

**MAYOR AND COUNCIL
WORK SESSION AND
AGENDA MEETING
October 8, 2019
6:00 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 9, 2019 and was placed on the Official Bulletin Board in the Municipal Building.

Furthermore, notice of the meeting time change was sent to the New Jersey Herald and Daily Record on September 30, 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 - present
Councilman Riccardi – present	Councilman Thornton – present
Councilman Romano – present	Councilwoman Zdichocki – present
Mayor Maio – present	

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
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 6:07 P.M.

RETURN TO OPEN SESSION

At the conclusion of the Closed Session, the Mayor and Council reconvened the public meeting at 6:55 P.M. with all present.

ADMINISTRATOR'S REPORT

2019 Best Practice Checklist – Administrator McNeilly stated the 2019 Best Practice Checklist will be emailed to the governing body on Friday, October 11th. The Checklist will be discussed at the October 22nd meeting.

Stormwater Training – Administrator McNeilly stated the representative who was scheduled to present the Stormwater Training this evening had a conflict and would like to reschedule to November 12th at 7:00PM.

Leaf Pickup – Administrator McNeilly stated the DPW has begun leaf pickup for Route 1.

Young Drive and Maryann Terrace – Administrator McNeilly stated the trench and driveway repairs are complete on Young Drive and Maryann Terrace. The DPW is finishing up the yard restorations. Additionally, the DPW has marked all the manholes, water shutoffs and catch basins. Toppers are being placed on all the manholes due to the fact the paving is not taking place right away. The anticipated milling date is October 10th and/or 11th. Paving will take place either October 15th or 16th, weather permitting. Letters were distributed last week door to door and a Nixle message will be sent out. Mayor Maio stated it is important for the residents to understand the roads will be milled and they will remain this way for a period of time before they are paved. Administrator McNeilly stated the Borough will not know when the paving will take place until the contractor actually arrives in town.

Musconetcong Avenue and Walton Place – Administrator McNeilly stated the DPW has marked all the manholes, water shutoffs and catch basins. The anticipated milling date is October 10th and/or 11th. Paving will take place either October 15th or 16th, weather permitting. Letters were distributed last week door to door and a Nixle message will be sent out.

Salmon Park Parking Lots – Administrator McNeilly stated the DPW has begun the removal of the curb stops in the parking lot. Signage will be posted at all the entrances to notify the period closure of the lot. Businesses and residents will be notified by flyers. The anticipated milling date for the parking lot is October 14th or 15th. Monday is a holiday and the Post Office will be closed which would make the milling process easier. If soft spots are uncovered during milling, that issue would have to be addressed right away. Administrator McNeilly stated he will contact Tilcon to obtain an exact date for the work to be done. A Nixle message will be sent out on all the days the parking lot is closed. Barricades and manpower will be required for this project. Administrator McNeilly stated he will work with the business owners to keep them informed.

Tax Sale 2019 – Administrator McNeilly stated the Tax Sale took place today. It was an active sale attended by several buyers, unlike last year. All the properties listed on the tax sale were sold. The Borough currently has 7 liens from the 2018 tax sale which can be foreclosed on. Municipal liens can be foreclosed on after six months has passed. The timeframe on these properties is well past the six months. The CFO sent a memo to the Governing Body with the list of 2018 municipal liens. Administrator McNeilly stated the Governing Body should review the list for discussion in the future.

Bond Anticipation Note Sale – Administrator McNeilly stated the Bond Anticipation Note Sale took place today. The CFO was pleased with the percentage rate.

Engineer – Administrator McNeilly stated Eric Keller, Borough Engineer, will be attending the October 22nd Mayor and Council Meeting.

Budget 2020 – Administrator McNeilly stated the 2020 Budget schedule is as follows:

- October 15th – Prepare Budget Books
- November 12th – Council Review (1st Pass)
- December 10th – Auditor and Assessor Presentations

iPads – Councilman Thornton asked for an update on the distribution of the iPads for the Governing Body. Councilman Riccardi stated the Technology Committee has a meeting

scheduled for this Thursday. Administrator McNeilly stated he is testing one of the iPads this evening.

WORK SESSION

TAP Grant – Administrator McNeilly stated Eric Keller, Borough Engineer, will be attending the meeting on October 22nd. Administrator McNeilly stated Mr. Keller has been in contact with the Local Aid Manager regarding the TAP Grant who asked for some minor fine print items. Approval should be granted soon so that we can move forward.

Environmental Commission (Permit Application for Furnace Pond Park) – Mayor Maio stated the Environmental Commission has requested permission to go forward with a permit application for the clean-up of Furnace Pond Park instead of waiting for the State Park to move forward with their application. Mayor Maio stated several years ago the Borough was fined for a clean-up which was conducted without permits, despite the fact that we thought it was the right thing to do. It was decided at that time that the Borough would hold off and work with the State Park and they agreed to get the permit process in place for their property and then they would co-author the permit for the Borough and forgive the fees. Mayor Maio stated she is of the opinion the State Park started the general permit process but did not complete it. Mayor Maio placed a call three or four days ago to the Superintendent but has not received a reply to date. The Environmental Commission is requesting that the Borough move forward with the help of the Borough Engineer to obtain the permits on our own. Mayor Maio asked if the Borough should move forward on our own or wait for the State Park. Councilman Riccardi stated the Borough has been waiting for the State Park for several years. Mayor Maio stated the Borough decided to go with the State Park because we were guaranteed that once it was approved through the State Park we would not have any issues and it was going to be cost effective. This was about three years ago. Administrator McNeilly stated the site visit took place in 2016. Mayor Maio stated the last effort she is aware of involved the State Park bringing in the DEP representatives that they report to in order to determine the type of permit required. The DEP was to work with the State Park to generate the permits for the State portion of the property. Once that was completed they would co-author the permits for the Borough. Administrator McNeilly stated the last conference call was held on November 18, 2016. Mayor Maio stated since then there has been contact with the Superintendent from the State Park who stated she is still waiting for a response from the State. Administrator McNeilly read aloud the last email sent by the Superintendent to Mr. Ryan in May 2017. On January 22, 2018, the Superintendent sent another email to Mr. Ryan asking for a meeting. Mayor Maio stated she has a meeting scheduled with the Superintendent next week. Councilman Romano asked if contacting the legislators and asking them to contact DEP would help. Administrator McNeilly outlined the procedure which would have to be followed and stated in order to move forward on our own this would have to be added to the 2020 budget. Mayor Maio recommends trying to work with the State Park. Councilman Romano stated the process could become quite complicated if the Borough pursues this on our own and it could become expensive. Councilwoman Zdichocki stated something has to get done and agreed to continue to try and work with the State Park. Councilman Riccardi asked Mayor Maio to provide an update after her meeting with the Superintendent.

Owen Newson, 8 Kelly Place, a member of the Environmental Commission, asked for permission to speak on this matter. Mayor Maio asked the Governing Body if there were any objections. Seeing none Mr. Newson was granted approval to speak at this time. Mr. Newson stated Steve Ellis from the DEP toured the site on January 22, 2015, which is over four years ago. Mayor Maio stated the permit process began when Melissa took over as the Superintendent. Mr. Newson stated Mr. Ellis left and Melissa took over but what will happen if Melissa leaves. The process just gets dropped. Mr. Newson suggested the issue be addressed with Melissa in writing. Mayor Maio stated she will be meeting with Melissa in person. Mr. Newson stated Netcong has taken down the Quirk building to build apartments and he asked if that developer has been contacted to see what they could do for Furnace Pond as far as connecting the loop. There used to be a stone bridge which was taken out. Walking around the pond is impossible. Administrator McNeilly stated Netcong is a different municipality and Stanhope does not know what their plans entail. As for the bridge, that will never be replaced. The old bridge was located on private property. Mr. Newson stated he will report back to the Environmental Commission that Mayor Maio will be meeting with the Superintendent and he thanked the Governing Body.

NEW BUSINESS

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 140-19

**MAYOR’S DECLARATION OF RECREATION
COMMISSION VACANCY WITH COUNCIL
CONCURRENCE**

WHEREAS, Lisa DiDomenico was heretofore appointed to the Recreation Commission of the Borough of Stanhope; and

WHEREAS, the Mayor has been advised by the Recreation Commission that Lisa DiDomenico has not attended any Recreation Commission meeting since October 2018; and

WHEREAS, Lisa DiDomenico has not submitted a written resignation to the Commission or to the Mayor; and

WHEREAS, the Mayor has declared the Recreation Commission seat of Lisa DiDomenico vacant for her failure to attend Recreation Commission meetings.

NOW, THEREFORE, be it resolved that the Governing Body does hereby concur in the Mayor’s Declaration of vacancy of the seat of Lisa DiDomenico on the Stanhope Borough Recreation Commission.

Resolution 141-19

**RESOLUTION AUTHORIZING REFUND OF
OVERPAYMENT OF TAXES**

WHEREAS, the second half of the 2016 Homestead Rebate for the homeowner was applied to his November 1, 2019 tax liability, and the homeowner had already made full payment of his entire Final 2019/Preliminary 2020 taxes, creating an overpayment of taxes.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Stanhope, that a warrant be drawn to the homeowner in the designated amount representing an overpayment of taxes, as follows:

Block	Lot	Qual	Name & Address	Tax Year	Amount
11701	13.18	C921A	Michael Issler 1921A Stonegate Lane Stanhope, New Jersey 07874	2019	\$240.65

Resolution 142-19

**RESOLUTION AUTHORIZING A REFUND OF
OVERPAYMENT OF TAXES**

WHEREAS, the second half of the 2016 Homestead Rebate for the homeowners was applied to their November 1, 2019 tax liability, and the homeowners had already made full payment of their entire Final 2019/Preliminary 2020 taxes, creating an overpayment of taxes.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Stanhope, that a warrant be drawn to the homeowners in the designated amount representing an overpayment of taxes, as follows:

Block	Lot	Qual	Name & Address	Tax Year	Amount
10605	6		Richard & Linda Falciola 19 Highland Avenue Stanhope, New Jersey 07874	2019	\$269.87

Resolution 143-19

**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. 2017-008, representing 2016 property taxes and/or utility charges on Block 11204, Lot 10, known as 25 Kelly Place, assessed to Mary A Peterson, 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 PC7 Firstrust Bank 50 South 16 th St, Suite 2050 Philadelphia, PA 19102
Redemption Amount:	Tax Title Lien #2017-008 and Interest to Date of Meeting \$ 4,486.09 Premium Paid by Lienholder <u>0.00</u>
Total From Current Fund:	\$ 4,486.09
Total From Tax Premium Account	0.00

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 Councilman Romano, seconded by Councilman Thornton and unanimously carried by the following roll call vote, the foregoing resolutions were duly adopted.

Roll Call:

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

PAYMENT OF BILLS

Resolution 144-19

**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 October 8, 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.

Roll Call:

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

AGENDA ITEMS

All items listed on the Agenda for October 22, 2019 were approved.

CITIZEN'S TO BE HEARD

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

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

COUNCIL DISCUSSION

Councilman Romano stated the members of the Governing Body are aware of the Stanhope Blog and do follow it. While he finds it interesting to read, personally he is worried about anyone from the governing body making comments which could be construed as being the opinions of the governing body. Councilman Romano stated it is great to listen to the people and we should listen but in his opinion there are certain things which should go through the Administrator, the Police Chief or through Borough Hall. Councilman Romano feels great care should be taken regarding making any comments. Councilwoman Zdichocki stated she agrees with Councilman Romano. Councilwoman Zdichocki stated she is of the opinion that the governing body should not participate in social media questions and answers. The people should contact the proper individuals to ask their questions and that is where the answers should be given. Mayor Maio agreed. Administrator McNeilly stated at some point the JIF will be providing guidelines regarding social media. There are some rulings coming from the Supreme Court which are declaring Social Media as the new public square. How governing bodies respond to that opens up exposure to OPRA in areas you, and Social Media, are not prepared for. You could respond as an individual to a question such as; How was your vacation; but if you reply to a question such as; When are they going to plow my road?; you have now answered the question in your public capacity. It is now a public record. The person who had their question answered may then remove the post and now the public record is gone. According to the public square it was a public question, you answered it, and now it's gone which causes an OPRA issue. This is a very murky area right now that is not defined and everyone needs to be very careful in that respect. Ursula Leo, Borough Attorney, stated this is happening more often now with OPRA decisions. Anytime a public document is created, no matter what the medium; cell phone, text message, snap chat, tick tock or Facebook, as a public official, it is your obligation as a municipal official to be able to produce that document without a deadline. As far as chronology, you are looking back three years. It is very important that anything you do, in whatever medium, think of it not only as being able to be produced, but it could show up on the front page of the newspaper and the contents could easily be changed. Make sure what you are doing is something you are comfortable with knowing these facts. Administrator McNeilly stated today's case in point, on the front page of the Herald is a headline that states there is a public official who made a comment on Facebook. Attorney Leo stated the case law is heading to where you cannot even block people anymore. Administrator McNeilly stated the laws have not caught up with how social media works. There are entities who will try to make an issue or sue for any reason. Administrator McNeilly stated everyone has to be careful. Mayor Maio advised everyone to stop and think before responding.

ADJOURNMENT

On motion by Councilwoman Zdichocki, seconded by Councilman Romano, and unanimously carried by voice vote the meeting was adjourned at 7:30 P.M.

Approved:

Linda Chirip
Deputy Clerk for
Ellen Horak, RMC
Borough Clerk