



**STOCKTON BOROUGH COUNCIL
REGULAR MEETING MINUTES
Date: January 17, 2024 - 7:00 P.M.**

Mayor Aaron Lipsen., called the regular meeting of the Stockton Borough Council to order on January 17, 2024, at 7:00 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.

Mayor Lipsen announced that website problems delayed agenda posting online.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Present: William Brown (*present by phone*) Matthew Fisher, Peter Folz, Thomas Hunt, Ken Kozuhowski, Council President Michael Mann, Mayor Aaron Lipsen, Borough Attorney Lisa Maddox and Borough Clerk, Laurie A. Courter

OPEN PUBLIC COMMENT – PRIVILEGE OF THE FLOOR

Mayor Lipsen opened the floor to public comment.

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

PLANNING BOARD APPOINTMENTS

Robert Wallace - Planning Board Appointment Class IV Member – Term expiring 12/31/25

Elisa Hendricks – Alternate - Term expiring 12/31/25

Matthew Fisher verbally resigned from the Planning Board and will submit a written resignation.

RESOLUTIONS

Motion made by Mann and seconded by Hunt to approve Resolution 24-28.

Roll call: Brown, Fisher Folz, Hunt, Kozuhowski, and Mann.

Ayes: 6

Nays: 0

Motion passes.

Stockton Borough Council

RESOLUTION #24-28

Property Tax Refund

WHEREAS, the Stockton Borough Tax Assessor has received all documents confirming the status of a permanently disabled veteran effective 9/18/23 for the owner of record of Block 11 Lot 2, 7 South Railroad Ave.; and

WHEREAS, this property will remain exempt from property tax while it remains the principal residence of the permanently and totally disabled veteran; and

WHEREAS, the property owner already paid taxes and now is entitled to a refund for partial third (3rd) quarter and all of fourth quarter (4th) 2023 taxes in the amount of \$2640.17;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Stockton, County of Hunterdon, State of New Jersey, that the billing be cancelled for Block 11 Lot 2 and that a refund be given in the amount of \$2640.17;

Robert Lewis
7 South Railroad Ave.
Stockton NJ 08559

BE IT FURTHER RESOLVED that the records of the Tax Collector be adjusted to reflect the exempt status and a certified copy of this resolution be provided to the Tax Collector and Chief Financial Officer.

Motion made by Kozuhowski and seconded by Folz to approve Resolution 24-29.

Roll call: Brown, Fisher Folz, Hunt, Kozuhowski, and Mann.

Ayes: 6

Nays: 0

Motion passes.

Stockton Borough Council

Resolution #24-29

Authorizing Payment of Municipal Obligations

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 \$92,230.48.

Motion made by Mann and seconded by Kozuhowski to approve Resolution 24-30.

Discussion: Hunt asked if this agreement was the same as prior years. Mayor Lipson explained that there were some adjustments from the last agreement. This is the same basic agreement we had, term is four years and either side can break the agreement with a 60-day notice.

Roll call: Brown, Fisher Folz, Hunt, Kozuhowski, and Mann.

Ayes: 6

Nays: 0

Motion passes.

Stockton Borough Council
Resolution #24-30
SHARED SERVICES AGREEMENT
CONSTRUCTION CODE ENFORCEMENT

WHEREAS THIS AGREEMENT ("Agreement"), entered into this 17th day of January 2024 effective

January 1, 2024 through December 31, 2027 by and between the Township of Delaware, 570 Rosemont Ringoes Road, P.O. Box 500, , Sergeantsville, New Jersey 08557 ("Delaware") and the Borough of Stockton, 2 S. Main Street, P.O. Box M, Stockton, New Jersey 08559 ("Stockton" and collectively with "Delaware," the "Parties").

WHEREAS, there is established in Delaware Township an enforcing agency created pursuant to the State Uniform Construction Code Act, N.J.S.A. 52:27D-1 19 et seq. and its regulations, N.J.A.C. 5:231.1 et seq. (collectively the "UCC") known as the Delaware Township Construction Code Agency; and

WHEREAS, the Delaware Township Construction Code Agency consists of a construction official and such sub code officials that are necessary to administer and enforce the UCC in Delaware; and

WHEREAS, Stockton is in need of the services of an enforcing agency to administer and enforce the UCC in Stockton; and

WHEREAS, the Parties are interested in entering into a four (4) year agreement whereby the Delaware Township Construction Code Agency will administer and enforce the UCC in Stockton; and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq. authorizes the Parties to enter into a Shared Services Agreement for the administration and enforcement of the UCC; and

WHEREAS, the Parties have each authorized and approved this Agreement in accordance with the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq.

NOW, THEREFORE, in consideration of the mutual promises and agreements contained herein, the Parties do hereby enter into this Shared Services Agreement subject to the following terms and conditions:

1. Scope of Services.

- a. Delaware, through the Delaware Township Construction Code Agency, shall administer and enforce the UCC in Stockton for a term of four (4) years. The Delaware Township Construction Code Agency shall furnish a properly licensed construction code official, technical assistant, building subcode official, building inspector, fire protection subcode official, electrical subcode official and plumbing subcode official (collectively "Officials"). Except as otherwise provided in this Paragraph, the Officials shall carry out all functions including but not limited to the supervision of all construction code enforcement activities, inspections and issuance of permits as required by law pursuant to the UCC and other applicable State and federal laws and regulations (collectively "Services").
- b. "Services" shall not include elevator safety subcode enforcement, zoning enforcement, flood plain approval or Uniform Fire Code enforcement in Stockton.
- c. In the event of a natural disaster affecting Stockton and/or Delaware, Delaware shall not be responsible for Services in Stockton if its forces do not permit, in which case Stockton shall call upon the Department of Community Affairs for necessary assistance.

2. Payment: Collection of Fees.

a. in consideration for the provision of the Services, Stockton shall pay Delaware as follows:

1. All permit and inspection fees paid in connection with administering and enforcing the UCC in Stockton shall be collected and retained by Delaware. Fees for permits and inspections conducted in Stockton shall be based on Delaware's then-current fee schedule for same.
2. Stockton shall be responsible for Delaware's out-of-pocket expenses incurred for administration and enforcement of the UCC in Stockton, which shall include, but not be limited to, mileage, copying costs, postage and purchase of UCC forms. Stockton shall not be responsible for any Delaware employee compensation or clerical assistance not otherwise specifically set forth in this Agreement.
3. Stockton shall be responsible for reimbursing Delaware for legal fees and costs necessary for review of this Agreement and any amendments hereto.

3. Primary Employer.

Notwithstanding Section 2, Delaware is the primary employer of the Officials pursuant to the Uniform Shared Services and Consolidation Act.

4. Office Location.

- a. The Delaware Township Construction Code Agency shall conduct all non-field work (including but not limited to application and plan review) necessary to complete the Services at its offices at Delaware Township Hall. The Delaware Township Construction Code Agency shall not be responsible for conducting any non-field work at Stockton Borough Hall.
- b. Construction permits for Stockton shall be filed at Delaware Township's offices until they are closed. Once a Stockton permit is closed, it shall be transmitted to Stockton for filing and retention. All OPRA requests for Stockton's closed permits shall be handled by Stockton Borough.
- c. Stockton, at its municipal offices, shall maintain and make available to applicants the necessary forms and documents for UCC inspections and permits. Delaware shall also maintain and make available such UCC application forms and documents at its offices.

5. Term of Agreement: Termination of Services.

- a. The term of this Agreement shall be four (4) years commencing on January 1, 2024 and terminating on December 31, 2027.
- b. In the event that Delaware is no longer able to provide the Services due to employee staffing changes in the Delaware Township Construction Code Agency or unexpected budgetary constraints that are not anticipated at the execution of the Agreement, this Agreement shall terminate with sixty (60) days' notice to Stockton. In the event that, Stockton no longer desires the Services for similar reasons, this Agreement shall terminate with sixty (60) days' notice to Delaware.

6. Extension of Term.

- a. Prior to the expiration of this Term, the Parties shall be permitted to negotiate and execute an amended Shared Services Agreement for the provision of Services by Delaware to Stockton for future terms. In the event the Parties seek to continue the Services for additional terms, the Parties shall review and as appropriate revise the material terms and conditions of this Agreement (including but not limited to Payment), and, upon agreement and approval by Resolution of the respective governing bodies, execute an amended Shared Services Agreement. Notwithstanding the above, neither Party shall have any obligation to enter into any future amended Shared Services Agreement. Each Party's decision to enter into an amended Shared Services Agreement shall be subject to its sole and absolute discretion.

7. Invalidity; Partial Invalidity.

In the event this Agreement or any part thereof shall be invalidated by a court of competent jurisdiction or proved otherwise unenforceable, the provisions for the enforcement and administration of the UCC shall be continued by the Delaware Township Construction Code Agency on an interim or emergency basis for period of up to thirty (30) days or until a permanent solution is affected, whichever occurs first.

8. Indemnity.

Stockton shall indemnify, defend and hold Delaware, and its agents, employees and officials, harmless from and against all liabilities, penalties, fines, costs, losses, claims, demands, orders, judgments or administrative actions, including, reasonable attorneys' fees, (collectively referred to as "Claims") arising out of Delaware's performing Services under this Agreement on behalf of Stockton, unless such Claims arise from the intentional or negligent actions of Delaware or its agents, employees and officials.

9. Enforcement or Appeals.

In the event any of the Services entail issuance of violations, notices or appeals and/or enforcement actions under the Uniform Construction Code, any court, administrative, and/or appeals proceedings arising out of said violation notices, appeals and/or enforcement actions are not included in the Services to be provided under this Agreement. Stockton shall be responsible for prosecuting such proceedings, and all costs associated with such proceedings shall be borne exclusively by Stockton.

10. Department of Community Affairs.

The Parties shall provide the Department of Community Affairs with all Resolutions authorizing this Agreement, together with a copy of this Agreement, upon its execution by both Parties.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and date first above

Motion made by Hunt and seconded by Folz to approve Resolution 24-31.

Roll call: Brown, Fisher Folz, Hunt, Kozuhowski, and Mann.

Ayes: 6

Nays: 0

Motion passes.

Stockton Borough Council

Resolution #24-31

Awarding Non-Fair and Open Contract – Special Counsel Real Estate

WHEREAS, the Borough of Stockton seeks to appoint the law firm of Eckert Seamans Cherin & Mellott, LLC to assist the Borough with pending real estate transactions (with which it has been previously engaged prior to January 1, 2024) on an as-needed basis, and as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, the Local Public Contracts law (N.J.S.A. 40A:11-1 et seq.) requires that the Resolution authorizing the award of a contract for Professional Services without competitive bids and the contract itself must be awarded for public inspection; and

WHEREAS, the term of this contract for this service is one year from January 1, 2024 through December 31, 2024; and

WHEREAS, Eckert Seamans Cherin & Mellott, LLC and Michael R. Butler, Esq. will provide legal services as sought by the Borough of Stockton at the hourly compensation in the Agreement which is on file in the Municipal Clerk’s Office; and

WHEREAS, Eckert Seamans Cherin & Mellott, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that the firm has not made any reportable contributions to a political or candidate committee in the Borough of Stockton with the elected officials in the previous one year, and that the contract will prohibit the firm of Eckert Seamans Cherin & Mellott, LLC from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer, Diane McDaniel, has certified the availability of funds; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Stockton, County of Hunterdon, State of New Jersey that they do hereby provide advice and consent to the award of a professional services contract with Eckert Seamans Cherin & Mellott, LLC, consistent with the foregoing “Whereas” clauses, for a term of one year from January 1, 2024, through December 31, 2024.

BE IT FURTHER RESOLVED that the Borough Council authorizes the Mayor and Municipal Clerk to enter into a contract with Eckert Seamans Cherin & Mellott, LLC as described herein to the satisfaction of the Borough Council; and

BE IT FURTHER RESOLVED that the contract, resolution, and other pertinent documents shall remain on file in the office of the Municipal Clerk; and

BE IT FURTHER RESOLVED that a notice of this action shall be printed once in the Borough’s legal newspaper.

APPROVAL OF MINUTES

Minutes were tabled until the next meeting.

August 15, 2023
December 18, 2023
January 3, 2024

MAYORS REPORT, BOROUGH COUNCIL COMMENTS & COMMITTEE REPORTS

Committee Reports

Community Outreach: Mann reported that there will be an initial meeting tomorrow through Zoom.

School Renovation Committee- Hunt stated that the committee will meet soon. It will be noticed so that committee members can attend and others also. Mayor Lipsen stated that a formal resolution creating the committee will be made.

Public Safety-Kozuhowski reported that they are continuing support for the fire department and soliciting the residents regarding traffic. Reached out to the state police and spoke with the commander at Kingwood barracks with regards to speed enforcement. Mayor Lipsen stated they will work with Go Hunterdon in conducting a speed study. Discussion ensued regarding the shared services agreement with Delaware Township Police. Kozuhowski stated he felt that police enforcement will help control speeding. Mayor Lipsen spoke on the ongoing issues of tractor trailers coming over the bridge and damaging signs. He has asked to NJ DOT to improve signage.

Mayor Lipsen reported on the following items:

Stockton School: The borough closed on the Stockton School purchase on January 12, 2024. A resolution will be made to create the Stockton School Committee. A meeting will be set up with the school to go over taking over accounts such as utility billing. Mayor Lipsen inquired about some type of ceremony in recognizing the purchase.

Parking Ordinance: Mayor Lipsen stated that at the last meeting the issue of parking was raised and that he was directed to contact the planning board professionals. They indicated that there are two paths that the borough could take: Ask the engineer to conduct a parking study to determine whether the parking ordinance needs to be revised. This is the more expensive option. The new engineer would have to do the study but not sure of the cost. The other option could be to review and possibly change the parking ordinance or put the previous ordinance back in place. This would be require the planning board attorney and planner to provide some back up from the master plan and general planning advice. Cost could be \$900-\$1700. It was the consensus of council to have the planning board discuss the ordinance and have them look at options first.

Cannabis Ordinances: At the last meeting, Mayor Lipsen was directed to inquire about planning board options. He reported that to look at this, the planner and attorney could identify potential areas in the Borough where dispensary uses would be appropriate and then determine if such areas are in proximity to “vulnerable” uses such as schools, playgrounds, and day cares. This process would result in a map showing any potential areas. After that, we could develop an ordinance with standards for such uses as setbacks, screening, and parking. Discussions of cost and having more public input ensued. Attorney Maddox stated it would be on council to weigh the opt-in option and have the planner determine if there is a place to allow it. It was the consensus of council to start with discussions at meetings first and have council do individual research.

Mayor Lipsen continued his report and thanked the Hunterdon County OEM for holding briefings in anticipation of the storm on January 9th & 10th to help our communities prepare. He thanked the Stockton Volunteer Fire Company and the mutual aid neighbors for their dedication and service to the communities. They attended County OEM briefings, held work details, readied the swift water rescue teams, camped out at the firehouses overnight, and braved the weather to report numerous calls throughout the night and following day. He thanked Mike Mann, Charles Mc Daniel of HT

Landscaping, and Bob Liana for fixing the Stockton sign and for clearing debris from the car that hit the sign. He thanked Bill Brown, Tom Hunt and James Hunt for storm drain clearing in anticipation of the storm.

Worman Road: Mayor Lipsen invited anyone to join him on a Worman Road walk with residents, in the next coming month.

Stormwater Website Mayor Lipsen created a stormwater webpage on the Borough website. This page includes important information for stormwater management, details of Stockton's new ordinances that were required by the DEP, and instructions on what residents can do to help.

Deputy Clerk job posting-was added to the website advertising for the position.

Mayor Lipsen asked those who attended the recent meeting with the two fire departments regarding the possible merger to give an update from the meeting. Council President Mann summarized the meeting and the intent of the merger. The biggest difficulty is getting volunteers. To keep both companies workable is to merge both fire companies. An alternative would be a paid fire department which would be prohibitively expensive. Kozuhowski added that it was a very good, organized meeting and it was an informational meeting. The volunteers are getting up in age and we have very low recruitment. By law we are required to provide firefighting services. A whole new fire department will be created. It will give better services and better training along with better response time. The physical location of Stockton's current fire department is in the flood plain. It was suggested that a substation would be approximately right outside the borough. Multiple committees will be involved with the county and state officials as well as Stockton and Sergeantsville in putting together a plan. Mayor Lipsen stated that the issue of volunteerism is a statewide issue and added that the borough government has no say in this merger, but the borough can advise and support them.

OPEN PUBLIC COMMENT FOR ITEMS ON THE AGENDA

Mayor Lipsen opened the floor to public comment.

Kate Meltzer, member of the Planning Board, commented about truck drivers and the routes. Commented about the traffic issues and businesses with expansion of parking to each business. Stated that she loved the comments regarding the cannabis issues. Discussed the master plan and having cannabis incorporated into it. Mayor Lipsen stated he said that the planner suggested to keep cannabis discussions separate from the master plan.

Jennifer Reynolds, 4 Risler Street, discussed the public safety issues of speeding on Risler Street. Asked that this issue be looked at in the off times and year-round as well with the issues.

Kate Meltzer, commented about possibly looking into speed bumps. Mayor Lipsen stated that speed bumps create noise and maintenance issues and that it would be unlikely that the NJ DOT would allow them on Rt. 29. The Borough could consider them for their own streets. Stockton could ask for bollards near crosswalks on Rt. 29. The Borough does have permission to install one on Route 29 down by the Mill. A request was made to the NJDOT last year for a speed study and that this is one of the first steps to guide safety improvements. Hunt stated that it would be his recommendation to

put a four way stop at the intersection of 29 and Route 523 and thinks it would be effective of lowering the speeding in that area. Hunt volunteered to contact the State Police to get accident records in Stockton. Mayor Lipsen explained that before stop signs could be installed, an engineering study would need to take place to understand the impact of signs.

Jeff Meltzer, asked how the borough is evaluating new parking spaces with the ordinance for businesses. It was done independently from each other or is it zoned. Mayor Lipsen responded that it's based on a formula with estimated traffic going into the businesses and a certain formula in the amount of parking spaces needed and adding new business they would be responsible with a formula for new spots. Attorney Maddox responded that it's normally per property and not looking at neighbors, but she has not looked at the current ordinance the borough has. Attorney Maddox will look at the specific ordinance for more information. Discussions ensued regarding parking.

Cathy Brown, 7 N. Main Street, asked if the revenue stream for cannabis is different from any other type of businesses. Hunt responded that 2% of revenues would come to the borough.

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

NEXT MEETING

Monday February 12, 2024 7:00 PM

ADJOURNMENT

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

The meeting adjourned at 8:48 PM.

Laurie A. Courter

Laurie A. Courter, Borough Clerk