# MAYOR AND COUNCIL

**REGULAR MEETING**

**November 25, 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, 2019and was placed on the Official Bulletin Board in the Municipal Building.

Furthermore, notice of the meeting date and time change was sent to the New Jersey Herald and Daily Record on November 13, 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 (arrived @ 6:23pm)

Councilman Romano – present Councilwoman Zdichocki - present

Mayor Maio – present

**2020 MUNICIPAL BUDGET DISCUSSION**

*Section 9-a Shade Tree* – No changes were made.

*Section 9-b-1 Police Vehicle Maintenance* – Discussion took place regarding the rotation of vehicles. No changes were made.

*Section 9-b-3 Fire Vehicle Maintenance* – No changes were made.

*Section 9-b-5 DPW Vehicle Maintenance* – No changes were made.

*Section 9-b-7 Administrative Vehicle Maintenance* – No changes were made.

*Section 9-c Board of Health* – No changes were made. Mayor Maio asked Administrator McNeilly for an update on Animal Control Services. Administrator McNeilly stated Animal Control is continuing to move along as a continuation of the contract until such time as it is replaced. The Borough is being billed quarterly and this is being monitored by the Administrator and the Board of Health.

*Section 10-a Recreation* – The Recreation budget was reviewed line by line. Discussion took place regarding the fact that some line items do not get used each year. Administrator McNeilly stated after two years the unused funds are turned over to the general fund. This aids in the debt repayment. No changes were made.

*Section 10-b Celebration of Public Events* – No changes were made.

*Section 10-c Environmental Commission* – No changes were made.

*Section 11-a Electricity & Telephones* – No changes were made.

*Section 11-b Petroleum* – No changes were made.

*Section 12-a Condo Services & Kelly Act* – No changes were made.

*Section 12-b Stormwater Management* – There is an increase in this budget for stormwater inspections to be done.

*Section 12-c Municipal Court* – Mayor Maio asked Administrator McNeilly to check the date for the renewal of the Municipal Court contract. No changes were made.

*Section 13 –a Capital Improvement Fund* – No changes were made.

*Section 13-a Grant Expenditures* – No changes were made.

*Section 13-b Reserve for Uncollected Taxes* – No changes were made.

*Section 13-b Debt Service* – This budget will be discussed in detail two weeks from now. The payment of debt service needs to be increased. This can be done by raising taxes, having an increase in funds being returned to the general fund or decrease expenditures. Mayor Maio stated there are a few departments (fire and police) left to review and salaries. Administrator McNeilly stated the capital has to be reviewed and revenues will come in January. Mayor Maio stated there is $180,000 left from the sale of the property on Route 206. The CFO has stated there is approximately $300,000 in pre 2007 miscellaneous items. Discussion took place regarding the use of the funds for outright purchases as opposed to being used as operating funds.

*Section 7-a-1 Police Department* – The budget has a 10% reduction. Administrator McNeilly will ask for clarification on line 4024 Equipment Purchase, line 4080 Personnel and line 4085 Vehicle Lease/Purch.

*Section 7-c Fire Department OE* – This budget has a minimal decrease. No changes were made.

Mayor Maio stated the budget has been reviewed with the exception of salaries. Mayor Maio asked Administrator McNeilly to ask the CFO, after the expenses and revenues are finalized, to provide the tool which was used last year to show the impact when specific figures are added.

Councilwoman Zdichocki asked if the Fire Department will come back to the Governing Body if they do not receive the grant for the hydraulic equipment. Administrator McNeilly stated grants are still being applied for.

Administrator McNeilly stated the Court agreement was signed at the end of September 2016. The contract expires December 31, 2021.

Administrator McNeilly stated he will obtain the additional information requested regarding the budget. A Capital presentation was made two weeks ago. Administrator McNeilly stated in his opinion the CFO should add the Capital information into the budget and then the Governing Body can review it and alter as necessary. Discussion took place regarding the increase in blacktop fees and prevailing wages and their impact on the costs.

**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:

October 8, 2019 Work Session/Agenda Meeting & Closed Session

October 22, 2019 Business Meeting

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

**CORRESPONDENCE (List Attached)**

On motion by Councilman Romano, seconded by Councilman Riccardi 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 October reported 4 calls answered, 37 man hours; 0 mutual aid calls, 0 EMS assists, 5 drills with a total of 112.75 man hours, 1 meeting, 1 special detail. The total number of man hours volunteered was 162.75 hours.

Councilwoman Kuncken stated the County Fire Inspector conducted several annual inspections this month. There were no responses to fires or incidents and no complaints were received for the month of October.

Councilwoman Kuncken stated the Police Department had 99 motor vehicle stops for the month of October. There were a total of 248 calls for the month.

Councilwoman Kuncken stated the Ambulance Squad for the month of September reported 10 calls in Stanhope, 40 calls in Netcong, and 4 stand-by for a total of 54 calls. There were 3 out of town calls to Hopatcong. A total of 37 patients were treated, 7 refused care. There were 30 trips made to the various hospitals. The number of miles travelled was 1,062 and there were 560 hours and 22 minutes of volunteer hours. There was 1 assist from the Netcong Fire Department. Councilwoman Kuncken stated the check for the ambulance was approved in the amount of $75,000. The check will be held until the new ambulance is ready.

***Finance & Administration – Councilman Romano/Councilwoman Kuncken***

Councilman Romano stated the taxes collected for the month of October totaled $1,140,448.44. The year to date total for taxes is $10,270,878.14. The Borough is slightly ahead on year to date. The borough has collected approximately 97% of the third quarter taxes and 25% of fourth quarter.

Councilman Romano stated the water collections for the month of October totaled $52,942.56. The year to date total is $570,085.15. The sewer collections for the month of October totaled $64,813.82 and the year to date total is $694,879.77.

***Community Development – Councilwoman Zdichocki/Councilman Thornton***

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

Councilwoman Zdichocki stated she had no report.

***Municipal Infrastructure – Councilman Thornton/Councilwoman Zdichocki***

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

Councilman Thornton stated he had no report.

***Information Technology – Councilmen Riccardi/Romano***

Councilman Riccardi stated he had no report.

***Boards/Commissions – Councilwoman Thistleton/Councilman Riccardi***

Councilwoman Thistleton stated the Recreation Commission has a new member and a new alternate. Preparations are being made for the Christmas Tree Lighting scheduled for December 7th at 5:30PM.

**ADMINISTRATOR’S REPORT**

*Waterloo Road Bridge Replacement* – Administrator McNeilly stated last week he attended a pre-construction meeting in Morristown regarding the Waterloo Road Bridge Replacement. Representatives from engineering were present, project managers, contractor and the Mt. Olive Police Department. It is unique in the fact that two counties meet in the middle of the bridge. The approach on the Borough side is 100% Stanhope and the approach on the other side is 50% Netcong and 50% Mt. Olive. Some things have changed since the project started. The Dynapac driveway has been reopened. The project is slated to begin February 1, 2020. There are two restrictions they must work around. After April 1st trees cannot be cut again until the Fall because of animal habitat and they cannot be in the river from March 15th to June 15th because of the trout. The contractor has to get the cofferdams in on both sides before March 15th. Administrator McNeilly stated he did inform the contractor to be aware that when he is pounding the cofferdams in that it is all cobble. The contractor was told about the directional boring contractor from Central Jersey who was doing work there in the past and had to leave three days later. The construction project is scheduled to take 305 days. The road will be closed in February and it will be reopened at the latest in December. The detail traffic plan will be out Love Lane to Exit 25 and around. Signage will be posted and an electronic message board will be placed near the billboard by Crunch stating the road is closed. Barriers will be put in place. This is a historic bridge and as such permissions were required through the State Historic Preservation Office. The rails will be cut off the bridge first which will be sent to a restoration shop in Sparta to be sandblasted, repaired and repainted. The rails will be installed on the new bridge as a decorative element along with a plaque. The walls will be done with a faux rock face. It will be a solid bridge. Access for all the fire departments has been guaranteed and the hoses will be able to access the water. The walkway will be on the left side where there is more property. It is a 60 ton bridge which will allow for two trucks to be able to pass each other with ease. Any trucks coming across will have to be doing so to access a local business.

*MCJIF Social Media Memo* – Administrator McNeilly stated a social media memo has been released by the MCJIF. A copy of the memo was provided for the Governing Body’s information.

*Geese Management* – Administrator McNeilly stated a memo was received previously from Netcong Borough’s Administrator requesting participation in the geese management program. Mayor Maio stated, for the past three years, the LMRPB has been paid by Netcong Borough to do the egg addling for the geese. The Borough of Netcong contracted with the USDA to do this. There has never been discussion about a capture program or about breaking the cost up among the other communities. Administrator McNeilly stated Netcong Borough spends many hours cleaning up after the geese at DiRenzo Park and Arbolino Park in order for them to be used by the residents. The addling program has been a great success. The work is done by two men in a row boat. They have tried to do the same with the swans but the swans fight back. Mayor Maio stated there has been a tremendous reduction in the amount of geese. Mayor Maio stated her recommendation is to not enter into a shared service for addling. In her opinion the costs would be determined by the percentage of shoreline. Stanhope Borough has the most shoreline but the land is owned by the State and leased by the Borough. Mayor Maio polled the Governing Body and asked if they want to join in a shared service for goose egg addling. The results are as follows: Councilman Romano - no, Councilwoman Thistleton – no, Councilwoman Kuncken – no, Councilman Thornton – no, Councilman Riccardi – no, Councilwoman Zdichocki – no. Administrator McNeilly stated he will explain to Netcong that the Borough’s participation in the lake is already substantial and by shoreline there is no further funding available. Mayor Maio stated the funding of $2,300 is being provided by the USDA. It is not coming from Netcong’s budget. The funds are then being turned over to the LMRPB for the addling to be done.

*Construction Official Fee Request* – Administrator McNeilly stated the Construction Official has sent a memo asking to increase fees. The fees have remained the same for quite some time. The State is again removing items from the list which would require obtaining a permit for work to be done. This does decrease the revenue for the Construction Department. Councilwoman Kuncken stated last year they removed the requirement of obtaining a permit for a roof or siding. This year if a furnace is replaced only a fire subcode is required. In the past, this would have required a fire and a plumbing subcode. The Construction Department is supposed to operate self-sustaining and it is currently. Administrator McNeilly stated currently one person is covering all the subcodes. If the department was fully staffed, it may not be self-sustaining with additional salaries. Administrator McNeilly stated real estate agents come in last minute expecting to obtain a Certificate of Habitability Fee for the resale of a property very often. Other towns do charge a fee based on how much notice is provided. The Construction Official wants to raise the fee to $175. Ellen Horak, Clerk, stated the current fee for a Certificate of Habitability for resale is $125. There is also a Tax Map Fee of $50 required to sell a property, which many people complain about. Apparently the Borough is the only town that charges this fee. Mayor Maio stated people are saying they have to pay $175 to leave the Borough. Mayor Maio asked Administrator McNeilly to gather information from other towns to make a comparison. Administrator McNeilly stated this cannot be done in the next month. Councilman Riccardi asked when the fees were last adjusted. Administrator McNeilly stated it is at least over nine years ago. This topic will be discussed again at a future date.

*Altice/Optimum/Cablevision* – Administrator McNeilly stated he attended a meeting with representatives from Altice/Optimum/Cablevision to discuss the upgrade of their system within the Borough to fiber optic. They talked about keeping the existing coax in place but once it is no longer economical that will go away. In order to upgrade to fiber optic, a cabinet will have to be installed. Administrator McNeilly provided a rendering of where the cabinet would be placed on Musconetcong Avenue near the telephone pole. The bollards will be painted green. The cabinet will have its own battery packs, free standing disconnect which will be serviced underground from the telephone pole. The sewer easement that runs down the hill from Summit Avenue enters the road just in front of the telephone pole. A determination will have to be made to see how deep the sewer pipe is by opening up the manhole cover. Mayor Maio suggested the Borough should be proactive and make the determination regarding the depth of the sewer pipe. Administrator McNeilly stated the representatives stressed the fast speeds and services. They have the franchise and permission from BPU to upgrade the system.

*Musconetcong Speed Humps* – Administrator McNeilly stated the Musconetcong speed humps are scheduled to be installed next week.

*Municipay* – Administrator McNeilly stated Municipay has two training webinars to be attended by the Administrator, CFO and the Finance Department. Once the training is complete the system can be implemented.

Councilman Thornton asked Administrator McNeilly for the name of the company who asked to run lines through the Borough a few years ago in an attempt to reach Newton Hospital. Administrator McNeilly stated the company was called Cross River and that request came in 2016. Councilman Thornton asked if that cable was only for the hospital. Administrator McNeilly stated he is of the opinion that requests could be made to contract space on that line for a price. It is strictly commercial.

**COUNCIL DISCUSSION**

*2020 Calendar* – Ellen Horak, Clerk, stated copies were placed in the Governing Body’s mailboxes. There have been two corrections made with reference to Mayor Maio which have been changed to Mayor Zdichocki. Ms. Horak asked for approval to move forward with the calendar once the quotes have been received. There were no objections or corrections. Approval was granted to move forward.

*Holiday Party (December 20th)* – Ellen Horak, Clerk, asked the Governing Body for approval to close the office at 2:00PM on December 20th for the holiday party. The Governing Body approved the request. Ms. Horak stated invitations will be going out soon and the party will be held at Sal’s Pizzeria. The cost for the party, which is covered by the employees, has increased slightly.

*TAP Grant –* Mayor Maio stated no further discussion is necessary for the TAP Grant at this time.

**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 2019-13** **AN ORDINANCE AMENDING CHAPTER 128 “TOWING AND STORAGE OF VEHICLES” OF THE CODE OF THE BOROUGH OF STANHOPE TO AMEND SECTION 128-11 “FEES” TO INCLUDE A COMPREHENSIVE SCHEDULE OF SERVICES**

**WHEREAS,** the Borough of Stanhope has reviewed recent amendments to the Predatory Towing Prevention Act, N.J.S.A. 56:13-1 et seq., regarding the charging of reasonable fees for certain non-consensual tows; and

**WHEREAS,** N.J.S.A. 56:13-16(i) permits towing companies to charge any and all fees authorized by a fee schedule established by a municipality...when performing a non-consensual law enforcement tow, and any fee charged in performing a non-consensual law enforcement tow in accordance with such duly authorized fee schedules will be presumed reasonable and not excessive; and

**WHEREAS**, the Borough desires to incorporate the New Jersey State Police Schedule of Services approved by the Attorney General and implemented by the New Jersey State Police for towing and related charges.

**NOW, THEREFORE BE IT ORDAINED,** that the Mayor and Council of the Borough of Stanhope has reviewed the Borough Code regarding Towing and has determined that the revisions to Section 128-11 are required, as follows:

**SECTION 1:**

Section 128-11 shall be deleted and its entirety and shall be replaced as follows:

The rates for all towing and towing-related services shall be as set forth in the New Jersey State Police Schedule of Services approved by the Attorney General and implemented by the New Jersey State Police, as shall be amended. A current listing of rates is attached hereto and shall be maintained, as amended, by the Chief of Police or his designee, and towing companies operating within the Borough of Stanhope.

**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 Kuncken, seconded by Councilman Thornton 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 – yes

On motion by Councilman Romano, seconded by Councilwoman Thistleton, 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 158-19 RESOLUTION AUTHORIZING THE PURCHASE OF AN ELECTRONIC MESSAGING BOARD UNDER STATE CONTRACT

**WHEREAS**, the Borough of Stanhope, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

**WHEREAS**, the Borough of Stanhope has the need on a timely basis to purchase goods or services utilizing a State contract; and

**WHEREAS**, the Borough of Stanhope intends to enter into a contract with VER MAC Inc., an approved State Contract Vendor, No. 85523-00003, through this resolution and properly executed contract, which shall be subject to all the conditions applicable to the current State contract; and

**WHEREAS**, the Chief Financial Officer has reviewed and approved of the contract and has certified that such funds are available.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Stanhope that that the Borough of Stanhope is hereby authorized to purchase an electronic messaging board from VER MAC Inc., pursuant to the State Contract.

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

Roll Call:

Councilwoman Kuncken – yes Councilwoman Thistleton - yes

Councilman Riccardi - yes Councilman Thornton – yes

Councilman Romano - yes Councilwoman Zdichocki – yes

Resolution 159-19 RESOLUTION AUTHORIZING THE EMPLOYMENT AGREEMENT OF BRIAN MCNEILLY

**WHEREAS,** the Borough of Stanhope and Brian McNeilly desire to continue the employment of Brian McNeilly as Borough Administrator for the Borough of Stanhope; and

**WHEREAS,** the Borough of Stanhope has prepared a written Employment Agreement effective January 1, 2020 through December 31, 2024, which has been reviewed and accepted by Brian McNeilly.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Stanhope that that the Mayor and Municipal Clerk are hereby authorized to execute said Employment Agreement dated November 25, 2019, with Brian McNeilly on behalf of the Borough of Stanhope, said Agreement being attached to and made part of this Resolution.

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

Resolution 160-19 RESOLUTION AUTHORIZING THE PUBLIC SALE OF BOROUGH PROPERTY NO LONGER NEEDED FOR PUBLIC USE THROUGH MUNICIBID.COM PUBLIC AUCTION

**WHEREAS**, the Borough of Stanhope is the owner of certain property which is no longer needed for public use; and

**WHEREAS**, N.J.S.A. 40A:11-36 authorizes municipalities to sell public property that is no longer needed for public use at a public sale to the highest bidder as surplus property; and

**WHEREAS,** the Borough of Stanhope desires to sell such surplus property in “as is” condition without express or implied warranties.

**NOW, THEREFORE, BE IT RESOLVED**, the Borough of Stanhope hereby authorizes the sale of Borough property no longer needed for public use; and

**BE IT FURTHER RESOLVED**, that the public auction shall be conducted through the Municibid.com public online auction pursuant N.J.S.A. 40A:11-36, Local Finance Notice 2008-9 of the New Jersey Department of Community Affairs, Division of Local Government Services; and

**BE IT FURTHER RESOLVED**, that the sale of surplus property to be sold in “as is” condition without expressed or implied warranties is as follows:

ITEM MINIMUM BID

1981 Ford Sewer Jet 1FDNF60H0BVA027 $500.00

1994 Ford L8000 Dump Truck 1FDYK82E9RVA14740 $500.00

2005 Ford F-350 Pick-up 1FTWF31Y95EB79180 $200.00

2005 Dodge Durango SUV 1D4HB38N75F578960 $100.00

2009 Ford Explorer SUV 1FMEU73E99UA13812 $100.00

2011 Ford Crown Victoria 2FABP7BV8BX107426 $100.00

2011 Ford Crown Victoria 2FABP7BVXBX107427 $100.00

**BE IT FURTHER RESOLVED**, that the Borough of Stanhope reserves the right to accept or reject any bid submitted; and

**BE IT FURTHER RESOLVED**, that the Borough Clerk is hereby authorized and directed to conduct the Sale, accept the proceeds in cash or certified check from the highest bidder; and

**BE IT FURTHER RESOLVED**, that the successful bidder(s) shall be required to pay the full amount of the sale and shall be required to make arrangements for the pick-up of sold property from the Borough of Stanhope within 10 business days of the auction; and

**BE IT FURTHER RESOLVED**, that if no Bids are received for all or a portion of the surplus property herein relevant, the property may be sold at a private sale without further publication but at no less than the estimated Fair Market Value unless the Administrator of the Borough of Stanhope shall recommend that the property be re-offered at Public Sale; and

**BE IT FURTHER RESOLVED**, that all other Borough officials and employees are hereby authorized and directed to take all action necessary and appropriate to effectuate the terms of this Resolution.

On motion by Councilwoman Zdichocki, seconded by Councilman Romano 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

***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 161-19 Governor’s Council on Alcoholism and Drug Abuse Fiscal Grant Cycle July 2021 - June 2025**

**WHEREAS,** the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

**WHEREAS,** The Borough Council of the Borough of Stanhope, County of Sussex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

**WHEREAS,** the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

**WHEREAS,** the Borough Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Sussex;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Stanhope, County of Sussex does hereby recognize the following:

1. The Borough Council does hereby authorize submission of a strategic plan for the Lenape Valley Municipal Alliance grant for fiscal year 2021 in the amount of:

DEDR $9,909.00

Cash Match $2,477.00

In-Kind $7,432.00

1. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

**Resolution 162-19 Resolution Calling for Study Commission to Review the Open Public Records Act**

**WHEREAS**, the Borough of Stanhope strongly believes in and supports open transparent government, and that citizens and residents have the right to be informed about the workings of government in order to best participate in a democracy; and

**WHEREAS,** on January 8, 2002 then Acting Governor DiFrancesco signed into law the Open Public Records Act (OPRA) which mandates that government records shall be available, with limited exceptions, for public access and simplifying the procedures for requesting such specific records; and

**WHEREAS**, the intent of the law was to provide the public with easy access to government records with an uncomplicated process for obtaining the records and eliminating bureaucratic red tape; and

**WHEREAS,** over the course of 18 years OPRA has been a positive light, but it has also been fraught with abuse and misuse, and has become an unanticipated financial cost to the taxpayers of New Jersey; and

**WHEREAS**, the Borough of Stanhope has labored under a well-intended law that has spiraled out of control, due to the volume and nature of requests, the cost to taxpayers in responding to the requests, and the potential liability in having to pay disproportionate prevailing party attorney’s fees should the requests turn into litigated matters, as well as the liability in determining which documents shall be released, with or without redaction, while attempting to maintain individual privacy; and

**WHEREAS**, it is not only the volume of OPRA requests that challenge our resources, but it is also the cost associated with reviewing, retrieving, and processing the OPRA request(s) by public entity personnel and counsel and possibly defending our action(s) before the Government Records Council or in Superior Court; and

**WHEREAS**, the Borough of Stanhope received and responded to 198 OPRA request received in 2017, 207 OPRA requests received in 2018, and to date has received and responded to 152 OPRA requests as of September 1, 2019; and

**WHEREAS**, the Borough of Stanhope municipal staff has spent approximately 126 hours responding to OPRA requests received in 2019 to date, and a yearly average of approximately 337 hours since 2017; and

**WHEREAS**, with limited exceptions OPRA has not been amended to address the clear and apparent advancement in technology that has changed the way government records are created, stored, and/or transmitted; the various interpretive decisions; privacy concerns; abuse for commercial gain; and/or the ever-increasing cost to taxpayers; and

**WHEREAS**, as the current law approaches its twentieth (20th) anniversary it has outgrown its original intended use and has become ripe for comprehensive review and reform;

**NOW, THEREFORE BE IT RESOLVED** that the governing body of the Borough of Stanhope appeals to the legislature to form a Commission comprised of Mayors, Municipal Clerks, Municipal Managers, Attorneys, Police Chiefs, open government advocates, privacy experts, members of the media, citizens and other appropriate stakeholders, to review and examine the effects of OPRA on local government and the needs to be fulfilled by the law, and use the Commission’s findings to perform a comprehensive reform of OPRA; and

**BE IT FURTHER RESOLVED,** thatcopies of this resolution be forwarded to Assemblyman Parker Space, Assemblyman Harold Wirths, Senator Steven Oroho, Assembly Speaker Craig Coughlin, Senate President Stephen Sweeney, Senator Weinberg, Executive Director of the Government Records Council, the Governor of the State of New Jersey, the Municipal Clerks Association of New Jersey and New Jersey State League of Municipalities.

**Resolution 163-19 RESOLUTION AUTHORIZING CANCELLATION OF MUNICIPAL CERTIFICATE OF SALE**

**WHEREAS**, Certificate of Sale #2018-001 was issued to Stanhope Borough, 77 Main Street, Stanhope, New Jersey 07874 for delinquent 2017 taxes and/or utility charges on Block 10615, Lot 4, located at 4 Spring St, assessed to Kazawic, John & Robert J at a tax sale held on October 16, 2018; and,

**WHEREAS**, the certificate was redeemed on November 13, 2019 by paying the full amount of the delinquency.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Municipal Clerk of the Borough of Stanhope are hereby authorized to endorse Certificate of Sale #2018-001 for cancellation.

**BE IT FURTHER RESOLVED**, that a certified copy of this Resolution be forwarded to the Borough Chief Financial Officer/Tax Collector.

**Resolution 164-19 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. 2019-003, representing 2018 property taxes and/or utility charges on Block 10610, Lot 14, known as 124 Brooklyn Rd, assessed to Anderson, Jill, and;

**WHEREAS**, the redemption of the lien was made prior to the issuance of the Tax Sale Certificate, and therefore requires no Search or Recording fees, 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 Global Corp Trust Svcs TLSG

Pro Cap 8

50 South 16 St, Suite 2050

Philadelphia, PA 19102

Redemption Amount: Tax Title Lien #2019-003 and

Interest to Date of Meeting $ 1,725.90

Premium Paid by Lienholder 600.00

Total From Current Fund: $ 1,725.90

Total From Tax Premium Account 600.00

**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.

**Resolution 165-19 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. 2019-011, representing 2018 property taxes and/or utility charges on Block 11501, Lot 2 C0152, known as 8152 Ashland Ct, assessed to Cilenti, Silvia, and;

**WHEREAS**, the redemption of the lien was made prior to the issuance of the Tax Sale Certificate, and therefore requires no Search or Recording fees, 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 Global Corp Trust Svcs TLSG

Pro Cap 8

50 South 16 St, Suite 2050

Philadelphia, PA 19102

Redemption Amount: Tax Title Lien #2019-011 and

Interest to Date of Meeting $ 1,340.80

Premium Paid by Lienholder 1,300.00

Total From Current Fund: $ 1,340.80

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.

**Resolution 166-19 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. 2019-002, representing property taxes and/or utility charges on Block 10605, Lot 10, known as 114 Brooklyn Rd, assessed to Webb, Terry, 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: Stuart Lasher

P.O. Box 83

Milltown, NJ 08850

Redemption Amount: Tax Title Lien #2019-002 and

Interest to Date of Meeting $ 1,328.87

Premium Paid by Lienholder 1,500.00

Total From Current Fund: $ 1,328.87

Total From Tax Premium Account 1,500.00

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

Roll Call:

Councilwoman Kuncken – yes Councilwoman Thistleton - yes

Councilman Riccardi - yes Councilman Thornton – yes

Councilman Romano - yes Councilwoman Zdichocki – yes

Councilwoman Kuncken asked if the Municipal Alliance is the same as the previous one and if the dollar amount is the same. Ms. Horak confirmed this and stated the amount is slightly less this year.

*Mayor’s Appointment*

**Resolution 167-19** **Mayor’s Appointment of Michelle Oliveri to the Borough of Stanhope Recreation Commission**

Mayor’s appointment to the Recreation Commission as follows:

Michelle Oliveri to fill an unexpired term, said term to expire 12/31/2022

**BE IT RESOLVED** by the Council of the Borough of Stanhope that they do hereby concur with the Mayor’s appointment of Michelle Oliveri as a member of the Recreation Commission, to fill an unexpired 5-year term, with said term to expire December 31, 2022.

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

**Resolution 168-19 Mayor’s Appointment of Carmen Pico to the Borough of Stanhope Recreation Commission**

Mayor’s appointment to the Recreation Commission as follows:

Carmen Pico to fill an unexpired term, said term to expire 12/31/2022

**BE IT RESOLVED** by the Council of the Borough of Stanhope that they do hereby concur with the Mayor’s appointment of Carmen Pico as Alternate #1 of the Recreation Commission, to fill an unexpired 5-year term, with said term to expire December 31, 2022.

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

**PAYMENT OF BILLS**

**Resolution 169-19** **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 November 25, 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

**ATTORNEY REPORT**

Jonathan Fordella, Borough Attorney substituting for Ursula Leo, had no report.

**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.

**COUNCIL DISCUSSION**

Councilwoman Kuncken stated that she, Councilman Riccardi and Dana Mooney, CFO attended a recycling program. The program was enlightening. One of the examples, made by Republic who made the presentation, spoke about a town whose current contract for recycling is $220,000 and the new contract will be $600,000. Councilwoman Kuncken stated she is of the opinion that the Borough needs to re-educate people about the requirements for recycling. Recycling needs to be placed curbside with a tight fitting lid. Cardboard which gets wet cannot be recycled. No plastic bags can be put in the recycling because the plastic gets caught in the rollers. Pizza boxes are not recyclable. Teflon cans are not recyclable. Anything that touches food directly is not recyclable. The workshop focuses on whether or not we can save recycling. Mayor Maio suggested using Clean Communities funds to update the flyer which was done several years ago. Administrator McNeilly stated the Borough’s contract is still in effect for a few years which will provide some time but changes have to be made. The local market for recycling materials is not getting back to where it was fast enough. The comingle recycling has ruined the only item that is worth anything which is the cardboard. Outside consultants might have to be brought in to assist. When the recycling coordinator is brought back in house, that person may have to become the “trash can police”. One of the options for the solid waste contract when that is up for renewal may be to use the truck with the automatic arm. Labor costs will affect the contract costs. This would require each residence to have one 96 gallon can and no garbage would be permitted to sit beside the can. Mt. Olive has switched over to this type of system. The bulk pickup would have to be handled separately. The recycling center at the DPW yard will also have to be set up differently in the future. Mayor Maio suggested the information about what can be recycled should be updated. Councilwoman Kuncken stated the caps for containers can be recycled if the cap is smaller than the container. The cap should be placed back on the container and recycled. Councilman Romano asked what will happen moving forward if we are faced with a cheaper tipping fee or recycling, what will we do? Administrator McNeilly stated the Borough pays $267,000 for recycling. Our garbage is not $600,000. Councilwoman Kuncken stated containers need to be rinsed and dried otherwise the cardboard gets contaminated. This subject needs to be discussed further. Administrator McNeilly stated this will require active personnel and public relation efforts. Councilman Riccardi stated the company that made this presentation stated they will come and make their presentation to any groups. Councilwoman Kuncken stated the children should be taught and they in turn will bring the information home. Mayor Maio stated the Seniors Club would be another group to benefit from the presentation.

**ADJOURNMENT**

On motion by Councilman Riccardi, seconded by Councilwoman Zdichocki, and unanimously carried by voice vote the meeting was adjourned at 7:54 P.M.

Approved: Linda Chirip

Deputy Clerk for

Ellen Horak, RMC

Borough Clerk