



## **STOCKTON BOROUGH COUNCIL REGULAR MEETING MINUTES Date: March 18, 2024 – 7:00 P.M.**

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Mayor Aaron Lipsen called the regular meeting of the Stockton Borough Council to order on March 18, 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, was posted on the door at the Municipal Building, and was filed with the Borough Clerk.

Mayor Lipsen announced that website problems delayed agenda posting online.

### **ROLL CALL**

Present: Councilperson William Brown, Councilperson Peter Folz, Council President Thomas Hunt, Councilperson Ken Kozuhowski, Councilperson Michael Mann, Mayor Aaron Lipsen, Borough Attorney Lisa Maddox, and Borough Clerk Laurie A. Courter

### **PLEDGE OF ALLEGIANCE**

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

Mayor Lipsen announced that Stockton Fire Company Members Bailey and Peter Rekowski, who are the daughter and son-in-law of Chief Rick Hendricks, welcomed their daughter Harper. We congratulate the Rekowski and Hendricks families on their new addition.

### **APPROVAL OF MINUTES**

Motion made by Hunt and seconded by Kozuhowski to approve the following minutes; all were in favor.

October 16, 2023

February 12, 2024

### **CORRESPONDENCE**

Email-Mike Odenwald-Two options for leasing the Schoolhouse.

Email-Constance Bassett-Renting Stockton School.

Commissioner Board's opposition to the Assembly Bill No. 4 / Senate Bill No. 50, Affordable Housing Legislation. Mayor Lipsen stated that if the council wants, they can draft a resolution showing Stockton's opposition to the bill. Brown stated that looking at the commissioner's bill which is far into the legislative process, the borough would need to do something soon before the next meeting. Kozuhowski asked what we need to do to make our opinions known. Lipsen responded that a resolution would be sent, or we can stay out of state politics. Hunt added that the League has taken a position also. It was consensus that Stockton would not draft a resolution.

**PUBLIC COMMENT**

Mayor Lipsen opened public comment to the public.

Michele Purcell 7 Bridge Street, stated she was curious about the housing requirements. She did some reading and stated that if we don't make a stand builders can come in with builders' rights. We lose more control. Asked what the borough is doing to explore it. Mayor Lipsen explained that the state adopted a new law and added that a resolution from Stockton wouldn't change any minds at the state level.

**OLD BUSINESS**

Future meeting location discussions:

Mayor Lipsen stated that they are no longer using the upstairs of borough hall for public meetings. Meetings will be held here at fire hall or through Zoom. Discussion of hybrid meetings ensued with ideas of utilization of Zoom and having the meetings elsewhere.

Worman Road: Hunt reporting on the walk on Worman Road with the resident and the mayor. Lipsen reporting on Boswell engineering making applications to the DEP. Once approved by the DEP, bids will go out for a 60-day bid process to choose a contractor to schedule work for this season.

Water Meters: Infrastructure committee is examining the best ways to improve the borough's infrastructure. They had a meeting last week about the best way to go forward. Brown gave an overview of the meters being old and getting new ones. Explaining the difference between new meters and the old ones with better technology. Discussions of the cost ensued. Brown reported on the water operator looking for other meters as well for pricing to get more affordable ones like what we have in order to do quick replacements and repair those that can be repaired. Once the whole town has new meters, they can be read from Borough Hall. Start-up costs will be expensive. Brown stated that we should also make sure there are not any better prices out there. Hunt stated he agrees with the approach, and asked if the payment for this will be made through the now merged water and sewer authority. Discussion of fees and hookup fees ensued; the Infrastructure Committee will be looking at the fees. Lipsen stated the borough is lucky to have the employees on the water department and billing; they are doing fantastic work and are very dedicated.

Stockton School Future Use: Mayor Lipsen reported that he received two different correspondences which he turned over to Mann. Mann reported that the committee met, and they need to discuss the use for the school. Their discussion has come down to these options: borough hall offices, space for the community center, and rent out part of the school to nonprofits. Attorney Maddox explained the uses and terms for non-profit or private. Mayor Lipsen reported on a couple of grants from Open Space, ADA and others that they could apply for with the amounts and details. Mann gave more details on what is needed for the space to be turned into borough hall offices such as an elevator and installing an ADA-compliant ramp. Discussions ensued regarding the current borough hall and what options they have for it, selling it, or leasing it.

Parking: Mayor Lipsen reported that the Planning Board had a short meeting, no guidance yet with parking, but hopefully by their next meeting they will have something for us.

**OPEN PUBLIC COMMENT – PRIVILEGE OF THE FLOOR**

Mayor Lipsen opened the floor to public comment.

Dennis Bertland Risler Street: thanked council for the study on the schoolhouse project. It's quite an effort to bring us to this point. Urged council to take positive actions and pursue grants. Lipsen stated that we will need a grant writer and added that we have a good candidate for a fee of \$45 an hour, which would be about \$1000.00 total.

Michel Purcell Bridge Street: thanked the person who put up the sign on the crosswalk. It's an effort to slow down traffic. Asked for an update on the initiatives of slowing down traffic. Lipsen reported that he contacted the DOT and asked for an updates on our requests related to maintenance and traffic safety. He stated that we had received response on maintenance but not yet on traffic and on the request for a Rt. 29. traffic study submitted to the DOT. Related to the Route 29 resurfacing project, the borough has to sign off on some things. Lipsen stated he called his contact at DOT, but she couldn't take his call; hopefully, by next meeting he can set up another call with her.

Kozuhowski reported that he had a meeting with the Police Chief of Delaware Township to express our concerns. He agreed to have an officer on Risler and Bridge Streets at different times with one that was suggested during rush hour.

Mike Odenwald Risler Street: stated that the borough should explore some other options with holding the council meetings other than using Zoom. Stated that the borough has three churches in town. The lodge would love a couple of bucks and be perfect for this size meeting. No reason to go back into Zoom. Mr. Odenwald suggested one of the uses at Stockton school could be for a medical center. Hunterdon medical is a nonprofit and stated that he would like to hear someone is open to exploring this kind of tenant; it would become income for the town. Mr. Odenwald asked about the cost of meters and what it covered. Asked what it would cost to fix the town with water metering problem. Discussions ensued regarding cost and what is involved with repairs and employee costs. Suggested that borough hall could be used for affordable housing and donate it. Lipsen commented that with a doctor's office it would need handicapped parking. Limited number of parking spots could be a challenge for a medical facility.

Hockenbury Main Street: inquired about water meter cost and how long until they wear out and asked how expensive they are to maintain.

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

## **ORDINANCES**

*Public Hearing and adoption will be held on April 15, 2024*

Motion made by Mann and seconded by Kozuhowski to approve on first reading Ordinance 24-02.

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

Ayes: 6

Nays: 0

Motion passes.

### **Ordinance # 24-02 Tree Removal-Replacement Ordinance**

#### **SECTION I. Purpose:**

An ordinance to establish requirements for tree removal and replacement in the Borough of Stockton to reduce soil erosion and pollutant runoff, promote infiltration of rainwater into the soil, and protect the environment, public health, safety and welfare.

#### **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 ordinance 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 use of the word "shall" means the requirement is always mandatory and not merely directory.

- A. "Applicant" means any "person", as defined below, who applies for approval to remove trees regulated under this ordinance.
- B. "Critical Root Radius (CRR)" – means the zone around the base of a tree where the majority of the root system is found. This zone is calculated by multiplying the diameter at breast height (DBH) of the tree by 1.5 feet. For example: a tree with a 6" DBH would have a CRR = 6"x1.5' = 9'.
- C. "Diameter at Breast Height (DBH)" means the diameter of the trunk of a tree generally measured at a point four and a half feet above ground level from the uphill side of the tree. For species of trees where the main trunk divides below the 4 ½ foot height, the DBH shall be measured at the highest point before any division.
- D. "Hazard Tree" means a tree or limbs thereof that meet one or more of the criteria below. Trees

that do not meet any of the criteria below and are proposed to be removed solely for development purposes are not hazard trees.

1. Has an infectious disease or insect infestation;
  2. Is dead or dying;
  3. Obstructs the view of traffic signs or the free passage of pedestrians or vehicles, where pruning attempts have not been effective;
  4. Is causing obvious damage to structures (such as building foundations, sidewalks, etc.); or
  5. Is determined to be a threat to public health, safety, and/or welfare by a certified arborist or Licensed Tree Expert (LTE).
- E. "Person" means any individual, resident, corporation, utility, company, partnership, firm, or association.
- F. "Planting strip" means the part of a street right-of-way between the public right-of-way and the portion of the street reserved for vehicular traffic or between the abutting property line and the curb or traveled portion of the street, exclusive of any sidewalk.
- G. "Resident" means an individual who resides on the residential property or contractor hired by the individual who resides on the residential property where a tree(s) regulated by this ordinance is removed or proposed to be removed.
- H. "Street Tree" means a tree planted in the sidewalk, planting strip, and/or in the public right-of-way adjacent to the portion of the street reserved for vehicular traffic. This also includes trees planted in planting strips within the roadway right-of-way, i.e., islands, medians, pedestrian refuges.
- I. "Tree" means a woody perennial plant, typically having a single stem or trunk growing to a considerable height and bearing lateral branches at some distance from the ground.
- J. "Tree Caliper" means the diameter of the trunk of a young tree, measured six (6) inches from the soil line. For young trees whose caliper exceeds four (4) inches, the measurement is taken twelve (12) inches above the soil line.
- K. "Tree removal" or "removal" means to kill or to cause irreparable damage that leads to the decline and/or death of a tree. This includes, but is not limited to, excessive pruning, application of substances that are toxic to the tree, over-mulching or improper mulching, and improper grading and/or soil compaction within the critical root radius around the base of the tree that leads to the decline and/or death of a tree. Removal does not include responsible pruning and maintenance of a tree, or the application of treatments intended to manage invasive species.

### **SECTION III. Regulated Activities:**

#### **A. Application Process:**

1. Any person planning to remove a street tree with DBH of 2.5" or more, or any other tree with DBH of 6" or more on private property, shall submit a Tree Removal Application to the Borough Zoning Officer. No tree shall be removed until municipal officials have reviewed and approved the removal.

- 2 Applicants shall pay an application fee of \$20.00 or \$10.00 per tree, whichever is higher.

**B. Tree Replacement Requirements**

1. Any person who removes one or more street tree(s) with a DBH of 2.5” or more, unless exempt under Section IV, shall be subject to the requirements of the Tree Replacement Requirements Table below.
2. Any person who removes one or more any other tree(s) with a DBH of 6” or more per acre, unless otherwise exempt under Section IV, shall be subject to the requirements of the Tree Replacement Requirements Table below.
3. The species type and diversity of replacement trees shall be in accordance with a list of the types of permitted trees created by the Borough and maintained in the office of the Borough Clerk, which may be updated as necessary from time to time.
4. Replacement tree(s) shall:
  - a. Be replaced in kind with a tree that has an equal or greater DBH than tree removed or meet the Tree Replacement Criteria in the table below;
  - b. Be planted within twelve (12) months of the date of removal of the original tree(s) or at an alternative date specified by the Borough;
  - c. Be monitored by the applicant for a period of two (2) years to ensure their survival and shall be replaced as needed within twelve (12) months; and
  - d. Not be planted in temporary containers or pots, as these do not count towards tree replacement requirements.

**Tree Replacement Requirements Table:**

Category	Tree Removed (DBH)	Tree Replacement Criteria	Replacement Fee
1	DBH of 2.5” (for street trees) or 6” to 12.99” (for other trees)	Replant 1 tree in with minimum caliper of 1.5” for each tree removed	\$250
2	DBH of 13” to 22.99”	Replant 2 trees with minimum caliper of 1.5” for each tree removed	\$500
3	DBH of 23” to 32.99”	Replant 3 trees with minimum caliper of 1.5” for each tree removed	\$750
4	DBH of 33” or greater	Replant 4 trees with minimum caliper of 1.5” for each tree removed	\$1,000

**C. Replacement Alternatives:**

1. If the municipality determines that some or all required replacement trees cannot be planted on the property where the tree removal activity occurred, then the applicant shall do one of the following:
  - a. Plant replacement trees in a separate area(s) approved by the Borough.
  - b. Pay a fee in accordance with the above Table for each tree removed. This fee shall be placed into a fund dedicated to tree planting and continued maintenance of trees.

**SECTION IV. Exemptions:**

Except as specifically provided below, all persons shall comply with the permit and fee requirement and tree replacement standard outlined above. While the following categories are exempt from the requirements above, the person removing the trees shall submit sufficient documentary evidence (such as photographs or written advice from an arborist or LTE) demonstrating the exemption prior to the tree removal:

- A. Residents who remove less than four (4) trees per acre that fall into category 1, 2, or 3 of the Tree Replacement Requirements Table within a five-year period;
- B. Tree farms in active operation, nurseries, fruit orchards, and garden centers;
- C. Properties used for the practice of silviculture under an approved forest stewardship or woodland management plan that is active and on file with the Borough;
- D. Any trees removed as part of a municipal or state decommissioning plan. This exemption only includes trees planted as part of the construction and predetermined to be removed in the decommissioning plan;
- E. Any trees removed pursuant to a New Jersey Department of Environmental Protection (NJDEP) or U.S. Environmental Protection Agency (EPA) approved environmental clean-up, or NJDEP approved habitat enhancement plan;
- F. Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife; and
- G. Hazard trees.

**SECTION V. Enforcement:**

This ordinance shall be enforced by the Zoning Officer or said officer's designee, 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 be subject to a minimum fine of \$50 and maximum fine of \$1,000 per violation.

**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.

Motion made by Kozuhowski and seconded by Folz to approve on first reading Ordinance 24-03.

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

Ayes: 6

Nays: 0

Motion passes.

**ORDINANCE NO. 2024-03**

**AN ORDINANCE OF THE BOROUGH OF STOCKTON IN  
HUNTERDON COUNTY, NEW JERSEY, AUTHORIZING,  
ESTABLISHING AND CONTINUING THE STOCKTON FIRE  
DEPARTMENT**

**WHEREAS**, for many years the Stockton Fire Company (“Fire Company”), a volunteer fire company organized in the State of New Jersey, has provided fire protection and suppression services in and on behalf of the Borough of Stockton (“Borough”), and the Borough has provided financial and other assistance to the Fire Company; and

**WHEREAS**, at this time the Borough Council seeks to reaffirm the terms and conditions of its relationship to and with the Fire Company.

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

**Section 1.** Establishment; title. There is hereby authorized, established and continued the Stockton Borough Fire Department within the Borough to be composed of one company, known as the Stockton Fire Company, for purposes of providing fire suppression and protection services in the Borough of Stockton.



**Section 2.** Qualifications. No person shall become a member of the Stockton Fire Department and serve as an active fire fighter, unless the person shall meet the following qualifications:

- A. Be at least 18 years of age.
- B. Be a citizen of the United States.
- C. Be in good health and physically able to perform the duties of fire fighter as evidenced by a certificate to that effect by a licensed physician of the State of New Jersey.

**Section 3.** Attendance and duty required. Every member of the Fire Department serving as an active fire fighter shall, as a condition of service for the Fire Department, perform duty consisting of actual attendance at fires and drills as required by the Fire Company in its bylaws, which may be amended from time to time. A record shall be kept of such attendance and duty by the Chief of the Fire Company and reported to the Borough Council annually.

**Section 4.** Application for membership; election. Every person seeking to join the Fire Department shall make application to the Fire Company, and upon their election to membership by vote of a majority of the unit present and voting, they shall become a member in good standing of the Fire Department after approval of their membership by the Chief and confirmation by the Borough Council.

**Section 5.** Financial support. The Borough shall annually appropriate such funds to support the Fire Company as it deems advisable, which may include, but not necessarily be limited to, maintenance of workers' compensation insurance on behalf of members and other financial contributions permitted by law.

**Section 6.** General supervision and control. Members shall be under the general supervision and control of the Borough, except that the appointment or election of the Chief and other supervisory officers shall remain the prerogative of the members of the Fire Company. Representatives of the Borough and Fire Company shall meet as necessary to address operations and management of the Fire Department.

**Section 7.** This ordinance shall take upon adoption and publication as provided by law.

Motion made by Mann and seconded by Folz to approve on first reading Ordinance 24-04.

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

Ayes: 6

Nays: 0

Motion passes.

**ORDINANCE NO. 24-04  
AN ORDINANCE REGULATING STORMWATER CONTROL IN THE  
BOROUGH OF STOCKTON AND REPLACING ORDINANCE NO. 21-01  
ADOPTED ON MARCH 2, 2021**

**WHEREAS**, by Ordinance No. 21-01, the Borough Council of the Borough of Stockton adopted new stormwater management regulations; and

**WHEREAS**, the County of Hunterdon has recently notified the Borough that Ordinance No. 21-01 was never formally approved by the County Planning Board, as required by N.J.A.C. 7:8-4.4; and

**WHEREAS**, coincidentally in July 2023, the New Jersey Department of Environmental Protection published a simplified Model Stormwater Control Ordinance to assist municipalities in revising their municipal stormwater control ordinances to reflect amendments to the Stormwater Management rules at N.J.A.C. 7:8; and

**WHEREAS**, based on the foregoing, the Borough Council seeks to adopt a new ordinance for purposes of stormwater control and to ensure its full compliance with the current requirements of N.J.A.C. 7:8, as may be amended.

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

**Section I. Scope and Purpose.**

## A. Policy Statement

Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for green infrastructure, water quality, quantity, and groundwater recharge.

## B. Purpose

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for “major development” and “minor development,” as defined below in Section II.

## C. Applicability

1. This ordinance shall be applicable to the following major developments:
  - i. Non-residential major developments and redevelopment projects; and
  - ii. Aspects of residential major developments and redevelopment projects that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21 et seq.
2. This ordinance shall also be applicable to all major developments undertaken by the Borough of Stockton.
3. Applicability of this ordinance to major developments shall comply with last amended N.J.A.C. 7:8-1.6, incorporated herein by reference.
4. This ordinance shall be applicable to minor developments as defined in Section II below.

## D. Compatibility with Other Permit and Ordinance Requirements

Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and

application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

## **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 ordinance 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. The definitions used in this ordinance shall be the same as the last amended Stormwater Management Rules at N.J.A.C. 7:8-1.2, incorporated herein by reference.

“Exempt development” means any development that creates an increase of less than 1,750 square feet of impervious area and disturbs less than 2,500 square feet of land. Further, an exempt development shall not meet the definition of “minor development.”

“Minor development” means any development that results in the creation of an increase of 1,750 square feet or more of impervious area or one that disturbs more than 2,500 square feet of land. Further, a minor development shall not meet the definition of “major development” in N.J.A.C. 7:8-1.2.

## **Section III. Design and Performance Standards for Stormwater Management Measures:**

- A. Exempt Developments. Any project meeting the definition of “exempt development” shall be exempt from the provisions of this ordinance.
- B. Minor Developments. Any project meeting the definition of “minor development” shall be designed to include the following stormwater management measures:
  - 1. Water Quality. Soil erosion and sediment control measures shall be installed in accordance with the “Standards for Soil Erosion and Sediment Control in New Jersey,” as may be amended from time to time.

2. **Rate/Volume Control.** Seepage pits or other infiltration measures shall be provided with a capacity of three (3") inches of runoff for each square foot of new impervious area. Stone used in the infiltration devices shall be two and one-half (2 1/2") inches clean stone and design void ratio of 33% shall be used. The infiltration measures shall be designed with an overflow to the surface which shall be stabilized and directed to an existing stormwater conveyance system or in a manner to keep the overflow on the developed property to the greatest extent feasible. If the new impervious surface is not roof area, an equivalent area of existing roof may be directed to the infiltration system. This shall be permitted where the existing roof is not already directed to infiltration devices.
- C. **Major Developments.** Design and performance standards for stormwater management measures for major development are intended to minimize the adverse impact of stormwater runoff on water quality and water quantity and loss of groundwater recharge in receiving water bodies. Design and performance standards for stormwater management measures shall comply with last amended N.J.A.C. 7:8-5, incorporated herein by reference.

#### **Section IV. Solids and Floatable Materials Control Standards:**

- A. Site design features identified under Section III above, or alternative designs in accordance with Section III above, to prevent discharge of trash and debris from drainage systems 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 IV.A.2 below.
1. Design engineers shall use one 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:
    - i. 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; or
    - ii. 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. Note that the Residential Site Improvement Standards at N.J.A.C. 5:21 include requirements for bicycle safe grates.

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 system floors used to collect stormwater from the surface into a storm drain or surface water body.

- iii. For curb-opening inlets, including curb-opening inlets in combination inlets, 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.

2. The standard in IV.A.1. above does not apply:

- i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
- ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
- iii. Where flows from the water quality design storm as specified in the last amended Stormwater Management rules at N.J.A.C. 7:8 et seq. 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:
  - a. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
  - b. A bar screen having a bar spacing of 0.5 inches.

Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).

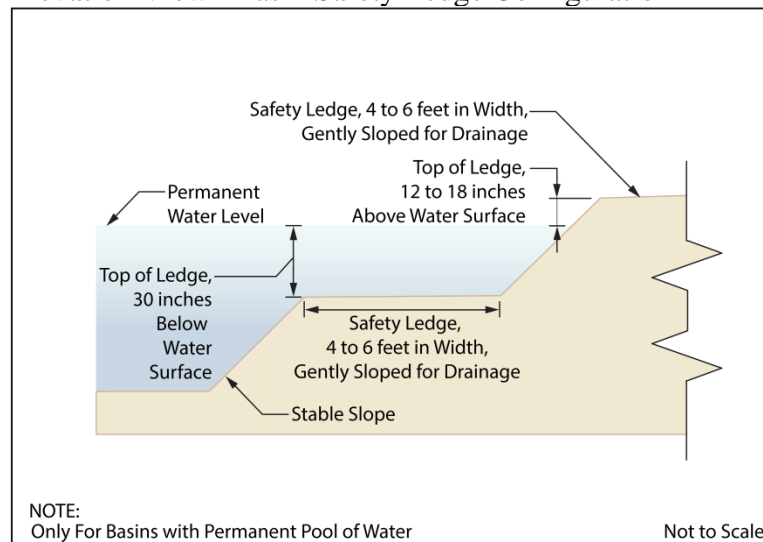
- iv. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or

- v. 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. Safety Standards for Stormwater Management Basins:

- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This section applies to any new stormwater management basin. Safety standards for stormwater management measures shall comply with last amended N.J.A.C. 7:8-6, incorporated herein by reference.
- B. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



### Section VI. Requirements for a Site Development Stormwater Plan:

- A. Submission of Site Development Stormwater Plan
1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section VI.C below as part of the submission of the application for approval.
  2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.

3. The applicant shall submit three copies of the materials listed in the checklist for site development stormwater plans in accordance with Section VI.C of this ordinance.

B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

C. Submission of Site Development Stormwater Plan

The following information shall be required:

1. Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

2. Environmental Site Analysis

A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

3. Project Description and Site Plans

A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas



where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Section III is being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

- i. Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
- ii. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

6. Calculations

- i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section III of this ordinance.
- ii. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section VII.

8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in Section VI.C.1 through VI.C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

**Section VII. Maintenance and Repair:**

A. Applicability

Projects subject to review as in Section I.C of this ordinance shall comply with the requirements of Section VII.B and VII.C.

B. General Maintenance

1. Maintenance for stormwater management measures shall comply with last amended N.J.A.C. 7:8-5.8, incorporated herein by reference.
2. The following requirements of N.J.A.C. 7:8-5.8 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department:
  - i. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation; and
  - ii. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to

assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.

3. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.
- C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

#### **Section VIII. Penalties:**

- A. Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to the following penalties:
1. A fine a fine not exceeding \$1,000; imprisonment for a period not to exceed 90 days; or performance of community service for a period not exceeding 90 days.
  2. In cases of continuing violations, each day that such violation continues shall be deemed a separate offense.
  3. Any complaint to impose such penalty may be filed in municipal court on behalf of the state by the municipal engineer, the zoning officer, any municipal police officer or any interested party.
- B. An  
y person who is convicted of violating this ordinance or any other rule, regulation, or order promulgated pursuant to this ordinance within one year of the date of a previous violation of the same provision shall be deemed and treated as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not exceed the maximum fine fixed above and shall be calculated separately from the fine imposed by the violation of the provision.

#### **Section IX. 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 X. Effective Date:**

This ordinance shall be in full force and effect from and after its adoption, publication as required by law and filing with the County of Hunterdon.

**Section XI. Repeal:**

All ordinances and resolutions or parts thereof inconsistent with this ordinance are hereby repealed.

**ORDINANCES-2<sup>nd</sup> Reading**

Motion made by Hunt and seconded by Mann to open the public hearing for Ordinance 24-01, all were in favor.

Hearing no public comment, motion to close the public hearing portion made by Kozuhoski and seconded by Mann, all were in favor.

Motion made by Hunt to adopt Ordinance 24-01; motion seconded by Brown.

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

Ayes: 6

Nays: 0

Motion passes.

**ORDINANCE NO. 2024-01**

**AN ORDINANCE OF THE BOROUGH OF STOCKTON IN HUNTERDON COUNTY, NEW JERSEY, AUTHORIZING AS A GENERAL IMPROVEMENT UPGRADES TO THE WATER UTILITY AND APPROPRIATING \$53,590.32 THEREFOR FROM AMERICAN RESCUE PLAN GRANT FUNDS**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Stockton in Hunterdon County, New Jersey as follows:

**Section 1.** The Borough of Stockton in Hunterdon County (“Borough”) is hereby authorized to undertake work in furtherance of upgrades to the Borough’s water utility, and

specifically, the procurement of goods and services necessary to complete repairs to and/or replacement of water utility equipment (collectively, the “Work”) in an amount not to exceed \$53,590.32.

**Section 2.** The Work authorized by Section 1 of this ordinance shall be undertaken as a general improvement, the entire cost of which shall be contributed and borne by the Borough as a general expense, and no part of said cost shall be specially assessed against any property. The total cost of said Work shall not exceed \$53,590.32 unless this ordinance is amended.

**Section 3.** It is hereby determined and stated that the undertaking of the Work (hereinafter “Purpose”) is not a current expense of the Borough; and that the total estimated cost of said Purpose shall not exceed \$53,590.32.

**Section 4.** The sum of \$53,590.32 is appropriated for said Purpose from American Rescue Plan funds received by the Borough and now available therefor under a budget or budgets of the Borough previously adopted.

**Section 5.** The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of an inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services as on file with the Borough Clerk and is available for public inspection.

**Section 6.** This ordinance shall take upon adoption and publication as provided by law.

## **RESOLUTIONS**

Motion made by Hunt and seconded by Brown to adopt Resolution 24-35.

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

Ayes: 6

Nays: 0

Motion passes.

**Stockton Borough Council  
Resolution #24-35  
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 \$44,636.87.

Motion made by Hunt and seconded by Mann to adopt Resolution 24-36.

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

Ayes: 6

Nays: 0

Motion passes.

**RESOLUTION 2024-36  
BOROUGH OF STOCKTON  
COUNTY OF HUNTERDON**

**WHEREAS**, payment was received from Corelogic Tax Services in the amount of \$1,956.47 for first quarter 2024 taxes for Block 11 Lot 2; 7 S. Railroad Ave., and

**WHEREAS**, the tax assessor had deemed the property will remain exempt from property tax while it remains the principal residence of the permanently and totally disabled veteran owning said residence;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Stockton, County of Hunterdon, State of New Jersey, that the Chief Financial Officer be authorized to refund \$1,956.47 to:

Corelogic Tax Services  
Attn: Refund Dept.  
3001 Hackberry Rd.  
Irving TX 75063

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be provided to the Tax Collector and Chief Financial Officer.

Motion made by Mann and seconded by Hunt to adopt Resolution 24-38.

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

Ayes: 6

Nays: 0

Motion passes.

**RESOLUTION 2024-38**  
**RESOLUTION APPOINTING JENNIFER TEREPA AS DEPUTY MUNICIPAL CLERK AND**  
**DEPUTY REGISTRAR FOR THE BOROUGH OF STOCKTON HUNTERDON COUNTY,**  
**STATE OF NEW JERSEY**

**WHEREAS**, N.J.S.A 40A:9-135 permits a municipality to have a Deputy Municipal Clerk; and

**WHEREAS**, there is a need to appoint a Deputy Clerk and Deputy Registrar of Vital Statistics due to a vacancy in the office of the Borough Clerk.

**NOW, THEREFORE BE IT RESOLVED**, by the Borough of Stockton Governing Body on the recommendation of the Municipal Clerk to appoint Jennifer Terepa as Deputy Clerk and Deputy Registrar and subject to reappointment each year thereafter by the Municipal Clerk for a salary and terms and conditions offered to the appointee .

Motion made by Mann and seconded by Brown to adopt Resolution 24-39.

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

Ayes: 6

Nays: 0

Motion passes.

**Stockton Borough Council**  
**Resolution #24- 39**  
**Authorizing Lease of 1 New Ricoh IM 2500A Copier Under State Contract #M2075-24-FOOD-**  
**52426 for Term of Four Years**

**WHEREAS**, the Borough of Stockton has a need to execute an agreement for purposes of obtaining a photocopier for its use at the Borough's offices; and

**WHEREAS**, the Borough has determined that an appropriate photocopier may be leased through a contract for such goods executed by the State of New Jersey, Department of the Treasury, Division of Purchase and Property ("Division") and Ricoh USA, Inc., referred to as "M2075 Copiers and Managed Print Services - Statewide", entered into on or about August 23, 2023; and

**WHEREAS**, Ricoh USA, Inc. has submitted two written quotes to the Borough for its lease of a copier for a term of four years, and as follows:

1. 1 New Ricoh IM 2500A- 25-ppm B/W Device with RSI Essentials (OCR software) for a cost of \$125.00 per month, as well as \$0.0087 per page for over 3,500 copies/prints per month; and
2. 1 New Ricoh IM 2500A – 25-ppm B/W Device for a cost of \$102.00 per month, as well as \$0.0087 per page for over 3,500 copies/prints per month; and

**WHEREAS**, the Borough seeks to execute a lease for option 1/2 for a cost of \$125.00/\$102.00 per month; and

**WHEREAS**, the total anticipated cost for the entire contract term is not anticipated to exceed \$6,000.00/\$4,896.00; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available in \_\_\_\_\_ pay for the first year of said services; and

**WHEREAS**, the continuation of the lease beyond the first year of the contract, and each subsequent one year term, shall be subject to the availability and appropriation of sufficient funds as may be required to meet the extended obligation; and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-12a. authorizes the Borough to award this agreement without bidding because it is pursuant to a contract for such goods entered into on behalf of the State of New Jersey, Department of Treasury, Division of Purchase and Property.

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

1. The Mayor and Clerk are hereby authorized and directed to execute an agreement, via municipal voucher and purchase order(s), with Ricoh USA, Inc. under State Contract M2075-24-FOOD-52426 “Copiers and Managed Print Services – Statewide” for the lease of 1 New Ricoh IM 2500A – 25-ppm B/W Device, as described in the “Whereas” clauses for a cost of \$128.00/102.00 per month, as well as \$0.0087 per page for over 3,500 copies/prints per month.
2. Ricoh USA, Inc. shall be paid a fee not to exceed \$6,000/4,896.00.

## **MAYOR’S REPORT, BOROUGH COUNCIL COMMENTS & COMMITTEE REPORTS**

### **Committee Reports**

Community Outreach: Mann announced the Stockton Picnic Day is Saturday April 13<sup>th</sup> starting at noon; people can bring food, desserts, and there will be games and a kickball tournament. The next goal is a community blood drive scheduled for June 29<sup>th</sup>. They will be using the picnic as an opportunity to engage people to help with blood drive. The Rivertown Vintage Jazz band will be there. There is no back-up plan or alternate date in case of inclement weather.

Public Safety: Kozuhowski reported that he reached out to the state police requesting assistance with speeding. They are a larger agency so there are more hoops to jump through, but he is making efforts in that. Encouraged to know Delaware Township police will be assisting in the speeding and looking forward to that report. Stated he has an idea of what’s going on and that the word will get out with speed trap ahead and get people to slow down. Brown thanked Lipsen for requesting the speed meter approval from DOT.

Mayor’s Report: Mayor Lipsen reported that they are all set to go for new bulbs for the Bridge Street streetlights. The sides of Church Street, Wolverton, and Prallsville have been cleared. Committees should be putting together their final budgets. If anyone has anything for the budget in mind to send it over.



Infrastructure Committee: Brown reported that the committee met with the borough engineer and brought in the water engineer too; it was a productive discussion and lots of different opportunities out there.

**OPEN PUBLIC COMMENT FOR ITEMS ON THE AGENDA**

Mayor Lipsen opened the floor to public comment.

Mike Odenwald: commented on replacing the flag and had offered last year to buy a new one. The current one looks bad; it's torn to shreds. Stated that he would be happy to donate a flag. Stated that the pole also needs to be painted. Mayor Lipsen stated that they have a person with a lift truck to paint and put up a new flag, the paint has been donated, we are waiting on the volunteer to get it done. Hunt stated that he has a flag from when his father died would be happy to donate for when the time comes.

Adam Juncosa Sergeantsville Road: thanked everyone and stated that Odd Bird Brewing every third Thursday has local's night, which they donate to charity. This past February, they raised \$500 for the Stockton Community Outreach group to use as needed. This coming Thursday, the next one all proceeds go to the Prallsville Mill.

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

**NEXT MEETING**

Monday April 15, 2024, via Zoom.

**ADJOURNMENT**

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

The meeting adjourned at 8:29 PM.

*Laurie A. Courter*

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Laurie A. Courter, Borough Clerk