

**MAYOR AND COUNCIL
REGULAR MEETING
October 23, 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 - 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.

Chris Villani, 28 Young Drive, stated he would like to discuss Ordinance 2018-14 which is on the agenda tonight for approval. Mr. Villani has no issue with taking over some of the property but there is a dead tree in the right of way which Jason Titsworth, DPW Acting Superintendent, was made aware of last year. The tree is dead and Mr. Titsworth has been waiting for a reply from Tree King or Peterson's. This issue began on December 23, 2017. Part of the tree fell on Memorial Day weekend and the Borough was contacted again. Administrator McNeilly stated he will follow up on the issue. If Mr. Titsworth is already working on it then it is already in motion.

Anita DeLorenzo, 10 Maryann Terrace, asked for an explanation of the letter she received. Mayor Maio stated the 10 foot depth right of way was established 55-60 years ago and is of no use to the Borough. The portion which is adjacent to Ms. DeLorenzo's property will be given to her. Administrator McNeilly explained to Ms. DeLorenzo that the property will be under her care and control and ownership for her use. Currently property owners are not allowed to encroach upon the area. If work is done to any of the homes in the future, such as sidewalks etc., having the additional property can help with impervious coverage calculations.

Carmen Pico, 25 New Street, stated he received a letter from the Borough Attorney stating he is no longer permitted to park on the street in front of his house because it is within 25 feet of an intersection. Mr. Pico stated he drives through town everyday on Linden Avenue and High Street and there is a car parked right on the intersection. Mr. Pico asked why is he the only one being told he will get a ticket if he parks in this area. Why can other people throughout the town park at intersections and not receive tickets. Mayor Maio stated the letter Mr. Pico received was sent because it is a State law that says you cannot park within 25 feet of a "T" intersection. Mayor Maio stated this has been established with signage in other portions of the town. Mr. Pico stated there are no signs where he lives. There used to be a sign by the O'Bitz's residence that said "no parking here to corner" but the sign was taken down by someone. Ursula Leo, Borough Attorney, stated the State law states that no one can park within 25 feet of the intersection regardless of whether or not there is signage. There has been a complaint and the Borough

wanted to make sure the property owners received advance notice regarding the State law requirement. Mr. Pico asked how he can file a complaint regarding the other cars on High Street and Linden Avenue that are parked everyday within 25 feet of the intersection. If he is going to be ticketed, they should be too. Mr. Pico does not want to keep bothering the Police Department but he feels he is being singled out. What is good for him should be good for everyone else. Mayor Maio stated this is true and she believes there is no parking allowed on that side of High Street. Administrator McNeilly stated High Street has parking from the corner of Route 183 on the East side, opposite of Linden Avenue, down to a point and then there is no parking from there all the way to Main Street. Mr. Pico stated there is a car parked by Mrs. Findley's house at the "T" which prevents him from being able to turn onto Linden Avenue with the school bus he drives. Administrator McNeilly stated Mr. Pico will have to call the Police when he encounters that problem. Mayor Maio also stated the Police will have to be called and the same policy will take effect. The policy is in effect but the fact of the matter is that there haven't been any complaints so it has not risen to the top. Mr. Pico said when he comes home that way and sees the car parked there he will stop at the Police Station to report it. When the Police see the car parked in that area they should issue a ticket regardless of whether or not there is a complaint. Mayor Maio stated she does not know if tickets have been issued or not. Mr. Pico said he felt as though he was being singled out. Mayor Maio stated Mr. Pico was not being singled out and a similar situation was dealt with on Main Street at the base of High Street last year and the year before.

Don French, 27 New Street, stated the tractor trailers are stopping in front of the house at 6:30 in the morning and they are waking them up. There was a truck there at 3:30AM the other morning which woke up the entire household. The trucks are not even supposed to be on that street. There is a 4 ton limit. Mayor Maio stated she was not aware of the situation. Mr. French stated when the police are called nothing is done. Mayor Maio asked Mr. French if he called the police. Mr. French stated the police have been called. Mayor Maio asked if the police were called the other night when the truck was there. Mr. French stated he did not call because the police were already there parked on Plane View. Mayor Maio stated she will ask Administrator McNeilly to speak with the Police Chief. Attorney Leo stated the Zoning Official should be informed. Mr. French stated he is retired and disabled and does not like being woken up at three o'clock in the morning. Mayor Maio asked Administrator McNeilly to speak to the Zoning Official.

Jim O'Bitz, 19 New Street, stated as a follow up to Mr. French's complaint, the police did show up. Mr. O'Bitz has this on video. The police put their spotlight on the building property and left. The truck proceeded. The truck sat on Plane View from three o'clock in the morning until eight o'clock in the morning. There have been other trucks coming in. Mr. O'Bitz stated he wanted to report back in with the Governing Body because he had been instructed to work with the Zoning Official, which he has been doing on a monthly basis. This particular incident was filed with her office. Year to date there have been 264 trucks, ranging from 53 feet to 70 feet, coming in and out all day. There are times when Plane View is totally unusable, where you cannot even get up the street because the trucks will sit there and block the road. Sometimes there are two and three at a time and this goes on all throughout the day. Mr. O'Bitz stated if he does not park his car at the edge of his driveway, the trucks will pull into his driveway all the way to the end just to line themselves up and he has this on video. This is ridiculous.

Mr. O'Bitz asked why is this taking so long to bring this to heal. Mayor Maio stated the Zoning Officer has been in touch with the property owners. There have been violations issued. They have been to court and there are summons's pending. Mayor Maio stated she knows this is frustrating. Mr. O'Bitz asked how hard is it to interpret the resolution and why is it being allowed to be merged with the variance? The initial summons was issued with a court date back in May. Mr. O'Bitz stated he was there and the Judge said he would not hear the case until it went back before the Land Use Board. Mayor Maio stated it has not been back before the Land Use Board. Mr. O'Bitz stated he is aware of this and it is dragging on and on and on. These people have basically taken over Plane View. In the winter time they plow Plane View with their own vehicles, empty their parking lot and dump the snow at New Street for the DPW to remove. Mayor Maio stated this is the first she is hearing of this. Mr. O'Bitz stated he has sent this to the Zoning Officer along with videos. Mr. O'Bitz stated he has been very meticulous with this and it is driving the residents nuts down there. They feel like they have been totally forgotten by the Mayor and Council. Mayor Maio stated they have not been forgotten and she respects their level of frustration and understands it. They are no less frustrated than those of us who are trying to get this resolved are. We have met with these people. Their attorney is supposed to be getting ready to go to the Land Use Board to get this settled. Attorney Leo stated

unfortunately in the meantime, the Borough has no recourse. Mr. O'Bitz stated, with all due respect, he called their experts just to see how long it would take. The response was immediate, yet he has received emails stating nothing can be done because their experts are on vacation. This was during the summer. Then they show up in September and the following day, mysteriously, the sign disappears. Mr. O'Bitz stated the sign was pulled out by the DPW. Mr. O'Bitz stated he called the Administrator and left a voicemail, he never received a call back. He also called the DPW, who never called him back. Mr. O'Bitz stated he even called the Police Department because he thought the sign had been stolen. He was told by Sparta PD the sign was removed but they did not know why. On the second or third day, Wednesday, there was an incident where a tractor trailer drove ten feet onto his neighbor's property as it was coming down.

Mr. O'Bitz stated the neighbors were all instructed by the Police Department to post No Trespassing signs. That was the only way to get these people to stop. Mr. O'Bitz stated they did this and nothing gets done. When the Police are called all they can do is take an incident report. Mr. O'Bitz stated he has had these drivers come onto his property, with a clearly posted No Trespassing sign, knock on his door and ask him to move a car, which is not even his, that is parked out front. Cars have been parked there since 1950 and never had a problem. All of a sudden we get a letter from the Borough Attorney stating, and yes it is a fair code, it is right, it is correct, but even the police for the past twenty years have said we can park there. Even when these people called to complain about us parking there, the police told us we were allowed to park there. Who knows more about the law than the police? This is very frustrating. Mayor Maio stated again she cannot answer to that and can't even attempt to. The Governing Body is as frustrated as the residents in trying to get this resolved. We do not control the court and this has been back and forth with the court since September. Mr. O'Bitz stated he has heard the Hopatcong Judge is not a forgiving judge but he just can't imagine that this is allowed to continue. Mr. French stated they are all frustrated by this. Mr. O'Bitz stated the Governing Body has no idea about the level of anxiety. He is afraid to leave his house because of a truck showing up and using his driveway as a runway. His driveway is in perfect alignment with Plane View. He has problems with it now.

Mr. O'Bitz stated he has videos of just how brazen these people are. Since the DPW has taken the sign down, the grass area at the State Park is being used as a turn around. It is bad enough that the trucks do not come in the right way. They come in from Main Street to New Street. They come in from Kelly Place to Plane View. They do K-turns on Plane Street which is a one way, just to back up and turn around. Mr. O'Bitz stated he has sent many videos and he is of the opinion that someone on the Council must have seen them. Mayor Maio stated the Governing Body has not seen the videos nor have they received a report stating that Mr. O'Bitz has them or that they have been received. Mr. O'Bitz asked if the Governing Body was aware that he has been doing this. Mayor Maio replied no. Administrator McNeilly stated it is not in the Governing Body's purview. Mayor Maio stated this is a Zoning function. Mr. O'Bitz asked if the Zoning Officer ever contacts the Council about this. Administrator McNeilly stated the Zoning Officer provides a line item report and attends court. The Zoning Officer is currently in court on the open item, and we know where that is at, and the offending party has a time period for a remedy. Mr. O'Bitz asked how long do we let this go. This has been going on since the summer, like five months now. Attorney Leo stated the Zoning Officer is in Municipal Court and it is at the discretion of the Judge. Mr. O'Bitz stated he is not trying to shut these people down but something has got to be done. This is killing us. The neighbor has put his house up for sale because he's had it and he has only been here four years. Mr. Pico stated when he moved in there were no tractor trailers. When the tractor trailers make the turn, the trailer part almost tips over because they go up on the neighbor's lawn. The company used to come down and fix it but now that it happens so often, they have stopped fixing it. There are ruts on the property and the trucks took a branch off the tree at the corner.

Mr. O'Bitz stated he had one final thing to say. Mayor Maio stated she is going to defer to the Borough Attorney because she does not have the answers. Attorney Leo stated generally speaking, individual property owners can file complaints for trespass through the municipal court or separate proceedings, which is something the residents can look into. Unfortunately, this issue is not within the Borough's jurisdiction if they are trespassing on private property. Mr. O'Bitz stated the police can issue a summons and he asked why does this have to be done by us. This is why the police told us to put up no trespassing signs. Mr. O'Bitz stated he has been personally threatened by these people and it is on file. His 19 year old daughter was tracked down by these people at her place of work and was harassed about her father. Mayor Maio asked if a complaint has been filed with the Police Department. Mr. O'Bitz confirmed a

complaint has been filed and stated action has to be taken. This has to be resolved. He will call a news crew if he has to. This has got to stop. We should not have to live like this. Mr. O'Bitz stated he knows the Mayor had visited the area. Mayor Maio confirmed this but stated there were no trucks there at the time. Mr. O'Bitz stated he has a spreadsheet which has the dates, times and incidents and he sends this to the Zoning Officer every month. He spends several hours a week compiling the data and reviewing the videos. He has been physically threatened by one of the workers and has several witnesses. Mr. O'Bitz stated he has parked on the street a total of six times. He received a text message, from the owner, from her surveillance camera, stating if he does not move his vehicle, they will sue him in Federal Court for blocking interstate commerce. Attorney Leo stated she will follow up with the Zoning Officer to find out the status of the Municipal Court. Attorney Leo stated Mr. O'Bitz's information is what is going to lead to the violation in Municipal Court, which is why you were directed to do that. Mr. O'Bitz stated he already knows the status of that, which he said Attorney Leo will find out. Mayor Maio stated she appreciates their frustration. The Governing Body is frustrated as well but on a different level. Mr. O'Bitz stated he understands this is a ratable and may be the biggest tax payer in town. Mayor Maio stated that is not true and that has no bearing on the facts. Mr. O'Bitz stated that is how they feel. Mayor Maio stated she understands that but the Governing Body has no control at this point other than what is the normal procedure to go through Zoning and then the Zoning Officer goes to court. Now it is up to the Judge. Mr. O'Bitz asked if the Land Use Board can call this to heal. Do we always have to wait? Mayor Maio stated they have not been before the Land Use Board yet. This is not within the Land Use Board's authority to call them and say you must appear. Attorney Leo stated this is in the Zoning Officer's jurisdiction. Mr. O'Bitz stated he understands that but the Zoning Officer only works 11 hours a week and she has a lot of other things to do as well.

Carmen Pico stated if there is a question regarding a resolution, whether it is right or wrong, that person should not be allowed to continue to go against what the resolution says. This is what is happening with the tractor trailers. They are getting experts but you can have five experts with five different opinions. If the resolution states only six tractor trailers are permitted per year, and you want to challenge that, they should not be allowed to continue to bring more than six tractor trailers in a year. Mayor Maio stated she cannot get into the legalities of that but it is her understanding that they are not limited to six tractor trailers. Mr. Pico stated that is what the resolution says. Mr. O'Bitz stated this is how they took it as part of the final statement by Steve Race during the settlement. It was attached and memorialized in the resolution. Attorney Leo stated this is the interpretation of the Municipal Court Judge and that is who will have to make the decision. Administrator McNeilly asked if and when this issue gets back before the Land Use Board, is this a Class D Variance? Mayor Maio stated it will be a D Variance and at that point neither she nor Thomas Romano, Council Representative, will be able to participate in the conversation because it is a Class D Variance. The reason being, that if the variance is appealed it would then come before the Mayor and Council.

Don French stated there is also supposed to be a size limitation on the trucks. Mayor Maio stated that is subject to interpretation and we have to rely on the Municipal Court. Mr. French stated he was threatened by one of the employees and told that if he didn't like the trucks being there, he could get up and move. Mr. French stated he has been there 35 years, his wife has been there 68 years and we are starting the 4th generation in that house. Mayor Maio stated the Governing Body has heard their comments and have explained to the extent that they can. This is truly not something the Governing Body can do anything about at this time. This lies with the Zoning Officer and the Municipal Court. The Zoning Officer is waiting for the court at this point.

Carmen Pico stated he appreciates that the Governing Body has heard them speak and knows what their frustrations are. Mayor Maio said she does appreciate those frustrations. Mr. Pico stated he does not like to cause trouble but when he is told he cannot park somewhere and everybody else in town can it just didn't seem right. Mayor Maio stated there are residents on Main Street who are also not happy that they cannot park at their intersection. It is the State law. Mr. Pico stated he understands but there are no signs where he parks to indicate it is not allowed. Administrator McNeilly stated signs will be posted.

Victoria French Davenport, 27 New Street, stated her husband has to park his truck in front of their fence so that the tractor trailer trucks do not take down the fence. The fence is there to keep the pets and children out of the road. Mrs. French Davenport stated she had an issue when she had to take her child to the hospital emergency room in July. She was not able to get out because the trucks were blocking the way. Mrs. French Davenport had to back down Plane View and go

out by the cemetery. On several occasions she has been unable to get her car out during the day because of the trucks. There have been issues at Kelly Place when she has been told she has to sit and wait because there is a truck parked in front of the Post Office. Mrs. French Davenport stated she should not have to wait to leave her house. Mayor Maio stated hopefully this will get resolved as quickly. Mr. French stated hopefully it will be done before there is an accident or someone gets killed.

The residents thanked the Governing Body for listening to their frustrations. Mayor Maio stated they are not alone and she thanked them for taking the time to come forward.

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:

September 11, 2018 Work Session/Agenda Meeting & Closed Session
September 25, 2018 Business Meeting & Closed Session

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

CORRESPONDENCE (List Attached)

On motion by Councilman Thornton, seconded by Councilwoman Thistleton 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 September reported 6 calls answered. Man hours totaled 42 ½ . They had 2 mutual aid calls and 1 call to assist the EMS. One meeting was held. The hours for the month totaled 116 hours. There were 2 special details. The total number of man hours volunteered was 95 ½.

Councilwoman Kuncken stated Virgil Rome, Sussex County Fire Marshal, reported there was one inspection done at the Black Forest.

Councilwoman Kuncken stated the Police Department reported 117 motor vehicle stops for the month. The total number of calls for the month was 276.

Finance & Administration – Councilman Romano/Councilwoman Kuncken

Councilman Romano stated the total amount of taxes collected month to date is \$128,384.63.

The year to date collection is \$9,084,433.50. Almost 96% of the third quarter taxes have been collected.

Councilman Romano stated the water collections for September totaled \$94,403.35. The sewer collections for September totaled \$116,115.36.

Community Development – Councilwoman Zdichocki/Councilman Thornton

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

No Report given due to Councilwoman Zdichocki's absence.

Municipal Infrastructure – Councilman Thornton/Councilwoman Zdichocki

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

Councilman Thornton stated Public Works has completed the hydrant flushing for the season. The lawn restoration on East Drive, Oak Drive and Hickory Drive has been completed and the DPW did an excellent job. Administrator McNeilly stated he will pass that information along to the DPW.

Information Technology – Councilmen Riccardi/Romano

Councilman Riccardi stated the document scanning project is moving along and as fast as possible. The JIF conducted a malware test last week for our security.

Boards/Commissions – Councilwoman Thistleton/Councilman Riccardi

Councilwoman Thistleton stated she was unable to attend the Recreation Commissions Family Fun Day but she heard from Councilwoman Kuncken and Mayor Maio that despite the cold weather it turned out to be a good day. Councilwoman Thistleton stated she has nothing new to report from the Board of Health.

Mayor Maio thanked Councilwoman Kuncken, the Fire Department, the Ambulance Squad and the Recreation Commission for their efforts. Councilwoman Kuncken stated the Recreation Commission is considering having a rain date for Family Fun Day next year. Councilwoman Kuncken commended the Recreation Commission for all the work they put forth. A few people attended throughout the day. Some of the leftover items will be used for the Halloween Parade. Councilman Riccardi stated even though there wasn't a record turnout, his son had a fantastic time. Mayor Maio stated the weather this year has just not been cooperative.

ADMINISTRATOR'S REPORT

Communication Upgrade – Administrator McNeilly stated Spectrum has almost completed the upgrades to the tower communications. Police communication is being moved out of the pump shed this week. The weather has not helped the situation. The Police Department will be down for approximately four hours when the equipment is moved. Byram Township will be notified once the system is up and running. We will also thank Byram Township for the many years we have had the use of their tower at Indian Point. Councilwoman Kuncken asked once the testing is complete will we wait for a period of time before disconnecting from Byram. Administrator McNeilly confirmed everything will be lined up correctly before disconnecting. Administrator McNeilly stated, as a reminder of how horrible that device site is in Byram, during Hurricane Sandy we were thinking it was unusual that there were no calls coming through for fire or for the ambulance. Then we found out there was no power to the antenna and it had no way to bounce up over the hill to get to Stanhope. Mayor Maio stated this is the last step to upgrading the entire emergency communication system. Administrator McNeilly stated when the water tower was upgraded with all the safety features, the balcony rail was made robust enough to capture antennas for this purpose.

Surplus Land Kynor Avenue – Administrator McNeilly stated the Governing Body needs to decide on a minimum sale price for the auction ordinance. When the Borough had advertised with the realtor, the lots were listed at \$25,000. The assessment of the lots is \$14,600 each and it is listed as unbuildable. The Tax Assessor is of the opinion if an adjacent homeowner is looking for excess land he is of the opinion a base price of \$10,000 is reasonable. There are three lots, two of them on Kynor Avenue and one on Leo Avenue. Lot 4 is the lot in question which an adjacent homeowner has asked about. Attorney Leo stated the price has to be a fair market price. If the Tax Assessor can support a \$6,000 fair market price, the Borough can go in at that amount. Administrator McNeilly stated he will send an email to the Tax Assessor and Attorney Leo to confirm the amount. The ordinance will be prepared for the next scheduled meeting. The Governing Body agreed to have the Tax Assessor determine the price.

Storm Water Training – Administrator McNeilly stated it is time once again for the Storm Water Training. Kyle, the representative from the Musconetcong Watershed Association, will provide the training on November 27th at 7:00pm at Borough Hall.

2019 Capital – Administrator McNeilly stated the 2019 Capital window has closed. The CFO is compiling the information to be presented. Each department has responded.

2017 Tax Sale – Administrator McNeilly stated the recent Tax Sale was poorly attended. Only one man was present and he purchased 12 items, small numbers in water and sewer at 18%. There are 22 properties remaining. The amount sold at auction was \$8410. The Borough retained \$32,328 of liens. One was redeemed and has already been deducted from this total. The Borough can now attempt to assign the liens to someone, hang on to them or 6 months from now the Borough can foreclose on them. Foreclosing would send a strong message. The CFO will explore options and discuss this issue in greater detail during the budget process. Perhaps an online tax sale will be necessary. Mayor Maio stated she had inquired about the online tax sale some time ago and was told it would not work for us. Administrator McNeilly stated there were

some concerns on the Certified Tax Collector's side that the entity that was approved to be used had a concern at the State level with the vendor out of Florida was going to have the use suspended. That climate has changed now. Vernon and Byram have held online sales. Councilman Thornton stated the gentleman who was present stated that several groups have gone out of business.

Police Grant – Administrator McNeilly stated the Police Department worked with a grant writer in order to secure funding of nearly \$1,000 to be used for the purchase of bulletproof vests. Mayor Maio asked what the cost is of a bulletproof vest. Administrator McNeilly stated this amount does not come close to covering the cost of one. A bulletproof vest can cost \$3,000-\$4,000. The grant was provided based on some sort of matrix by the State.

Hydrant Flushing – Administrator McNeilly stated the fall hydrant flushing has been completed. There were no problems to report.

Sewer Flows – Administrator McNeilly provided a report for the month of September for the sewer flows. Last year at this time the numbers were in the high 700's. The numbers have dropped greatly. The averages are at 271. The Borough is at 50% of its allocation which is good. The significant number is that we now pull less than 300,000 gallons out of the ground per day. The sewer number should be 90% of your pump numbers. Administrator McNeilly stated the numbers are very close to that. This was not a dry month. We did have 8 ½ inches of rain. Mayor Maio stated the estimated readings which were done for three days for the other towns are close to their normal figures. Stanhope's estimated numbers are not. The MSA must have used last year's numbers.

Email Test – Administrator McNeilly stated everyone received an email from him last week. Some may have opened the email, some may not have. The Morris County JIF upped the cyber insurance this year and contracted with a cyber security company to do the testing and provide the training to correspond with it. Administrator McNeilly stated he was leaving for vacation right after it was sent out and his phone was ringing and screen shots were being sent to him. Administrator McNeilly stated Councilman Riccardi had contacted him right away. Councilman Riccardi stated he works in IT security. Councilman Riccardi stated the email almost seemed legitimate because everything was spelled correctly but he immediately contacted Administrator McNeilly to inform him it looked as though his email had been compromised. Councilman Riccardi stated this type of testing is done annually at his office and it is a good practice for any businesses that handle financial data and sensitive information. Once that information is compromised, especially at the level of what they were testing for, the entire system would have to be wiped and started over. Administrator McNeilly stated everything about the email was good except for the email address of where it was coming from. If the PDF attachment was opened it stated you had been phished. Nothing bad happened. A report will be generated showing how many of the email attachments were opened. The average is expected to be 30-35% for those that will click on the PDF. Administrator McNeilly stated he had asked how he should handle the fact that Stanhope is a small office and someone may get the email and start talking about it. The recommendation was to let whatever would occur naturally to let it happen. The final results will be provided and training will be scheduled.

COUNCIL DISCUSSION

2019 Capital Budget – Administrator McNeilly stated there is nothing further to add at this time. The Capital Budget will be available for the November 27th meeting.

Tap Grant – Administrator McNeilly stated there is nothing further to add at this time and he has asked Eric Keller, Borough Engineer to attend the November 27th meeting and is awaiting his response. Administrator McNeilly stated he believes the DEP permit was awarded with the understanding that the Borough use low intensity direct lighting straight down.

Public Sale of Real Property 3 Kynor Avenue (Block 10314, Lot 4) – Mayor Maio stated no further discussion was required at this time. This discussion took place during the Administrator's Report.

Fire Department (Request for waiver of building permit fees) – Mayor Maio stated the Fire Department has requested a waiver for the building permit fees for the new roof. The Fire Department is considered a commercial building and as such a building permit is required. Mayor Maio asked the Governing Body if there were any objections to waiving the building

department fees for the new roof for the Fire Department. There were no objections and the waiving of fees was granted.

2019 Best Practices Inventory – Administrator McNeilly stated the Best Practices Inventory has been done for approximately the last 8-9 years. The inventory is typically received in July and due in October. This year the Best Practices Inventory was received in mid-October and is due by November 12th. Administrator McNeilly reviewed the following items containing comments or a “no” answer was conducted. Item #10 continues to hurt small communities that do not have the ability to separate the duties which causes the Borough to receive a recommendation from the audit. This question will always be a “no”. Item #15 is a new question. This question is a “yes”. The Fire Department’s funding is run through our encumbrance system and is paid directly by the Borough. Item #22 is a “yes”. The shared service agreement with Sparta Township for a QPA, which is on tonight’s agenda, qualifies. Item #35 is a “no” answer. Item #36 is a repeat of Item #35 is a “no” also. The answer for Item #44 is “Prospective”. The law does not currently exist. Item #48 references hybrid vehicles and the answer is “no”. Item #49 refers to electric vehicles. The answer is “Prospective” and the comment states the source of power for vehicles is reviewed for each purchase. When a suitable match is available, the Borough will consider the purchase. Item #51 the answer is “no”. The Borough follows the state’s pay-to-play laws. The Borough does not have a more restrictive policy. Administrator McNeilly stated the final percentage for the Borough is 78%. The State posts all the Best Practices Inventories online.

Administrator McNeilly suggested the Governing Body review the other municipalities inventories once they are posted online. There are municipalities that claim 100% which seems impossible. A meeting was held today with the DCA in Trenton with the head of the Government Finance Officers, the League of Municipalities and the NJ Municipal Manager’s Association to find a way to straighten this out. Administrator McNeilly stated now that the Best Practices Inventory has been discussed with the Governing Body, the Clerk and the CFO can certify it and Administrator McNeilly will sign it. Mayor Maio asked the Governing Body if there were any questions. There were none.

OLD BUSINESS

ORDINANCE

Mayor Maio offered the following ordinance for Public Hearing and Final Adoption which was read by title.

Ordinance for Public Hearing and Final Adoption

Ordinance 2018-14

AN ORDINANCE OF THE BOROUGH OF STANHOPE, SUSSEX COUNTY, NEW JERSEY VACATING A PORTION OF YOUNG DRIVE AND MARYANN TERRACE RIGHT- OF-WAY

WHEREAS, there exists in the Borough of Stanhope, Young Drive and Maryann Terrace, with a ten (10) foot right-of-way, shown on the Tax Maps of the Borough of Stanhope as Block 11601, Lots 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23 on Young Drive and Block 11601, Lots 25, 26, 27 and 28 on Maryann Terrace, (the “Properties”); and

WHEREAS, the Borough wishes to release and extinguish the public’s rights or whatever ownership rights it has in and to said portions of the existing 10 ft. right-of-way on Young Drive and Maryann Terrace, adjacent to the Properties; and

WHEREAS, the Mayor and Council do hereby determine that the aforementioned portion of right-of-way described above is not necessary for public purposes; and

WHEREAS, Per N.J.S.A. 40:67-1(b), the Borough of Stanhope does expressly reserve and except from vacation all rights and privileges possessed by public utilities, as defined in R.S.48:2-13, and by any cable television company, as defined in the “Cable Television Act,” P.L.1972, c. 186 (C.48:5A-1 et seq.), to maintain, repair and replace their existing facilities in, adjacent to, over or under the right-of-way, Properties, or any part thereof, to be vacated; and

WHEREAS, N.J.S.A. 40:67-19 authorizes the municipality to release and extinguish the public's rights arising from a dedication of a street or right-of-way.

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

SECTION 1.

The rights of the public and the Borough of Stanhope, whatever they may be, in and to the portion of Young Drive, Block 11601, Lots 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23 and Maryann Terrace, Block 11601, Lots 25, 26, 27 and 28 are hereby distinguished and vacated, subject to a public utilities and cable television exception, for maintenance, repairs, replacement and existing facilities, if any.

SECTION 2

At least one week prior to the time fixed for the consideration of this Ordinance for final passage, a copy thereof, together with a notice of the introduction thereof, and the time and place when and where the Ordinance will be further considered for final passage, shall be mailed to every person whose land may be affected by this Ordinance, so far as may be ascertained. Said notices shall be mailed by the Borough Clerk in accordance with the provisions of N.J.S.A. 40:49-6.

SECTION 3

The Borough Clerk shall, within sixty (60) days of the effective date of this Ordinance, file a copy of this Ordinance certified by her under the seal of the municipality, to be a true copy thereof, together with proof of publication thereof, in the office of the Clerk of the County of Sussex in accordance with the provisions of N.J.S.A. 40:67-21.

SECTION 4 - 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 5 - 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 6: EFFECTIVE DATE

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

On motion by Councilman Thornton, seconded by Councilman Riccardi 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 - yes	Councilwoman Zdichocki – absent

On motion by Councilman Romano, seconded by Councilwoman Kuncken, 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 AUTHORIZING BOROUGH OF STANHOPE TO ENGAGE IN VOLUNTARY FINANCIAL INCENTIVE PILOT PROGRAM UNDER STATE HEALTH BENEFITS PROGRAM

WHEREAS, the Borough of Stanhope participates in the New Jersey State Health Benefits Program; and

WHEREAS, the State Health Benefits Program has established a Financial Incentive Pilot Program (Program) granting financial incentives to subscriber employees who select enrollment into tiered-network medical plans otherwise known as Horizon Blue Cross Blue Shield of New Jersey’s OMNIA Plan or Aetna’s Liberty Plan; and

WHEREAS, the terms of the Program include the following:

- A. The Program shall be available to subscriber employees who are first time enrollees in a tiered network medical plan, beginning Plan Year 2019 and continuing for two (2) plan years through December 31, 2020;
- B. The Program does not extend to participants enrolled under Chapter 375 PL 2005 (certain over-age adult children) and COBRA;
- C. Participation in the Program is entirely voluntary at the option of the Borough;
- D. The financial incentive for eligible employees shall be:
 - \$1,000 for Single Member coverage when changing to a tiered-network plan;
 - \$1,250 for Member/Spouse/Partner coverage when changing to a tiered-network plan;
 - \$1,250 for Parent/Child(ren) coverage when changing to a tiered-network plan
 - \$2,000 for Family coverage when changing to a tiered-network plan
- E. The Program incentive amount shall be paid within the first quarter of Plan Year 2019 and is reportable income to the subscriber employees.
- F. The incentive shall be forfeited and repaid to the Borough in the event the subscriber employee fails to remain enrolled in the Plan for at least two (2) years, except that if a subscriber employee is made ineligible for health care through layoff, involuntary separation, reduction to part-time status or classification into an eligible position or further in the event the subscriber employee voluntarily retires or changes health plans due to a catastrophic or emergency health need as determined by the Borough after a full year, then the incentive shall be forfeited on a pro-rata basis.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Stanhope that the Borough shall hereby participate in the Financial Incentive Pilot Program; and

BE IT FURTHER RESOLVED that the management and administration of the Financial Incentive Pilot Program shall be solely the responsibility of the Borough.

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 - yes | Councilwoman Zdichocki – absent |

Resolution 155-18

RESOLUTION TO ENTER INTO AN AGREEMENT WITH THE TOWNSHIP OF SPARTA FOR THE PROVISION OF QUALIFIED PURCHASING AGENT SERVICES

WHEREAS, the Borough of Stanhope is in need of Qualified Purchasing Agent (“QPA”) services; and

WHEREAS, the Township of Sparta can provide QPA services, in accordance with N.J.S.A. 40A:11-9;

WHEREAS, the QPA services are exempt from bidding requirements per N.J.S.A. 40A:11-3, et. seq.; and

WHEREAS, the Borough of Stanhope desires to enter into an agreement with the Township of Sparta for QPA services, effective October 24th, 2018 through December 31st, 2018, as set forth in the Agreement.

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

1. The Borough Administrator is hereby authorized to execute the Agreement between the Borough of Stanhope and the Township of Sparta for QPA services; and
2. This Resolution shall take effect immediately.

On motion by Councilman Romano, 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 - yes
Councilman Riccardi - yes	Councilman Thornton – (left the room)
Councilman Romano - yes	Councilwoman Zdichocki – absent

Resolution 156-18

RESOLUTION AUTHORIZING CANCELLATION OF MUNICIPAL CERTIFICATE OF SALE

WHEREAS, Certificate of Sale #2018-033 was issued to Stanhope Borough, 77 Main Street, Stanhope, New Jersey 07874 for delinquent 2017 taxes and/or utility charges on Block 11701, Lot 20, 177 State Route 183, assessed to Salvatore & Ann Marie Milelli, at a tax sale held on October 16, 2018; and,

WHEREAS, the certificate was redeemed on October 19, 2018 for the meeting date of October 23, 2018 in the amount of \$6,976.31, within the ten-day post-tax sale period and before the Tax Sale Certificate was issued.

NOW, THEREFORE, BE IT RESOLVED, that Certificate #2018-033 is officially cancelled.

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 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 – (out of the room)
Councilman Romano - yes	Councilwoman Zdichocki – absent

(Councilman Thornton returned at this time.)

Mayor's Acceptance of Resignation

Resolution 157-18

**MAYOR'S ACCEPTANCE OF THE RESIGNATION OF
KURT ELLER 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 Kurt Eller's resignation as Police Officer with the Stanhope Police Department, effective January 1, 2019.

Mayor Maio stated Kurt Eller previously informed the Governing Body he would be retiring sometime prior to January 19th. The State paperwork is in order and Officer Eller will officially be leaving as of January 1, 2019. Mayor Maio stated she spoke with Officer Eller the other day and wished him well on his retirement.

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

PAYMENT OF BILLS

Resolution 158-18

**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 October 23, 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 – absent |

ATTORNEY REPORT

Attorney Leo stated she 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.

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 – Potential Litigation
 - 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 Kuncken, and unanimously carried by voice vote, the foregoing resolution was adopted.

The Mayor and Council went into Closed Session at 8:15 P.M.

RETURN TO OPEN SESSION

At the conclusion of the Closed Session, the Mayor and Council reconvened the public meeting at 8:45 P.M. with all present.

ADJOURNMENT

On motion by Councilman Thornton, seconded by Councilman Romano, and unanimously carried by voice vote the meeting was adjourned at 8:45 P.M.

Approved:

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