution for approval at the next scheduled meeting.

OLD BUSINESS

ORDINANCE

Mayor Maio offered the following ordinance for Public Hearing and Final Adoption.

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 adopted.

Mayor Maio opened the meeting to the public for questions or 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:

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

On motion by Councilman Thornton, 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.

NEW BUSINESS

RESOLUTIONS

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

Resolution 123-18

RESOLUTION OF THE BOROUGH OF STANHOPE, COUNTY OF SUSSEX AND STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF AN AGREEMENT BETWEEN THE BOROUGH AND NJSL 3, LLC REGARDING 13 DELAWARE STREET

WHEREAS, NJSL 3, LLC, has become the owner of the property located at 13 Delaware Street, Block 10905, Lot 3 (the “Property”) in the Borough of Stanhope, Sussex County, New Jersey; and

WHEREAS, the Stanhope Borough Construction Official, Thomas Pershouse, previously filed a Complaint and Order, requiring demolition of the Property and the removal of all debris, which Order was filed with the Sussex County Clerk’s Office; and

WHEREAS, the neighbors surrounding the property within the Borough of Stanhope have been frustrated, as this Property has sat in decay and has created an eyesore within the Borough; and

WHEREAS, NJSL 3, LLC has acquired the Property, has begun improvements to the Property, and has advised that lenders have requested lifting the Order so that financing can be secured; and

WHEREAS, the Borough wishes to encourage improvement of the Property and therefore agrees to remove the Order, only upon the condition that NJSL 3, LLC agrees to complete all improvements on the Property and obtain the Certificate of Occupancy by December 2, 2018; and

WHEREAS, a written agreement between the parties provides that should all improvements on the Property not be made and a Certificate of Occupancy not be issued by December 2, 2018, the Borough shall, through appropriate personnel, cause a Complaint and Order to be filed, again requiring compliance with all applicable Borough codes, and demolition if considered a danger to health and safety.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council hereby approve of the Agreement between the Borough of Stanhope and NJSL 3, LLC, and authorize the Mayor, Borough Administrator and Borough Attorney to take appropriate actions as required by the Agreement.

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

Roll Call:

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

Councilwoman Kuncken asked for an explanation regarding this property. Attorney Leo stated the Borough obtained an order for demolition. The property has since been purchased and the demolition order must be removed in order for the owner to proceed.

Resolution 124-18

AWARD OF CONTRACT TO BOWMAN CONSULTING GROUP, LTD. FOR ENGINEERING SERVICES FOR DESIGN OF SPARTA ROAD IMPROVEMENTS/LVRHS TRAIL/VALLEY ROAD TRAIL

WHEREAS, the Borough of Stanhope is seeking to undertake the streetscape beautification and roadway improvements along Sparta Road, and the enhancement of existing trails connecting Valley Road School with Dell Place and connecting Elm Street to the Lenape Valley Regional High School; and

WHEREAS, Bowman Consulting Group has submitted a Proposal to prepare bid documents, project administration and construction observation of the project, which proposal is attached hereto; and

WHEREAS, the Borough desires to retain Bowman Consulting Group for said services;

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

1. That the Borough Administrator is hereby authorized to execute a contract on the Borough's behalf with Bowman Consulting Group, 54 Horsehill Road Cedar Knolls, NJ 07927 to prepare bid documents, project administration and construction observation of the decorative street light phase II project on Main Street.
2. This contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law.
3. Award of this contract is contingent upon the certification as to the availability of funds by the Chief Financial Officer.
4. The term of service shall be from the date of acceptance of the Professional Services Agreement until its completion, in full accord with the terms and conditions thereof. The total fee for this service shall not exceed \$86,050.00
5. Notice of this action shall be published in the *New Jersey Herald* within ten (10) days of the passage thereof.

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

Roll Call:

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

Resolution 125-18

AWARD OF CONTRACT TO BOWMAN CONSULTING GROUP, LTD. FOR ENGINEERING SERVICES FOR MILLING, RESURFACING, SIDEWALK/CURB REPAIRS & ADA RAMPS FOR MUSCONETCONG AVENUE & WALTON PLACE

WHEREAS, the Borough of Stanhope is seeking to undertake the milling, resurfacing, sidewalks and curb repairs and ADA ramps for Musconetcong Avenue and Walton Place; and

WHEREAS, Bowman Consulting Group has submitted a Proposal to conduct surveying services, develop construction documents, and to supervise project administration and construction observation of the project, which proposal is attached hereto; and

WHEREAS, the Borough desires to retain Bowman Consulting Group for said services;

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

1. That the Borough Administrator is hereby authorized to execute a contract on the Borough's behalf with Bowman Consulting Group, 54 Horsehill Road Cedar Knolls, NJ 07927 to conduct surveying services, develop construction documents, and supervise project administration and construction observation of the milling, resurfacing, sidewalk, curb repairs and ADA ramps for Musconetcong Avenue and Walton Place.
2. This contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law.
3. Award of this contract is contingent upon the certification as to the availability of funds by the Chief Financial Officer.
4. The term of service shall be from the date of acceptance of the Professional Services Agreement until its completion, in full accord with the terms and conditions thereof. The total fee for this service shall not exceed \$34,750.00
5. Notice of this action shall be published in the *New Jersey Herald* within ten (10) days of the passage thereof.

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

Roll Call:

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

PAYMENT OF BILLS

Resolution 128-18

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

Roll Call:

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

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

ATTORNEY REPORT

5 Ridge Road - Attorney Ursula Leo stated Administrator McNeilly asked for information regarding 5 Ridge Road. In order for the Borough to recover demolition costs, under the Borough Code and the NJ Statutory Law there is a procedure to be followed by the Construction Official which has been done. Municipal liens take priority in the State of NJ. In the case of a HUD mortgage, a Federal lien would be subject to NJ Law. An additional step would be required if a foreclosure takes place. A sheriff's sale would be required in order for the municipal lien to stay on top of the federal. A property search was conducted 18 months ago and needs to be updated. Mayor Maio stated she is of the opinion the property has a reverse mortgage. Administrator McNeilly stated an RFP has been prepared and the Borough needs to determine where the funds for the demolition will come from. The cost is estimated at mid to upper \$30,000. Attorney Leo stated the Borough needs to get this done. It needs to be certified and a resolution adopted in order to start the process. Administrator McNeilly stated this will not be a quick process. This could take months. Administrator McNeilly stated now that the risks have been discussed, he will speak with the CFO to determine how the funds can be obtained. Administrator McNeilly stated Attorney Stein had stated a few years ago that this property also had an Affordable Housing Loan. The loan could only be recovered if the Borough ends up as owners of the property. Administrator McNeilly will prepare all the information needed for a decision to be made at the meeting of August 14th. Administrator McNeilly stated the Borough originally had three properties for demolition. One property has abated itself, one is in the process of being rehabilitated and that leaves just this one for the Borough to take care of.

Municipipay – Attorney Leo stated she has reviewed Attorney Stein's notes regarding Municipipay. Attorney Leo stated she had also investigated the use of Municipipay in 2015 for another municipality. The terms that Municipipay is unwilling to change are problematic and a liability for the Borough. Attorney Stein had provided a memo in July 2015 outlining his concerns and the reasons why he could not recommend the program. Attorney Leo agrees with the concerns. The least of the concerns is that it is New York law for the Borough to provide audit and financial information. They must be given a secured interest in your bank account. The financial institution has to have access to the Borough bank account and the Borough would have to pay their attorney fees if there is ever litigation and you indemnify and hold them harmless for anything that occurs. Councilwoman Kuncken stated this is required in order to be able to pay bills by credit card in the Borough. Mayor Maio stated those terms are totally unacceptable to the Governing Body. Administrator McNeilly stated he is surprised at how many municipalities have agreed to the terms. Administrator McNeilly stated there is another system which is utilized within the County called Official Payments. This system seems to be broader and more of the responsibility falls to the individual, not the entity. Municipipay was very specific in providing payments to be made for water and sewer and taxes. Official Payments appears to offer the ability to make many different types of payments through their system. Attorney Leo stated she will review it. Councilman Riccardi stated there was another company listed called CitiNet. Administrator McNeilly stated CitiNet is the website itself. Mount Olive uses CitiNet as their website for the front end of their payment system. Administrator McNeilly stated the Borough cannot use CitiNet, Edmunds and Whip. Mayor Maio asked to have the additional information compiled and reviewed by Attorney Leo for further discussion.

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 motion by Councilwoman Kuncken, seconded by Councilman Thornton, and unanimously carried by voice vote the meeting was adjourned at 7:55 P.M.

Approved:

Linda Chirip,
Deputy Clerk for
Ellen Horak, RMC
Borough Clerk