

**MAYOR AND COUNCIL
WORK SESSION AND
AGENDA MEETING
September 14, 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 and on the official website of the Borough of Stanhope.

Furthermore, notice of the change in the meeting location was sent to the New Jersey Herald and Daily Record on June 9, 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:

Councilwoman Kuncken – present
Councilman Riccardi – present
Councilman Romano – present

Councilman Thornton – present
Councilman Vance – present
Councilman Wronko – present

Mayor Zdichocki – present

ADMINISTRATOR'S REPORT

Stanhope Pedestrian Loop Phase 2 Project – Administrator McNeilly stated progress is being made as follows:

Stanhope School Path – Administrator McNeilly stated the light bases and conduits have been installed on the Stanhope School Path. The wire pulling is on-going. The lights are due to arrive in 30 days and the ground restoration is complete.

Lenape Path – Administrator McNeilly stated the light bases are installed on the Lenape Path. The wire pulling is on-going. The electrical cabinet base is complete. Now waiting on the lights, cabinet and JCP&L.

Sparta Road – Administrator McNeilly stated the curbing work is almost complete. The cross-road trench work is on-going. Getting this work done during the day has been a challenge. The school traffic and rush hour traffic are making it difficult to do the cross-road trench. A request has been submitted for permission to do the cuts two or three nights during the week. Work on the shoulder trenches will begin this week. Administrator McNeilly stated he will keep the governing body informed.

Baker Place Water Main – Administrator McNeilly stated Regal Utility Services started the water main replacement work for Baker Place on Monday, September 13th. The work is on-going. The vendor hopes to be completed in less than three weeks.

Highland Avenue / Baker Place / N. Central Avenue Paving – Administrator McNeilly stated the lowest bid received for the Highland Avenue, Baker Place and N. Central Avenue paving project was \$52,000 more than the Borough bonded for in 2019, which was the original date of the project. Administrator McNeilly stated he was prepared for this possibility. The backup plan is to mill and pave North Central Avenue, Highland Avenue and Baker Place at the same time as the Sparta Road paving. This will enable the paving to be done before the end of the season. A resolution will be prepared for the September 28th agenda to reject the bid.

Kelly Place, Old Waterloo Road and Furnace Street Project – Administrator McNeilly stated the bid opening for the Kelly Place, Old Waterloo Road and Furnace Street project is scheduled for September 21st with a possible award being prepared for the September 28th agenda. The vendors have been requesting bid packets and hopefully they will submit bids for the project.

Gas Station Route 206 – Administrator McNeilly stated the Route 206 gas station is operating on a Temporary Certificate of Occupancy (TCO) due to open issues with the Construction Department and Engineering. The owner has received many reminders advising him to complete the list prior to the end of September or risk losing the TCO, which will force a closure until the issues are satisfied. The fire at this location has no impact on completing the list.

Surplus Equipment – Administrator McNeilly stated two 2011 Crown Vic's are currently listed on the Municibid website. The bidding is going well. A resolution will be needed for the September 28th agenda to accept the bids. The other items will be added to the website in the future.

Lloyd Avenue / Brooklyn Road Pedestrian Crossing – Administrator McNeilly stated the Maple Terrace Pedestrian Road Crossing Agreement resolution is on tonight's agenda for adoption. Administrator McNeilly stated he has spoken with the CFO and there are some unutilized capital funds which can be put toward the Lloyd Avenue crossing if the governing body agrees to do so. If approved, the installation could take place in the Summer of 2022. Mayor Zdichocki asked the governing body if they are in favor of moving forward with this project. The governing body unanimously agreed. A resolution will be prepared for the next scheduled Mayor and Council meeting.

West Nile Virus Mosquitos – Administrator McNeilly stated a notice was received yesterday informing the Borough that the West Nile Virus was located in the adult mosquito population within the Borough, however, no specifics were provided regarding the exact location. Administrator McNeilly contacted the Office of Mosquito Control to confirm the location. Mayor Zdichocki stated the virus was detected in the mosquitos, not in a person. An updated notice was received and the Borough is scheduled to be sprayed, weather permitting, on Friday evening. Administrator McNeilly stated he prepared a Nixle message to go out on Thursday but, due to the fact the Clerk's office has already been receiving calls, the Nixle message went out today. The information has also been placed on the Borough website. The areas to be sprayed are as follows: Dell Road, Stonegate Lane, Sagamore Road, Elm Street, Bedford Avenue, Main Street, Linden Avenue, Musconetcong Avenue, Lawrence Avenue, Canfield Street, Lenape Drive and Woods Avenue. Administrator McNeilly stated this number of streets have never been sprayed all at once before. Byram Township was being sprayed yesterday and today.

Water and Sewer Relief – Administrator McNeilly stated a request was received from 3 Young Drive for relief from water and sewer charges. The homeowner suffered a house fire on April 30th and the house continues to be uninhabitable. Past practice has been to grant relief until a CO is issued. If acceptable, Administrator McNeilly will let the resident know and have a resolution ready for the September 28th meeting. Mayor Zdichocki asked the governing body if they were in favor of granting relief to the homeowner from water and sewer charges due to the fire. The results are as follows: Councilman Wronko – yes; Councilman Vance – yes; Councilman Thornton – yes; Councilwoman Kuncken – yes; Councilman Riccardi – yes; Councilman Romano – yes. Approval was granted.

Budget 2022 – Administrator McNeilly stated the departments, boards and commission's budgets are due September 16, 2021. To date, five or six have been submitted.

Route 206 Gas Station – Councilman Vance asked Administrator McNeilly how many items are still open which the gas station needs to complete. Administrator McNeilly stated some of the items are simple such as needing to remove a dead tree. A significant item is a missing guardrail which comes out at the back of the property onto Ash Street. There is a ten-foot drop on the back of the bush in this location. The leader coming off the roof is not correct. The storm drains in the ground are not pitched properly. There are approximately 9-10 items. None of these items compromises the safety, environmental operation or stormwater management.

Lenape Path – Councilman Riccardi asked Administrator McNeilly what the estimated timeframe is for JCP&L to complete their work. Administrator McNeilly stated he initiated the order today. JCP&L will not hold up the project. It is receiving the fixtures which is causing the delay.

Paving – Councilman Riccardi stated the overage of \$52,000 for the Baker Place, Highland Avenue and N. Central Avenue paving is way over what was expected. What does this do for the timeline for paving these roads? Administrator McNeilly stated the roads will be paved sometime next month. Scheduling with Schifano Construction is much quicker than it used to be with Tilcon. Schifano Construction already has a place holder on their calendar for Stanhope.

West Nile Virus Mosquitos – Councilman Thornton asked if the information on how the virus was discovered could be provided to the residents. Administrator McNeilly replied the press release and documentation states the virus was found in the adult mosquito population. Councilwoman Kuncken stated in the effort to clarify, care must be taken not to cause confusion. Mayor Zdichocki stated the Borough has not received a report indicating the virus has been found in any people. Administrator McNeilly stated the information provided did not state how the virus was discovered. After a lengthy discussion, it was decided additional information will be placed on the website. Administrator McNeilly stated News 12 reported on this issue and the information they provided came directly from the Borough's Nixle message.

WORK SESSION

Budget – Councilman Romano stated the Board of Health met last week and discussed next year's budget. The Board of Health needs to purchase a computer for recording the business meetings. The cost of the recording software will be shared with other departments. The CFO has been consulted and funds can be moved from different line items to accommodate this need. The Board of Health budget will not be affected.

9/11 Memorial Ceremony – Councilman Romano stated he would like to congratulate Mayor Zdichocki, Councilwoman Kuncken and Councilman Wronko for the work they did for the 9/11 Memorial Ceremony which took place this past Saturday. It was a beautiful day and the ceremony was an excellent program and well carried out. Mayor Zdichocki stated thanks must also be extended to the Ambulance Squad, Fire Department, Cat Barry, the bagpipe player, American Legion, Congresswoman Mikie Sherrill, Zoe Rizzo (our first female Eagle Scout), Diana Kuncken and Tammy Araujo who all made this event a great success. Councilwoman Kuncken thanked Tammy Araujo and stated she was great to work with. Tammy was the secretary; public relations and she did all the artwork for the program and the invitation. Tammy's contribution was greatly appreciated.

OLD BUSINESS

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 2021-14

AN ORDINANCE AMENDING CHAPTER 53 "SHADE TREE COMMISSION" OF THE CODE OF THE BOROUGH OF STANHOPE TO AMEND SECTIONS 53-6 AND 53-7

WHEREAS, the Borough desires to amend certain prohibited acts on private, firm or corporation property and the violations and penalties with regards to the Borough's Shade Tree Commission.

NOW, THEREFORE BE IT ORDAINED, that the Mayor and Council of the Borough of Stanhope has reviewed the Borough Code regarding the Shade Tree Commission and has determined that the revisions to Sections 53-6 and 53-7 are required, as follows:

SECTION 1:

Section 53-6B shall be deleted in its entirety and shall be replaced as follows:

- B. On private, firm or corporation property:

- (1) Except as herein provided, no person shall willfully, carelessly or negligently remove, cut down or injure two or more living trees having a diameter of four inches or more or a circumference of twelve and one half (12.6) inches (dogwood and American holly, one inch) at a distance of four feet measured from the ground within a twelve (12) month period. The acts prohibited in this subsection may be allowed upon the issuance of a permit approved by the Shade Tree Commission. Permits are issued at no cost to single family or two-family dwelling applicants occupied by the owner. An application for a permit must be filed with the Shade Tree Commission and a site inspection must be made prior to approval and tree removal.

Tree removal permits are effective for only three (3) months from date of issue.

- (2) Upon application for a major or minor subdivision and/or site plan, the applicant shall indicate therein the location of all trees and designate which trees, if any, are to be removed and the types of trees and/or shrubbery to be planted for aesthetic purposes. A copy thereof shall be filed with the Shade Tree Commission, which shall review the same and notify the Land Use Board of its approval or disapproval. If the plans are not acted upon by the Shade Tree Commission within 10 days after the reference, the same shall be deemed approved. The Land Use Board shall issue approval only upon approval by the Shade Tree Commission or upon expiration of said 10 days.

SECTION 2:

Section 53-7 shall be deleted in its entirety and shall be replaced as follows:

Any person violating any provision of this chapter shall, upon conviction, be punishable by a fine not exceeding \$1,000 (nor less than \$100) or imprisonment for a term not exceeding 90 days or a period of community service not exceeding 90 days, or any combination thereof.

SECTION 3 - SEVERABILITY

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

SECTION 4 - REPEALER

All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

SECTION 5: EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption and publication in accordance with law.

On motion by Councilman Romano, seconded by Councilman Vance and unanimously carried by the following roll call vote, the foregoing ordinance was adopted.

Mayor Zdichocki opened the meeting to the public for questions or comments on this ordinance only. Seeing no one from the public wishing to speak, Mayor Zdichocki closed the public portion of the meeting.

Roll Call:

Councilwoman Kuncken – yes
Councilman Riccardi - yes
Councilman Romano – yes

Councilman Thornton – yes
Councilman Vance – 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.

NEW BUSINESS

Resolution 165-21

**RESOLUTION AUTHORIZING CHANGE ORDER NO. 1
FOR THE STANHOPE PEDESTRIAN LOOP PHASE 2
PROJECT**

WHEREAS, a contract was entered into for professional construction services for the Stanhope Pedestrian Loop Phase 2 Project between the Borough of Stanhope and Salmon Bros., Inc. for an original contract price of \$697,950.00 by the adoption of Resolution No. 110-21 on May 25, 2021; and

WHEREAS, the New Jersey Department of Transportation (“NJDOT”), on behalf of Salmon Bros, Inc., has submitted Change Order No. 1 for additional costs for a conduit size change and supplemental conduit in the amount of \$34,136.50; and

WHEREAS, the Chief Financial Officer has certified that there are available sufficient uncommitted appropriations in General Capital Ordinance #2021-03 to award Change Order No. 1.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Stanhope, County of Sussex, State of New Jersey, authorizes Change Order No. 1 in the amount of \$34,136.50 for the Pedestrian Loop Phase 2 Project, pursuant to N.J.A.C. 5:30-11.3 et seq., and increasing the overall contract cost to \$732,086.50.

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

Administrator McNeilly stated this change order has both a negative and positive aspect. When the electrician came on to the site it was determined the conduit size, which was specified at 2”-3”, would not be workable in the bases. The size was reduced to 1 ½” which resulted in a savings. Spares are being installed wherever possible. There are 25 lights to be installed on Sparta Road. The crossbars for the banners and the outlets were accidentally not included in the original specifications. Adding the posts for the banners and the wiring for the outlets has an increased cost. Administrator McNeilly stated the banners and outlets were part of the original discussions and descriptions. Local Aid at NJDOT has been contacted regarding the change order but a response has not been received to date approving the increased cost. Councilman Vance, who was not a member of the governing body at the time the grant was awarded, asked how much funding is available. Administrator McNeilly explained that the original request was in the amount of \$950,000. The first contractor who had the lowest bid, Tony’s Concrete, came in at \$607,000, which was substantially lower. However, this contractor was disqualified from having the job awarded to them for procedural reasons. The second contractor, Salmon Brothers, had a bid of almost \$700,000, which was still substantially lower. It was the intention of the project to have the additional items as part of the project and the hope is that this will be approved. Councilman Riccardi asked when Local Aid will respond with their decision. Administrator McNeilly stated the Borough has to submit the initial pay request three months from the initiation of the project. The notice to proceed was not received until the third week in July. Information is needed from GPI in order to submit the paperwork to Local Aid. This should be the only issue to address. There are some rock issues but they are working around those to minimize disruption to the properties in that area.

Roll Call:

Councilwoman Kuncken – yes	Councilman Thornton – yes
Councilman Riccardi – yes	Councilman Vance – yes
Councilman Romano – 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 166-21

**RESOLUTION REQUESTING APPROVAL FROM THE
DIVISION OF LOCAL GOVERNMENT SERVICES TO
ESTABLISH A DEDICATED TRUST BY RIDER FOR NON-
PREMIUM SELF-INSURANCE PROGRAMS PURSUANT
TO NJS 40A:10-1 et seq**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance, and

WHEREAS, NJS 40A:10-1 et seq allows municipalities to receive amounts for costs incurred for Non-Premium Self Insurance Programs, and

WHEREAS, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by dedication by rider,

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

1. The Mayor and Borough Council hereby request permission of the Director of the Division of Local Government Services to pay expenditures for Non-Premium Self-Insurance Programs pursuant to NJS 40A:10-1 et seq.
2. The municipal clerk of the Borough of Stanhope is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

Resolution 167-21

RESOLUTION TO ENTER INTO A SHARED SERVICES AGREEMENT WITH THE COUNTY OF SUSSEX, NEW JERSEY, RELATED TO A PEDESTRIAN WARNING BEACON SYSTEM ALONG CR602 AND MAPLE TERRACE

WHEREAS, the Borough of Stanhope and the County of Sussex have decided to work collectively towards the enhancement of pedestrian safety; and

WHEREAS, the Borough of Stanhope and the County of Sussex have determined that it would be mutually beneficial to enter into a Shared Services Agreement, related to a Pedestrian Warning Beacon System for the crossing of County Route 602, a.k.a. Brooklyn-Stanhope Road, along +/- milepost 0.37; and

WHEREAS, the Borough of Stanhope desires to enter into a Shared Services Agreement with the County of Sussex for the installation and maintenance of the Pedestrian Warning Beacon System; and

WHEREAS, the parties have the authority to enter into a contract for the joint provision of the services pursuant to N.J.S.A 40A:65-1, et seq.

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

1. The Mayor and Borough Administrator are hereby authorized to execute this Shared Services Agreement between the Borough of Stanhope and the County of Sussex, New Jersey.
2. This Resolution shall take effect immediately.

BE IT FURTHER RESOLVED that certified copies of this Resolution shall be forwarded to Gregory V. Poff II, Administrator, County of Sussex, and to the Division of Local Government Services and Department of Community Affairs.

Resolution 168-21

RESOLUTION AUTHORIZING A REFUND OF OVERPAYMENT OF TAXES

WHEREAS, the property owner inadvertently made payment of 3rd quarter 2021 taxes with a credit card online, and also paid the same period taxes with a check; and

WHEREAS, the property owner could not cancel the credit card payment, therefore creating an overpayment on the account; and

WHEREAS, the owner has requested a refund of the overpayment.

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

Homeowner Information:

Block	Lot	Qual	Name & Address	Tax Year	Amount
10901	22		Carmelino & Rosa Taddei 22 Valley Road Stanhope, New Jersey 07874	2021	\$2,063.23

Resolution 169-21 RESOLUTION AUTHORIZING REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER

WHEREAS, the Tax Collector has received payment for the redemption of Tax Title Lien No. 2019-013, representing property taxes and/or utility charges on Block 11501, Lot 2 C0232, known as 13232 Dell Pl, assessed to Thistleton, Doreen, and;

WHEREAS, the Tax Collector certifies that reimbursement is now required to be made to the following lien holder for the required redemption amounts as shown below:

To Lienholder:	Phoenix Funding, Inc. 1148 Springfield Ave Mountainside, NJ 07092
Redemption Amount:	Tax Title Lien #2019-013 and Interest to Date of Meeting \$ 12,358.58 Premium Paid by Lienholder <u>14,000.00</u>
Total From Current Fund:	\$ 12,358.58
Total From Tax Premium Account	14,000.00

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Stanhope, County of Sussex, State of New Jersey, that the Borough Treasurer be authorized to prepare the necessary check as stated above and to forward same to the lien holder.

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

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

Roll Call:

Councilwoman Kuncken – yes	Councilman Thornton – yes
Councilman Riccardi – yes	Councilman Vance – yes
Councilman Romano – yes	Councilman Wronko – yes

Mayor’s Acceptance of Resignation

Resolution 170-21 MAYOR’S ACCEPTANCE OF THE RESIGNATION OF CARMEN PICO 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 Carmen Pico’s resignation as an appointed member on the Recreation Commission, effective September 8, 2021.

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

Mayor's Appointment

Resolution 171-21

**MAYOR'S APPOINTMENT OF JENNIFER DILETTO TO THE
BOROUGH OF STANHOPE RECREATION COMMISSION**

Mayor's appointment to the Recreation Commission as follows:

Jennifer Diletto 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 Jennifer Diletto as a member of the Recreation Commission, to fill an unexpired term, with said term to expire December 31, 2022.

On motion by Councilman Vance, seconded by Councilman Thornton and carried by a majority voice vote, the foregoing resolution was duly adopted. Councilman Wronko abstained.

PAYMENT OF BILLS

Resolution 172-21

**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 September 14, 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:

Councilwoman Kuncken – yes
Councilman Riccardi – yes
Councilman Romano – yes

Councilman Thornton – yes
Councilman Vance – yes
Councilman Wronko – yes

AGENDA ITEMS

All items listed on the Agenda for September 28, 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.

Seeing no one 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 7:37 P.M.

Approved:

Linda Chirip
Deputy Clerk for
Ellen Horak, RMC
Borough Clerk