

**MAYOR AND COUNCIL
WORK SESSION AND
AGENDA MEETING
March 9, 2021
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 13, 2021 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:

Councilman Cipollini – present
Councilwoman Kuncken – present
Councilman Riccardi – present

Councilman Romano – present
Councilman Thornton – present
Councilman Wronko – present

Mayor Zdichocki – present

ENGINEER'S REPORT

Mayor Zdichocki invited Eric Keller, Borough Engineer, forward to give his report.

Pedestrian Loop Phase II Project - Mr. Keller stated bids for the Stanhope Pedestrian Loop Phase II Project were received last Thursday. Ten contractors had picked up bid packets and only two submitted bids. The estimate for the project is \$956,000 and change with a grant award of \$943,000. Mr. Keller stated he is very pleased to inform the governing body that the apparent low bidder came in at \$617,715.40. Additional paperwork has been collected from the contractor and the information has been submitted to Local Aid and the Civil Rights Unit and the NJDOT. Borough Attorney, Ursula Leo, is reviewing the bid documents to verify the bid paperwork is in order. The bid has come in well under budget and we look forward to getting a positive review from Civil Rights so we can move forward to award the contract. The RFP for the construction management and construction observation services for the project are out to bid and are due the end of the month. Mr. Keller stated he and Administrator McNeilly have spoken with the engineering firms selected to receive the bid. Bids have been sent out to four different firms. The bids will be received and ready for consideration for the governing body by the end of the month.

State Mandated Stormwater Ordinance – Mr. Keller stated the state mandated stormwater ordinance for residential projects is already in effect. Anyone who has to go to the NJDEP for a wetland permit or a flood hazard permit already have to comply. The new rules became effective last Tuesday. The Borough is required to replace the existing stormwater ordinance with the State's new one. A model ordinance has been provided by the State. Mr. Keller stated he reviewed the ordinance and it was forwarded to the Borough Attorney, Ursula Leo. Attorney Leo has prepared the ordinance and Mr. Keller has put comments on there for clarification. The Borough is not making the ordinance more restrictive than the State requirements. It is a completely different approach to stormwater. There are more water quality requirements and more smaller basins. Mr. Keller is of the opinion that this will not affect too many applicants. This will involve properties that disturb more than one acre or create more than a quarter acre of new impervious cover. Mr. Keller stated he met with Mr. Singh regarding his project on Route 206. That property is under an acre and will not have to comply. Mr. Keller stated he is of the opinion the Plumbing Store will

not have to comply but he will be meeting with the owner this week. The ordinance will be placed on a future agenda for consideration. Mr. Keller stated once the stormwater ordinance is reviewed by the governing body, he will be happy to answer any questions.

Furnace Pond – Mr. Keller stated he has reviewed the wetland regulations, which are pretty straightforward. The flood hazard regulations are being worked on now but unfortunately, they are not so clear and straightforward. The report will be available soon. Mr. Keller is aware that the Environmental Commission is anxiously awaiting the report.

Pedestrian Loop Bid - Councilman Riccardi asked Mr. Keller if he knew why the bid received for the Pedestrian Loop project came in so much lower than anticipated. Mr. Keller stated he gave the full bid tabulation to the Borough Clerk for distribution. Mr. Keller stated the main area of significant savings is in the lighting. The contract is predominately about lighting. The estimate was very conservative. The plan calls for 49 lights along Sparta Road and along the two trails which were budgeted at over \$300,000. The low bid came in at \$230,000. This is a 20% savings and it went through with the conduit and the wiring. Mayor Zdichocki asked if this has to be approved by the DOT. Mr. Keller stated there is a 2% DBE participation and they have to confirm the paperwork is in order. Interestingly enough, both of the bidders used the same electrical contractor and the same strip. Administrator McNeilly asked Mr. Keller what the cost difference is between the two bids received. Mr. Keller stated Tony's Construction was the apparent low bidder at \$618,000.00 in round numbers and Salmon Brothers was \$698,000.00 in round numbers. Administrator McNeilly stated both bidders read the packet in the same way. Having both bids in the same cost area was reassuring. Mayor Zdichocki asked if the extra funds can be used for other items for the project. Mr. Keller stated he will contact NJDOT and ask if other elements related to the project can be increased. Items cannot be added to the project which were not part of the original plan.

ADMINISTRATOR'S REPORT

Outdoor Dining Temporary Zoning – Administrator McNeilly stated the current extension of temporary zoning for outdoor dining expires on March 31, 2021. Administrator McNeilly recommended approving an extension effective to November 1, 2021. A resolution can be prepared for the March 23rd meeting. The outdoor dining tent approvals will switch back from the Construction Official to the Fire Marshal.

DPW Pothole Repairs – Administrator McNeilly stated crews are out every day with cold patch now that pothole season has begun. Administrator McNeilly asked the governing body to email or text the locations to him if they are contacted by residents. Administrator McNeilly stated he has asked the Borough Engineer to contact the paving contractor for Dell Road to make sure the Borough is at the front of the line. Resolutions are on tonight's agenda to reaffirm the use of the co-op for the best pricing.

Rabies Clinic – Administrator McNeilly stated he met with Councilman Romano and the Board of Health Secretary at the school to discuss the traffic circulation, staging area and to determine if manpower will be required from the DPW for set up and assistance with traffic for the rabies clinic. Councilman Romano stated an adequate plan has been devised and some manpower will be needed. Volunteers from the board members will be needed along with two DPW employees. The water truck will be utilized for the lighting. The rabies clinic will be held on April 16th from 6:00pm to 8:00pm at the Stanhope Valley Road School.

Easter Egg Hunt – Administrator McNeilly stated he is waiting to hear if the Easter Egg Hunt will take place this year. The tentative backup location is at the school due to the fact Musconetcong Park is still full of snow and mud. The scheduled date is March 27th which is fast approaching.

Spring Surplus Equipment Sale – Administrator McNeilly stated with spring upon us, he and the DPW Superintendent are tasked with getting surplus equipment ready for sale. An online sale platform will be used to reach a greater audience and hopefully increase the sale prices. A resolution will be prepared for the governing body's approval.

Annual JIF Public Officials Training – Administrator McNeilly stated Wayne Dietz will once again be providing the JIF Public Officials Training. The training will take place at the school. The tentative date is April 27th at 5:45pm. JIF will be providing a \$250 premium rebate per attending public official.

Budget – Capital – Salary Ordinance – Administrator McNeilly stated the schedule is as follows: **April 13th** Budget Hearing, Budget 2nd Reading, Capital Introduction & Salary Ordinance Introduction; **April 27th** Capital 2nd Reading, Salary Ordinance 2nd Reading & Salary Resolution; **May 14th** Salary Increase for non-represented employees; **May 21st** Retroactive Salary Checks; **May 20th** Bonded Capital Money Available

Easter Egg Hunt – Mayor Zdichocki stated she attended the Recreation Commission meeting and the Easter Egg Hunt will be taking place on March 27th. The plan is to hold the egg hunt on the playground at the Stanhope Valley Road School. If the ground is too wet, the egg hunt will take place in the parking lot. The information will be placed on the Borough website. Administrator McNeilly asked that the flyer be provided as soon as possible to update the website, prepare the Nixle message and to inform the school of the details. Mayor Zdichocki stated the flyer should be ready by the end of the week. Councilwoman Kuncken asked if the Recreation Commission has spoken directly with the school. Mayor Zdichocki confirmed this and stated she has also spoken with the Superintendent. Bathroom facilities will not be available and this fact will be listed on the flyer. There will be no access to the inside of the school. Administrator McNeilly stated these will be the same conditions for the rabies clinic. Mayor Zdichocki stated it is very nice of the school to allow the outdoor use of the school for the egg hunt and for the use of the gym for meetings.

Asphalt Curb/Berm Repairs - Councilman Riccardi asked if the DPW is also assessing the need to repair asphalt curbs during the pot hole repair work. Administrator McNeilly stated it is too early for repairs to the berms.

WORK SESSION

2nd Amendment – Councilman Wronko stated he has been researching what other municipalities and the State are doing in support of the 2nd Amendment which has been in the news and on social media lately. Councilman Wronko stated he is a big supporter of the 2nd Amendment. Several counties and neighboring municipalities have passed resolutions supporting the 2nd Amendment. Councilman Wronko stated he would like the governing body to pass a resolution in support of the amendment and he has emailed a draft resolution, modeled from one which was passed by Sussex Township recently, to the governing body for consideration along with some additional background information. Mayor Zdichocki stated she is aware there are audience members who wish to speak regarding this matter. The comments will be heard later in the meeting during the Citizens To Be Heard portion.

OLD BUSINESS

ORDINANCE

Mayor Zdichocki offered the following ordinance for public hearing and final adoption which was read by title.

Ordinance for Public Hearing and Final Adoption

Ordinance 2021-03

ORDINANCE PROVIDING FOR THE IMPROVEMENT OF SPARTA ROAD, THE LENAPE VALLY REGIONAL HIGH SCHOOL TRAIL AND THE VALLEY ROAD TRAIL IN AND BY THE BOROUGH OF STANHOPE, IN THE COUNTY OF SUSSEX, NEW JERSEY, AND APPROPRIATING \$118,593 THEREFOR CONSTITUTING PROCEEDS OF A TRANSPORTATION ALTERNATIVE GRANT FROM THE UNITED STATES GOVERNMENT

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF STANHOPE, IN THE COUNTY OF SUSSEX, NEW JERSEY, AS FOLLOWS:

The improvement described in Section 2 of this ordinance has heretofore been and is hereby authorized as a general improvement to be made or acquired by The Borough of Stanhope, New Jersey, and there is hereby appropriated therefor the sum of \$118,593 constituting moneys received or expected to be received by the Borough from the Transportation Alternative Grant program of the United States government as a grant-in-aid of financing said improvement.

The improvement heretofore and hereby authorized and the purpose for the financing of which the appropriation is made as provided in Section 1 of this ordinance is the improvement of Sparta Road in and by the Borough by the construction or reconstruction therein of new roadway pavements and the construction of pedestrian pathways and streetscape improvements in the vicinity of the Lenape Valley Regional High School and Valley Road, including all lighting, pedestrian and bicycle pathways, sidewalks, curbing, crosswalks and signage, together with for all the aforesaid all milling, landscaping, curbing, drainage facilities, equipment, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file in the office of the Borough Clerk and heretofore and hereby approved. Said improvement was heretofore authorized by a bond ordinance of the Borough finally adopted on March 27, 2018, and entitled "Bond ordinance providing for the improvement of Sparta Road and various trails in and by the Borough of Stanhope, in the County of Sussex, New Jersey, appropriating \$1,095,000 therefor and authorizing the issuance of \$90,000 bonds or notes of the Borough for financing such appropriation".

The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

This ordinance shall take effect after publication after final passage as provided by law.

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

Roll Call:

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

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

NEW BUSINESS

ORDINANCE

Mayor Zdichocki offered the following ordinance for introduction and first reading which was read by title.

Ordinance for Introduction and First Reading [Public Hearing on March 23, 2021]

Ordinance 2021-04

AN ORDINANCE OF THE BOROUGH OF STANHOPE, SUSSEX COUNTY, NEW JERSEY AMENDING SECTION 133-53.A OF THE CODE OF THE BOROUGH OF STANHOPE TO AMEND THE TIMES OF GENERAL PARKING DURING CERTAIN HOURS AT BOROUGH HALL

WHEREAS, the Borough Council determined that Chapter 133, Section 53.A, Parking Restricted needs to be amended to reflect new times for general parking at Borough Hall.

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

SECTION 1.

Section 133-53,A, Parking Restricted, is hereby deleted in its entirety and amended to read as follows:

- A. The Borough Hall parking lot is reserved for use by Borough officials, employees and other members of the general public having official business to conduct on the premises. General parking, however, shall be permitted only during the following hours:

<u>Day</u>	<u>Hours</u>
Friday	6:00pm to Midnight
Saturday	12:00am to 3:00am
Sunday	6:00am to Midnight
	12:00am to 3:00am
Monday	6:00am to Midnight
	12:00am to 3:00am

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

Roll Call:

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

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

RESOLUTIONS

Resolution 059-21

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF STANHOPE INTRODUCING THE 2021 MUNICIPAL BUDGET

BE IT RESOLVED that the attached Statements of Revenues and Appropriations shall constitute the Municipal Budget for the 2021 calendar year; and

BE IT FURTHER RESOLVED that a Summary of said Budget shall be published in the *New Jersey Herald* and the public hearing and final adoption shall be held on April 13, 2021 at 7:00 p.m. at the Stanhope Public School, 24 Valley Road, Stanhope, NJ at which time and place objections to the 2021 Municipal Budget may be presented by taxpayers or other persons of interest.

On motion by Councilman Romano, seconded by Councilman Cipollini 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 |

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

Resolution 060-21

SELF-EXAMINATION OF BUDGET RESOLUTION
[as required by DCA]

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the *Borough of Stanhope* has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2021 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the *Borough of Stanhope* that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:

- a. Payment of interest and debt redemption charges
- b. Deferred charges and statutory expenditures
- c. Cash deficit of preceding year
- d. Reserve for uncollected taxes
- e. Other reserves and non-disbursement items
- f. Any inclusions of amounts required for school purposes.

2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).

3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.

4. That pursuant to the Local Budget Law:

- a. All estimates of revenue are reasonable, accurate and correctly stated,
- b. Items of appropriation are properly set forth
- c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

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

Roll Call:

Councilman Cipollini – yes
Councilwoman Kuncken - yes
Councilman Riccardi - yes

Councilman Romano - yes
Councilman Thornton – 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 061-21

RESOLUTION AUTHORIZING USE OF SCHIFANO CONSTRUCTION CORPORATION & DENVILLE LINE PAINTING, INC. AS SET FORTH IN THE MORRIS COUNTY CO-OP PUBLIC BIDS FOR DELL ROAD MILLING, PAVING AND STRIPING NJDOT LOCAL AID PROJECT

WHEREAS, the Borough of Stanhope is in need of roadway milling, paving and striping for Dell Road (“Road Project”);

WHEREAS, the Borough applied for and received a Local Aid Grant from the New Jersey Department of Transportation; and

WHEREAS, the Borough Engineer’s estimate for milling, paving and striping on Dell Road is \$105,212.00; and

WHEREAS, the Borough is a member of the Morris County Co-Op which has already publicly bid milling, paving and striping services for the year 2021 and has awarded contracts therefore for the various services needed; and

WHEREAS, the Borough may utilize the Co-Op bid price as a member of the Co-Op without the need for further public bidding; and

WHEREAS, the Borough Engineer has recommended the use of the Co-Op bids for the various construction items for the Dell Road Local Aid Project; and

WHEREAS, the Borough awards the milling and resurfacing to Schifano Construction Corporation for District #2 at \$2.75 per square yard for milling 0” – 2” in a total amount of \$22,550.00; and for HMA 9.5M64 at \$72.20 per ton in a total amount of \$79,420.00 (see attached bid tabulation); and

WHEREAS, the Borough awards the striping to Denville Line Painting, Inc, for traffic striping on roadways, 4” wide using “Epoxy” at \$0.29 per linear foot in a total of \$2,726.00; and striping, 4” wide, long life thermoplastic at \$0.86 per linear foot in a total amount of \$516.00 (see attached bid tabulation);

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Stanhope, that the Borough shall utilize Schifano Construction Corporation for milling and paving; and Denville Line Painting, Inc. for striping for the Dell Road Local Aid Project at the 2021 Morris County Co-Op awarded bid prices and quantities as set forth in the attached bid tabulation.

Resolution 062-21

RESOLUTION RE-AUTHORIZING USE OF SCHIFANO CONSTRUCTION CORPORATION & DENVILLE LINE PAINTING, INC. AS SET FORTH IN THE MORRIS COUNTY CO-OP PUBLIC BIDS FOR SPARTA ROAD MILLING, PAVING AND LIMITED STRIPING NJDOT LOCAL AID PROJECT

WHEREAS, the Borough of Stanhope is in need of roadway milling, paving and limited striping for Sparta Road (“Sparta Road Project”);

WHEREAS, the Borough applied for and received a Local Aid Grant from the New Jersey Department of Transportation; and

WHEREAS, the Borough previously awarded these improvements through the Morris County Co-Op per Resolution 094-20; and

WHEREAS, the Borough Engineer's updated estimate for milling, paving and limited striping on Sparta Road is \$183,449.03; and

WHEREAS, the Borough is a member of the Morris County Co-Op which has already publicly bid milling, paving and striping services for the year 2021 and has awarded contracts therefore for the various services needed; and

WHEREAS, the Borough may utilize the Co-Op bid price as a member of the Co-Op without the need for further public bidding; and

WHEREAS, the Borough Engineer has recommended the use of the Co-Op bids for the various construction items for the Sparta Road Local Aid Project; and

WHEREAS, the Borough awards the milling and resurfacing to Schifano Construction Corporation for District #2 at \$2.75 per square yard for milling 0" – 2" in a total amount of \$42,275.75; and for HMA 9.5M64 at \$72.20 per ton in a total amount of \$138,912.80 (see attached bid tabulation); and

WHEREAS, the Borough awards the limited striping to Denville Line Painting, Inc, for traffic striping on roadways, 4" wide using "Epoxy" at \$0.29 per linear foot in a total of \$2,005.06; and striping, 4" wide, long life thermoplastic at \$0.86 per linear foot in a total amount of \$255.42 (see attached bid tabulation);

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Stanhope, that the Borough shall utilize Schifano Construction Corporation for milling and paving; and Denville Line Painting, Inc. for striping for the Sparta Road Local Aid Project at the 2021 Morris County Co-Op awarded bid prices and quantities as set forth in the attached bid tabulation.

Resolution 063-21

**RESOLUTION AUTHORIZING STANHOPE HOSE CO. #1
TO CONDUCT A BUCKET DROP**

WHEREAS, Stanhope Hose Company No. 1 has indicated a desire to hold a "Bucket Drop" July 2nd to and including July 5th, 2021, within the hours of 8:00 am to 8:00 pm, at the intersection of State Rt. 183 and CR 602 in the Borough of Stanhope and on Linden Avenue from State Route 183 to McKinley Street; and

WHEREAS, should the weather be inclement, the following rain dates and times will be utilized instead, at the same locations: July 9th to and including July 11th, 2021 within the hours of 8:00 a.m. to 8:00 p.m. at the same locations; and

WHEREAS, Fire Department personnel are to be stationed at the above-mentioned location and all collections shall be done in a manner as to not impede the flow of traffic at any time, pursuant to the Traffic Safety Plan; and

WHEREAS, the Borough directs the Chief of Police to sign the NJDOT application for a charitable solicitation permit and to monitor compliance of the Traffic Safety Plan as necessary; and

WHEREAS, Fire Department members shall wear safety vests and traffic safety setup in shall conform with the "Manual on Uniform Traffic Control"; and

WHEREAS, N.J.A.C. 16:40-3.1 et seq. requires charitable organizations to obtain approval of the Commissioner of Transportation before soliciting contributions within State highways and County Freeholder approval for county highways.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Stanhope, in the County of Sussex, State of New Jersey hereby approves the Stanhope Hose Company No. 1's request to hold a "Bucket Drop" on July 2nd to and including July 5th, 2021, within the hours of 8:00am to 8:00pm, at the intersection of State Rt. 183 and CR 602 in the Borough of Stanhope and on Linden Avenue from State Route 183 to McKinley Street, and rain dates of July 9th to and including July 11th, 2021 within the hours of 8:00 a.m. to 8:00 p.m at the same locations, per the Traffic Safety Plan and subject to obtaining approval of the Sussex County Board of Chosen Freeholders and a charitable solicitation permit from the New Jersey State Department of Transportation.

Resolution 064-21

AUTHORIZE SHARED SERVICES AGREEMENT WITH SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY FOR THE PROVISION OF CERTIFIED RECYCLING PROFESSIONAL SERVICES TO CERTIFY AND SUBMIT THE 2020 RECYCLING TONNAGE REPORT TO NJDEP

WHEREAS, New Jersey's Recycling Enhancement Act (REA) requires that reports or other recycling-related documents be signed/certified by a Certified Recycling Professional (CRP); and

WHEREAS, the Uniform Shared Services and Consolidation Act (N.J.S.A 40A:65-1, et seq.) (hereinafter, "the Act") provides that local units of government may enter into a contract to provide or receive any service that either local unit participating in the Agreement is empowered to provide or receive within its own jurisdiction, including services incidental to the primary purposes of any of the participating units (N.J.S.A. 40A:65-4); and

WHEREAS, the Borough of Stanhope will prepare the 2020 Recycling Tonnage Report; and

WHEREAS, the Borough of Stanhope has requested the services of the SCMUA in the form of the District Recycling Coordinator as a Certified Recycling Professional to certify and submit the required 2020 Borough of Stanhope Recycling Tonnage Report to NJDEP by April 30, 2021; and

WHEREAS, SCMUA has the qualified staff to certify the Recycling Tonnage Report prepared by the Borough of Stanhope and electronically submit it to NJDEP on behalf of the Borough of Stanhope under the terms and conditions set for in the Shared Services Agreement.

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

1. The Mayor is hereby authorized to sign the Shared Services Agreement with SCMUA, for the provision of a Certified Recycling Professional Services to certify and submit the 2020 Recycling Tonnage Report to NJDEP.
2. This Resolution shall take effect immediately.

Resolution 065-21

RESOLUTION AUTHORIZING REFUND OF UNUSED ESCROW FUNDS

WHEREAS, Ashton Thomas had placed funds on deposit in escrow with the Borough of Stanhope for Land Use for Block 10401, Lot 16 in February 2021; and

WHEREAS, the Land Use Board has stated that the application is complete and there is no further billing forthcoming; and

WHEREAS, there are unused funds in the amount of \$167.60.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Stanhope, that a warrant be drawn to Ashton Thomas in the designated amount representing a refund of unused escrow funds, as follows:

Ashton Thomas
27 Manor Terrace
Orange, New Jersey 07050

Original Deposit	\$ 500.00
Funds Expended	(<u>332.40</u>)
Balance to be Refunded	\$ 167.60

On motion by Councilman Wronko, seconded by Councilwoman Kuncken 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

Mayor's Acceptance of Resignation

**Resolution 066-21 MAYOR'S ACCEPTANCE OF THE RESIGNATION OF
CHRISTINE AEMISEGEO FROM THE STANHOPE
RECREATION COMMISSION WITH COUNCIL
CONCURRENCE**

BE IT RESOLVED by the Council of the Borough of Stanhope that they do hereby concur with the Mayor's acceptance of Christine Aemisegeo's resignation as an appointed member on the Recreation Commission, effective April 1, 2021.

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

Mayor Zdichocki stated Christine Aemisegeo has been on the Recreation Commission for at least a dozen years. Christine has done a great job and took over as Chairperson for the past several years. Christine regrets having to resign. Mayor Zdichocki thanked Christine, on behalf of the governing body, for her many years of service.

Mayor's Appointments

**Resolution 067-21 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 a member of the Recreation Commission, to fill an unexpired 5-year term, with said term to expire December 31, 2022.

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

**Resolution 068-21 MAYOR'S APPOINTMENT OF NICOLE KOPICH TO THE
BOROUGH OF STANHOPE RECREATION COMMISSION**

Mayor's appointment to the Recreation Commission as follows:

Nicole Kopich 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 Nicole Kopich 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 Councilwoman Kuncken, seconded by Councilman Wronko, and unanimously carried by voice vote, the foregoing resolution was adopted.

PAYMENT OF BILLS

Resolution 069-21

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 March 9, 2021 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 March 23, 2021 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.

Dominick Bortelli, 15 Route 94 Lafayette, stated many towns and counties have passed resolutions supporting the 2nd amendment and he would like to explain why that is important. In the State of NJ, it is not possible to obtain a right to carry permit for self-protection. The right to bear arms is a constitutional right. The federal government and the President of the United States are all infringing on the 2nd amendment throughout the entire country. It is important for everyone to continue to show support for 2nd amendment rights which are under attack. More and more of our freedoms are being taken away and we need to stand together. Mr. Bortelli asked the governing body to please adopt a resolution in support of the 2nd amendment because our rights are dwindling away and it needs to stop.

William Hayden, Perry Trail, NJ, thanked Councilman Wronko and the governing body for listening to them tonight. The year 2020 was a bad year for the American people, a great year for gun sales. The people do not trust the government to protect them. Guns were purchased in record numbers for the purpose of self-defense just like the founders thought. The hope is that this would send a message along with the resolutions. We want to send a message to the politicians to please stop infringing. Why should they be able to protect themselves with fence and razor wire and firearms and we cannot. The pandemic has scared people to purchase firearms and there has been looting and destruction of our cities costing billions. The people have a right to defend themselves.

Joseph Labarbera, Major, United States Army Retired, Stillwater, NJ thanked the governing body and stated he is pleased and honored that in this day and age of cancer culture, a day and age where people of marching persuasions will actually come to your house and threaten you. People will denounce you on social media. People will come after your families just for sticking up for the Constitution. It has become a moot point now to discuss the legalities of the constitutionality and the 2nd Amendment. The question is about the day and age we are in and what is about to happen. We see millionaires and billionaires behind compounds with body guards. Mr. Labarbera stated,

as an infantry officer who has served, he is not speaking on behalf of any veterans, but only for himself. In the military, he can take an M4 and end the lives of people in Iraq and Afghanistan. He can lead hundreds of American soldiers into battle with those weapons. He can seize and confiscate weapons from Iraqis, Afghans and Kosovars. He can do all that but, he cannot have a weapon to defend his family. It is obnoxious and it is not going to stop. It is not going to stop with the number of rounds or with this kind of gun or that kind of gun. It is an agenda to completely disarm us as a society. It happened in Europe and it is coming here. We are not going to stand for it. Mr. Labarbera stated he is not speaking about legalities of constitutionality without personalizing it. His mother's ancestor fought in Pennsylvania against the British Ground and in his will he left his musket to his son who fought with Andrew Jackson at the Battle of Horseshoe Bend. That musket has been passed down through the family and is still with his mother's family today. Our right is not just a right to have a certain kind of gun. This is the right to be part of what the founders intended in the federalist papers as a militia. As a society, we take a responsibility for our own safety and our own security, ownership of our streets and communities, so we do not have a foreign police or foreign power come in at gunpoint to tell us how to behave. We are Americans. We are fierce. We are proud. We care and we take ownership of our families and our neighborhoods. You will hear very emotional arguments on this subject and it is true there is a price for freedom. If you take away the right to bear arms, you take away the right to defend ourselves, the right to organize well-regulated militias. You take away that ability of the American people and what you have are subjects. You no longer have citizens. Mr. Labarbera stated he is willing to die for his country and was willing to fight for his country. He comes from a long line of people who did and he is not going to give up a right that his ancestors have shed blood for. Mr. Labarbera thanked the governing body for their time and for listening and stated that he applauds their courage.

Mayor Zdichocki thanked Mr. Wababerra for speaking and for his service.

Amanda Leavy, 240 Lake Drive, Byram, NJ stated she has had a permanent restraining order in place for many years. There have been five instances which prove a piece of paper is not enough to do anything. The order gets violated in one way or another by contact via telephone, harassment by email, physically showing up somewhere (like her daughter's school), time and time again. The problem is when does it stop? We have heard numerous times where women with restraining orders have been killed by the person they had the restraining order against. Ms. Leavy described the issues she dealt with and how her daughter, who was a child at the time, had no protection. Fortunately, because Ms. Leavy lived in Stanhope, Byram and Netcong over the years, the local police officers went above and beyond to make sure her family's address did not get on any documents. Living with that fear for ten plus years with only the ability of having a piece of paper to protect them is scary. Now when there is a violation, the person who is the subject of the restraining order gets a phone call just telling him to stop it. A warrant is not even issued. Ms. Leavy stated it is important for her to be able to defend herself and her family. If our rights to defend ourselves are taken away, a lot more women will be hurt and more children will be living in fear.

Shelly Wilcock, 1 Whitehall Hill Road, Byram, NJ stated she appreciates this subject being brought to light. Some towns are becoming sanctuary towns for the 2nd Amendment. It is very important to maintain this right. If we give an inch, we will give up the rights to being able to have a gun at all. They have already taken the clips away and you can only have a certain number of bullets in a clip. The laws which have been laid down over the 2nd Amendment are very restrictive. People need to stand up for the 2nd amendment or it will be gone. This is a huge right which she is in favor of.

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

Mayor Zdichocki asked Councilman Wronko if he would like to speak and stated after that a straw poll will be taken by the council on whether or not to place a resolution on the agenda.

Councilman Wronko thanked everyone for coming and expressing their concerns and support this evening. The purpose is to raise awareness and to show support for something that already exists. We do live in a very restrictive state. We are not looking to change the laws with this resolution. The resolution clearly states to follow the existing laws. The resolution states that we do support the 2nd Amendment and it is something we take seriously. As our oath states, which we took when we entered office here, we are to uphold the constitution. Councilman Wronko stated this is what is he looking to do and he hopes the governing body will support this. Councilman Wronko thanked everyone for their time.

Mayor Zdichocki called for a straw poll to determine if a resolution in support of the 2nd Amendment should be placed on the agenda. The results are as follows:

Councilman Romano – No

Councilman Riccardi – No

Councilwoman Kuncken stated, as Councilman Wronko stated earlier, when each of us is sworn in upon being elected, we take an oath to support the Constitution of the United States, which she has done several times, having been elected several times. Therefore, by taking that oath, she said that she supports the Constitution including its amendments. Councilwoman Kuncken stated that she does not feel that, at this point in time, a resolution needs to be passed to that affect because they have taken an oath to support the Constitution of the United States, which she takes very seriously. Councilwoman Kuncken thanked the audience members for their professionalism and their demeanor in presenting their ideas and thoughts. She respects each and every one of them for the thoughts which they have and how they have handled themselves.

Councilman Thornton stated he agrees with Councilwoman Kuncken's statement. Every year which we are elected and sworn in to our three-year terms, we take an oath to uphold the Constitution and he fervently believes in the 2nd Amendment and all amendments of the Constitution as far as defending them against any forces meant to uproot them. Therefore, Councilman Thornton does not feel a resolution is necessary.

Councilman Cipollini stated 25 years ago his wife moved up here from Atlanta, Georgia. After she was here a month, he went to get the documents from her car to go to motor vehicle. In her glove box was her self-defense revolver. He quickly hid it under his jacket and brought it into the house and told her this is New Jersey and you are not allowed to have a gun. Councilman Cipollini stated at that point she said to him; Are you kidding? It is my Constitutional right to be able to defend myself against violent attackers. Councilman Cipollini agreed with her but in New Jersey the Constitution stops at our border. It took him awhile to convince her that this was in fact the case. And she swore up and down that it was illegal for our legislature to do this. Councilman Cipollini stated, since Google was not born yet, he gathered the research to show her that our government of the State of New Jersey was violating our Constitution. His wife then said to him, twenty-five years ago: If your own government does not support the Constitution of the United States, why would anyone want to live here. As the others have stated, each time we take the oath of office, we state that we will support the Constitution of the State of New Jersey, as well as the Constitution of the United States of America. The 2nd Amendment is part of that Constitution. As elected officials, I feel we have not only a responsibility to support that but any opportunity we have to emphasize that for other elected officials who are not supporting the Constitution needs to be done. For that reason, Councilman Cipollini voted Yes for the resolution.

Councilman Wronko – Yes

Mayor Zdichocki stated the results of the straw poll are 4 – No and 2 – Yes votes. Therefore, a resolution will not be placed on the agenda. Mayor Zdichocki thanked everyone for attending tonight's meeting and stated the governing body is always willing to listen.

CLOSED SESSION

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

WHEREAS, this public body is of the opinion that such circumstances presently existing;

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

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

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

1 – Contract

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

4. This resolution shall take effect immediately.

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

The Mayor and Council went into Closed Session at 7:50 P.M.

RETURN TO OPEN SESSION

At the conclusion of the Closed Session, the Mayor and Council reconvened the public meeting at 7:57 P.M. with all present.

ADJOURNMENT

On motion by Councilman Romano, seconded by Councilman Riccardi, and unanimously carried by voice vote the meeting was adjourned at 7:55 P.M.

Approved:

Linda Chirip
Deputy Clerk for
Ellen Horak, RMC
Borough Clerk