



Stanhope Borough

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Borough of Stanhope

Mayor & Council Work Session Meeting - December 1, 2009

FOR IMMEDIATE RELEASE Stanhope, NJ - January 28, 2010

MAYOR AND COUNCIL
WORK SESSION MEETING
December 1, 2009
8:00 P.M.

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 NJ Herald and the Daily Record on December 31, 2008 and 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 11:00 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 time, date and place within ten (10) days of this meeting. Please turn off all cell phones for the duration of this Meeting.

ROLL CALL

Council Members:

Councilwoman Santucci – present Councilman Graham – present
Councilwoman Maio – present Councilman Vance - present
Councilman Depew – present Councilman Benson – present

Mayor Kuncken – present

ADMINISTRATOR'S REPORT

Administrator Stewart reported notice was received from the New Jersey Environmental Infrastructure Financing Program requesting additional information on the Sanitary System Project, one correction and a description of the Borough's Wastewater Treatment System. Administrator Stewart said their interest in receiving more information is promising and it is likely they are considering awarding Stanhope the grant.

Administrator Stewart reported he sent the Sparta Dispatch Agreement, Addendum and all pertinent material to the Borough's Conflict Attorney, Mark Hontz.

Administrator Stewart said the leaf pick-up and basin cleaning is on schedule and leaf pick-

up concludes next week. Mayor Kuncken mentioned storm sewers have collapsed on Valley Road and asked the Administrator to speak with the DPW Superintendent and confirm they are on his work schedule.

Administrator Stewart noted the Borough's annual Christmas Tree Lighting Ceremony is Sunday, December 6th at 5:30 p.m. with a rain date of Tuesday, December 8th at 7:00 p.m.

Administrator Stewart updated the Main Street Reconstruction II Project with information from the Borough Engineer that the trees will be delivered on Friday, December 4th and the light poles on Saturday, December 5th. Mayor Kuncken asked where the materials would be delivered. Administrator Stewart said the trees would be delivered and planted on Friday and the poles would be delivered to the DPW yard. Councilwoman Maio stated that the governing body made it very clear to the contractor that the poles must be installed before the Christmas Tree lighting and asked the Administrator to call the Borough Engineer and report their dissatisfaction.

Councilman Vance asked the Administrator for an update on the energy audit. Administrator Stewart said he is continuing to work on the calculations. Councilwoman Maio asked when the application would be completed. The Administrator said it would be ready for the December 8th meeting. Mayor Kuncken asked if they would have to go out for bid on the project. The Administrator answered it only requires a request for proposal.

COUNCIL BUSINESS

2010 Municipal Calendar

Mayor Kuncken said the Clerk would like to hear any comments and/or suggestions regarding the 2010 Municipal Calendar. Councilman Benson said the cover has a great design and all agreed the eighth grade students did a wonderful job creating the cover. The Clerk noted the calendar has all the pertinent information to keep residents informed and the only change is there will not be leaf pick-up during Thanksgiving week. Mayor Kuncken asked the governing body if they had any changes to make to the calendar. Councilman Graham spoke about the number of meeting scheduled by the governing body. This is the 39th meeting this year and there another three scheduled for a total of 42 regular meetings in 2009. Councilman Graham suggested changing from three to two meetings a month for 2010. Councilman Benson noted the two monthly meetings had been discussed previously. Mayor Kuncken added that in the last few months the governing body has completed their business earlier and attributed that to the fact the committee meetings and the early closed session at the Business Meeting. Councilman Vance said Stanhope has a very active and involved council and he would not want the residents to perceive two meetings a month as a lack of interest. Councilwoman Santucci commented that this governing body communicates together well and as long as they all make the commitment to continue communicating there should be no negative impact with two meetings.

Council concurred with the suggested two meetings per month. Mayor Kuncken suggested meeting the second and fourth Tuesday each month. Councilman Benson said that would work well for billing and would avoid conflicts with elections. Councilwoman Maio said having fixed weeks for meetings works well. Mayor Kuncken added that special meetings could be held when necessary such as budget time. Mayor Kuncken asked the Clerk to check with the Borough Attorney and the Borough Engineer to see if their schedules would work with the 2nd and 4th Tuesday. It was suggested that to add to the productivity of the meetings the Borough Engineer would attend the first meeting of the month and the Borough Attorney the second. Mayor Kuncken noted that a few Board and Commission

meetings fall on a holiday. After a brief discussion it was agreed that each Board and/or Commission would decide when Borough Hall is closed whether or not to hold their meeting if it fell on a holiday.

2010 Reorganization Meeting

Mayor Kuncken reported the Clerk would like to initiate a preliminary discussion on the Reorganization Meeting. Mayor Kuncken asked the Clerk if they would get packets for review. The Clerk replied affirmatively. Mayor Kuncken asked the Clerk to present what was in the packets. The Clerk said she prepared the draft agenda, but she was waiting for the Fire, Police and Ambulance Squad to confirm if they were going to have a presentation at the meeting. The Clerk prepared a sample invitation and the potential invite list for review. Mayor Kuncken noted the Freeholders scheduled their reorganizational meeting for 2:00 p.m. on January 1st. The Clerk said she was going to ask the Senior Citizen Club to help with the refreshments and set up of the meeting. The Clerk asked if the governing body had anything else to add to the Agenda or anyone to add to the invitation list. The Clerk noted letters were sent to Board and Commission members who have expiring terms asking if they would like to be reappointed, with a response date of December 11, 2009.

State Aid

Councilman Benson reported the State withheld the last twenty percent (20%) of the Borough's State Aid (\$5,100). Councilman Benson said, although the Borough can absorb this loss, it is a sign of the extraordinarily difficult budget process the governing body will face in 2010. Councilman Graham said the State cuts to close their budget deficit was discussed at the Finance Committee meeting. Mayor Kuncken added the State's budget period ends June 31, 2010 and the cuts may continue to then. Mayor Kuncken asked to have the CFO check with the Board of Education to see how they feel the loss of State Aid will affect them.

Master Plan/Housing and Fair Share Plan

Councilman Graham reported the governing body will be voting on adopting a resolution to revise the Master Plan and Development Regulations for Plan conformance for Land in the Planning Area. In addition a Housing and Fair Share Plan, prepared by Planner David Troast will be submitted to the Highlands Council and to COAH by the December 8th deadline. The Housing and Fair Share Plan will be reviewed by the Land Use Board and the Land Use Board will decide whether or not to recommend that the governing body endorse the Plan. Before the Housing and Fair Share Plan can be adopted a public hearing will be held by the Land Use Board.

Councilman Benson addressed the billing against the grant from the Highlands Council for consideration of Plan Conformance. Councilman Benson said the Highlands Council will not address or review any submissions against the grants until January 2010. The Highlands Council said there are funds available for all outstanding grants. The governing body discussed the different staff and professional time and expenses that can and should be charged to the Highlands Grant. The CFO will recheck earlier engineering and legal bills to ensure they were coded correctly. Councilman Benson reported the Finance Committee is completing all required documentation and all bills incurred will be submitted. Councilmen Benson and Graham expect to have an update on the grant billing for the December 8th meeting.

Councilwoman Maio asked to include discussions on the priority list on a future agenda. It was agreed the priority list updates will be discussed at the December 8, 2009 meeting.

NEW BUSINESS

RESOLUTIONS

Mayor Kuncken offered the following resolution which was read by title:

Resolution 203-09 RESOLUTION AMENDING THE 2009 MUNICIPAL BUDGET TO INCLUDE FUNDS FROM DIVISION OF MOTOR VEHICLES FOR 2009 DRUNK DRIVING ENFORCEMENT FUND GRANT

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

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

WHEREAS, the Borough of Stanhope has received a total of \$3,286.14 from the Division of Motor Vehicles for the 2009 Drunk Driving Enforcement Fund Grant, and

WHEREAS, the Borough of Stanhope now wishes to amend its 2009 budget to include the additional grant funds approved of \$3,286.14 as a revenue.

NOW THEREFORE, BE IT RESOLVED that the Council of the Borough of Stanhope does hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2009 in the sum of \$3,286.14, which will be available as a revenue from:

- Miscellaneous Revenues
- Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services – Public
- And Private Revenues Offset with Appropriations: 2009 Drunk Driving Enforcement Grant, and

BE IT FURTHER RESOLVED that a like sum of.....\$3,286.14 be and the same is hereby appropriated under the caption of:

- General Appropriations
- Public and Private Programs Offset by Revenues:
- 2009 Drunk Driving Enforcement Grant, and

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

On motion by Councilman Depew, seconded by Councilman Vance, and unanimously carried by the following roll call vote, the above resolution was adopted.

- Roll Call: Councilwoman Santucci - yes Councilman Graham – yes
- Councilwoman Maio – yes Councilman Vance - yes
- Councilman Depew – yes Councilman Benson – yes

Resolution 204-09 RESOLUTION AMENDING THE 2009 MUNICIPAL BUDGET TO INCLUDE FUNDS FROM DIVISION OF HIGHWAY TRAFFIC SAFETY FOR THE 2009 OVER THE LIMIT GRANT

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

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

WHEREAS, the Borough of Stanhope has received a total of \$6,000.00 from the Division of Highway Traffic Safety for the 2009 Over the Limit Grant, and

WHEREAS, the Borough of Stanhope now wishes to amend its 2009 budget to include the additional grant funds approved of \$6,000.00 as a revenue.

NOW THEREFORE, BE IT RESOLVED that the Council of the Borough of Stanhope does hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2009 in the sum of \$6,000.00, which will be available as revenue from:

- Miscellaneous Revenues
- Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services – Public
- And Private Revenues Offset with Appropriations: 2009 Over the Limit Grant, and

BE IT FURTHER RESOLVED that a like sum of.....\$6,000.00 be and the same is hereby appropriated under the caption of:

- General Appropriations
- Public and Private Programs Offset by Revenues:
- 2009 Over the Limit Grant, and

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

On motion by Councilman Vance, seconded by Councilwoman Maio, and unanimously carried by the following roll call vote, the above resolution was adopted.

- Roll Call: Councilwoman Santucci - yes Councilman Graham – yes
- Councilwoman Maio – yes Councilman Vance - yes
- Councilman Depew – yes Councilman Benson – yes

Resolution 205-09 RESOLUTION AUTHORIZING THE CHIEF FINANCIAL OFFICER TO TRANSFER MONIES

WHEREAS, the Finance Officer certifies that there appear to be insufficient funds in the budgetary accounts listed below to meet the demands thereon for the balance of the year; and

WHEREAS, the Finance Officer certifies that there appears to be a surplus in the budgetary accounts listed below, over and above the demand deemed necessary for the balance of the year; and

WHEREAS, N.J.S. 40A:4-58 provides that transfers of funds may be made during the last two months of the budget year;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Stanhope that the Borough Finance Officer is authorized to make a transfer in the amount of \$11,100.00 within the Water Operating Utility Fund 2009 budget appropriations as follows:

WATER OPERATING FUND From:

To:

Water Other Expenses \$ 11,100.00

Water Operating - Overtime \$ 11,100.00

\$ 11,100.00 \$ 11,100.00

On motion by Councilman Graham, seconded by Councilman Benson, and unanimously carried by the following roll call vote, the above resolution was adopted.

Roll Call: Councilwoman Santucci - yes Councilman Graham – yes

Councilwoman Maio – yes Councilman Vance - yes

Councilman Depew – yes Councilman Benson – yes

Resolution 206-09 INTENTION TO REVISE MASTER PLAN AND DEVELOPMENT REGULATIONS FOR PLAN CONFORMANCE FOR LAND IN THE PLANNING AREA

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act), N.J.S.A. 13:20-1 et seq., finds and declares that protection of the New Jersey Highlands is an issue of State level importance because of its vital link to the future of the State's drinking water supplies and other significant natural resources; and

WHEREAS, the Highlands Act creates a coordinated land use planning system requiring the Highlands Water Protection and Planning Council (Highlands Council) to prepare and adopt a Regional Master Plan for the Highlands Region; and

WHEREAS, Section 13:20-15.a, of the Highlands Act states that for any municipality located wholly in the Planning Area or for the portion of a municipality lying within the Planning Area, the municipality may, by ordinance, petition the Highlands Council of its intention to revise its master plan, development regulations and other regulations, as applicable to the development and use of land in the Planning Area, to conform them with the goals, requirements and provisions of the Regional Master Plan (Plan Conformance), and

WHEREAS, the Borough of Stanhope is located in the Highlands Region with lands lying within the Planning Area, as defined by Section 7 of the Highlands Act; and

WHEREAS, the Highlands Council prepared and distributed to the Highlands municipalities Plan Conformance Guidelines outlining the process and procedures for petitioning the Highlands Council for Plan Conformance which includes a comprehensive package of planning and implementation documents that meet the requirements of the Highlands Act, the Regional Master Plan and the Highlands Plan Conformance Guidelines; and

WHEREAS, Plan Conformance by the municipality is strictly voluntary for lands in the

Planning Area, and the Borough of Stanhope may at any time voluntarily revise its master plan, development regulations and other regulations, as applicable to the development and use of land in the Planning Area, to conform them to the Regional Master Plan; and

WHEREAS, at any time during the Plan Conformance process, the Borough of Stanhope may withdraw from the Plan Conformance process and any approvals, rejections or conditions of revised municipal master plan or development regulations recommended by the Highlands Council during the Plan Conformance process, will not be binding on the Borough of Stanhope; and the Borough of Stanhope may choose not to obtain conformance with the Regional Master Plan for the lands lying within the Planning Area; and

WHEREAS, should the Borough of Stanhope make the determination that the Borough of Stanhope shall petition the Highlands Council of its intention to revise its master plan, development regulations and other regulations, as applicable to the development and use of land in the Planning Area, to conform them with the goals, requirements and provisions of the Regional Master Plan and Plan Conformance Guidelines, the Borough of Stanhope shall enact an ordinance setting forth such intention, as required by the Highlands Act; and

WHEREAS, upon application of the Borough of Stanhope, the Highlands Council has made, or will make, grant funding and other financial and technical assistance available to the Borough of Stanhope for the reasonable costs associated with the revision of the master plan, development regulations or other regulations, as applicable to the development and use of land in the Planning Area, which are designed to bring those plans and regulations into conformance with the Regional Master Plan and the Highlands Council shall provide grant funds for all mandatory aspects of Plan Conformance in accordance with the Plan Conformance Grant Program, and may also provide grant funds for the discretionary aspects of Plan Conformance as determined by the Highlands Council; and

WHEREAS, should the Borough of Stanhope formally withdraw from the Plan Conformance process, grant funding awarded to the Borough of Stanhope up to the date of withdrawal that has been appropriately utilized in accordance with the Plan Conformance Grant Program and applicable grant agreement shall not be reimbursable to the Highlands Council;

NOW, THEREFORE BE IT RESOLVED, that the Borough of Stanhope hereby submits this resolution of intention to revise its master plan and development regulations for Plan Conformance to the Highlands Council for that portion of our jurisdiction lying within the Planning Area in accordance with the Highlands Act, the Regional Master Plan, and the Highlands Plan Conformance Guidelines.

On motion by Councilman Graham, seconded by Councilman Benson, and unanimously carried by the following roll call vote, the above resolution was adopted.

Roll Call: Councilwoman Santucci - yes Councilman Graham – yes
Councilwoman Maio – yes Councilman Vance - yes
Councilman Depew – yes Councilman Benson – yes

Resolution 207-09 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 December 1, 2009 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.

Councilman Benson said, while reviewing the bill list, he and Councilman Graham questioned the two bills from Omland Engineering and recommended pulling them from the bill list.

On motion by Councilman Graham, seconded by Councilman Benson, and unanimously carried by the following roll call vote, the above resolution was adopted, with the exception of the Omland Engineering bills pulled from the bill list.

Roll Call: Councilwoman Santucci - yes Councilman Graham – yes
Councilwoman Maio – yes Councilman Vance - yes
Councilman Depew – yes Councilman Benson – yes

CITIZENS TO BE HEARD

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

Peggy Findley, 88 Main Street, Stanhope commented the catch basin behind the deli is sinking and has puddles behind it. The Administrator said the ground settled after construction. Mayor Kuncken asked the Administrator to have DPW Superintendent Storms make the necessary repairs.

Ms. Findley asked if bills submitted to the Highlands Council could be amended if needed. Councilman Benson said they could be amended but that there will be multiple submissions as the work is ongoing.

Ms. Findley asked the Clerk if anyone from the Seniors Club told her they need to change their November and December meetings to the third Thursday of the month. The Clerk said they did not and would make the changes. The Clerk asked Ms. Findley who would be the President of the Stanhope Seniors. Ms. Findley responded that Andy Dedinsky will be the President and she will be the Vice President in 2010.

Seeing no one further from the public wishing to speak, Mayor Kuncken 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 exist.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stanhope, County of Sussex, 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 Potential Litigation

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 Vance, seconded by Councilman Depew, and carried by unanimous voice vote, the foregoing resolution was adopted.

Mayor and Council went into Closed Session at 8:55 P.M.

At the conclusion of the Closed Session, Mayor and Council reconvened the public meeting at 9:20 P.M. with all present.

ADJOURNMENT

On a motion by Councilwoman Maio, seconded by Councilman Benson, and unanimously carried by voice vote the meeting was adjourned at 9:20 P.M.

Approved:
Lynda Knott
Deputy Borough Clerk
For Ellen Horak, RMC

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