



STOCKTON BOROUGH COUNCIL REGULAR MEETING MINUTES October 16, 2023 – 7:00 P.M.

Mayor Aaron Lipsen called the regular meeting of the Stockton Borough Council to order on October 16, 2023, 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.

ROLL CALL

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

PLEDGE OF ALLEGIANCE

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

RESOLUTIONS

A motion was made and seconded to approve Resolutions #23-87.

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

Ayes: 5

Nays: 0

Motion passes.

PROCLAMATION

- Recognizing November 20, 2023, as Transgender Day of Remembrance

OPEN PUBLIC COMMENT – PRIVILEGE OF THE FLOOR

Mayor Lipsen opened the floor to public comment.

Sydney Fox, 1770 Daniel Bray Highway, informed the Council that her water pressure is bad and is diminishing.

Linda Willever, Daniel Bray Highway, informed the Council that she is experiencing the same water pressure issue and suspects that water is being used by a nearby apartment building. Mayor Lipsen thanked Ms. Fox and Ms. Willever for expressing their concerns and explained that their properties and water line are in Delaware Township, not Stockton Borough. He explained that the Borough is responsible for infrastructure only up to the curb stop and that the issue they are having is related to their privately owned water line after the curb stop. He relayed that the Borough water operator said that the water line to these properties was originally sized for one (1) house, but now is serving five (5) houses and an apartment building. Mayor Lipsen explained that even though it was the citizens'

responsibility, Stockton would do what it could to help advise them and planned to arrange a meeting to bring the water operator to meet with them.

Sydney Fox, 1770 Daniel Bray Highway, agreed that she had memory of the line being privately installed.

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

ORDINANCES

Public Hearing – Second Reading – Ordinance 2023-05

Mayor Lipsen read Ordinance No. 2023-05 by title.

A motion was made and seconded to open public comment on Ordinance 2023-05. The motion was unanimously approved by voice vote.

Hearing no members of the public speak, a motion was made and seconded to close public comment on Ordinance 2023-05. The motion was unanimously approved by voice vote.

A motion was made and seconded to adopt Ordinance 2023-05 was approved by roll call vote.

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

Ayes: 5

Nays: 0

Ordinance adopted.

BOROUGH OF STOCKTON

ORDINANCE 23-05

AN ORDINANCE AUTHORIZING THE CONSOLIDATION OF THE BOROUGH OF STOCKTON'S WATER AND SEWER SYSTEMS PURSUANT TO N.J.S.A. 40:62-106

WHEREAS, the Borough of Stockton owns and operates municipal water and sewer systems as separate utilities; and

WHEREAS, in an effort to realize efficiencies in government, the Borough desires to combine and consolidate the operations of the two separate systems; and

WHEREAS, N.J.S.A. 40:62-106 permits the Borough to combine and consolidate the operations of the two separate systems.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Stockton in the County of Hunterdon, State of New Jersey, as follows:

- Section 1.** Pursuant to N.J.S.A. 40:62-106, the separate Borough water system and sewer system are hereby combined and consolidated in order to be operated as one utility.
- Section 2.** The Mayor, the Borough Clerk, the Borough Deputy Clerk, the Borough Chief Financial Officer, and the Borough attorney are authorized to execute and/or witness any documentation required to effectuate the combination of the Borough water and sewer systems.
- Section 3.** All ordinances, or provisions thereof, conflicting or inconsistent with the provisions of this ordinance are hereby repealed to the extent of such conflict or inconsistency.
- Section 4.** If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.
- Section 5.** This ordinance shall take effect after adoption and final publication in accordance with law.

Introduction – First Reading – Ordinance 2023-06

Mayor Lipsen read Ordinance No. 2023-06 by title.

Motion made and seconded to introduce Ordinance 2023-06 and establish the penalties for violation of Ordinance 2023-06 to between \$25.00 and \$50.00 per incident.

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

Ayes: 5

Nays: 0

Motion passes.

No Public Comment on First Reading.

Public hearing set for November 20, 2023.

ORDINANCE NO. 23 - 06

AN ORDINANCE TO PROHIBIT THE FEEDING OF UNCONFINED WILDLIFE IN ANY PUBLIC PARK OR ON ANY OTHER PROPERTY OWNED OR OPERATED BY STOCKTON BOROUGH, SO AS TO PROTECT PUBLIC HEALTH, SAFETY AND WELFARE, AND TO PRESCRIBE PENALTIES FOR FAILURE TO COMPLY

SECTION I. Purpose:

An ordinance to prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by Stockton Borough so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. Feed – to give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Wildlife – all animals that are neither human nor domesticated.

SECTION III. Prohibited Conduct:

- a. No person shall feed, in any public park or on any other property owned or operated by Stockton Borough, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers, or feral cats as part of an approved Trap-Neuter-Release program).

SECTION IV. Enforcement:

- a. This ordinance shall be enforced by the State Police for Stockton Borough.
- b. Any person found to be in violation of this ordinance shall be ordered to cease the feeding immediately.

SECTION V. Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine of no less than \$25.00 and no more than \$50.00 for each offense.

SECTION VI. Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION VII. Effective date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Introduction – First Reading – Ordinance 2023-07

Mayor Lipsen read Ordinance No. 2023-07 by title.

Motion made and seconded to introduce Ordinance 2023-07 and establish the penalties for violation of Ordinance 2023-07 to between \$50.00 and \$500.00 per incident.

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

Ayes: 5

Nays: 0

Motion passes.

No Public Comment on First Reading.

Public hearing set for November 20, 2023.

ORDINANCE NO. 23 – 07

An Ordinance Requiring Dumpsters and Other Refuse Containers That Are Outdoors or Exposed To Stormwater To Be Covered At All Times And Prohibits The Spilling, Dumping, Leaking, Or Otherwise Discharge Of Liquids, Semi-Liquids Or Solids From The Containers To The Municipal Separate Storm Sewer System(S), If Any, Operated By The Stockton Borough and/or The Waters Of The State So As To Protect Public Health, Safety And Welfare, And To Prescribe Penalties For The Failure To Comply

SECTION I. Purpose:

An Ordinance Requiring Dumpsters and Other Refuse Containers That Are Outdoors or Exposed To Stormwater To Be Covered At All Times And Prohibits The Spilling, Dumping, Leaking, Or Otherwise Discharge Of Liquids, Semi-Liquids Or Solids From The Containers To The Municipal Separate Storm Sewer System(S), If Any, Operated By The Stockton Borough and/or The Waters Of The State So As To Protect Public Health, Safety And Welfare, And To Prescribe Penalties For The Failure To Comply

SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” be always mandatory and not merely directory.

- a. Municipal separate storm sewer system (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by Stockton Borough or other public body, and is designed and used for collecting and conveying stormwater.
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

- c. Refuse container – any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.
- d. Stormwater – means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.
- e. Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

SECTION III. Prohibited Conduct:

Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by Stockton Borough.

SECTION IV. Exceptions to Prohibition:

- a. Permitted temporary demolition containers
- b. Litter receptacles (other than dumpsters or other bulk containers)
- c. Individual homeowner trash and recycling containers
- d. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit
- e. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup)

SECTION V. Enforcement:

This ordinance shall be enforced by the Zoning Official of Stockton Borough.

SECTION VI. Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine of no less than \$50.00 and no more than \$500.00 for each offense.

SECTION VII. Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION VIII. Effective date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Introduction – First Reading – Ordinance 2023-08

Mayor Lipsen read Ordinance No. 2023-08 by title.

Motion made and seconded to introduce Ordinance 2023-08 and establish the penalties for violation of Ordinance 2023-08 to between \$50.00 and \$100.00 per incident.

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

Ayes: 5

Nays: 0

Motion passes.

No Public Comment on First Reading.

Public hearing set for November 20, 2023.

ORDINANCE NO. 23 – 08

AN ORDINANCE TO ESTABLISH REQUIREMENTS FOR THE PROPER DISPOSAL OF PET SOLID WASTE IN STOCKTON BOROUGH, SO AS TO PROTECT PUBLIC HEALTH, SAFETY AND WELFARE, AND TO PRESCRIBE PENALTIES FOR FAILURE TO COMPLY.

SECTION I. Purpose:

An ordinance to establish requirements for the proper disposal of pet solid waste in Stockton Borough, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. Immediate – shall mean that the pet solid waste is removed at once, without delay.
- b. Owner/Keeper – any person who shall possess, maintain, house, or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet.
- c. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- d. Pet - a domesticated animal (other than a disability assistance animal) kept for amusement or

- companionship.
- e. Pet solid waste – waste matter expelled from the bowels of the pet; excrement.
- f. Proper disposal – placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

SECTION III. Requirement for Disposal:

All pet owners and keepers are required to immediately and properly dispose of their pet’s solid waste deposited on any property, public or private, not owned or possessed by that person.

SECTION IV. Exemptions:

Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose.

SECTION V. Enforcement:

The provisions of this Article shall be enforced by the State Police for Stockton Borough.

SECTION VI. Violations and Penalty:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine of no less than \$50.00 and no more than \$100.00 for each offense.

SECTION VII. Severability:

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION VIII. Effective date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Introduction – First Reading – Ordinance 2023-09

Mayor Lipsen read Ordinance No. 2023-09 by title.

Motion made and seconded to introduce Ordinance 2023-09 and establish the penalties for violation of Ordinance 2023-09 to between \$50.00 and \$300.00 per incident.

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

Ayes: 5

Nays: 0

Motion passes.

No Public Comment on First Reading.

Public hearing set for November 20, 2023.

ORDINANCE NO. 23 – 09**AN ORDINANCE TO ESTABLISH REQUIREMENTS TO CONTROL LITTERING IN STOCKTON BOROUGH,
SO AS TO PROTECT PUBLIC HEALTH, SAFETY AND WELFARE, AND TO PRESCRIBE PENALTIES FOR THE
FAILURE TO COMPLY****SECTION I. Purpose:**

An ordinance to establish requirements to control littering in [insert name of municipality], so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. Litter - any used or unconsumed substance or waste material which has been discarded, whether made of aluminum, glass, plastic, rubber, paper, or other natural or synthetic material, or any combination thereof, including, but not limited to, any bottle, jar or can, or any top, cap or detachable tab of any bottle, jar or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspapers, magazines, glass, metal, plastic or paper containers or other packaging or construction material, but does not include the waste of the primary processes of mining or other extraction processes, logging, sawmilling, farming or manufacturing.
- b. Litter Receptacle – a container suitable for the depositing of litter.
- c. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

SECTION III. Prohibited Acts and Regulated Activities:

1. It shall be unlawful for any person to throw, drop, discard, or otherwise place any litter of any nature upon public or private property other than in a litter receptacle, or having done so, to allow such litter to remain.
2. Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this ordinance, the operator or owner, or both, of the motor vehicle or boat shall also be deemed to have violated this ordinance.

SECTION IV. Enforcement:

This ordinance shall be enforced by the State Police for Stockton Borough.

SECTION V. Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine of no less than \$50.00 and no more than \$300.00 for each offense.

SECTION VI. Severability:

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION VII. Effective date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Introduction – First Reading – Ordinance 2023-10

Mayor Lipsen read Ordinance No. 2023-10 by title.

Motion made and seconded to introduce Ordinance 2023-10 and establish the penalties for violation of Ordinance 2023-10 to between \$50.00 and \$100.00 per incident.

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

Ayes: 5

Nays: 0

Motion passes.

No Public Comment on First Reading.

Public hearing set for November 20, 2023.

ORDINANCE NO. 23 – 10

AN ORDINANCE TO ESTABLISH A YARD WASTE COLLECTION AND DISPOSAL PROGRAM STOCKTON BOROUGH, SO AS TO PROTECT PUBLIC HEALTH, SAFETY AND WELFARE, AND TO PRESCRIBE PENALTIES FOR THE FAILURE TO COMPLY.

SECTION I. Purpose:

An ordinance to establish a yard waste collection and disposal program in Stockton Borough, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

SECTION II Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. Containerized – means the placement of yard waste in a trash can, bucket, bag or other vessel, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater.
- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Street – means any street, avenue, boulevard, road, parkway, viaduct, drive, or other way, which is an existing State, county, or municipal roadway, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas, and other areas within the street lines.
- d. Yard Waste – means leaves and grass clippings.

SECTION III. Yard Waste Collection

Sweeping, raking, blowing or otherwise placing yard waste that is not containerized at the curb or along the street is only allowed during the seven (7) days prior to a scheduled and announced collection, and shall not be placed closer than 10 feet from any storm drain inlet. Placement of such yard waste at the curb or along the street at any other time or in any other manner is a violation of this ordinance. If such placement of yard waste occurs, the party responsible for placement of the yard waste must remove the yard waste from the street or said party shall be deemed in violation of this ordinance.

SECTION IV. Enforcement:

The provisions of this ordinance shall be enforced by the Zoning Official or Construction Official.

SECTION V. Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine of no less than \$50.00 and no more than \$100.00 for each offense.

SECTION VI. Severability:

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION VII. Effective date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Introduction – First Reading – Ordinance 2023-11

Mayor Lipsen read Ordinance No. 2023-11 by title.

Motion made and seconded to introduce Ordinance 2023-11 and establish the penalties for violation of Ordinance 2023-11 to between \$50.00 and \$300.00 per incident.

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

Ayes: 5

Nays: 0

Motion passes.

No Public Comment on First Reading.

Public hearing set for November 20, 2023.

ORDINANCE NO. 23 – 11

An Ordinance Requiring The Retrofitting Of Existing Storm Drain Inlets Which Are In Direct Contact With Repaving, Repairing, Reconstruction, Or Resurfacing Or Alterations Of Facilities On Private Property, To Prevent The Discharge Of Solids And Floatables (Such As Plastic Bottles, Cans, Food Wrappers And Other Litter) To The Municipal Separate Storm Sewer System(S) Operated By The Borough Of Stockton, if any, So As To Protect Public Health, Safety And Welfare, And To Prescribe Penalties For The Failure To Comply

SECTION I. Purpose:

An ordinance requiring the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the Borough of Stockton, if any, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- a. Municipal separate storm sewer system (MS4)– a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by [insert name of municipality] or other public body, and is designed and used for collecting and conveying stormwater.

- b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- c. Storm drain inlet- an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.
- d. Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

SECTION III. Prohibited Conduct:

No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

1. Already meets the design standard below to control passage of solid and floatable materials; or
2. Is retrofitted or replaced to meet the standard in Section IV below prior to the completion of the project.

SECTION IV. Design Standard:

Storm drain inlets identified in Section III above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, “solid and floatable materials” means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section V.3 below.

1. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - a. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or
 - b. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches or is no greater than 0.5 inches across the smallest dimension.
 - c. Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

2. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches or be no greater than two (2.0) inches across the smallest dimension.
3. This standard does not apply:
 - a. Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;
 - b. Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - i. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or
 - ii. A bar screen having a bar spacing of 0.5 inches.
 - c. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars; or
 - d. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

SECTION V. Enforcement:

This ordinance shall be enforced by the Zoning Official of the Borough of Stockton.

SECTION VI. Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine of no less than \$50.00 and no more than \$300.00 for each offense.

SECTION VII. Severability:

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION VIII. Effective date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Introduction – First Reading – Ordinance 2023-12

Mayor Lipsen read Ordinance No. 2023-12 by title.

Motion made and seconded to introduce Ordinance 2023-12 and establish the penalties for violation of Ordinance 2023-12 to between \$50.00 and \$500.00 per incident.

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

Ayes: 5

Nays: 0

Motion passes.

No Public Comment on First Reading.

Public hearing set for November 20, 2023.

ORDINANCE NO. 23 – 12

An Ordinance Establishing Requirements for The Storage of Salt and Other Solid De-Icing Materials on Properties Not Owned or Operated by The Municipality (Privately-Owned), Including Residences, In the Borough of Stockton to Protect the Environment, Public Health, Safety and Welfare, And to Prescribe Penalties for Failure to Comply

SECTION I. Purpose:

The purpose of this ordinance is to prevent stored salt and other solid de-icing materials from being exposed to stormwater.

This ordinance establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned), including residences, in Stockton Borough to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- A. “De-icing materials” means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.
- B. “Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

- C. "Storm drain inlet" means the point of entry into the storm sewer system.
- D. "Permanent structure" means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets the following specifications:

1. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
 2. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
 3. The structure shall be erected on an impermeable slab;
 4. The structure cannot be open sided; and
 5. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.
- E. "Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- F. "Resident" means a person who resides on a residential property where de-icing material is stored.

SECTION III. Deicing Material Storage Requirements:

- A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:
1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
 2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;
 3. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;
 4. Loose materials shall be covered as follows:

- a. The cover shall be waterproof, impermeable, and flexible;
- b. The cover shall extend to the base of the pile(s);
- c. The cover shall be free from holes or tears;
- d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
- e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.

(1) Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;

5. Containers must be sealed when not in use; and

6. The site shall be free of all de-icing materials between April 16th and October 14th.

B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 - April 15.

C. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.

1. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

SECTION IV. Exemptions:

Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in Section III above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

SECTION V. Enforcement:

This ordinance shall be enforced by the Zoning Official during the course of ordinary enforcement duties.

SECTION VI. Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall have 72 hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall result in fines of no less than \$50.00 and no more than \$500.00 for each offense.

SECTION VII. Severability:

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

SECTION VIII. Effective Date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

RESOLUTIONS

A motion was made and seconded to approve Resolution #23-88.

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

Ayes: 5

Nays: 0

Motion passes.

**Stockton Borough Council
Resolution #23-88**

**ADOPTING THE WORKPLACE GENDER TRANSITION GUIDELINES
PROMULGATED BY THE STATE OF NEW JERSEY**

WHEREAS, it is the policy of the Borough of Stockton to treat all employees, prospective employees, appointees, and volunteers with respect and to foster an inclusive workplace; and

WHEREAS, the State of New Jersey has promulgated workplace gender transition guidelines intended to address questions that may arise from managers, supervisors, and colleagues with respect to gender transition within the workplace, and provide guidance on language and tools concerning transgender, gender nonconforming, and gender non-binary employees; and

WHEREAS, the governing body of the Borough of Stockton has determined that in order to advance its policy of respect towards its employees, it will adopt the workplace gender transition guidelines established by the State of New Jersey.

NOW, THEREFORE BE IT ADOPTED by the Borough Council of the Borough of Stockton, County of Hunterdon, State of New Jersey, that:

Section 1: The workplace gender transition guidelines promulgated by the State of New Jersey are hereby adopted by the Borough of Stockton.

Section 2: A copy of the workplace gender transition guidelines shall be kept on file in Borough Hall and will be distributed to all Borough employees.

Section 3: This resolution shall take effect immediately.

A motion was made and seconded to approve Resolution #23-89

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

Ayes: 5

Nays: 0

Motion passes.

**Stockton Borough Council
Resolution #23-89
Appointment of Finance Assistant**

WHEREAS, the Borough Council of the Borough of Stockton, Hunterdon County, New Jersey acknowledges a need for a Financial Assistant.

NOW, THEREFORE, BE IT RESOLVED by the Stockton Borough Council that the salary for the position of the Financial Assistant is established as follows:

<u>Name</u>	<u>Effective Date</u>	<u>Salary</u>
Donna Griffith	10/14/2023 – 12/31/2023	\$7,000 annually

A motion was made and seconded to approve Resolution #23-90.

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

Ayes: 5

Nays: 0

Motion passes.

Stockton Borough Council Resolution #23-90

Opposing H.R. 3372, Which Would Establish a 10-Year “Pilot Program for States to Test 91,000 Pound Trucks”

WHEREAS, H.R. 3372, was introduced in the House of Representatives on May 16, 2023, and would create a program for states to ‘test’ 91,000-pound trucks on their roads; and

WHEREAS, this increase to 91,000 pounds, represents a nearly 14% increase over the current large rigs which are approximately 80,000 pounds in weight; and

WHEREAS, a 2023, joint study prepared by the National Association of Counties and National Association of County Engineers, found that 72,000 local bridges across the country can’t safely handle 91,000-pound trucks and that it would cost \$61 billion to replace them; and

WHEREAS, according to the USDOT, even with a 6th axle distributing the load, 91,000-pound trucks would only pay for about 55% of their damage to roads and bridges; and

WHEREAS, since Congress last raised truck weights, the number of trucks registered in the U.S. and the miles they drive have increased by 91%; and

WHEREAS, Hunterdon County is home to numerous small and historic bridges that currently cannot handle existing heavy trucks that are on roadways; and

WHEREAS, existing truck traffic presents numerous challenges to Hunterdon County’s 26 municipalities including its numerous, small, historic downtowns; and

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Stockton hereby opposed H.R. 3372, and calls upon its federally elected representatives to oppose this legislation; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to U.S. Representative Tom Kean, U.S. Senators Robert Menendez and Cory Booker; and

BE IT FURTHER RESOLVED, that the Clerk of Stockton Borough shall send a copy of this resolution to all 26 Hunterdon County municipalities, with a request that they adopt similar resolutions in opposition to H.R. 3372.

A motion was made and seconded to approve Resolution #23-91.

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

Ayes: 5

Nays: 0

Motion passes.

Stockton Borough Council Resolution #23-91

Requiring Certain Commercial Motor Vehicles to be Equipped with Global Positioning Systems

WHEREAS, bipartisan Assembly Bill No. 975 sponsored by Assemblyman John DiMaio and Assemblyman Daniel Benson would require a commercial motor vehicle operating upon the public highways of this State, to be equipped with a global positioning system navigation program that provides information about upcoming highway infrastructure with low vertical clearance and weight restrictions and dynamic route directions that account for commercial motor vehicle restrictions; and

WHEREAS, the legislation defines a “commercial motor vehicle” as a select group of vehicles with a gross vehicle weight rating of 26,001 or more pounds, or that display a gross vehicle weight rating of 26,001 or more pounds; and

WHEREAS, commercial motor vehicles have restricted routes of travel that are not readily displayed on civilian navigation systems that are sometimes used by operators of commercial motor vehicles; and

WHEREAS, because of limited information on civilian navigation systems, commercial motor vehicle operators often unintentionally end up on restricted weight roadways or are stopped along their route by a restricted weight bridge; and

WHEREAS, Hunterdon County has sustained damages to roadways and bridges as a result of overweight trucks traveling on them; and

WHEREAS, unless identified by a camera, or law enforcement personnel, Hunterdon County taxpayers are on the hook for the cost of repairs to infrastructure damaged by large trucks; and

WHEREAS, this legislation is also important given the number of historic bridges, culverts, and downtowns located throughout Hunterdon County that cannot accommodate large commercial

vehicles and cause considerable disruption to local traffic flow; and

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Stockton does hereby support Assembly Bill No. 975 and Senate Bill No. 2643; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to members of the 15th, 16th, and 23rd Legislative Districts; and

BE IT FURTHER RESOLVED, that the Clerk of Stockton Borough shall send a copy of this resolution to all 26 Hunterdon County municipalities, with a request that they adopt similar resolutions in support of Assembly Bill No. 975 and Senate Bill No. 2643.

A motion was made and seconded to approve Resolution #23-92.

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

Ayes: 5

Nays: 0

Motion passes.

Stockton Borough Council

Resolution #23-92

Affirming The Borough of Stockton's Civil Rights and Public Accommodation Policy With Respect To All Officials, Appointees, Employees, Prospective Employees, Volunteers, Independent Contractors, And Members Of The Public That Come Into Contact With Municipal Employees, Officials And Volunteers

WHEREAS, it is the policy of the Borough of Stockton to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights and public accommodation laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

WHEREAS, the governing body of the Borough of Stockton has determined that certain procedures need to be established to accomplish this policy.

NOW, THEREFORE BE IT ADOPTED by the Borough Council of the Borough of Stockton, County of Hunterdon, State of New Jersey, that:

Section 1: No official, employee, appointee or volunteer of the municipality by whatever title known, or any entity that is in any way a part of the municipality shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the municipality's business or using the facilities or property of the municipality.

Section 2: The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the municipality to provide services that otherwise could be performed by the municipality.

Section 3: Discrimination, harassment, and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment, civil rights, and public accommodation.

Section 4: The Borough Council shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights or public accommodation prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights or public accommodation, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Borough Council shall establish written procedures that require all officials, employees, appointees and volunteers of the municipality as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

Section 7: The Borough Council shall establish a system to monitor compliance and shall report at least annually the results of the monitoring.

Section 8: At least annually, the Borough Council shall cause a summary of this resolution and the procedures established pursuant to this resolution to be

communicated within the municipality. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the municipality's web site.

Section 9: This resolution shall take effect immediately.

Section 10: A copy of this resolution shall be published in the official newspaper of the municipality in order for the public to be made aware of this policy and the municipality's commitment to the implementation and enforcement of this policy.

A motion was made and seconded to approve Resolution #23-93.

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

Ayes: 5

Nays: 0

Motion passes.

Resolution #23-93

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 \$152,803.76.

Resolution #23-95 was removed from the agenda.

APPROVAL OF MINUTES

- a. February 22, 2023, Regular Session – Tabled
- b. April 17, 2023, Regular Session Minutes – Tabled
- c. August 15, 2023, Regular and Executive Session Minutes – Tabled
- d. September 18, 2023, Regular and Executive Session Minutes – Tabled

CORRESPONDENCE

- None

OLD BUSINESS

- **Worman Road**

Mayor Lipsen explained that the Borough Engineer is still waiting on NJDEP to complete its review and approval of the plans, but the Borough Engineer should have a draft bid package ready for the Borough to review soon.

- **NJDOT**

Mayor Lipsen explained that at the Borough's request, the NJDOT has performed drain clearing along Rt. 29 and tree trimming to improve sightlines and to make signs more visible. NJDOT also completed repairs to the canal bridge on Bridge Street. The Delaware River Joint Toll Bridge Commission has agreed to replace the wooden slat fence on Bridge Street to further beautify the area.

- **Stockton School**

Attorney Butler shared with the Council that the transfer is close to being completed, but that there are still some outstanding matters including securing insurance for the property, completing negotiations with the Diocese of Metuchen regarding a license agreement to access the property, and securing approval of the transfer from the NJ Historic Preservation Office.

NEW BUSINESS

- Acknowledgement of Retirement of Gregory Ent, long time Borough water operator. The Council acknowledged Mr. Ent's dedication to the Borough and his outstanding service to the community and wished him the best in his retirement.

MAYOR'S REPORT, BOROUGH COUNCIL COMMENTS & COMMITTEE REPORTS

Mayor Lipsen thanked everyone for their participation in Tie the Town Pink Day and making the event a success. Mayor Lipsen also mentioned that the Borough will be working on a bid for a new garbage collection contract and welcomed input on the community's needs.

Committee Reports: Council President Mann reported that the safety inspection for the swing set in the Borough Park has been performed.

Councilman Brown reported that the Borough will be investigating the steps required to add an additional Borough well in the future in an effort to determine the best avenue for the Borough. He reported that the Infrastructure Committee was coordinating pothole repairs and that they are continuing an investigation of grant assistance to replace the sewer generator.

He explained that the water department has held multiple meetings to prioritize upgrades and integrate new staff. He was also investigating purchasing cooperatives, which would allow the Borough to save money on the purchase of new equipment.

PUBLIC COMMENT

Mayor Lipsen opened the floor for public comment.

Jennifer Reynolds, 4 Risler Street, inquired about the water meters in the Borough and the process for replacing older meters, some of which are located in the basements of houses.

EXECUTIVE SESSION

A motion was made and seconded to approve the following resolution and was unanimously approved by voice vote.

RESOLUTION 23-94

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 Stockton 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:
 - Personnel – Borough Clerk/Deputy Clerk
 - Property Acquisition – Stockton School Property.
 - Contract Matters – Borough Engineer/Landscaper.

The discussion is anticipated to take approximately 1 hour. 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 was made and seconded to exit Executive Session and was unanimously approved by voice vote.

The committee was in Executive Session from approximately 9:00 PM to 9:30 PM.

ACTION ON ITEMS FROM EXECUTIVE SESSION

None

NEXT MEETING

Monday, November 20, 2023 at 7:00 PM, Regular Meeting

ADJOURNMENT

A motion was made and seconded to adjourn the meeting.

The meeting adjourned at approximately 9:30 PM.