

**MAYOR AND COUNCIL
REGULAR MEETING
February 22, 2022
6:00 P.M**

CALL TO ORDER

SALUTE TO COLORS

Mayor Zdichocki invited all those present to stand in a salute to the colors.

MAYOR'S STATEMENT AS TO COMPLIANCE WITH P.L. 1975

Adequate Notice of this Meeting has been provided according to the Open Public Meetings Act, Assembly Bill 1030. Notice of this Meeting was included in the Annual Meeting Notice sent to the New Jersey Herald and the Daily Record on January 5, 2022 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 February 9, 2022 and was placed on the official bulletin board in the Municipal Building and 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:

Councilwoman Kuncken – present
Councilman Riccardi - absent
Councilman Romano – present

Councilman Thornton - present
Councilman Vance - absent
Councilman Wronko - present

Mayor Zdichocki – present

2022 BUDGET DISCUSSION

Dana Mooney, CFO, stated she has been working with the Borough Auditors. The Financial Statement has been completed. The annual audit will take place next week. Ms. Mooney stated as far as the current fund budget, the final revenue submitted to the governing body is her recommendation and that of Ray Sarinelli, Borough Auditor.

7-a-2 Police Department OE – Line #10524026 Meetings & Seminars has been changed to \$900.00 as requested by the governing body.

8-a-3 Road Maintenance – Line #10529026 Tree Trim & Removal (page 8-a-2) was increased from \$10,000.00 to \$12,000.00 and a new total page was provided.

12-a – Line #10547220 Social Security has been finalized across the three budgets. There is a new addition, Line #10547620 DCRP-Employer Share. For the first time there are two employees who cannot be in the PERS system but they are required to be placed in DCRP. This is a different type of retirement fund for those employees who do not meet the requirements for the pension system based on hours and salary.

12-a-3 Provides the summary breakdown for PERS and PFRS across the three budgets.

12-a-4 Provides the summary breakdown for the DCRP and what the Borough's costs are. A small portion had to be added to this year's budget to cover a portion of last year. Hourly employees can have some fluctuation in total hours worked, either plus or minus, at the end of the year.

13 Debt Service – Line #10940020 Payment of Note Principal and bottom line balance have changed. The Note Principal was \$400,000 in the last budget. The Borough Auditor had asked to increase the amount to \$408,000 which was a minimal change for the overall budget. Last year, \$43,217.97 in outstanding debt was cancelled. The amount anticipated for this year is exactly the same as a revenue. The bank still has to be paid this amount of money but then it will be gone off of the books and it will not be taken out again. Therefore, the Note Principal for 2022 is \$451,217.97. Additional funds have not been taken from surplus.

13-a-1 Bond Anticipation Note History – Ms. Mooney stated she checked the current interest rates which are back up to one percent.

Councilwoman Kuncken stated next year the garbage and recycling contracts will have to be renewed and those costs will be much higher. Councilwoman Kuncken is of the opinion extra funds will be needed to cover those contracts. Administrator McNeilly confirmed the increase in the Note Principal is a clerical issue and not an amount that would be sustained in the next budget. The Borough is doing a good job of paying down the debt. Ms. Mooney stated Mr. Sarinelli has recommended that the amount of the debt service should be at least the same amount as what was paid the previous year, which includes the interest. Last year, the Borough paid \$382,000 in principal and \$54,100 in interest for a total of \$436,000. The interest was high due to the rate in 2020 when the note was taken out. The rate has dropped to \$28,000. This year, taking out the \$43,000 for the cancelled debt service, the total is \$435,999. Therefore, the amount really has not increased.

Anticipated Revenues & Budget – The surplus being used is \$850,000. Mr. Sarinelli has no concern with this going up a bit because the Borough generated quite a bit last year, more than normal. Miscellaneous Revenue, #3 Section G, Reserve to Pay Debt Service is \$43,217.97. No funds are being used from the Reserve for Sale of Municipal Assets this year. The Tax Rate is 1.23441. Last year the rate was 1.217. The increase in points is 2.32. The Levy increase is 1.91%, which is below 2%. An Average Taxpayer, on a residence assessed at \$193,464, would pay \$43.94.

Salaries – Councilwoman Kuncken stated the salary discussion is for all employees not covered by a contract. The four protected positions will receive the highest rate of 2.75%. Councilman Thornton stated he is not willing to entertain any increase above 2%. Two years ago, the percentage budgeted was more than 2% and at that time it was stated that was a one time increase. Councilwoman Kuncken stated she does recall that however, even social security did a better cost of living increase this year because of inflation and all we are dealing with. Councilwoman Kuncken suggested reviewing the costs of a 2% increase and even a little higher at 2.25%. The cost difference may not be as much as we think. Mayor Zdichocki stated everyone just assumes the increase of 2% but the amount can be more or it can be less. Mayor Zdichocki suggested the CFO prepare salary percentage ranges and the discussion can take place at the next meeting. Councilman Wronko asked for ranges in quarter increments from 1.5% to 2.5%. Councilman Romano stated there is a real difference between percentages versus actual dollars and he agrees with Councilman Wronko's request. Councilwoman Kuncken stated in her opinion 1.5% is a little low. Councilman Thornton asked what the social security percentage increase was. Councilman Romano replied the percentage was 5.+. Ms. Mooney stated the Cost of Living Adjustment (COLA) for 2022 is 2.5%. Councilman Romano stated if the COLA is 2.5% then the governing body should look at 2.25% and 2.5%. The governing body asked Ms. Mooney to prepare the salary costs for 2.25% and 2.5%. The figures for a 2% increase have already been provided. Administrator McNeilly stated the figures will show how the dollar amounts affect the budget. Mayor Zdichocki stated the Repairer costs need to be included as well. Administrator McNeilly stated the Repairer costs are approximately \$4,800 spread across three budgets. Councilman Thornton asked for the calculations to be emailed to the governing body well in advance of the next meeting so they can be reviewed.

15 Capital – Administrator McNeilly stated the updated capital budget includes the Police radios, speed signs, leaf trailer, Valley Road/Delaware Avenue resurfacing, Elizabeth Avenue resurfacing, and the trees for Shade Tree. Ms. Mooney stated \$500 has been added to the Shade Tree project to cover extra administrative costs. Administrator McNeilly stated the backup page for the capital budget shows that the Lenape Drive/Woods Avenue/Lepont Street project has been removed. The Sunset Ave/Ridge Road/Overhill Road project does not include Baker Place. That reference needs to be removed. The actual cost for this project is not \$515,000. The true cost is \$587,000 with a total of \$627,000. The Borough is waiting for an answer regarding congressional funding. The

decision has been delayed to March 1st but may be delayed further. The Sagamore Drive/Spencer Street project will definitely be scheduled for 2023. This project was never part of the 2022 budget. The future road project for Sunset Avenue/Ridge Road/Overhill Road/Mountainview Road Improvement Project will be scheduled once the water system work has been completed and settled.

Ms. Mooney asked for status update regarding the telephone system replacement. Proposals have been received. The current system is being repaired with parts taken from systems other companies are getting rid of. The capital improvement fund will have enough funding to replace the system if needed. One of the proposals was approximately \$6,000. The other quote was much higher. The current wiring and phones are in working order. It would only be the panel which will need to be replaced. The governing body asked to have the proposals forwarded to them for review. Ms. Mooney stated she will add the telephone system to the capital list for review. Administrator McNeilly stated it would be possible to self-fund the replacement.

Water/Sewer Budget - Ms. Mooney stated the water operating surplus is up from last year. It is at \$418,000 and it had been \$402,000, despite the fact the Borough was not permitted to collect any interest for water. This makes anticipating the revenues difficult because you cannot anticipate any more than you took in the year before. It is uncertain at this time as to when interest will be permitted to be charged. In 2021, \$8,000 was anticipated in miscellaneous revenue and only \$3,600 was collected. Ms. Mooney stated Mr. Sarinelli has informed her that changing the water rates is not recommended at this time. Ms. Mooney stated, after speaking with the Administrator and the DPW Superintendent, leak detection has been added to the budget for 2022 and it is split between water and sewer. Leak detection is done every few years and the last time it was done was 2018. The water budget is \$3,000 more than last year which is due to the addition of the leak detection. The prior leak detection cost was \$5,100 and the amount budgeted this year is \$6,000. There is a chance the actual cost could be more. Discussion took place regarding alarms and telephone changes which have been made that have reduced costs.

Ms. Mooney stated the sale of assets is on the record books. Administrator McNeilly stated it is in the sewer account. There are customers who are sewer customers but not water customers. Ms. Mooney stated there is \$197,800 in reserve for sewer. In order to use the funds, the funds must be anticipated in the budget. Administrator McNeilly stated the funds can be used in the case of an emergency repair. The sewer budget has increased by \$16,000. Some of the increase is a result of salaries, leak detection (\$3000), and paying down \$7,000 more in BANS and Notes than last year. The sewer rates will not change. Mayor Zdichocki asked if the reserve funds could be used to cover the \$16,000 so there would not be an increase in the budget. Administrator McNeilly explained that it is not advisable to use a non-recurring fund to pay an operating expense.

The Mayor and Council thanked Ms. Mooney for attending this evenings meeting. Ms. Mooney stated the salary figures will be sent to the governing body by the end of the week for their review.

CITIZENS 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.

Nancy Hoyt, 33 Lawrence Avenue, stated shouldn't the sewers be paid for by now. Administrator McNeilly replied the only capital expense right now is for the last pump station. There are MSA costs. All the pipes in the ground have been paid for. Mrs. Hoyt asked if the MSA charges increase. Councilman Romano replied those costs remain relatively stable. Administrator McNeilly stated the system is thirty years old and there are maintenance costs.

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

MINUTES FOR APPROVAL

Mayor Zdichocki read aloud the list of minutes being presented for approval:

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|------------------|--|
| January 4, 2022 | Reorganization Meeting |
| January 11, 2022 | Work Session/Agenda Meeting & Closed Session |
| January 25, 2022 | Business Meeting & Closed Session |

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

CORRESPONDENCE *(List Attached)*

On motion by Councilman Romano, seconded by Councilman Thornton and unanimously carried by voice vote, the list of correspondence was accepted and ordered placed on file.

COUNCIL COMMITTEE REPORTS

Public Safety – Councilwoman Kuncken/Councilman Vance

(Police, Fire, Ambulance, Court & Violations Bureau, Emergency Management)

Councilwoman Kuncken stated the Fire Department for the month of January reported 8 calls, 2 mutual aid calls, 4 drills, 1 meeting, 9 special details for a total number of volunteer hours or 79.75.

Councilwoman Kuncken stated the Police Department for the month of January reported 80 motor vehicle stops and a total of 243 calls for the month.

Councilwoman Kuncken stated the Ambulance Squad for the month of January reported 23 calls in Stanhope, 24 calls in Netcong, and 1 standby for a total of 48 calls. There was a total of 9 out of town calls: 2 in Vernon, 2 in Byram, 3 in Hopatcong and 2 in Mt. Olive. The overall total number of calls was 57 for the month. They treated 40 patients and made 26 trips to the hospital for a total of 811 miles travelled. There were 172 hours and 46 minutes of hours volunteered for the month. There were no assists from the Netcong Fire Department or the Stanhope Fire Department.

Finance & Administration – Councilman Romano/Councilman Thornton

Councilman Romano stated for the tax collections for the month of January were \$861,101.82 which is also the year to date figure. The first quarter collection to date is almost 28%. This is considerably lower than what was collected in 2021.

Councilman Romano stated the water collections for the month of January were \$34,294.67. The sewer collections were \$40,323.59.

Community Development – Councilman Wronko/Councilman Riccardi

Councilman Wronko stated the Fire Department and Ambulance Squad corned beef dinner fundraiser is taking place. Orders are due by March 8th.

Councilman Wronko stated, to date, nine vendors have signed up for the Spring Festival.

Councilwoman Kuncken stated the American Legion will be sponsoring the Memorial Day Parade which was cancelled for the past two years. Ed Mattison was the parade chairman for many years but sadly he has passed away. There is a new member in charge and he has asked Stanhope Borough and Netcong Borough for assistance. Councilwoman Kuncken stated she, Mayor Zdichocki and Mayor Joe Nametko of Netcong are on the committee. Everyone is looking forward to having the parade back.

Mayor Zdichocki stated the water/sewer bills will be mailed soon and flyers will be included in the mailing. Flyers will have information regarding the Spring Festival, the St. Patrick's Day Fundraiser and the Easter Egg Hunt. Administrator McNeilly stated the procedure to have a flyer placed in with the water/sewer bills requires a request submitted in writing to the Mayor and Council for approval. Eight inserts can be included in the mailing without incurring a postage increase.

Municipal Infrastructure – Councilman Thornton/Councilman Romano

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

Councilman Thornton stated he had no report this evening.

Information Technology – Councilman Riccardi/Councilman Wronko

Councilman Wronko stated he had no report this evening.

Boards/Commissions – Councilman Vance/Councilwoman Kuncken

Councilman Kuncken stated she had no report this evening.

ADMINISTRATOR’S REPORT

Water System – Administrator McNeilly stated the NJDEP has notified water system owners statewide that all lead water services and suspected lead services need to be replaced within the next 10 years. The goal is 10% per year. The DPW Superintendent is working on identification and is of the opinion the Borough has between 150 – 200 suspect services out of the 1400 services. Administrator McNeilly provided a flyer which the DEP is using to visually explain the pipe in question. The piping in question is from the water main to the water meter. Normally the Borough’s obligation stops at the curb shut off. A list has to be compiled and posted and the Borough is responsible to replace the lines which will be on private property and in someone’s house. The best method of detection is to look at the pipes in the house which are going through the wall to the meter. Mayor Zdichocki asked if water sampling would help in the detection. Administrator McNeilly stated water sampling would not be beneficial due to the fact it would not be possible to know where the lead came from. The Borough does test for lead with a sampling parameter, approved by DEP, and there are several residences throughout the Borough’s system who have participated for years to have the water testing done. The DPW Superintendent is preparing a letter to be sent to the suspected properties advising them. The next issue is how will the costs be covered. Will the utility pay for the services, will the homeowner be responsible to cover the costs, or will there be some type of subsidy? Legislation was passed in July allowing the operator on the water side to have access to the system all the way to the meter. The municipalities already have the right/duty to inspect the sewer services in the residents’ homes. Councilwoman Kuncken stated it has already been determined that towns like Newark are going to receive funding to make these changes. Will there be funding for smaller towns. Administrator McNeilly stated towns with a population under 5,000 will not meet the criteria for funding. When the project for Ridge Road/Overhill Road/Sunset Avenue and Mountainview Road is prepared to be bid, the bid should include the costs to replace the pipes. Councilman Thornton asked if the ten-year timeframe begins immediately and what is the timeframe for assessing the extent of this burden. Administrator McNeilly stated it will take some time to access the homes to make the assessment. The newer developments and the condominiums would not be impacted by this issue.

Block Property (Peat Bog) – Administrator McNeilly stated the NJDEP is visiting the peat bog site with some regularity and they are looking for possible responsible parties to cover clean-up costs.

Sparta Road – Administrator McNeilly stated he has spoken with the Borough Attorney, Ursula Leo, and she needs the Borough Engineer to provide a letter of justification for the lowering of the speed limit to 25 MPH on Sparta Road. The justifications include the location of the school, parking lot, after school programs, Little League Field, activated crosswalk, the bike lane and pedestrian traffic. Once completed, an ordinance will be provided for first reading and introduction for the March 8th meeting. Mayor Zdichocki stated she has received positive feedback from residents regarding the Sparta Road project. Administrator McNeilly stated the speed monitoring signs are in use and the data will be collected.

NJMEL / Morris JIF – Administrator McNeilly stated he is working with Wayne Dietz to set up a training date for the Elected Official’s Training which will take place prior to a scheduled Mayor and Council meeting in April. In the event that an official is absent, an online program will be available. The training provides a credit of \$250.00 to the Borough’s insurance bill.

Sussex Warren Area Energy Cooperative – Administrator McNeilly stated there has been no change to the auction date for the Sussex Warren Area Energy Cooperative. Administrator McNeilly reminded the governing body, that during a prior discussion, mention was made to revisit this issue.

Budget 2022 – Administrator McNeilly stated the final budget review and final capital budget review will take place on March 8th. The target date for the introduction of the 2022 budget is March 22nd. The target date for the final adoption of the budget is April 26th. Mayor Zdichocki stated if anyone on the council needs any additional information or has any questions, they should contact Ms. Mooney directly to avoid any delays. Administrator McNeilly stated this timeline is good and we should not go past this as it allows the capital budget to fall in place right along side of it.

MSA Allocation Flow – Administrator McNeilly stated the allocation flow for the MSA is in excellent shape. The Borough’s allocation flow on average for the month of January was 42%.

COUNCIL DISCUSSION

Fire Department/Ambulance Squad Request – Mayor Zdichocki asked the governing body if there were any objections to approving a notice to be included in the water/sewer billing for the Fire Department and Ambulance Squad. There were no objections. Approval was granted.

Chamber of Commerce Request – Mayor Zdichocki asked the governing body if there were any objections to approving a notice to be included in the water/sewer billing for the Chamber of Commerce. There were no objections. Approval was granted.

Recreation Commission Request – Mayor Zdichocki asked the governing body if there were any objections to approving a notice to be included in the water/sewer billing for the Recreation Commission. There were no objections. Approval was granted.

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 2022-01

CALENDAR YEAR 2022 ORDINANCE OF THE BOROUGH OF STANHOPE, COUNTY OF SUSSEX, NJ TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Borough of Stanhope in the County of Sussex finds it advisable and necessary to increase its CY 2022 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Council hereby determines that a 1.0% increase in the budget for said year, amounting to \$36,611.18 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Stanhope, in the County of Sussex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2022 budget year, the final appropriations of the Borough of Stanhope shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$128,139.11, and that the CY 2022 municipal budget for the Borough of Stanhope be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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

Roll Call:

| | |
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| Councilwoman Kuncken – yes | Councilman Thornton – yes |
| Councilman Riccardi – absent | Councilman Vance – absent |
| Councilman Romano – 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 which was read by title.

Ordinance for Introduction and First Reading [Public Hearing on March 22, 2022]

Ordinance 2022-02

AN ORDINANCE OF THE BOROUGH OF STANHOPE, SUSSEX COUNTY, NEW JERSEY AMENDING CHAPTER 120 “STREETS AND SIDEWALKS”, ARTICLE 1, “EXCAVATIONS”, OF THE CODE OF THE BOROUGH OF STANHOPE

WHEREAS, the Borough Council determined that Chapter 120, Article 1, “Excavations”, needs to be amended to reflect substantive updates and revisions for excavations in all roads and public ways in the Borough of Stanhope.

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

SECTION 1

Article I, “Excavations”, of Chapter 120, “Streets and Sidewalks” shall be deleted in its entirety and Article I shall replaced as follows:

Article I. Excavations.

120-1. Permit required; contents of permit; bond requirement.

- A. No person, firm or corporation shall dig up or excavate any road, street, highway, public way, public alley, easement or other right-of-way accepted or maintained by the Borough as a public street, as well as any State or County road or highway over which the Borough has acquired jurisdiction, in the Borough of Stanhope for the purpose of laying, replacing or repairing water or gas or sewer pipes, or for any other purpose whatsoever, without first obtaining a permit from the Borough Department of Public Works (DPW) Superintendent, which permit shall be in writing and signed by the said DPW Superintendent and shall state, as nearly as practicable, where said digging up or excavating is to be done. Said permit shall further contain the stipulation that it is issued with the express understanding and agreement that the applicant therefor shall pay the expenses of repairing and replacing such street, highway, alley or public place so, as aforesaid, dug up or excavated, which work shall be done under the direction of the Borough Engineer.
- B. The fee for an excavation permit shall be as set forth in Chapter 82, Fees. In addition, the applicant is required to post a performance bond in the amount of 120% of the cost of the work to be done and must also post a maintenance bond in the amount of 10% of the cost of the work to be done and to be held by the Borough for one year. Also, fees shall be paid when the application is made. Permits may issue to other public bodies without fee.
- C. Excavation may be commenced without a permit where an emergency has arisen which makes it necessary to start work immediately, provided that the application for a permit is made simultaneously with the commencement of the work or as soon thereafter as is practical. When issued, the permit shall be retroactive to the date on which the work was begun.

120-2. Issuing authority for permits.

The Borough Department of Public Works (DPW) Superintendent is hereby authorized to issue such permit hereinbefore mentioned. The Superintendent shall determine the initial time limit during which the permit shall be valid.

120-3. Application for permit.

Application for a permit shall be made to the Superintendent and contain the following information:

- A. Name and address of the applicant.
- B. Name of the street where the opening is to be made and the street number, if any, of the abutting property.
- C. The Borough Tax Map block and lot numbers of the property for the benefit of which the opening is to be made.
- D. Nature of the surface in which the opening is to be made.
- E. Character and purpose of the work proposed.
- F. Time when the work is to be commenced and completed.
- G. Each application shall be accompanied by a set of plans in quadruplicate showing the exact location and dimension of all openings.
- H. The name and address of the workman or contractor who is to perform the work.

- I. A statement that the applicant agrees to replace at his own cost and expense, the street, curb, gutter and sidewalk in the same state and condition in all things as they were at the time of the commencement of the work, within 48 hours of the commencement of same.

120-4. Permit conditions and regulations.

- A. Transferability. Every permit shall apply only to the person to whom it is issued and shall not be transferable.
- B. Commencement of work. Work under a permit shall commence within 45 days from the date of issuance of the permit. If work is not commenced within that time, the permit shall automatically terminate, unless extended in writing by the Superintendent.
- C. Interference and Police Department Notice. All work shall be done in such a manner as to cause a minimum of interference with travel on the street affected. No street shall be closed to traffic unless the closing is approved by the Chief of Police. The Police Department shall be informed of all street closings at least 24 hours in advance, except where the work is of an emergency nature, in which case notice shall be given to the Police Department when work commences.
- D. Possession of permit. A copy of the permit together with a copy of the plan endorsed with the approval of the Superintendent shall be kept in possession of the person actually performing the work and shall be exhibited on demand. The original of each permit shall remain on file with the Department of Public Works.
- E. Revocation of permit. The Superintendent may revoke a permit for any of the following reasons:
 - 1. Violation of any provision of this section or any other applicable rules, regulations, laws or ordinances.
 - 2. Violation of any condition of the permit issued.
 - 3. Carrying on work under the permit in a manner which endangers life or property, or which creates any condition which is unhealthy, unsanitary or declared by any provision of this Code to constitute a nuisance.
- F. Modification of permit conditions. In a special case the Council may, by resolution, impose special conditions to which the issuance of the permit may be subject, or may decide that any provision of this Article shall not apply or shall be altered.
- G. Permits shall not be issued from November 1 through April 1 of each year due to anticipated weather conditions, absent an emergency, as determined by the Superintendent.
- H. All openings, cuts and excavations in any road, street, public way, curbing, sidewalk, and/or landscaping shall be prohibited for a period of five years from the date of any improvements, road and/or sidewalk pavement completion, unless in the judgment of the Superintendent, an emergency exists which makes it absolutely essential that the excavation be permitted.

120-5. Performance guarantees.

No permits shall be issued until the applicant has furnished a performance guarantee in favor of the Borough of Stanhope in a form and in an amount determined to be sufficient by the Borough attorney. The Superintendent may waive the requirements of this Section in the case of public utilities, upon the presentation of satisfactory proof that it is capable of meeting any claims against it up to the amount of the performance guarantee which would otherwise be required. The performance guarantee shall be executed by the applicant as principal and, when applicable, a surety company licensed to do business in the State of New Jersey as surety, and shall be conditioned as follows:

- A. To indemnify and hold harmless the Borough from all loss, damage, claim or expense, including expenses incurred in the defense of any litigation arising out of injury to any person or property resulting from any work done by the applicant under the permit.
- B. To indemnify the Borough from any expense incurred in enforcing any of the provisions of this Article, including but not limited to reasonable professional fees.
- C. To indemnify any person who shall sustain personal injuries or damage to his property as a result of any act or omission of the applicant, his agents, employees or subcontractors, in the course of any work done under the permit.
- D. The performance guarantee shall also be conditioned upon the applicant's restoring the surface and foundation of the street in accord with Borough specifications for which the permit is granted in a manner acceptable to the Superintendent.
- E. Performance guarantees or a portion thereof not less than \$500 shall remain in full force and continue in effect for a period not to exceed 12 months after acceptance by the Superintendent, or for such longer period as is determined by the Superintendent in order to guarantee the restoring of the foundation and surface of the street.

120-6. Insurance.

No permit shall be issued until the applicant has furnished satisfactory proof of insurance against injury to persons and damage to property caused by any act or omission of the applicant, his agents, employees or subcontractors in the course of the work to be performed under the permit, as approved by the Borough attorney. The insurance shall cover all hazards likely to arise in connection with the work, including but not limited to collapse and explosion, and shall also insure against liability arising from completed operations. The limits of the policy of insurance shall be \$100,000 for injury to any one person, \$300,000 for injuries to more than one person in the same accident, and an aggregate of \$100,000 for property damage for a single incident. The Superintendent may waive the requirements of this section in the case of public utilities upon the presentation of satisfactory proof that it is capable of meeting claims against it up to the amount of the limits of the insurance policy which would otherwise be required.

120-7. Placing of lights around obstructions at night.

Whenever any person or persons has been issued a permit authorizing to dig up or excavate any of the streets, highways, alleys or public places in said Borough so as to obstruct and prevent the same from being used for the time being for the purpose of travel, such person or persons shall place or cause to be placed, in conspicuous positions where such work is being done, at twilight in the evening, suitable and sufficient lights and keep them burning through the night during the performance of such work. All excavations shall be kept properly barricaded at all times and during the hours of darkness, shall be provided with proper warning lights.

120-8. Backfill and restoration specifications.

All excavations shall be completely backfilled by the permittee, and shall be compacted by tamping or other suitable means in a manner prescribed by the Department of Public Works. Specifications for backfilling any excavations shall be as follows: Whenever transit pipe is encountered, it shall be covered, for at least one foot above the top of the pipe, with sand or other materials approved by the engineer. The remaining backfill must be mechanically tamped in six-inch layers and the street brought to its original grade. The surface shall be restored the same as the original surface of the opening. Boulders and other material unsuitable for backfill must be removed from the site at no expense to the Borough. If excavation shall not provide material enough to make the backfill as directed, additional material must be furnished from other sources at no additional cost to the Borough.

Upon completion of the work, the permittee shall remove any excess material and leave the premises in a clean condition. All refuse and material shall be removed within 48 hours.

If blasting is required to be done in the course of any excavation, it shall be done in strict compliance with all applicable state laws and regulations.

In all cases, the permittee shall restore the surface of the street in accordance with the following rules, regulations and requirements:

- A. No permittee shall commence the restoration of any street foundation or surface until the Superintendent has determined that settlement of the subsurface is complete and the area properly prepared for restoration. During the settlement period, the permittee shall keep the trench filled to the level of pavement.
- B. The permittee shall be required to replace the permanent pavement when ordered to do so by the Superintendent within a period of six months following the completion of construction, should any additional settlement occur. If the permittee does not replace the permanent pavement to the satisfaction of the Superintendent, the permittee shall be required to pay the Borough the cost of making said repair, but not less than \$50 for each time such repair is made. If payment to the Borough is not made at the time of repair by the Borough, the Superintendent may satisfy payment plus any additional fees from the posted payment made by permittee.
- C. The street surface shall be restored so as to extend six inches beyond the excavation on all sides.
- D. The street surface shall be restored to the satisfaction of the Superintendent.

120-9. Violations and penalties.

Any person, firm or corporation violating any of the provisions of this Article shall, upon conviction thereof, forfeit and pay a fine of not more than \$2,000 or be imprisoned for a term of not more than 90 days, or both, and the Judge before whom any such person, firm or corporation is convicted shall have power to impose any fine not exceeding the maximum herein fixed.

SECTION 2

In Chapter 120, Article II "Snow and Ice Removal", the Section numbers will now change to reflect the numbers in order, beginning with §120-10 to incorporate the additional Sections in Article I.

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

Councilman Thornton asked for clarification on the ordinance. Administrator McNeilly stated the purpose of the ordinance is to set regulations for other entities; such as the natural gas company, to repair the roads when they cut into them and to provide the proper insurances. The ordinance also sets the timeline for when work can be done. Permits will not be issued for the timeframe from November 1st to April 1st. Up to this point in time, the only entities digging up the roads were the Borough's own DPW or Borough funded contractors. With regard to the utility companies, the only time a road can be cut into after it has been recently paved is for emergencies only, until five years has passed. Councilwoman Kuncken stated the Borough has done a great deal of infrastructure work, which we are very proud of, and a lot of money has been spent to upgrade and repair the roads. This ordinance will protect the work which has been done. Administrator McNeilly stated he received a request from the engineers, who are representing the gas company, for an as-built drawing for the water and sewer and drainage lines. They are not

going to come across the dam. They plan to run the transmission line down Furnace Street, up Kelly Place, down Main Street, up Church Street, up Linden Avenue and up McKinley Street. Councilwoman Kuncken stated the residents will need to receive some type of education regarding the regulations. Administrator McNeilly stated the gas company's community outreach sheet is very informative.

Roll Call:

| | |
|------------------------------|---------------------------|
| Councilwoman Kuncken – yes | Councilman Thornton – yes |
| Councilman Riccardi – absent | Councilman Vance – absent |
| Councilman Romano – yes | Councilman Wronko – yes |

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

RESOLUTIONS

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

Resolution 062-22 RESOLUTION AUTHORIZING CHANGE ORDER NO. 4 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, Change Orders Nos. 1, 2 and 3 were previously authorized via Resolutions No. 110-21 (increase of \$34,136.50), No. 165-21 (increase of \$13,218.43), and No. 208-21 (increase of \$95,673.19) resulting in a revised overall contract cost of \$840,978.12; and

WHEREAS, Change Order No. 4 has been submitted for additional costs for extra hours for Traffic Director/Flaggers to ensure work was done safely for the construction crews, pedestrians and motorists and a decrease in excavation, test pits and drums, resulting in an overall increase in the amount of \$905.52; 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. 4;

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. 4 in the amount of \$905.52 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 \$841,883.64.

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

Roll Call:

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|------------------------------|---------------------------|
| Councilwoman Kuncken – yes | Councilman Thornton - yes |
| Councilman Riccardi - absent | Councilman Vance - absent |
| 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 063-22 RESOLUTION AUTHORIZING THE BOROUGH OF STANHOPE TO ENTER INTO AN AGREEMENT WITH THE BOROUGH OF HOPATCONG, NEW JERSEY FOR ANIMAL CONTROL AND POUND/SHELTER SERVICES

WHEREAS, the Borough of Stanhope is in need of animal control and pound services; and

WHEREAS, the Borough of Stanhope and the Borough of Hopatcong have determined it would be mutually beneficial to enter into an Agreement, whereby the Borough of Hopatcong's Animal Control Official would also service the Borough of Stanhope; and

WHEREAS, the Borough of Stanhope and the Borough of Hopatcong desire to enter into an Agreement effective January 1, 2022 through December 31, 2022, which will allow the Borough of Stanhope to call upon the Borough of Hopatcong's Animal Control Official and utilize Hopatcong's Animal Pound, in accordance with the Animal Control and Pound/Shelter Services Agreement; and

WHEREAS, the Borough of Stanhope shall pay the Borough of Hopatcong \$6,450.00 annually, pursuant to the Animal Control and Pound/Shelter Services Agreement between the Township of Byram, the Borough of Mt. Arlington, the Borough of Wharton, and the Borough of Stanhope; and

WHEREAS, State Statute permits municipalities to enter into a shared services agreement pursuant to N.J.S.A. 40A:65-1 et seq., and authorizes municipalities to enter into such agreement by adoption of a Resolution;

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 Clerk are hereby authorized to execute this Animal Control and Pound/Shelter Services Agreement between the Borough of Stanhope and the Borough of Hopatcong, New Jersey.
2. This Resolution shall take effect immediately.

BE IT FURTHER RESOLVED that certified copies of this Resolution shall be forwarded to Hopatcong Borough Clerk's office.

Resolution 064-22

RESOLUTION AUTHORIZING REFUND OF ESCROW FUNDS

WHEREAS, Terry Webb had placed funds on deposit in escrow with the Borough of Stanhope for Land Use fees for Block 10605, Lot 10 on July 15, 2021; and

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

WHEREAS, there are unused funds in the amount of \$2,918.50.

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

| | | |
|-----------------------|---|------------|
| Re: Property Address: | 114 Brooklyn Road Block 10605 Lot 10 | |
| | Terry Webb 21 Harwich Road Morristown, New Jersey 07960 | \$2,918.50 |

Resolution 065-22

RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF TAXES

WHEREAS, the homeowner prepaid their 2021-2022 property taxes in August 2021; and

WHEREAS, the N.J. homestead rebate was applied to the account in 2021, which has resulted in an overpayment on the account; and

WHEREAS, there is no further 2022 tax liability, and therefore the owner is due 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 |
|-------|-----|------|--|----------|----------|
| 10605 | 6 | | Richard L & Linda D Falciola 19 Highland Avenue Stanhope, New Jersey 07874 | 2021 | \$539.74 |

Resolution 066-22

RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT OF TAXES

WHEREAS, the homeowner is a totally exempt veteran, and the N.J. homestead rebate was applied to the account in 2021, creating an overpayment on the account; and

WHEREAS, since there is no further 2022 tax liability, the owner is due 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 |
|-------|-----|-------|--|----------|----------|
| 11501 | 2 | C0145 | James & Donna Naso 8145 Ashland Ct. Stanhope, New Jersey 07874 | 2021 | \$516.73 |

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

Roll Call:

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|------------------------------|---------------------------|
| Councilwoman Kuncken – yes | Councilman Thornton - yes |
| Councilman Riccardi - absent | Councilman Vance - absent |
| Councilman Romano – yes | Councilman Wronko – yes |

PAYMENT OF BILLS

Resolution 067-22

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 February 22, 2022 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 Councilman Thornton and unanimously carried by the following roll call vote the foregoing resolution was duly adopted.

Roll Call:

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

Councilman Thornton – yes
Councilman Vance – absent
Councilman Wronko - yes

ATTORNEY REPORT

Angelo Bolcato, Borough Attorney, stated he had no report this evening.

CITIZENS 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.

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- Personnel
 - 1- Real Property
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 Wronko, and unanimously carried by voice vote, the foregoing resolution was adopted.

The Mayor and Council went into Closed Session at 7:41 P.M.

RETURN TO OPEN SESSION

At the conclusion of the Closed Session, the Mayor and Council reconvened the public meeting at 8:15 P.M. with all present.

ADJOURNMENT

On motion by Councilman Wronko, seconded by Councilman Romano, and unanimously carried by voice vote the meeting was adjourned at 8:15 P.M.

Approved:

Linda Chirip
Deputy Clerk for
Ellen Horak, RMC
Borough Clerk