

**MAYOR AND COUNCIL  
WORK SESSION AND  
AGENDA MEETING  
July 14, 2020  
7:00 P.M.**

**CALL TO ORDER**

**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 8, 2020 and was placed on the Official Bulletin Board in the Municipal Building.

Furthermore, notice of the change in the meeting to an electronic meeting via Zoom was sent to the New Jersey Herald and Daily Record on July 8, 2020 and was placed on the official website of the Borough of Stanhope.

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:

Councilman Cipollini – present	Councilman Romano - present
Councilwoman Kuncken – present	Councilman Thornton – present
Councilman Riccardi – present	Councilman Wronko – present

Mayor Zdichocki – present

**ENGINEER'S REPORT**

*Sparta Road TAP Grant* – Eric Keller, Borough Engineer, stated plans are complete with an updated estimate for the Sparta Road TAP Grant. Mr. Keller has been working with the DOT to prepare a specifications packet that incorporates various components of Local Aid and Federal Aid. The DOT is doing this because they are pulling information from various sources. Unfortunately, they have furloughed everyone for the next few weeks except for the Director of Local Aid and the Manager, Rich Loveless. There are three properties where work needs to be done outside of the right of way on the resident's property. The required documents will be sent to the DOT so they can be sent to the Right of Way Bureau. The good news is that instead of an RFP for the construction inspection portion of this job, Bowman can select the firms they would like to have bid on the project. This of course is subject to the Borough's procedures and the decision of the governing body. Things are moving forward so that the project can get authorized and go to construction in the spring.

*Bid for Brooklyn Road/Baker Place Water Service Improvements* – Mr. Keller stated bids were received for the Brooklyn Road/Baker Place Water Service Improvements on June 30<sup>th</sup>. Ten packets were sent out to various contractors but only three were received. Unfortunately, the lowest bidder's amount was over \$248,000. The engineer's estimate was \$136,000. Mr. Keller stated he sent in his letter on bid review and his recommendation is to reject the bids, reformat the bid and put it back out to bid. One of the reasons for the high price is due to the fact that copper prices are currently quite high. The majority of this work was for service connections which typically are copper. An alternate material will be considered for use in this project which hopefully will reduce the cost. Some other format changes will be looked at for how this project is bid.

Dell Road – Mr. Keller stated four bids were put out for the ADA ramps for Dell Road, which is part of the Local Aid Grant. Two bids were received; Cifelli and Son, who have done curb repair work in the Borough before, was the apparent low bidder at \$18,950. This was below the engineer's estimate. The amount still exceeds the bid threshold and requires the approval of the QPA. This should be ready soon for the governing body to award.

Maintenance Manual - The remnants of the tropical storm on Friday, qualified as a major storm event. The quarterly inspections were just done in mid-June. Under the maintenance manual for the Borough, the DEP requires the inspections to be done again because this was a major storm event. The work is scheduled to be done tomorrow.

Copper Piping - Mayor Zdichocki asked Mr. Keller if they are investigating the use of aluminum instead of copper for the Brooklyn Road/Baker Place project. Mr. Keller replied they are not looking at aluminum. There is another product he was discussing with an associate. Councilman Thornton asked who has made the determination that the cost of copper is the issue. Mr. Keller stated his firm has another project going on with one of the bidders who chose not to bid. That job has a copper line and the contractor has informed his firm that the copper prices have doubled, at least for copper piping. Councilman Thornton asked if that person would consider brass to be more valuable than copper. Mr. Keller replied he does not know and stated in discussion with the project manager at the University it was decided that another product would be used in place of the copper. Mr. Keller apologized for not knowing the actual name of that product. Councilman Thornton asked if the prices of copper could be verified. He has been going to the scrap yard with brass and in the Fall, he was receiving twice the amount of money he is getting now. He was told, that due to COVID, the market has plummeted for all precious metals. Mr. Keller replied it may not be the material itself. It could be a supply issue depending on where the copper is being produced. There have been supply and demand issues on materials. Mayor Zdichocki asked if rigid piping could be used. Mr. Keller stated different options will be explored to list as alternates. Mr. Keller has coordinated with the Borough Attorney so that he can contact the other contractors who did not bid to find out why. He has spoken with one of the non-bidders, the one working on the University project, who stated he just didn't have time to prepare the bid. Councilwoman Kuncken asked Mr. Keller if this pushes the project off until next year due to the fact these bids will be rejected. Mr. Keller stated he is of the opinion the project could still be done this year. It will take more work. The bid documents will have to be revised which can be done rather quickly. The governing body may have to formally act to reauthorize the project in order to go back out to bid. Councilman Cipollini stated he just did a quick internet search and it appears that the cost of copper pricing has increased 30% since March. Mr. Keller thanked Councilman Cipollini. Administrator McNeilly asked Ursula Leo, Borough Attorney, if the governing body has to adopt another resolution in order to go out to bid again or does the first resolution hold. Attorney Leo stated she will check on that but she is of the opinion the first resolution was probably general enough that it should be ok. It may depend on how much it changes. Mr. Keller stated he will prepare an amended package. More field work will have to be done in order to break down the services into linear feet so that the services are not bid on as units. This may help to receive better pricing.

## **ADMINISTRATOR'S REPORT**

Administrator McNeilly stated he provided the governing body with a copy of his report through Google Drive today.

Stanhope School – Administrator McNeilly stated that Stanhope School has offered the use of their facility to allow the Mayor and Council meetings to be held in person. He has worked with the Superintendent and the Secretary and the paperwork has been completed and the insurance certificate has been provided to the school. The School Board will review the paperwork and a determination will be made at their meeting tomorrow night. The request submitted asks to use their facility beginning on July 28<sup>th</sup> and continuing for the rest of the calendar year. This will allow everyone to meet in a socially distancing acceptable area. The meetings will be held in the gymnasium and will also provide space for the public as well. Administrator McNeilly stated it is very nice of the school to offer their facility. The Superintendent will attend the meetings so that he can lock the building afterwards and there will be no charge to the Borough for the use of the facility. Administrator McNeilly stated he added the Land Use Board to the insurance certificate in case the need for a Land Use Board meeting arises. In the event a Land Use Board meeting is

necessary, a separate request would have to be submitted to the school board. Administrator McNeilly stated, in speaking with the Land Use Board Secretary, a meeting should not be required anytime between now and September.

Stanhope School Part 2 – Administrator McNeilly stated he received a request from Stanhope School requesting the assistance of the DPW. The school needs to install safety bedding for the exercise equipment located on the all-purpose field. The project requires the need of a backhoe and operator for half a day. Administrator McNeilly stated the Borough has assisted the school in the past with various projects. The Governing Body had no objections to having the DPW assist with the school's project.

Mount Olive Land Use Board Meeting – Administrator McNeilly stated a copy of the legal notice from the Mount Olive Land Use Board was forwarded to the governing body. A public meeting is scheduled for Thursday at 7PM. It is interesting that they are holding a hearing online at this time. It has been discouraged statewide. Professional Planners Associations discouraged it. The property for development is located between the cemetery and Route 80 in Mount Olive and it is a plan for over 718 residential units which is about to be voted on. Stanhope has roughly 1,200 residential lines. More than three quarters of that is going to be placed in two developments right across the river. This project is near the Stanhope Borough's well fields for Wells #3 and #4. The notice contains the information to participate in the Zoom meeting. Administrator McNeilly stated he will listen in on the meeting to try and determine the magnitude of what will take place on that project. Mount Olive is basically planting a new city on the other side of the cemetery. Administrator McNeilly stated if anyone did not see the email or needs it resent to please let him know.

Water System – Administrator McNeilly stated there has been a lot of dry weather, other than the last five days or so. Talk may begin regarding drought, water draw downs, challenges etc. Typically, the reservoirs are hit first. Stanhope has deep water caverns underground and the Borough's water system is in very good shape. Administrator McNeilly stated the DPW Superintendent has reported that all the water columns in all the wells are right where they should be and there are no water supply issues. The water usage is typically way down even from years back. By staying on top of leaks, there are no issues at this time.

JCP&L – Administrator McNeilly stated Jackie Espinoza of JCP&L contacted him to inform the Borough there is a new area representative. When Mike Obremski from JCP&L left, the county was split up among other people and it was left too thin. Jose Ortiz will be the new Dover area representative. Once Mr. Ortiz is settled and the governing body has a meeting location, a meeting can be requested.

Borough OEM Coordinator – Administrator McNeilly stated the Borough OEM Manager, Wayne Anthony, was originally scheduled to attend the April 28<sup>th</sup> Mayor and Council meeting which was cancelled. Administrator McNeilly asked if the governing body would like to have Mr. Anthony attend the July 28<sup>th</sup> meeting or the work session in August. Councilwoman Kuncken stated she would like to have Mr. Anthony attend a meeting. Mayor Zdichocki stated she would prefer the August meeting. Administrator McNeilly will ask Mr. Anthony to attend the August 11<sup>th</sup> meeting.

Lawn Sign Memo – Administrator McNeilly stated the lawn sign issue has been discussed with the Borough Attorney along with some input from the governing body. Administrator McNeilly stated there have been concerns and complaints raised from the public which have been reported to the office and some members of the governing body regarding excessive political campaign signs and banners, both during campaign sessions and after elections. The following is verbiage that could be added to the current ordinance under temporary signs to reign in the amount of signage, as well as add a time clock for the timely removal of the signs.

The following additions were suggested to be added to 100-127.E(1) –

Temporary signs are also subject to the following:

1. No more than four temporary signs may be placed upon any lot.
2. Temporary signs shall be displayed or erected for a maximum of 47 days, not requiring a permit, including political signs.

Administrator McNeilly stated this is a topic for governing body discussion. Mayor Zdichocki asked if this should roll over to the Work Session. Administrator McNeilly agreed.

Mt. Olive Development – Councilman Romano asked Administrator McNeilly if he has any opinion about water issues with the Mount Olive project. Administrator McNeilly stated he has spoken with the Borough Engineer regarding this issue. Without having seen a set of plans, the majority of the work will take place on the other side of the road. There are always concerns about runoff, where the storm drains will be located and where they will be output to. Administrator McNeilly stated, unfortunately, this is a steam roller which the Borough probably cannot stop. Any development around the wells is probably not ever a good thing. Councilwoman Kuncken stated she is of the opinion it would be a good idea for some of the governing body members to listen in on the Land Use Board meeting. It is important for the Borough to learn as much as it can. It is surprising that this meeting is being held via Zoom. People want to be able to view maps and plans and that may not work very well this way. Councilman Riccardi stated approximately two years ago information was received by the Stanhope Environmental Commission regarding this area of Mount Olive more as a heads-up notice. At that time, the Environmental Commission sent a letter to Mount Olive and Stanhope's governing bodies stating there are concerns about some of the runoff plans they submitted because the location is so close to our wells. Councilman Riccardi asked if this is the same project or a different one. Administrator McNeilly stated the project Councilman Riccardi is referencing may have been relative to the old Dynapac site. There is an area that backs right up to the Dynapac site but this development being discussed now is across the road. Drainage on either side is an issue as to where it will go. We do not want salt intrusion into the ground to mess things up. This is the first time this project is before the board. There may have been a conceptual plan in the past.

Councilman Thornton stated he was under the impression that Eric Keller, Borough Engineer, had been asked to attend prior meetings with Mount Olive regarding their plans and the proximity to the Borough's wells. Administrator McNeilly stated Mr. Keller was asked to attend the meetings when Mount Olive was holding the hearing to change the Zone. They also had to have Highlands approval as well. Mr. Keller confirmed this and stated the planning area designation was changed so that they could get water and sewer to the site. Councilman Riccardi asked if the Highlands allowed this. Mr. Keller confirmed the Highlands did grant it. Mr. Keller stated the Borough voiced their concerns tactfully but pointedly. The concerns had no impact on their decision making. Mr. Keller stated he has located the current plans for the project on the Mount Olive website. Administrator McNeilly stated this project has big money backing it. This section of Mount Olive has no gravity connection to get to the MSA for the sewers. They will have to excavate underneath Exit 25 to get the pipe over to the other side. Councilman Riccardi asked where on the Mount Olive website did Mr. Keller find the plans. Mr. Keller stated he will send the link to the Administrator who can then forward to the governing body. Councilman Thornton asked exactly where the location of the new project will be. He asked if it will be located between the cemetery and the hotel or between the cemetery and Route 46. Administrator McNeilly stated it is going in both directions. It is 718 units; 520 single family for sale homes including affordable units and the second block has 192 rental apartments including affordable units. Mr. Keller stated the main portion is located between Route 80 and Continental Drive, wraps around the cemetery and goes down almost to Route 46. There is another piece on the East side of Continental Drive, South of the Route 206 connector and there is a piece that is between the International Drive interchange to Route 206 and Continental Drive. There are three sites. Administrator McNeilly stated it is a very big development. Administrator McNeilly stated the governing body had asked Mr. Keller to voice the Borough's concerns to protect the area. The Highlands hearing was held and approved in the same day. The important thing to realize is that the statement which the Borough received states "Please take note that the New Jersey Foreign Trade Zone Venture LLC c/o Rockefeller Group..." Mayor Zdichocki asked Mr. Keller if his concerns are better or less with the new project. Mr. Keller replied he has not looked at the plans until now. The concern in the past, which was four to five years ago, dealt with the impact of any development on our wells. Looking at these plans briefly indicates they are general development plans which essentially give the developer vesting rights to a number of units and some general criteria. It does not give them the ability to build but it is a precursor to it. The Municipal Land Use Law gives any municipality the ability to give an extended time frame for this. It could invest these rights for ten or fifteen years. Because of the size of the development it could be even longer. Councilwoman Kuncken asked if Mount Olive has enough sewer capacity. Administrator McNeilly confirmed Mount Olive has a large sewer capacity and more importantly the ITC Group bought, cash on the barrel head, a half million gallons that they own out right.

Councilman Cipollini stated he is looking at the plans on the Mount Olive website and it looks like one of the pieces straddles the Brail Trail. Councilman Cipollini asked if there any complications with that and asked if the trail is owned by the Borough or Mount Olive. Administrator McNeilly replied the trail is owned by the State of NJ. It is difficult to say where the property boundaries

are. The trail could conceivably be on their property. Councilman Cipollini stated the canal goes through the northern edge of one of the sections of the project. Mr. Keller stated it goes through what they call tract 2 the canal. It is likely that they will have NJDEP land use permits and they will probably need permits from SHPO (State Historic Preservation Office) because of the canal. Councilman Cipollini stated it appears that is the piece that is located right up against the Borough's wells. Mr. Keller confirmed this. Councilwoman Kuncken stated this certainly bears watching. Mr. Keller stated he has sent the link to the Administrator. Administrator McNeilly stated he will forward the link to the governing body. Mayor Zdichocki stated the meeting is scheduled for this Thursday at 7PM. Administrator McNeilly confirmed this and stated he previously sent an email with a PDF of the document which includes the information needed to attend the meeting.

## **WORK SESSION**

*Lawn Signs* – Administrator McNeilly stated the Borough Attorney has provided verbiage which could be added to the current signage ordinance to mitigate, but not prevent, temporary signs from being displayed in yards or businesses. The possible limitation could be for four temporary signs per lot and a requirement stating they are not to be displayed for more than 47 days. There is a circumstance where an election was won in 2016 and the signs never came down. Mayor Zdichocki stated she understands the concentration is for political signs but with this ordinance it would cover other signs. The Borough is not attempting to censor anyone's speech or regulate viewpoints. The Borough is interested in reducing the visual clutter of signage to enhance the community. Councilman Riccardi stated this effort falls in line with what the governing body has done in the past with regard to reducing the number of individual signs and placing all the business signs in one location on Main Street to reduce the clutter. Mayor Zdichocki stated that has improved the look of the community. The Borough is looking to enhance our community identity and help to preserve and create our community character. We are not looking to single out anyone. Councilman Wronko stated he is not aware of this issue being a large problem. Mayor Zdichocki stated there are many properties with various types of signs. Like many other towns have done, this would not prevent people from posting signs but it would set limits on how long the signs can remain in place. Ursula Leo, Borough Attorney, stated this would cover general temporary signs. These do not require a permit. Regulations are already in place for anyone putting up a permanent sign. What this is seeking to do, according to the case law by the Supreme Court, everything has to be content neutral. The Borough can govern safety and aesthetics. This would limit the number of temporary signs to four (4) with a 47-day time limit, which is typical. Some towns state temporary signs are allowed 7 days before an event and 7 days after. The requirements for temporary signs would be adopted as a slight revision to the Borough Zoning Code 100-127.E Temporary Signs. Mayor Zdichocki asked if the code would include the number of signs, setback limits, size and height, placement and removal. Attorney Leo stated temporary signs do not require a permit. The only thing on them now is that they can only be permitted for special events. The signs cannot exceed 16 square feet and cannot exceed being displayed for more than four weeks. The proposal is for no more than four (4) upon a lot with a span of 47 days. There are no specific setbacks, as there is with permanent signs. This would be more of a public health and safety issue if they are located within a setback or if there is a sight distance issue then they would be dealt with.

Councilman Thornton asked Attorney Leo if the 47-day time limit is for a calendar year. Attorney Leo replied it just states the signs cannot be displayed longer than 47-days but it does not specify in a calendar year. This can become an issue from the enforcement perspective. This is also where caution has to be taken with remaining content neutral. The nature and the intent are to govern temporary signs so they remain temporary in nature. Attorney Leo stated she can look into adding the calendar year requirement. Councilman Thornton stated he is of the opinion without the calendar year restriction the ordinance would have a gray area. It would not prohibit someone from having their signs up for 47-days, then taking them down for two weeks, and putting them back up for another 47-days. Councilwoman Kuncken agreed with Councilman Thornton. Councilwoman Kuncken stated she is of the opinion the Borough is going to receive push back on the first amendment. Councilwoman Kuncken asked Attorney Leo if the Borough is in a strong enough position by doing this or are we still leaving ourselves open for push back regarding freedom of speech. Attorney Leo stated as long as it is content neutral, is for aesthetic reasons and does not prohibit in total it is okay. This is a zoning ordinance and would also have to go back to the Land Use Board for consideration. This would be done for aesthetic and public safety reasons. There has to be a set number to prevent having regular signs and 20 temporary signs.

Mayor Zdichocki stated she has done some research and the Borough will not have any issues with the first amendment because the sign ordinance meets reasonable requirements that are adopted by the local government. Attorney Leo confirmed this and stated this is because the Borough looked into it, it was not pulled out of the air, it has been thought about and it will have gone to the board for consideration and there is a reason for the number of 4 and the length of time and it is content neutral for all temporary signs. Councilwoman Kuncken stated, in reference to Councilman Riccardi's point, the Borough has done this in other areas with regard to signs. This is not something extraordinary for the governing body to be doing. This was done with the business signs downtown. This is just following through with the philosophy we adopted when the large commercial sign was installed. Mayor Zdichocki stated the Borough does look a lot better but the difference here is this relates to someone's personal property.

Administrator McNeilly stated looking at the mechanics of enforcement, getting rid of the temporary signs around town will be a chore. It will be easy to send someone out to remove the signs. From an enforcement standpoint, the numerical number of 4 signs would be allowed. If there is a house with 5 signs to infinity, the enforcement process would begin. Administrator McNeilly asked how the 47-day timeframe is calculated. Is it 47 days from date of complaint or 47-days from observation. As Councilman Thornton stated on the 46<sup>th</sup> day someone can take their signs down and wait a day or so then put them back up. Then the clock would begin again. Administrator McNeilly stated in his opinion there will be an enforcement issue with regard to the 47-day timeframe. Mayor Zdichocki stated in her research she noted other towns require signs to be removed 20 days after occasions and holiday events. Political signs were required to be removed 10 days after the election or the event. Mayor Zdichocki stated perhaps the ordinance should state a timeframe before an event and after the event. Attorney Leo stated the problem that can arise with that is sometimes political signs are related to a cause and not an event. Administrator McNeilly stated the Code Enforcement Official would be responsible for the enforcement. Councilman Thornton asked how the removal of signs from private property would be handled. The ordinance that the governing body passed with regard to signs on public property did help to clean up the Borough and was a huge improvement. Councilman Thornton is of the opinion that putting regulations on private property is a sticky situation, not only from the freedom of speech aspect but also from the enforceability of such an ordinance. Councilwoman Kuncken agreed. Councilman Wronko stated, with regard to the most recent ballot, there were more than four areas where someone may want to show their support for. By limiting the number of signs to four, this would force the resident to have to choose. Councilman Wronko stated in his opinion the number of allowable signs should be greater than four. Mayor Zdichocki stated she agrees but in checking what other towns are doing, many towns only permit two signs. Councilman Romano stated he agrees perhaps the number needs to be a bit higher. The purpose is to eliminate the abuse and there is always going to be an area where it is abused and that is what needs to be focused on. Counting the number of days and number of signs is going to be an issue for the areas where the abuse exists. Councilman Romano stated he is of the opinion this should be purposefully vague to prevent the Borough from being open to criticism or open to a first amendment challenge.

Mayor Zdichocki asked Attorney Leo for her recommendation. Attorney Leo stated, as the local governing body, you have your input and if you think it is appropriate in the Borough, based on the average size of the properties, that the number should be 6 or 4 because you are dealing with aesthetics and safety reasons, then that is the number which is appropriate for the Borough. As long as that can be backed up based upon the reason locally, this can be defended legally. Councilman Cipollini stated he has several concerns the first of which is the first amendment issue. In terms of the hard number of four, in the last election cycle he had eight signs posted. There were several local races he was supporting, several county races and several state races. In his opinion the four number is too low. The enforcement issue of when the clock starts and how do you enforce it is an issue. The enforcement issues need to be locked down first. Councilman Cipollini stated if he has a no trespassing sign on his property and someone comes and removes his signs, that is going to be a problem. That will be a big legal issue for the homeowner and the Borough. Councilman Cipollini asked what is considered a political sign and stated he currently has a sign in support of essential workers on his lawn. Would this sign be considered political? Would a black lives matter sign be political. Where does the line get drawn as to what is political, social or happy go lucky? The definitions need to be determined. Councilman Romano stated the ordinance is not addressing content. Attorney Leo confirmed this. Councilman Cipollini stated in the proposed ordinance, Part D references political signs and asked if there is a differentiation being made between political signs and any other kind. Mayor Zdichocki replied no differentiation is being made. Councilman Cipollini stated if it is going to be content neutral and the other issues are locked down, he can get behind it, but right now it is a hard no for him. Mayor Zdichocki asked if it would be easier to set a limit for a certain number of days after an event. Councilman Cipollini stated

then you have to define what an event is. Currently, there are Trump 2020 signs in town. How would the number of days before and after be delineated. Attorney Leo stated in her opinion limiting to a number of days in the calendar year is the best option. Other towns have done this and it is a good black and white litmus test.

Administrator McNeilly stated perhaps this can be done in two parts and one may take care of the other. If the number of signs is limited, the length of time becomes less important. Once a set number is agreed upon, then look at the number to determine how you would feel about a property owner having that number of signs up for an unlimited amount of days. Would it be offensive, would it possibly degrade the neighbor's property value or could a smaller number be chosen and forego the time restrictions. Councilman Thornton stated he would like the Borough Attorney to look further into the enforceability. There is no reason to have an ordinance if it cannot be enforced. Councilman Thornton stated he agrees with the spirit of the ordinance and what is trying to be accomplished. There are homeowners who would see a neighboring property with multiple signs as a red flag if they are trying to sell their homes but if the ordinance does not have the enforceability then there is no reason to have it. Mayor Zdichocki stated the Administrator stated he would handle that with the Code Enforcement Official. Councilman Thornton stated we have not solved the issue of who is going to go onto the property or how the signs are removed if the owner is in violation. Attorney Leo stated the current code, 100-127, which is under the Borough's Zoning Code Chapter 100, already has some limitations on the temporary signs and how the Zoning Officer, would handle the issue. If there is any violation, it always starts with the Zoning Officer sending a notice of violation to the property owner and then there would be a summons which would go through the Municipal Court. The Zoning Officer or the DPW would not be going onto someone's property to remove the signs. This would be handled just like any other zoning violation within the Borough. Councilman Thornton stated during his time working on Community Development he has found that this process can be quite lengthy. It can take so long that sometimes a new calendar year begins and then the person is no longer in violation and signs would be back for another 47-days. Administrator McNeilly stated that is why he is of the opinion that the quantity of signs is more important than the amount of time. Councilwoman Kuncken asked what is really the most offensive thing. If it is the way it looks because it may devalue the properties around it, then maybe that should be the focus first. We should concentrate on the number and focus less on how long the signs are out there. Councilwoman Kuncken stated in her opinion more work needs to be done and she agrees that the enforcement is still a problem. Councilman Wronko asked what constitutes a temporary sign. Is a flag or a garden flag considered a temporary sign. Councilwoman Kuncken stated the Borough is not a homeowner's association. Mayor Zdichocki stated the goal is to keep the Borough looking nice. Councilwoman Kuncken stated no one disagrees with that. Councilman Romano stated he and several people have the signs up regarding first responders, which have been up for over 60 days now and in his opinion that sign does not offend him or anyone here. Councilman Romano stated he is of the opinion the number of signs is the issue not the number of days. Attorney Leo stated she has heard the governing body's concerns and she can prepare a draft ordinance, which at the very least, can lead to more discussion. The governing body asked Attorney Leo to prepare the draft ordinance.

Administrator McNeilly asked Attorney Leo to speak about banners and decorative flags. The issue of the signs with metal frames that are pushed into the ground are covered but are banners or signs of a fabric nature, which could be 4 foot by 10 foot, addressed in the current ordinance or should this be added as well. Attorney Leo stated there is a definition of a sign which she will review. The definition for temporary signs will have to be defined. Mayor Zdichocki stated once all the information is received from Attorney Leo the discussion regarding temporary signs will take place again.

COVID-19 Update – Mayor Zdichocki stated as of noon today, Sussex County reported two additional positive cases of COVID. The total number of cases to date is 1,277. Of those, 1,077 cases have been clarified as recovered. No new deaths were reported today. The total number of deaths to date is 195. Stanhope Borough, since January 1, 2020, has had a total of 22 positive cases. To date, all but 2 of those cases have been classified as recovered. We must all keep up with the good work and be safe and smart.

Food Donation/Distribution – Mayor Zdichocki stated this Saturday, July 18<sup>th</sup> from 9am to 11am, there will be a food donation and food distribution at the Valley Road School. Volunteers are welcome to donate their time and/or donate food items. Food donations and pet food donations will be available. If anyone knows someone in need that cannot attend, please contact Mayor Zdichocki and arrangements will be made to have the items delivered. No questions will be asked and no judgements made.

Thank You Letters – Mayor Zdichocki stated on several occasions the Borough has received notes and letters from the residents showing appreciation for a job well done to the Police Department. Mayor Zdichocki stated she would like to thank Chief Pittigher and the Police Department and acknowledge the fine job the police force is doing. A letter of thanks which was received from the Lenape Valley Kiwanis Club was read into the record. “Dear Chief Pittigher and the Patrol Team: We want to thank you all for everything that you do for the community and especially now with the active COVID-19 situation to deal with. Stay Safe. Thank you again.”

Senior Citizen’s Budget Request – Councilman Romano stated a budget request was received from the Stanhope Senior Citizen’s for this year. As with all expenses, we are being very judicious. The Finance Committee met with the President of the Senior Citizen’s Club in order to ascertain how active the club has been and how active they will be through the end of this year. A mutual agreement was made that they will be active for just six months this year. This is half the time as usual. The annual budget allocation is \$3,000. The committee recommended, and the President agreed, that \$1,500 was a fair allocation. Councilman Romano stated if the governing body has no objections, a purchase order will be created and added to the bills list for the next meeting. Mayor Zdichocki stated the governing body is trying “tighten the belt” and the meeting went very well. Councilwoman Kuncken stated the President of Seniors Club put together a great presentation and she put a lot of time and work into gathering the information. Far more information was presented than was expected. Mayor Zdichocki stated Ann deJongh is the President of the Senior Citizen’s Club and she did a great job.

SCMUA Electronics Recycling – Councilman Cipollini stated the Sussex County Municipal Utilities Authority (SCMUA) will be holding the electronics recycling event on Saturday, July 25<sup>th</sup>, from 7am to 2pm. The two previously scheduled electronics recycling events had been cancelled but this one is going to take place at their facility located on Route 94 in Lafayette. Councilman Cipollini recommended that a Nixle message be sent out to the residents. Administrator McNeilly stated the information is ready to be advertised through Nixle, the website and social media.

**NEW BUSINESS**

**RESOLUTIONS**

Mayor Zdichocki offered the following resolutions which were read by title.

**Resolution 114-20                      RESOLUTION TO AMEND BUDGET TO INCLUDE 2020  
CLEAN COMMUNITIES GRANT**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, said Director may also approve the insertion of an item of appropriation for an equal amount, and

**WHEREAS**, the Borough of Stanhope has received a total of \$7,471.37 from the NJ Solid Waste Administration for the 2020 Clean Communities Grant, and

**WHEREAS**, the Borough of Stanhope now wishes to amend its 2020 budget to include the additional grant funds approved of \$7,471.37 as a revenue.

**NOW THEREFORE, BE IT RESOLVED** that the Council of the Borough of Stanhope does hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2020 in the sum of \$7,471.37, which will be available as a revenue from:

- Miscellaneous Revenues
- Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services – Public
- And Private Revenues Offset with Appropriations: 2020 Clean Communities Grants,
- and

**BE IT FURTHER RESOLVED** that a like sum of.....\$7,471.37



be and the same is hereby appropriated under the caption of:

General Appropriations

(A) Public and Private Programs Offset by Revenues:

2020 Clean Communities Grant, and

**BE IT FURTHER RESOLVED** that the Chief Financial Officer shall submit one copy of the Chapter 159 certification form to the Director of Local Government Services.

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

Roll Call:

Councilman Cipollini – yes

Councilman Romano - yes

Councilwoman Kuncken – yes

Councilman Thornton – yes

Councilman Riccardi – yes

Councilman Wronko - 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 115-20**

**RESOLUTION AUTHORIZING THE RELEASE OF THE PERFORMANCE BOND OF RAPID PUMP & METER SERVICE CO., INC. FOR THE PORT MORRIS PUMP STATION REPLACEMENT PROJECT**

**WHEREAS**, the Mayor and Council had deemed it necessary for Rapid Pump & Meter Service Co., Inc. to submit a performance bond prior to the commencement of the Port Morris Pump Station Replacement Project; and

**WHEREAS**, Rapid Pump & Meter Service Co., Inc. did produce and the Borough did accept a performance bond guaranteeing the quality and completeness of the work; and

**WHEREAS**, the Borough Engineer has inspected the project site and deemed the project has been completed in general compliance with the contract; and

**WHEREAS**, the Borough Attorney has advised the Mayor and Council that a maintenance bond be required in the amount of \$512,690.00 to be effective for one year from the date of issuance to ensure the quality of the work.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Stanhope, County of Sussex, State of New Jersey, at the concurrence of the Borough Attorney do hereby authorize the release of the performance bond to Rapid Pump & Meter Service Co., Inc. for the Port Morris Pump Station Replacement Project.

**Resolution 116-20**

**RESOLUTION AUTHORIZING THE ACCEPTANCE OF MAINTENANCE BOND OFFERED BY RAPID PUMP & METER SERVICE CO., INC. FOR THE PORT MORRIS PUMP STATION REPLACEMENT PROJECT**

**WHEREAS**, the Mayor and Council heretofore authorized the release of a performance bond submitted by Rapid Pump & Meter Service Co., Inc.; and

**WHEREAS**, Rapid Pump & Meter Service Co., Inc. has substantially completed the Port Morris Pump Station Replacement Project; and

**WHEREAS**, Rapid Pump & Meter Service Co., Inc. has offered to the Borough a Maintenance Bond in the amount of \$512,690.00, which amount has been specified by the Borough Attorney; and

**WHEREAS**, the Borough Attorney has reviewed and approved of the form of said Maintenance Bond.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Stanhope, County of Sussex, State of New Jersey, that the Borough does hereby accept the Maintenance Bond issued by Rapid Pump & Meter Service Co., Inc. in the amount of \$512,690.00 for the Port Morris Pump Station Replacement Project.

**Resolution 117-20**

**RESOLUTION REVISING THE ESTABLISHED BID THRESHOLD FOR QUALIFIED PURCHASING AGENT**

**WHEREAS**, P.I. 2009, C. 166, codified as N.J.S.A. 40A:11-2 et seq. supplementing and amending Chapter 11 of Title 40A of the New Jersey Statutes allows local contracting units in New Jersey to create the position of Qualified Purchasing Agent and increase the bidding threshold; and

**WHEREAS**, the Borough of Stanhope has an established shared services agreement for Qualified Purchasing Agent with the Township of Sparta; and

**WHEREAS**, Grant Rome of the Township of Sparta possesses the designation of Qualified Purchasing Agent as issued by the Director of the Division of Local Government Services in accordance with N.J.A.C. 5:34-5 et seq.; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-3(a), the Borough of Stanhope desires to reauthorize the Qualified Purchasing Agent to award contracts on behalf of the Borough of Stanhope that do not exceed the total sum of \$44,000.00 in a contract year, without the public advertising for bids.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Stanhope, County of Sussex and State of New Jersey that pursuant to N.J.S.A. 40A:11-3 (a) that it does hereby authorize Grant Rome, as Qualified Purchasing Agent, to award contracts on behalf of the Borough of Stanhope, that do not exceed \$44,000.00 in a contract year, without public advertising for bids; and

**BE IT FURTHER RESOLVED**, that in accordance with N.J.A.C. 5:34-5.2, the Borough Clerk is hereby authorized and directed to forward a certified copy of this resolution and a copy of Grant Rome's certification to the Director of the Division of Local Government Services.

**Resolution 118-20**

**RESOLUTION GRANTING WATER AND SEWER ALLOCATION TO APPLICANT, MANJIT BAJWA, FOR NON-RESIDENTIAL PROPERTY LOCATED ON ROUTE 206, IDENTIFIED ON THE TAX MAP OF THE BOROUGH OF STANHOPE AS BLOCK 11703, LOT 1**

**WHEREAS**, Manjit Bajwa has filed an application with appropriate fees for water and sewer allocation to service a non-residential property at 242 Route 206, Block 11703, Lot 1; and

**WHEREAS**, the Borough's checklist and Ordinance Sections 100-34C(4) and 100-35D all require a certification from the Mayor and Council that adequate water supply and sewerage capacity exist to service the proposed development; and

**WHEREAS**, the Mayor and Council wish to comply with the Ordinance requirements to certify the availability of water and sewer for the non-residential property;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Stanhope that the application submitted by Manjit Bajwa for water and sewer allocation be and is hereby granted as follows:

Water Allocation: 2,602 gpd

Sewer Allocation: 2,602 gpd

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

Roll Call:

Councilman Cipollini – yes	Councilman Romano - yes
Councilwoman Kuncken – yes	Councilman Thornton – yes
Councilman Riccardi – yes	Councilman Wronko - yes

## **PAYMENT OF BILLS**

### **Resolution 119-20**

### **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 July 14, 2020 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:

Councilman Cipollini – yes	Councilman Romano - yes
Councilwoman Kuncken – yes	Councilman Thornton – yes
Councilman Riccardi – yes	Councilman Wronko - yes

## **AGENDA ITEMS**

All items listed on the Agenda for July 28, 2020 were approved.

## **CITIZEN'S TO BE HEARD**

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

Gil Moscatello, stated he spoke at a previous meeting two months ago regarding his objection to having the speed humps on Musconetcong Avenue reinstalled. Mr. Moscatello stated he understands the governing body has a job to do and the decision was made to reinstall them. However, at that meeting the type of speed humps were discussed and at that time he was assured that the new speed humps would be speed tables which could be traversed at the speed limit of the street which is 25mph. That is not what was installed. The new speed humps are exactly the same type that were there previously and you cannot go over those at 25mph. The National Association of City Transportation Official Guidelines states the speed hump, to keep the speed between 15-20mph, not even 25mph, should only be between 3 and 4 inches high and 6 feet from the ramp to the highest point. They are 12 feet wide so it is 6 feet to the highest point and they are 6 inches high. That is a 30% increase in the height and they cannot be traversed at 25mph. When driving his truck over them he cannot go over 15mph. Going 12–14mph works. Mr. Moscatello stated in his other car, which has a much broader suspension, he can travel over at about 18mph. Mr. Moscatello stated he is ok that they are installed but wishes there was an additional one on the other side of the park, which in his opinion is where they are needed the most. However, he is displeased with the fact that he was assured they would be speed tables which they could travel over at 25mph. They were replaced with exactly the same ones which everybody admitted were terrible. Mr. Moscatello asked what kind of resolve is there for this issue. Mayor Zdichocki asked the Borough Engineer for his input. Mr. Keller stated the detail for the speed humps was that they were to be 4 inches in height and it is his understanding that they are. Mr. Keller stated he will have someone sent out to check on the height. This is the same detail that has been used on other streets in the Borough for the installation of speed humps. Mr. Keller stated he was not in attendance at that meeting and was not aware that there was a discussion about changing to speed tables. Speed tables have not been used except for perhaps on Dell Road. Mr. Keller would have

to check the plans to be certain as that work was done approximately 13-14 years ago just as he was becoming the Borough Engineer. For this type of street, we typically do not use speed tables because it is a local residential street. A standard traditional speed hump is utilized. Mr. Keller stated he will check to make sure they were built correctly. If not, he will contact the contractor. Mr. Moscatello stated he was out there today and measured the first one located by the park and it is 6 inches high. Mr. Moscatello asked the governing body members if they recalled the prior meeting discussion and that the new speed humps would enable someone to drive down Musconetcong Avenue at the speed of 25mph. Councilwoman Kuncken stated she recalls the discussion but not the specifics about the height. The minutes from that meeting can be reviewed. Councilwoman Kuncken does remember calling them a speed table and they would be different than what was used before. Mr. Moscatello asked if he can receive a copy of the minutes or would he have to file an OPRA request. The Borough Clerk stated an OPRA request would need to be submitted. Mayor Zdichocki asked if Mr. Moscatello could recall the date of the meeting. Mr. Moscatello replied it was probably the last public (in-person) meeting. Councilman Wronko asked if it is part of the standard process to make sure that someone does a quality assurance test to make sure what was asked for is installed. Mr. Keller stated his inspector was on site when the speed humps were being installed and he is confident that the inspector made sure they were constructed according to the plan. Mr. Keller will verify that.

Mr. Moscatello suggested, with regard to the lengthy conversation which was held regarding signs, that perhaps the governing body should look at what is placed on Borough property and what is placed on personal property. There is usually a 10-foot road dedication and what is on town property would eliminate visual obstructions which cause difficulty pulling out of driveways or roads. The number of signs could be limited for the Borough's property to six or eight signs and then the homeowners should be able to put whatever they want to on their own property. This would save a lot of hassle with enforcement. Mayor Zdichocki stated she appreciates Mr. Moscatello's viewpoint but they are trying to limit the number. Mr. Moscatello stated if the signs are set back 15 feet or so off the road then they are on the owner's property. Signs placed at the curb are easy to dismiss as being on your property. When signs are in the middle of the yard, most people don't want to make a mess on their own property. Mayor Zdichocki thanked Mr. Moscatello. Mr. Moscatello thanked the Mayor and Council and stated their volunteer time is greatly appreciated. Mr. Moscatello stated he does not understand why he has not been able to speak through Zoom connection and asked if any other residents were having issues. Mayor Zdichocki stated to date Mr. Moscatello is the only one to have tried.

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

### **ADJOURNMENT**

On motion by Councilman Romano, seconded by Councilman Wronko, and unanimously carried by voice vote the meeting was adjourned at 8:32 P.M.

Approved:

Linda Chirip  
Deputy Clerk for  
Ellen Horak, RMC  
Borough Clerk