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 9, 2019 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 10:00 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. Please turn off all cell phones for the duration of this meeting.

ROLL CALL
Council Members:
- Councilwoman Kuncken – present
- Councilwoman Thistleton - absent
- Councilman Riccardi - present
- Councilman Thornton - present
- Councilman Romano – present
- 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 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:

April 9, 2019  Work Session and Agenda Meeting & Closed Session
April 23, 2019  Business Meeting & Closed Session

On motion by Councilman Romano, seconded by Councilman Thornton and carried by voice vote, the above listed minutes were approved. Councilwoman Zdichocki abstained from the minutes of April 23rd.

CORRESPONDENCE (List Attached)
On motion by Councilwoman Kuncken, seconded by Councilman Thornton and unanimously carried by voice vote, the list of correspondence was accepted and ordered placed on file.

COUNCIL COMMITTEE REPORTS

Public Safety – Councilwomen Kuncken/Thistleton
(Police, Fire, Ambulance, Court & Violations Bureau, Emergency Management)
Councilwoman Kuncken stated the April Fire Department report indicates there were 3 calls answered with a total of 7.75 man hours; 0 mutual aid calls, 1 call assisting EMS with a total 1.5 man hours, 4 drills totaling 122.5 man hours and 1 meeting with 10 man hours and 4 special details. The total number of man hours volunteered was 164.75.
Councilwoman Kuncken stated the County Fire Inspection report indicates inspections were done at Deniece’s Day Care, Dollar General, Heritage Crossing, Juntos Holdings and Netcong Hardware for the month of April.

Councilwoman Kuncken stated the Police Department reported a total of 285 calls for the month of April.

Councilwoman Kuncken stated the Ambulance Squad reported a total of 20 calls in Stanhope, 31 calls in Netcong and 0 stand bys for a total of 51 calls. A total of 39 patients were treated and 30 trips were made to the hospital. 854 miles were travelled. The total number of volunteer hours was 123 hours 42 minutes.

Councilwoman Kuncken stated the Ambulance Squad is currently using a green and white ambulance which is on loan to them. The ambulance that is being replaced is at the vendor and the new ambulance is expected to be delivered around Labor Day. An extrication drill was conducted on May 19th and pictures have been posted to their Facebook page. The Facebook page also contains additional information regarding the ambulance which is on loan.

Councilwoman Kuncken stated a few months ago it was brought to the Governing Body’s attention that Engine #2, the one which is being replaced, had issues and could no longer draft water. The estimate to repair the truck is $4,000. The expected delivery for the new truck is August. The old truck will be put up for auction. Administrator McNeilly stated Netcong sold a truck approximately two months ago. The truck was a few years older than ours and they received approximately $4,900 for it. Councilwoman Kuncken stated the Governing Body needs to make a decision on whether or not to repair the truck. The Fire Department is looking for a decision, Administrator McNeilly needs direction on how to proceed and the vendor needs to be informed. Councilman Thornton asked who purchased Netcong’s truck. Administrator McNeilly stated the market is unusual. Farmers out west will purchase old trucks for use on their farms, collectors buy them and other Fire Departments will sometimes purchase an old truck. The truck in question is not steel and therefore it is not rotting out. Administrator McNeilly stated he is concerned if the schedule for the new truck is pushed back. Mayor Maio stated the Fire Department is operating without it now and in case of an emergency it will become a mutual aid issue. Councilwoman Kuncken stated the Fire Department has been operating and advising when mutual aid is required. Mayor Maio stated in her opinion spending $4,000 to then sell the truck at auction for $4,800 is not a good decision. The funds from the sale will go back into the Borough’s account due to the fact the Borough purchased the truck originally. Much discussion took place regarding the use of the fire truck. Councilman Romano stated the Fire Department has been operating without the truck for the past few months and the new truck will be delivered within the next few months. Councilman Romano is of the opinion it is not cost effective to repair the truck.

Mayor Maio polled the Governing Body members and asked if the fire truck should be repaired. The results are as follows: Councilman Romano – no, Councilwoman Kuncken – no, Councilman Thornton – no, Councilman Riccardi – no, Councilwoman Zdichocki - no

Finance & Administration – Councilman Romano/Councilwoman Kuncken
Councilman Romano stated the tax collections for the month of April are $1,989,917.30. The year to date tax collection total is $5,044,131.83. The percentage of collection for the first quarter taxes is 96.641% and 68.771% for the second quarter.

Councilman Romano stated the water collections for the month of April total $56,234.09. The sewer collections for April total $68,929.48.

Community Development – Councilwoman Zdichocki/Councilman Thornton
Councilwoman Zdichocki stated there were 8 zoning applications for the months of March and April. The total amount of Vacant Property Registration fees collected to date is $72,250. There were 13 violations and complaints.

Councilwoman Zdichocki stated the Chamber of Commerce is sponsoring the annual Pig Roast on Friday, June 7th, the town wide garage sale on Saturday and Stanhope Day on June 9th.
Councilman Riccardi asked if a violation was issued for 8 Dell Road which was discussed at the last meeting. Councilwoman Zdichocki stated the Zoning Official has contacted those responsible. Administrator McNeilly stated the mortgage company responsible made it difficult to track down the responsible party with regard to maintenance. The Zoning Official did contact the current party responsible and the grass has been cut and the front and back yards have been cleaned up. This property will require constant monitoring.

Mayor Maio stated 48 Brooklyn Road has several issues that need to be addressed. The Zoning report indicates a patio was built without a permit however, a considerable amount of dirt has been moved, the Borough’s lot is being altered, there are several cars which need to be removed, and a significant driveway has been cut into Maple Terrace which is making a mess. Administrator McNeilly stated there is also a box truck on the property, the Borough's lot is being altered, and several cars which need to be removed, and a significant driveway has been cut into Maple Terrace which is making a mess. The Zoning Official is actively working on the issue. Administrator McNeilly stated he will meet with the Zoning Official to follow up on the issues. Much discussion took place regarding the timeline. Once the violation is issued there are 14 days to correct the violation. If the violation is not corrected, a summons can be issued. Borough Attorney, Ursula Leo, stated the regulations with regard to unregistered vehicles. The vehicle could be a Zoning violation, a property maintenance issue or a police department matter depending on the situation.

Councilman Riccardi asked who is responsible for keeping the sidewalks clear from Lloyd Avenue up to Sparta Stanhope Road. There is a great amount of gravel and debris on the sidewalk in front of the community home and at the Express Mart. Administrator McNeilly stated the care of the sidewalks is maintained by the joint property owner. Administrator McNeilly will forward the matter to the Zoning Official.

**Municipal Infrastructure – Councilman Thornton/Councilwoman Zdichocki**
(Water Distribution, Sewer Collection System, Road Construction & Maintenance, Buildings & Grounds)
Councilman Thornton stated leaf and brush pick up and hydrant flushing have been completed.

**Information Technology – Councilmen Riccardi/Romano**
Councilman Riccardi stated the scanning project is continuing to move forward. When the iPads are received a discussion will take place on how to roll out that program for the council members.

Mayor Maio asked Administrator McNeilly for a status update on the scanning project. Administrator McNeilly stated 25 boxes have been sent out. The Construction Secretary is already experiencing the time savings of being able to electronically access the first set of boxes which have been scanned. The next set of boxes will be prepared for scanning. The cost to date for scanning the 25 boxes is approximately $3,400 to $3,500.

**Boards/Commissions – Councilwoman Thistleton/Councilman Riccardi**
Mayor Maio reported, in Councilwoman Thistleton’s absence, one application has been received for the Miss Stanhope Scholarship Program.

**ENGINEER'S REPORT**
Mayor Maio invited Eric Keller, Borough Engineer, to come forward to present his report.

**JCP&L – Eric Keller, Borough Engineer, stated he spoke with Jackie Espinosa from JCP&L. They are doing their best to swap out the lighting. It was scheduled to be done over the weekend but there was a paperwork error on their end. The order has been submitted to place a light on the pole by the bus shelter across from the American Legion. Measurements have been taken and electric has to be run from the pole on the American Legion side to the pole located at the bus shelter. Mayor Maio asked if there is a cost involved. Mr. Keller stated he is of the opinion the only cost will be the monthly cost for the light. The lights will be 250 watt high pressure sodium so that the character of the lights will not be changed along the roadway. This will provide a much improved light level of 2-3 foot candles across the crosswalk area. The existing fixture should be changed this weekend. The new fixture is scheduled to be installed by June 10th. Councilman Thornton asked Mr. Keller to keep reiterating the fact, as the project moves forward, that two fatalities have occurred in the area. The amount of pedestrian traffic should not be the focus. This is a safety issue.
Port Morris Pump Station – Mr. Keller stated the approval for the TWA has been received. This is the only permit needed for this work. The contracts have all been signed. The performance bond and insurance have been submitted and a pre-construction meeting is scheduled for this Friday at 10am. At that time the contractor will get their formal notice to proceed. Mayor Maio asked for the term of the contract. Mr. Keller stated 45 days after the delivery of the pump station unit. The contractor will order the unit which was specified. If something else is to be used, documentation will have to be submitted to show that the pump set is equal to what we specified. The timeframes are fixed. There are two weeks to submit the information for the pump station. The Borough has five days to review it. If approved, the equipment will be ordered. The job is estimated to be complete in September or October.

Sparta Road – Mr. Keller stated on April 23rd a request was received from the Bureau of Environmental Program Resources requesting more information on our Categorical Exclusion Document (CED). On May 14th everything the representative needed was submitted. Mr. Keller stated he spoke to Adam Iervolino, the Borough’s new contact. When the CED is done and the DOT approves it, the paperwork will be sent to Federal Highway for authorization. This puts the project two months behind what was stated by the former representative back in February. Mr. Keller outlined the steps required to move forward with the project. Discussion took place regarding the timeline and approvals required. The project should begin in November or December. The lights can be installed in the winter time. Paving will not take place until next year. Depending on the weather the electrical and the curb work could be done during the winter.

Young Drive and Maryann Terrace – Mr. Keller stated the DPW has begun the replacement of the saddles and the water service connections. Mr. Keller spoke with Jason Titsworth, DPW Superintendent, who has stated they are on schedule to have the work completed by mid-July or sooner. All the curbing has been marked out.

Mayor Maio asked if any other roads in the Borough are scheduled for this year. Administrator McNeilly stated paving will be done for Musconetcong Avenue, Walton Place, Young Drive and the driveway/street at the Post Office back to the parking area located behind the deli.

Administrator McNeilly stated there was a conversation at the last meeting regarding the water line on Young Drive. There was an issue with surface water and there were a few leaks in the area which were being replaced. It appears that when the water line was installed, which occurred before the homes were built, there was no regard for where the road would be. The water main section of Young Drive currently being worked on is located at least six feet behind the curb. Some of the service lines are quite long. Some lines run across the road and are then eight feet behind the curb. In some instances where rocks exist the line runs around the rock and in other spots the line runs over the rock. The water lines need to be located below four feet. A few more sections of curb may need to be replaced due to the fact the water lines run behind them in certain areas. Mr. Keller stated the budget is slightly over the original estimate. The budget was estimated for 2,215 feet of curb and it is now at 2,350 feet of curb. This is over by 135 feet at a cost of approximately $20 per foot.

Councilman Riccardi asked if the water line was the source of the water problem on Young Drive. Administrator McNeilly stated where the water presented itself was ground water but the problem existed well above that point. The water table is about a half inch above normal at this time due to all the rain. The DPW dug in the area of the water and the ground was dry. The company was brought in that listens for leaks and they found the leak way up the street beyond where the water was surfacing. Administrator McNeilly stated the Borough is in the right place at the right time with this project as the connections are starting to need repair. Three connections needed repair this past winter and now another two have been repaired. Mr. Keller stated the DPW Superintendent informed him that the pipe is in great condition. Eight services have been completed and there are approximately 40 more. Mr. Keller estimates the curbing should not take more than 3 days to complete.

Stormwater Manual – Mr. Keller stated the manual is continuing to be worked on. The basins all have to be inspected because there are no records to work from.

Fire Department Bucket Drop – Mr. Keller stated the County’s comments regarding the Fire Department Bucket Drop Fund Raiser have been addressed. The County permit has been received and the paperwork has been sent to the State for approval.
Mayor Maio thanked Mr. Keller.

**ADMINISTRATOR'S REPORT**

Administrator McNeilly stated tonight he has no written report to submit. Young Drive and the American Legion crossing were discussed earlier.

**Surplus Equipment Sale** – Administrator McNeilly stated he has begun working with the DPW Superintendent on preparing for the next surplus equipment sale. In order to capture as much value as possible, two of the items for sale; the firetruck and the sewer jet, will be placed online. The date has not been determined at this time. There will be other vehicles included in the sale.

**Scanning Project** – Administrator McNeilly stated the scanning project is continuing to move forward.

**Cyber Security Training** - Administrator McNeilly stated there are 30 email addresses included in the Cyber Security Training. To date 7 of those have not completed the training. The vendor is sending out reminders to those individuals. Administrator McNeilly stated he received some complaints regarding the unresponsiveness of the program on various platforms. Completion of the training will provide the Borough with access to a better cyber insurance policy. The remaining people who have not completed the training are from the boards and commissions. There is less of a worry with these people as they do not have direct access to the system.

**Borough Hall** – Administrator McNeilly stated the carpets have been properly cleaned. The carpets will be placed on the maintenance schedule and will be cleaned annually in May.

**Ambulance Squad** - Administrator McNeilly stated Morris County requires evidence of workers compensation. The Ambulance Squad had to put together an insurance certification for the squad. This is required for their bucket drop fund raiser which is held on Allen Street, Netcong, in Morris County.

**Spring Festival Road Closure** – Administrator McNeilly stated the Spring Festival is scheduled for June 9th. The Governing Body must approve the road closure of Main Street.

On motion by Councilman Riccardi, seconded by Councilman Thornton, and unanimously carried by voice vote, approval was granted to close Main Street on June 9th for the Spring Festival from 8:00am to 6:00pm.

**Musconetcong Avenue** – Administrator McNeilly stated the paperwork has been sent to the QPA in Sparta. Once approved, the sealed document will be provided to Eric Keller, Borough Engineer, who will then contact the vendor. Mr. Keller stated the curb ramps and sidewalk replacement will be done first. Then the milling and paving of Musconetcong Avenue and Walton Place can be scheduled. Much discussion took place regarding the paving of Young Drive, Maryann Terrace, Musconetcong Avenue, Walton Place and Canal Street. Mayor Maio stated she is of the opinion that when Musconetcong Avenue and Walton Place are ready they should be paved. Mayor Maio does not want to delay the work by waiting for Young Drive and Maryann Terrace. Mr. Keller stated for scheduling purposes with Tilcon, having a larger job would move the Borough to the top of the schedule. Mayor Maio asked what type of work needs to be done on Canal Street prior to paving. Administrator McNeilly stated there should not be anything necessary. He and Mr. Keller will walk and inspect the area. Canal Street can be combined with either project. Mayor Maio asked when the work can be scheduled. Administrator McNeilly stated the schedule cannot be determined at this time. The project has to go through the QPA. This project was supposed to be paved last October. The cost of the project exceeded the threshold due to the curb work required and the project was halted. The road will be paved prior to October of 2019. This is the first time the Borough is utilizing the QPA which is an outside department. Councilwoman Kuncken asked if a decision was made to lower the speed bumps on Musconetcong Avenue. Mr. Keller stated the speed bumps will be the same as those on Dell Road and James Street.
**Plaster Mill** - Councilman Riccardi asked Administrator McNeilly for an update on the Plaster Mill. Eric Keller, Borough Engineer, stated he sent Administrator McNeilly a memorandum today regarding the condition of the Plaster Mill. The photographs from 2010, 2015 and 2019 have to be compiled to show the deterioration. Essentially there are only two walls left. Councilman Riccardi stated even the historical signage is on the ground. Mr. Keller stated he has observed additional deterioration in the past few months and he is surprised the east wall is still standing. Having the tree come off of it helped. Mr. Keller will prepare the information for the first meeting in June.

**COUNCIL DISCUSSION**

**Young Drive** – Mayor Maio stated no further discussion is needed at this time.

**TAP Grant** - Mayor Maio stated no further discussion is needed at this time.

**Long Term Bonding Program** – Mayor Maio stated several months ago it was agreed that in May the Long Term Bond Plan would be discussed. Mayor Maio asked Administrator McNeilly to put together a plan and the time table. Councilwoman Kuncken stated during the original discussion with the Borough Auditor the plan was to be ready by August.

**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 2019-08

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 82 OF THE CODE OF THE BOROUGH OF STANHOPE, ENTITLED “FEES” BY THE ADDITION OF NEW SECTION 82-8 “NOTARY FEES”

WHEREAS, N.J.S.A. 22A:4-14 allows notaries public to charge a fee in exchange for certain services; and

WHEREAS, the Mayor and Council of the Borough of Stanhope desire to amend the Borough Code to allow for the charging of Notary fees.

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

**SECTION 1.**

Chapter 82 is hereby amended by the addition of a new section 82-8 entitled “Notary Fees” as follows:

<table>
<thead>
<tr>
<th>Type</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Borough Resident or Business Owner</td>
<td>$0.00</td>
</tr>
<tr>
<td>Non-Resident</td>
<td>$2.50 per signature notarized</td>
</tr>
</tbody>
</table>

**SECTION 2 - SEVERABILITY**

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

**SECTION 3 - REPEALER**

All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.
SECTION 4: EFFECTIVE DATE
This Ordinance shall take effect immediately upon adoption and publication in accordance with law.

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

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

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

Ordinances for Introduction and First Reading [Public Hearing on June 25, 2019]

Ordinance 2019-09  AN ORDINANCE OF THE BOROUGH OF STANHOPE, SUSSEX COUNTY, NEW JERSEY AMENDING SECTION 100-3, DEFINITIONS, AND SECTION 100-195, USE OF PROPERTY, OF THE CODE OF THE BOROUGH OF STANHOPE

WHEREAS, short term rental of dwelling for periods of less than thirty (30) days in the Borough would be detrimental to issues including noise, overcrowding and parking within the residential neighborhoods of the Borough and may seek to convert residential dwelling units into illegal day-facto hotels, motels, boarding houses and commercial enterprises in violation of the Borough’s zoning and other codes as well as State statutes; and

WHEREAS, the Borough wishes to deter rental of residential dwelling units for less than 30 days within the Borough by regulating such as an illegal use within the Borough; and

WHEREAS, the Borough adopts this ordinance in order to protect the health, safety and welfare of the community at large by prohibiting short term rentals of less than 30 days for residential properties within the Borough.

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

SECTION 1. - DEFINITIONS
Section 100-3, Definitions, shall be amended as follows:

HOME OCCUPATION
Gainful employment or occupation, exclusive of retail sale of goods or merchandise not produced on the premises, conducted within a dwelling, which shall constitute either entirely or partially the means of livelihood of a person living in said dwelling, such as but not limited to a physician, surgeon, dentist, lawyer, bookkeeper, accountant, auditor, architect, engineer, seamstress, artist, tutor, broker, mail-order service or member of a design profession or computer operator. Home occupation shall not include any lodgers, boarders or roomers.
LODGER, BOARDER OR ROOMER
A person other than a member of a family occupying a part of any dwelling unit who, for consideration, is furnished living accommodations in such dwelling unit.

SECTION 2 - USE OF PROPERTY
A new sub-section 100-195.D shall be adopted as follows:

D. No person shall rent, lease, solicit, advertise for, offer, permit, allow or fail to discontinue use or occupancy of any dwelling unit for a period for thirty (30) days or less. Nothing shall prevent lawful occupancy of a dwelling unit for a rental period of more than thirty (30) days.

SECTION 3 - NOTICE
The Municipal Clerk is directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. Upon the adoption of this Ordinance, after public hearing, the Municipal Clerk is further directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

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

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

On motion by Councilman Riccardi, 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.

Ordinance 2019-10
AN ORDINANCE OF THE BOROUGH OF STANHOPE, SUSSEX COUNTY, NEW JERSEY RE-ZONING BLOCK 11802, LOTS 1 AND 2, FROM THE PLANNED LIGHT INDUSTRIAL/COMMERCIAL DISTRICT AND RESIDENTIAL CONSERVATION DISTRICT TO HIGH DENSITY RESIDENTIAL DISTRICT

WHEREAS, the Borough of Stanhope has reviewed the Borough Ordinances and has determined that Block 11802, Lot 1 is more appropriately zoned High Density Residential than Planned Light Industrial/Commercial; and

WHEREAS, the Borough of Stanhope has also determined that Block 11802, Lot 2, which is currently zoned both Residential Conservation and Planned Light Industrial/Commercial, is more appropriately zoned High Density Residential.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Stanhope, as follows:
SECTION 1
The Zoning Map of the Borough of Stanhope, Sussex County, New Jersey, as referred to in Section 100-51 of the Borough Code, shall be amended to reflect that Block 11802, Lot 1 shall be re-zoned from the Planned Light Industrial/Commercial district (“PIC”) to the High Density Residential district (“HR”) and Lot 2, which is split zoned PIC and Residential Conservation district (“RC”) shall be re-zoned to HR.

SECTION 2
Notice of hearing of this amendment to the Zoning Ordinance proposing a change in Zoning shall be given at least ten (10) days prior to the hearing by the Borough Clerk to the owners of all real property as shown on the current tax duplicates, located within 200ft in all direction of the boundaries of Block 11802, Lots 1 and 2, pursuant to N.J.S.A. 40:55D-62.1.

SECTION 3 - 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 4 - 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 5 - EFFECTIVE DATE
This Ordinance shall take effect immediately upon adoption and publication in accordance with law.

SECTION 6: NOTICE
The Municipal Clerk is directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. Upon the adoption of this Ordinance, after public hearing, the Municipal Clerk is further directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

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

Roll Call:
Councilwoman Kuncken – yes Councilwoman Thistletron - absent
Councilman Riccardi - yes Councilman Thornton – yes
Councilman Romano - yes Councilwoman Zdichocki – yes

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

Ordinance 2019-11
AN ORDINANCE OF THE BOROUGH OF STANHOPE, SUSSEX COUNTY, NEW JERSEY AMENDING CHAPTER 100, LAND DEVELOPMENT, OF THE BOROUGH CODE

WHEREAS, the Borough of Stanhope adopted a Housing Element and Fair Share Plan, prepared by Borough Planner William H. Hamilton, P.P., AICP, dated October 28, 2016, and the Court filed an Order granting substantive certification and judgment of compliance and repose, dated October 28, 2016, in the matter of the application of the Borough of Stanhope for Determination of Mount Laurel Compliance, Superior Court of New Jersey, Sussex County, SSX-L-428-15; and

WHEREAS, the Borough’s Third Round Affordable Housing obligation of 126 units is addressed by the re-zoning of five (5) properties for high density residential development with a twenty (20%) percent affordable set-aside, which properties include Block 11203, Lot 16 and Block 11202, Lots 1 through 4; and

WHEREAS, the Borough, in accordance with its affordable housing obligations and the Borough’s best interest, has deemed it necessary to amend the Zoning Ordinance to adopt the regulations set forth herein.
NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Stanhope, as follows:

SECTION 1
New Article XVIB “Multi-Family Housing Zone” has been added to read as follows:

Article XVIB. Multi-Family Housing

§ 100-101.5 Principal uses.

In the Multi-Family Housing Zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

A. Multi-Family Structures.
B. Townhouses.

Any development in the Multi-Family Housing Zone shall include a twenty (20%) percent affordable set-aside, in compliance with the Borough Code and Housing Element and Fair Share Plan.

§ 100-101.6 Accessory uses.

A. The accessory building shall comply in all respects to the yard requirements of the principal building. Detached accessory buildings shall be located to the rear of the front building line of the principal building and be located in the side yard so as to conform to side yard requirements. A site plan shall be submitted for all accessory buildings so the Planning Board can determine the adequacy of parking.

B. Structured multi-level parking garage is permitted.

C. Private recreation facilities intended for use by residents of the premises are permitted.

D. Accessory uses as defined by § 100-3 shall be permitted.

§ 100-101.7 Required conditions.

A. Principal building.

   (1) Minimum tract size: 10 acres.
   (2) Minimum frontage: 50 feet.
   (3) Minimum front setback: 35 feet.
   (4) Minimum side setback: 10 feet.
   (5) Minimum rear setback: 20 feet.
   (6) Maximum percentage of impervious surface area: 70%.

   (7) Maximum building height: 48 feet or 3 stories, whichever is less, for Multi-Family Structures; 35 feet or 2 ½ stories, whichever is less, for Townhouses.

   (8) Parking to be provided in accordance with the Residential Site Improvement Standards (RSIS).

   (9) Maximum number of dwelling units per acre: 35 dwelling units.
B. Accessory buildings.

(1) Minimum side yard: 5 feet.

(2) Minimum rear yard: 5 feet.

(3) Maximum height: the lesser of 15 feet or one story, and same as principal buildings for structured multi-level parking garage.

SECTION 2
New Article XVIC. “High Density Multi-Family Housing” has been added to read as follows:

Article XVIC. High Density Multi-Family Housing

§ 100-101.8 Principal uses.

In the High Density Multi-Family Housing Zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

A. Multi-Family Structures.

B. Townhouses.

Any development in the High Density Multi-Family Housing Zone shall include a twenty (20%) percent affordable set-aside, in compliance with the Borough Code and Housing Element and Fair Share Plan.

§ 100-101.9 Accessory uses.

A. The accessory building shall comply in all respects to the yard requirements of the principal building. Detached accessory buildings shall be located to the rear of the front building line of the principal building and be located in the side yard so as to conform to side yard requirements. A site plan shall be submitted for all accessory buildings so the Planning Board can determine the adequacy of parking.

B. Structured multi-level parking garage is permitted.

C. Private recreation facilities intended for use by residents of the premises are permitted.

D. Accessory uses as defined by § 100-3 shall be permitted.

§ 100-101.10 Required conditions.

A. Principal building.

(1) Minimum tract size: 4 acres.

(2) Minimum frontage: 50 feet.

(3) Minimum front setback: 25 feet.

(4) Minimum side setback: 5 feet.

(5) Minimum rear setback: 10 feet.

(6) Maximum percentage of impervious surface area: 75%.

(7) Maximum building height: 60 feet or 4 stories, whichever is less, for Multi-Family Structures; 35 feet or 2 ½ stories, whichever is less, for Townhouses.

(8) Parking to be provided in accordance with the Residential Site Improvement Standards (RSIS).
(9) Maximum number of dwelling units per acre: 65 dwelling units.

B. Accessory buildings.

(1) Minimum side yard: 5 feet.

(2) Minimum rear yard: 5 feet.

(3) Maximum height: the lesser of 15 feet or one story, and same as principal buildings for structured multi-level parking garage.

SECTION 3
The Borough of Stanhope Zoning Map shall be revised as follows:

Block 11203, Lot 16 (prior village age-restricted zone) shall be re-zoned within the High Density Multi-Family Housing Zone.

Block 11202, Lot 1, currently in the “I – Industrial zone”, shall be re-zoned to the Multi-Family Housing Zone.

Block 11202, Lot 2, currently in the “I – Industrial zone”, shall be re-zoned to the Multi-Family Housing Zone.

Block 11202, Lot 3, currently in the “I – Industrial zone”, shall be re-zoned to the Multi-Family Housing Zone.

Block 11202, Lot 4, currently in the “I – Industrial zone”, shall be re-zoned to the Multi-Family Housing Zone.

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.

SECTION 7: NOTICE
The Municipal Clerk is directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. Upon the adoption of this Ordinance, after public hearing, the Municipal Clerk is further directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

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

Roll Call:

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

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

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 099-19 RESOLUTION PROCLAMING TO LOCAL RESIDENTS AND BUSINESSES THAT THE MUNICIPALITY WILL NOT COLLECT NEW STORMWATER MANAGEMENT OR RAIN TAXES

WHEREAS, bill S1073/A2694 authorizing municipalities and counties to establish stormwater utilities was signed into law by Governor Phil Murphy; and

WHEREAS, municipalities or counties that choose to establish a stormwater utility will be allowed to apply an undetermined tax on property and business owners based on the amount of impervious surface they have, often referred to as a rain tax; and

WHEREAS, there is no limit to the amount property owners and local businesses can be taxed as long as it can be justified as going towards improving stormwater management, however, 5 percent or $50,000 of the revenue is required to be paid to the state and another 5 percent can be used for a locality's general fund; and

WHEREAS, sewage authorities must adhere to a two-percent cap on annual increases to property owners and businesses, but stormwater utilities will not have to adhere to the cap; and

WHEREAS, municipalities and counties already have stormwater systems in place that manage stormwater without the need of creating another level of bureaucracy; and

WHEREAS, New Jersey property taxpayers already pay the highest taxes in the nation, and the creation of any new tax is an impossible burden to put on their backs; and

WHEREAS, New Jersey’s Business Tax Climate was named last in the nation by the nonpartisan Tax Foundation, and any new taxes to our business owners are not feasible; and

WHEREAS, State Senator Steve Oroho, Assemblyman Parker Space, and Assemblyman Hal Wirths are calling on municipalities and counties to come together and signal to their tax-paying residents and businesses that they’re aware that New Jersey’s tax burden is already too high by making their intentions known through this resolution; and now be it

RESOLVED, that the Mayor and Council of the Borough of Stanhope already has a system in place to manage stormwater and will not create a stormwater utility that would impose new taxes on its residents; and be it further

RESOLVED, that the Mayor and Council of the Borough of Stanhope understands and sympathizes with the heavy tax burden already placed on New Jersey residents and businesses and, therefore, will not charge them an extra tax for having driveways, parking lots and other impervious surface

RESOLVED, that certified copies of this Resolution be forwarded to Governor Phil Murphy, Lieutenant Governor Sheila Oliver, New Jersey Senate President Steve Sweeney, New Jersey Senate Republican Leader Thomas Kean, Jr., New Jersey Assembly Speaker Craig Coughlin, New Jersey Assembly Republican Leader Jon Bramnick, State Senator Steve Oroho, Assemblyman Parker Space, and Assemblyman Hal Wirths.

Resolution 100-19 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. 2017-022, representing 2016 property taxes and/or utility charges on Block 11602, Lot 19, known as 20 James St, assessed to Janice Sangillo, 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 16th Street, Suite 2050  
Philadelphia, Pennsylvania 19102

Redemption Amount:  Tax Title Lien #2017-022 and  
Interest to Date of Meeting $ 3,211.52  
Premium Paid by Lienholder $ 1,300.00

Total From Current Fund:  $ 3,211.52  
Total From Tax Premium Account $ 1,300.00

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 Councilwoman Zdichocki and unanimously carried by the following roll call vote, the foregoing resolutions were duly adopted.

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

PAYMENT OF BILLS

Resolution 101-19  
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 May 28, 2019 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.

Councilwoman Kuncken stated a bill was included on the bills list for the Sussex County League of Municipalities.  The bill was pulled due to the fact only one of the three people scheduled attended the meeting.

Roll Call:  
Councilwoman Kuncken – yes  
Councilman Riccardi - yes  
Councilman Romano - yes  
Councilwoman Thistleton - absent  
Councilman Thornton – yes  
Councilwoman Zdichocki – yes
ATTORNEY REPORT

Mayor Maio stated she has asked Attorney Ursula Leo to report on an item which was presented at the Land Use Board from the NJ Planner concerning antennas and what the Borough needs to be prepared for. Attorney Leo stated the FCC 18133A1 talks about accelerating wireless broadband deployment. Basically this is for small facilities. This was adopted by the FCC in September of last year and became effective as of January 14th of this year. A few years ago, municipalities had the Middle Class Tax Relief and Job Creation Act or Spectrum Act to adopt things to control wireless facilities. This newest regulation governs 5G. The government is trying to standardize and make it easier for the wireless companies to streamline applications so they are not stuck between every different random element board across the State of New Jersey, specifically with new application procedures and fees. This is an attempt to standardize and limit what municipalities can require with the small facilities and what is allowed.

Attorney Leo stated Assembly Bill No. 4422 has an equivalent Senate Bill No. 3752 which is sponsored by Senator Sweeney, which usually means it is headed in the right direction. It was just introduced on May 16, 2019 to the Senate. The Assembly Bill went to the Assembly Tower Communications and Utilities Committee and the Senate Bill was referred to the Economic Growth Committee. This deals mainly with co-location of facilities. As it stands now, anyone can co-locate if it is less than ten feet. Municipalities cannot make them go through the whole Land Use Board procedure. Stanhope Borough code does not have much on facilities which is unique. Typically it would be a conditional use and standards would be in place for what is allowed for a wireless facility. Attorney Leo provided a copy of the code from the Borough of Lavallette which is very thorough. This does not favor the 5G network but it sets forth the history of the legislation and states their standards, which are basically aesthetic. This is how local control can be maintained with regard to co-location facilities. Attorney Leo stated she is of the opinion nothing should be acted on at this time, due to the fact that Senator Sweeney is proposing a Senate Bill which is moving forward and it would trump any local ordinances. The A4422 or S3752 would clarify throughout the State of New Jersey what would have to be done. This would protect the Borough with the issues such as the time clock and considerations and what has to be complied with.

Attorney Leo stated she can draft an ordinance for the Governing Body’s consideration and it may have more details as far as aesthetics. Mayor Maio stated there is nothing on the books at this time. Attorney Leo stated she will check the status of the bills next month. Councilman Riccardi stated there is no guarantee the bills will be approved and in his opinion the Borough should have a backup plan. Councilman Thornton stated he is in favor of having a draft in place. Administrator McNeilly stated perhaps Bill Hamilton, Borough Planner, should be informed of this issue. Administrator McNeilly stated he attended the Municipal Manager’s Conference a few weeks ago and one of the sections covered was the 5G issue of antennas and cabinetry. The size of the antenna is the size of a pizza box but there is an associated cabinet. The legislation and the directive from the FCC states they can put whatever they want in the right of way. For example this means if they find the most advantageous location is in front of the Whistling Swan, they can set the antenna up on the pole and drop the cabinetry on the ground because the Borough does not have any protections in place. Attorney Leo stated in her opinion both the regulation of the towers and the wireless requirements should be done together. Attorney Leo stated she will confer with Bill Hamilton to draft the regulations. Administrator McNeilly stated the aesthetics was a big discussion because the municipalities have some ability to require the poles to look like a lamp post. The Borough’s power cabinets for street lights are brown and that requirement can be carried through. Mayor Maio asked Attorney Leo to work on a base ordinance to use as a starting point. Attorney Leo confirmed this and stated it will be very long but it will be streamlined as much as possible.

COUNCIL DISCUSSION

Tornado - Councilwoman Zdichocki stated (8:30PM) she just received a message that a tornado has just hit Sparta Road and Lenape Valley School has called for the Fire Department. The power is out. There is a report that a tornado has struck the school and there are unknown injuries. Councilman Romano stated power is out at the Growing Stage Theatre.
CITIZENS TO BE HEARD

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

Don Drake stated there is an unlicensed vehicle, an abandoned gas tank, an abandoned water tank, the brush is growing up through the fencing and there are tires stacked all along the one side at the Delta Station. This does not make for a good welcoming appearance as the entrance into the Borough.

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

CLOSED SESSION

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

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

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

1. The public shall be excluded from discussion of and action upon the hereinafter-specified subject matter(s).

2. The general nature of the subject matter(s) to be discussed is as follows:

   1 - Personnel
   1 – Potential Litigation

3. It is anticipated at this time that the above stated subject matter(s) will be made public at the conclusion of each individual specified subject matter.

4. This resolution shall take effect immediately.

On motion by Councilman 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 8:30 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 Councilwoman Kuncken, seconded by Councilman Riccardi, 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