



STOCKTON BOROUGH COUNCIL REGULAR MEETING MINUTES May 15, 2023 – 7:00 P.M.

Mayor Aaron Lipsen., called the regular meeting of the Stockton Borough Council to order on May 15, 2023 at 7:05 P.M. Mayor Lipsen announced that this meeting is called pursuant to the provisions of the Open Public Meetings Act. Notice of this meeting was faxed to the Hunterdon County Democrat and the Trenton Times, was posted on the Borough Website, posted on the door at the Municipal Building and filed with the Borough Clerk.

ROLL CALL

Present: Councilman William Brown, Councilman Peter Folz, Councilman Thomas Hunt, Councilman Ken Kozuhowski, Council President Michael Mann, Mayor Aaron Lipsen, Township Attorney Michael Butler, Deputy Clerk Tiffany Crivelli

Absent: Councilwoman Rebecca Hendricks

PLEDGE OF ALLEGIANCE

Mayor Lipsen led those in attendance in the pledge to the nation's flag.

OPEN PUBLIC COMMENT – PRIVILEGE OF THE FLOOR

Mayor Lipsen opened the floor to public comment.

Let it be known Councilman Folz stepped down from the Council to make a comment as a resident. Pete Folz, Bridge Street, inquired about who is responsible for the trees on Bridge Street which are overgrown and dying.

Mike Odenwald, Risler Street, voiced his concerns on speeding enforcement between Prallsville Mill and Skip's.

Pat Slack, Risler Street, inquired about the increase in the price of the water and sewer bill.

Hearing no other members of the public speak up, Mayor Lipsen closed the floor to public comment.

ORDINANCES

Public Hearing on Ordinance No. 2023-03

Mayor Lipsen read Ordinance No. 2023-03 by title.

A motion by Hunt, seconded by Folz to open public comment on Ordinance No. 2023-03 was

unanimously approved by voice vote.

Hearing no members of the public speak up, a motion by Kozuhowski, seconded by Mann to close public comment on Ordinance No. 2023-03 was unanimously approved by voice vote.

A motion by Mann, seconded by Hunt to adopt Ordinance No. 2023-03 was approved by roll call vote.

Brown: Yes; Folz: Yes; Kozuhowski: Yes; Hunt: Yes; Mann: Yes

ORDINANCE 23-03

CALENDAR YEAR 2023 ORDINANCE 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 Stockton in the County of Hunterdon finds it advisable and necessary to increase its CY 2023 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 3.5% increase in the budget for said year, amounting to \$5,216.62 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 Stockton, in the County of Hunterdon, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Borough of Stockton shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$5,216.62, and that the CY 2023 municipal budget for the Borough of Stockton be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any 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.

ADOPTION OF THE 2023 BUDGET

A motion by Hunt, seconded by Folz to open public comment on Resolution #23-50 was unanimously approved by voice vote.

CFO McDaniel noted that this year's tax rate went down, but that there is 3 cent increase which equates to approximately \$30 per quarter. CFO McDaniel stated the increase in water service did help. Discussion ensued with inquiries from residents Pat Slack regarding what percentage of the budget was for water and sewer. CFO McDaniel stated that is a separate budget. Mike Odenwald inquired about the surplus and deficient. CFO McDaniel stated that the surplus is \$700,000 and only \$220,000 was used.

Hearing no other members of the public speak up, a motion by Folz, seconded by Brown to close public comment on Resolution #23-50 was unanimously approved by voice vote.

A motion by Hunt, seconded by Brown to adopt Resolution #23-50 was approved by roll call vote.
Brown: Yes; Folz: Yes; Kozubowski: Yes; Hunt: Yes; Mann: Yes

Resolution #23-50

Adoption of the Municipal Budget of the Borough of Stockton, County of Hunterdon for Fiscal Year 2023

BE IT RESOLVED, by the Borough Council of the Borough of Stockton, County of Hunterdon, that the 2023 budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of: \$ 933,254.18 for municipal purposes, and the amount of \$ 125,558.00 for the water utility and \$298,990 for the Sewer Utility.

RESOLUTIONS

A motion by Kozuhowski, seconded by Brown to adopt Resolution #23-51 was approved by roll call vote.

Brown: Yes; Folz: Yes; Kozubowski: Yes; Hunt: Yes; Mann: Yes

Resolution #23-51

Local Budget Examination

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

WHEREAS, NJAC 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to NJAC 5:30-7.2 thru 7.5 the Borough of Stockton has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Borough meets the necessary conditions to participate in the program for the 2023 budget year.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Stockton that the in accordance with NJAC 5:307.6a & b and based upon the Chief Financial Officers certification. The governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to NJSA 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met (Complies with the "CAP" law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and NJAC 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality
5. The budget and associated amendments have been introduced, publicly advertised, and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of NJSA 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

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

A motion by Kozuhowski, seconded by Mann to adopt Resolution #23-52 was approved by roll call vote.

Brown: Yes; Folz: Yes; Kozubowski: Yes; Hunt: Yes; Mann: Yes

**Resolution #23 – 52
Authorizing Payment of Municipal Obligation**

WHEREAS, the Mayor and Council of the Borough of Stockton find and declare that certain municipal obligations have come due and are now payable; and

WHEREAS, the Mayor and Council of the Borough of Stockton further find and declare that said obligations have been itemized on the annexed schedules, which are hereby attached and deemed part of this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Stockton, County of Hunterdon, State of New Jersey does hereby authorize payment of said municipal obligations, in accordance with the recommendations of the Chief Financial Officer and the Treasurer in the amount of \$258,741.86.

**Resolution #23 – 53
Park Use Permit**

Tabled until June 19, 2023

A motion by Mann, seconded by Brown to adopt Resolution #23-54 was approved by roll call vote.

Brown: Yes; Folz: Yes; Kozubowski: Yes; Hunt: Yes; Mann: Yes

**Resolution #23 – 54
Approval of Items of Revenue and Appropriations NJSA 40A:4-87**

WHEREAS, NJSA 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 was not determined at the time of the adoption of the budget; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Stockton in the County of Hunterdon New Jersey, 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 2023 in the sum of \$25,000.00, which is now available from the State of New Jersey, Department of Environmental Protection in the amount of \$25,000.00; and

BE IT FURTHER RESOLVED, that the like sum of \$25,000.00 is hereby appropriated under the caption Tier B Municipal Grant; and

BE IT FURTHER RESOLVED, that the above is the result of funds from the State of New Jersey, Department of Environmental Protection the amount of \$25,000.00, and

BE IT FURTHER RESOLVED, that the Chief Financial Officer shall receive a certified copy of this resolution after its adoption.

OLD BUSINESS

- **Discussion / Update on Worman Road** – Mayor Lipsen stated the FEMA liaison and Borough Engineer agree that moving the roadway could cause significant delays. Mayor Lipsen noted that once the design is complete, a request will be made to NJDEP for expedition of approvals. Mayor Lipsen stated that the road may be re-opened by the end of this year.

Mayor Lipsen reported that JCP&L inspected the road for tree hazards to avoid future power loss in the area but noted no immediate hazards. Mayor Lipsen noted that JCP&L intends to start removing dead and dying Ash trees beginning this fall.

- **Discussion on USDA Letter** – Mayor Lipsen noted that the Department of Agriculture looked at Sandy Ridge down thru the canal, the cartography, and spoke with residents and the unofficial thought was passive change upstream may occur and that Stockton, Delaware and Hunterdon County would need to send a letter of request. Councilman Kozuhowski inquired if there was any additional financial responsibility. Borough Attorney Butler noted that Stockton may be obligated to do certain things, and that the NRCS said items cannot be removed. Councilman Hunt stated the Borough should not sign this letter of request and to negotiate with what works best for the interest of the Borough. Discussion ensued and Mayor Lipsen stated it would be worthwhile to talk with the USDA to clarify the concerns.
- **Discussion / Update on Wilson Drive Storm Drains** – Mayor Lipsen stated the drain system failure from Ida is not urgent and has an estimated cost of \$150k - \$250k.
- **Discussion / Update on Stockton School** – Mayor Lipsen briefly discussed the potential acquisition of the Stockton School. Mayor Lipsen noted the school is a much larger building, and is not in terrible condition, and that the extra space could be utilized for more public use for residents.

Council Kozuhowski noted that the acquisition would be of great benefit to Stockton Borough and felt that it would be foolish if the acquisition did not move forward. Councilman Kozuhowski stated to have an ADA compliant building up to current fire codes would also be a huge plus. Councilman Kozuhowski mentioned that it would be a shame to see the school destroyed with its rich history to the history of Stockton Borough.

Mayor Lipsen noted that the school is registered with the National Historical Preservation Registry and changes to the structure of the building would need to be approved by the registry first.

Councilman Mann believes there is no downside to the purchase of the school, and noted it would be a great value to the Borough. Councilman Mann noted he is concerned about the deadline and prolonging the potential acquisition.

Mayor Lipsen reported that the building inspection was completed and is being reviewed.

Councilman Hunt stated the Board of Education would like to see the Stockton School off of their books by the end of their fiscal year – June 30th. Councilman Hunt noted that a lot of due diligence needs to be done prior to possession such as substantial costs for operation.

Mayor Lipsen noted in 2022, the Board of Education reported \$14,000 in expense costs for maintenance, utilities, and oil. Mayor Lipsen stated the budget would be roughly \$950k for the acquisition dependent upon expenses for ADA compliance, repair, and other items.

NEW BUSINESS

None

CORRESPONDENCE

None

MAYORS REPORT, BOROUGH COUNCIL COMMENTS & COMMITTEE REPORTS

Councilman Mann stated an anonymous donor gave \$12,000 to the Borough for the park to trim the roots of the Maple Tree, replace the swing set and mulch that portion. Councilman Mann noted the Stockton Fire Company agreed to remove the old swing set. Councilman Mann stated he is still looking into a grant to purchase more mulch and monkey bar.

Councilman Mann stated the Community Outreach Committee had a meeting on April 25th with 75 residents of the Borough present. Councilman Mann noted that information was collected on those willing to help and those who need help.

Councilman Mann reported the Stockton Fire Company will have a fundraiser on July 21st.

Councilman Brown noted that Councilman Mann has done a great job with the Community Outreach Committee and was impressed with the turnout.

Mayor Lipsen noted that the new council this year has faced a lot of challenges over the past few months. Mayor Lipsen thanks everyone for their time, and thanked Borough Attorney Butler and Deputy Clerk Crivelli for helping everyone in some extraordinary times.

Mayor Lipsen stated the NJDOT did not reply to his letter but noted that the bridge over the canal will be repaired at night, likely to occur in the next few months.

Mayor Lipsen noted that Route 29 construction is several years out still, which gives the Borough time to try and coordinate efforts for water line upgrades. Mayor Lipsen stated there are no plans to increase the size of the drainage under Route 29 or to widen the bridges over the drainage areas near the intersection of Rout 29 and Route 523.

Mayor Lipsen noted the Memorial Day event will begin at 11:30am at the Stockton Fire House, an event in memory of Dr. Cheryl Kennedy will be held on June 25th at the Stockton Playground, and that the Stockton Fire Department will have a car show on July 21.

OPEN PUBLIC COMMENT FOR ITEMS ON THE AGENDA

Mayor Lipsen opened the floor to public comment.

Pat Slack, Risler Street, voiced his concerns over the potential for the Borough to not acquire the Stockton School and inquired about the building inspection that was completed on school.

Hans Aasman, Church Street, asked about the Borough wide clean up.

Jennifer Reynolds, Risler Street, inquired about the bridge being redone.

Hearing no other members of the public speak up, Mayor Lipsen closed the floor to public comment.

NEXT MEETING

Monday, June 19, 2023 at 7:00 PM Regular Meeting

EXECUTIVE SESSION

A motion by Mann, seconded by Kozuhowski to approve Resolution #23-55 was unanimously approved by voice vote.

RESOLUTION NO. 2023 – 55

TO ENTER INTO EXECUTIVE 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 governing body is of the opinion that such circumstances presently exist,

NOW, THEREFORE BE IT RESOLVED by the Committee of Kingwood Township, County of Hunterdon, State of New Jersey, as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
 - a. Litigation – Notice of Violation – Marriage License Application Form

The discussion is anticipated to take approximately 30 minutes. Action may be taken.

3. It is intended at this time that the above-stated subject matter will be made public when the matter has been resolved.
4. This resolution shall take effect immediately.

A motion by Hunt, seconded by Kozuhowski to exit Executive Session was unanimously approved by voice vote.

The committee was in Executive Session from 8:36 PM– 8:58 PM.

ACTION ON ITEMS FROM EXECUTIVE SESSION

A motion by Mann, seconded by Folz to have Mayor Lipsen or Borough Attorney Butler sign the settlement as discussed in executive session was approved by voice vote.

ADJOURNMENT

A motion was made by Kozuhowski and seconded by Hunt to adjourn the meeting.

The meeting adjourned at 9:00 PM.

Tiffany Crivelli, Deputy Borough Clerk

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Approved: August 15, 2023