

**MAYOR AND COUNCIL
WORK SESSION AND
AGENDA MEETING
August 14, 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 – present	Councilwoman Zdichocki - present

Mayor Maio – present

Mayor Maio stated she will be revising the Agenda. The Administrator is presently investigating the possibility that the lightening earlier struck and destroyed a water pipe. He has been in contact with Jason Titsworth and there is a crew at the site. The Administrator's Report will be moved to the time in the meeting when the Administrator arrives. The Borough Engineer, Eric Keller, had a family emergency and he is unable to attend tonight's meeting.

WORK SESSION

Construction Department Additional Hours – Mayor Maio said the Administrator was going to discuss this topic. He has been meeting with Tammy and they are talking about two projects. One is whether they need additional hours for the day-to-day operation of the department and the other is the project of sorting through the documents that are going to be scanned. The scanning project will take a few months to complete.

Fire Department Equipment Request – Mayor Maio noted at the last meeting they agreed to process a change order to eliminate equipment that would be similar to the jaws of life in the amount of \$16,000. The Fire Department submitted a letter they prepared to the Leary Firefighter Foundation which is a grant request for \$16,000 for the purchase of that equipment. Mayor Maio stated they need to decide whether to move forward with that grant request. Mayor Maio recommended they approve the application for the grant. Councilwoman Kuncken noted, if the Fire Department was to be successful with their grant request, they would receive new equipment at no cost to anyone. Councilwoman Kuncken added that she supports the efforts of the Fire Department, but if they have an opportunity to get something for nothing, they should go for it. Mayor Maio noted the Ambulance Squad has equipment and it can be used while waiting for the grant. Councilwoman Zdichocki asked, if they do not receive the grant, will they need to purchase the equipment. Mayor Maio responded the Ambulance Squad has the equivalent equipment and they should not spend \$16,000 if the Fire Department can get a grant. The Borough will not be without coverage because the Ambulance Squad has the same equipment and they have back-up if they need so it is not a question of leaving the community unprotected. (Administrator McNeilly arrived.) Councilwoman Kuncken stated, when you are looking a taxpayers' dollars, if there is a chance to get something that will not cost any taxpayer dollars,

they should try. If they are not successful with the grant, we will rely on the Ambulance Squad until such time as another opportunity arises. Mayor Maio stated the Ambulance Squad has a fund set up for emergency purchases so if something were to happen to their equipment, it would be replaced. Councilman Romano asked who normally purchases the equipment. Mayor Maio responded the Ambulance Squad purchased the equipment; it was not purchased with funds received from the town. Councilwoman Kuncken added that the equipment that belonged to the Fire Department and failed was never the Borough's responsibility. If the Ambulance Squad is on a call, the Borough has back-up from other towns. The Byram Fire Department is the back-up if in Stanhope and Roxbury Company One or Budd Lake Fire Department is the back-up if in Netcong. Mayor Maio stated a decision must be made whether or not to go forward with the grant. On motion by Councilman Romano, seconded by Councilwoman Zdichocki and carried by unanimous voice vote, Council approved the grant application of the Fire Department to the Leary Firefighter Foundation.

ADMINISTRATOR'S REPORT

Administrator McNeilly reported he just returned from inspecting a water outage at Highpoint Condominium. There is a major break by Building 5 that may have been from a lightning bolt. There are 2 employees from the DPW at the site as well as management from the Association. The water has been shut off from the box. It is one of the most significant breaks ever seen in the town. It is the responsibility of the Condominium Association; however, DPW employees will remain at the site to assist with turning the water on and off and placing cones to block off the area. It is unsure if this is storm damage or coincidental.

Environmental Commission Trail Maintenance – Administrator McNeilly reported he provided the governing body with an email he received from the Environmental Commission listing several projects they would like to undertake this fall. The email contains a detailed explanation of what they are looking to do. They would like to have a Trail Maintenance Day the first Sunday in November. Councilwoman Kuncken noted #2 and questioned if it will impact the Borough's plans for that area. Councilman Riccardi responded the maintenance will not be on the paved path. Mayor Maio questioned #4 and asked if the maintenance will only be the walkway or behind the Tannery. Councilman Riccardi responded it will be behind the Tannery. Mayor Maio stated the Borough does not have authorization to go through that area. It was agreed #4 to "spruce up the trail from the dam to the Basketball Courts/Tannery" will be put on hold. Mayor Maio questioned #3. Councilman Riccardi responded that parts of the trail are going through private property. They want to push it back to where it should be. The governing body approved the maintenance as long as it will not impact the Borough's plans for the paths and that the governing body is informed of which ones they are going to do.

5 Ridge Road – Administrator McNeilly reported he asked the CFO for options on how to fund the demolition of this property. It will be done through bonding and Bob Beinfeld and Ray Sarinelli are okay with the bonding. Administrator McNeilly also reported that he has been in contact with the mortgage company that recently assumed the property from HUD. The new company is aware of the condition of the property and are also active in receiving quotes for the demolition. They are in a 30-45-day review. He and Arlene Fisher have made it clear that action by the town is pending. Administrator McNeilly asked the governing body if they wanted to proceed with the demolition or wait the 30-45-day period and see if the mortgage company demolishes the building. Council discussed the lengthy time the property has been in this condition. Mayor Maio polled Council on if they wanted to take down the structure. The following is the result of the poll: Councilman Romano – yes; Councilwoman Thistleton – yes; Councilwoman Kuncken – yes; Councilwoman Zdichocki – yes; Councilman Riccardi – yes; Councilman Thornton – yes. The Administrator will have an RFP prepared and a resolution authorizing the Borough to go out for RFP's for the demolition will be on the next meeting agenda.

Ambulance Squad – Administrator McNeilly reported earlier today he received the signed copies of the Netcong/Stanhope Ambulance Squad agreement. He will have a resolution authorizing the Borough's signature prepared for the next meeting agenda.

Ambulance Communication – Administrator McNeilly reported he has a pre-communication meeting set with Ed from Spectrum for this week. Rich Kuncken and Alan Bookspan will also be attending the meeting.

DPW Garage – Administrator McNeilly reported the new lights have been installed and look great.

DPW Mason Dump – Administrator McNeilly reported the new truck has arrived. The lettering and registration will be done this week.

2018 Employee Policy Manual Update – Administrator McNeilly stated the changes were provided to the governing body and he asked if there were any changes or additions. The governing body had no changes to be made. A resolution authorizing the updated manual will be on the next meeting agenda.

Chickens – Administrator McNeilly reported the Borough Attorney notified the resident of the land use relief process.

Abandoning Borough Right-of-Way – Administrator McNeilly stated he provided the governing body with a map showing the Borough's right-of-way that extends from Lot 8 to the cul de sac on Maryann Terrace. It is 10 feet wide. The Borough Engineer speculated that in 1950 they wanted to make sure that whoever owned the property before it became Stonegate, did not hook in so they gave the Borough a 10-foot right-of-way. It served its purpose well until Stonegate was built. Administrator McNeilly recommended abandoning the right-of-way, which will allow the property owner to develop 10 feet further in the back. Because the master map indicated it came from those individual lots, once you abandon the right-of-way, it goes back to those property owners. Mayor Maio polled Council on if they wanted to abandon the right-of-way. The following is the result of the poll: Councilman Romano – yes; Councilwoman Thistleton – yes; Councilwoman Kuncken – yes; Councilwoman Zdichocki – yes; Councilman Riccardi – yes; Councilman Thornton – yes. Administrator McNeilly will have an ordinance prepared to abandon the right-of-way.

Construction Department Hours – Administrator McNeilly stated has had 4 to 5 meetings with the construction secretary about two issues. The first is the scanning project which has started. The first banker box has been sent for scanning. The boxes are being moved from the back room and they are putting the permits into the appropriate boxes. They will create boxes that have clean permits and they will be well organized and well documented. They will remove the staples from the documents before scanning to save money. They will set aside the more difficult permits (large permits) for Tom Pershouse to go through to make sure they only scan what needs to be scanned. From the project standpoint, the Administrator will work with the construction secretary, but additional hours may be needed. On the operation side of the department, the six-month window of time for the additional hours is up for review. The governing body had authorized an additional 2 hours per week for the department to get caught up on OPRA. The additional hours are working for the most part; however, the solution would be an additional 3 hours per week. Hopefully when the scanning project is completed, the OPRA workload will be much quicker. After a brief discussion, Council agreed to continue the extra 2 hours per week for another six months.

WORK SESSION (Continued)

Resolution Urging Legislature to Amend S-716 and S-1755 (MEL JIF) – Mayor Maio deferred to the Administrator on this request from the JIF. Administrator McNeilly stated this is relative to workmen's compensation and what is declared. The amendments requested are as follows: S-716 be amended to provide that the cancer presumption be limited to types of cancer that scientific evidence establishes that Firefighters develop at a higher rate than the general public; S-716 be amended to end the presumption at age 65 when the firefighter becomes eligible for Medicare and be amended to remove volunteers and establish a special program for them along the lines recently adopted by New York, Connecticut, Michigan, Colorado and Georgia; S-716 also be amended so that the standard to rebut the presumption remains at the current "preponderance of the evidence;" S-477 be amended to increase statute of limitation on claims involving sexual molestation against public entities to 7 years, subject to no limitation against the molester; and S-1766 be amended to remove public entities from "emotional distress" compensation for wrongful death claims subject to Title 59. The JIF is looking for the municipalities to adopt a resolution similar to their Resolution 16-18. Mayor Maio asked that the resolution be put on the next meeting agenda and if a synopsis is available, for the Administrator to provide it to the governing body before the meeting.

TAP Grant – In the absence of the Borough Engineer, there is no update. Administrator McNeilly stated there has been no response back from the DOT or DEP. He will follow up with Eric Keller.

NEW BUSINESS

RESOLUTIONS

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

Resolution 129-18 **RESOLUTION AUTHORIZING CHANGE ORDER FOR THE E-ONE TYPHOON PUMPER FIRE TRUCK THROUGH THE HOUSTON-GALVESTON AREA COUNCIL (HGAC) COOPERATIVE PURCHASING PROGRAM**

WHEREAS, the Borough of Stanhope adopted Resolution No. 109-18 on June 26, 2018, authorizing the purchase of an E-One Typhoon Pumper Fire Truck pursuant to Contract FS12-17 for the total purchase price of \$554,211.00; and,

WHEREAS, the Borough of Stanhope Fire Department has determined that \$16,000.00 worth of equipment is not necessary for Borough uses; and

WHEREAS, the Borough desires to revise the purchase to acquire only the truck and equipment required for Borough use, without the additional \$16,000.00 in equipment.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Stanhope that the total authorized amount for the purchase of the E-One Typhoon Pumper Fire Truck be decreased by \$16,000.00 for a total purchase price of \$538,211.00.

On motion by Councilman Riccardi, 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 - yes |
| Councilman Riccardi – yes | Councilman Thornton - yes |
| Councilman Romano - yes | Councilwoman Zdichocki – yes |

Resolution 130-18 **RESOLUTION APPOINTING PATROLMAN COREY KUNZER AS MUNICIPAL HUMANE LAW ENFORCEMENT OFFICER**

WHEREAS, the New Jersey Animal Cruelty Law, N.J.S.A. 4:22-14.1 et seq. provides for animal welfare and animal cruelty investigations to fall under the purview of municipalities in the State of New Jersey; and

WHEREAS, each municipality in New Jersey must, per N.J.S.A. 4:22-14.1, designate a Humane Law Enforcement Officer (HLEO), who shall be responsible animal welfare and shall detect, investigate, enforce and sign complaints and act as an officer for violations of animal welfare and animal cruelty laws within the municipality; and

WHEREAS, Borough Police Chief Steven Pittigher has recommended that Patrolman Corey Kunzer of the Stanhope Borough Police Department be designated as the Borough's Humane Law Enforcement Officer.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Stanhope that Corey Kunzer is hereby appointed as Humane Law Enforcement Officer (HLEO) for the Borough of Stanhope.

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

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 131-18

**RESOLUTION - EXEMPT FIREMAN CERTIFICATE
JENNIFER S. JOHNSON**

WHEREAS, the Chief of the Stanhope Borough Fire Department has certified that Jennifer S. Johnson, a member of the Stanhope Fire Department, has served the required number of years as an active fireman and is entitled to a certificate of exemption pursuant to N.J.S.A. 40A:14-59; and

WHEREAS, the provisions of N.J.S.A. 40A:14-59 require the Certificate to be duly executed by the Chief Executive Officer of the Municipality in which the fireman serves, as well as by the Clerk of said municipality; and

WHEREAS, the Borough of Stanhope wishes to duly authorize the issuance of the Certificate of Exemption to Jennifer S. Johnson;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Stanhope, County of Sussex, State of New Jersey, that the Mayor and Clerk be in the same are hereby authorized and directed to duly execute a Certificate of Exemption for Fireman Jennifer S. Johnson; and

BE IT FURTHER RESOLVED, that the Borough Clerk shall duly file the Certificate of Exemption with the Sussex County Clerk, the New Jersey State Fireman's Association, the Stanhope Borough Fire Department and Fireman Jennifer S. Johnson.

Resolution 132-18

**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. 2017-018, representing 2016 property taxes and/or utility charges on Block 11501, Lot 2, C0303, known as 16303 Dell Place, assessed to Monegro, Juan, 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:	US Bank Cust for Actlien Holding Inc. 50 South 16 th Street, Suite 2050 Philadelphia, Pennsylvania 19102
Redemption Amount:	Tax Title Lien #2017-018 and Interest to Date of Meeting \$ 1,863.94 Premium Paid by Lienholder <u>1,100.00</u>
Total From Current Fund:	\$ 1,863.94
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.

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

Roll Call:

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

PAYMENT OF BILLS

Resolution 133-18

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 August 14, 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 - yes |
| Councilman Riccardi – yes | Councilman Thornton - yes |
| Councilman Romano - yes | Councilwoman Zdichocki – yes |

AGENDA ITEMS

All items listed on the Agenda for August 28, 2018 were approved.

Mayor Maio noted the memo received from the Clerk regarding the impact the No Knock List will have on the Clerk’s office and she asked the Clerk to explain her concerns. The Clerk stated the Clerk’s Office handles the issuance of the peddler/solicitor licenses. As mentioned by the Borough Attorney at the last meeting, the creation and upkeep of the No Knock List will put a burden on the Clerk’s office. There are approximately 1,500 residences in the Borough and it is my belief that once notice of the registration for the No Knock List is made public, most of the residents will register to be on the list. The Borough has an average of 2 to 3 companies that apply for solicitor licenses for their employees per year. The Borough does not issue a large number of solicitor licenses and over the past few years the Clerk’s office has only received 1 complaint about this issue. The Clerk noted there are 2 employees in the Clerk’s Office and she expressed concern that their time will be consumed with the numerous phone calls with questions about the registration and the creation of the list itself. In addition, although it should be reported to the police, the Clerk’s Office is sure to get the phone calls when a solicitor, or an organization not requiring a solicitor’s license, knocks on the door of someone on the No Knock List. There is also a question of keeping the list current and how to monitor the list for residents who move. The Clerk added that the No Knock List will prevent the Borough’s 2 to 3 solicitors from knocking on your door, but all religious and political groups are exempt as well as any veteran who wishes to solicit throughout the Borough. The Clerk also mentioned the ordinance also states that upon completion of the registration, the resident shall purchase, for a nominal fee, a decal stating “Do Not Knock.” The ordinance does not call out the fee we should charge for the decal. After a brief discussion, it was agreed by the governing body that the No Knock List will create more of a burden on the Clerk’s Office when in fact there are a very small number of solicitor licenses issued per year. Mayor Maio asked that the Borough Attorney be informed of the decision to not require the No Knock List and to inform the governing body of the action needing to be taken to remove that requirement from the adopted ordinance.

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.

Alan Bookspan, Chief of the Stanhope Fire Department, expressed his opinion that the governing body is making a mistake with their decision that the \$16,000 worth of equipment on the new truck is not necessary because that equipment is different from the grant. The grant was something the Fire Department was going for just in case. Mr. Bookspan asked that, as in the past, if money is left over after the purchase of the truck and they do not receive the grant, they

can use that money to purchase those tools. Mr. Bookspan stated the tools are used for much more than just vehicle extrication. The tools can be used to remove heavy debris as well as opening a steel door if necessary. Mr. Bookspan also stated there is not a conflict between the Ambulance Squad and the Fire Department, they want to make sure the town is safe and covered. Mutual aid can take between 5 to 7 minutes to arrive in town and he questioned that versus a \$16,000 purchase that would assure back-up.

Mitch Ellicott, Captain of the Stanhope Fire Department, stated there have not been many calls for vehicle extrication, but they have used the tools to help save people, most recently it was used to unpin a woman. It is not as if they have not used the tools. They have used the tools on actual calls. Mr. Ellicott added, the tool can be used to open the steel door at the Fire House if it were to ever get stuck and they needed to get to the truck.

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

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