



STOCKTON BOROUGH COUNCIL REGULAR MEETING MINUTES

Date: July 15, 2024 – 7:00 P.M.

Mayor Aaron Lipsen., called the regular meeting of the Stockton Borough Council to order on July 15, 2024 at 7:12 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 transmitted 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 Fisher (*via telephone*), Councilperson Peter Folz, Council President Thomas Hunt, Councilperson Ken Kozuhowski (*absent*), Councilperson Michael Mann, Mayor Aaron Lipsen, Borough Attorney Lisa Maddox and Borough Deputy Clerk, Jennifer Terepka.

PLEDGE OF ALLEGIANCE

Mayor Lipsen led those in attendance in the pledge to the nation's flag.
Moment of silence for the passing of Gregory Danese and Karen Fretz nee Cochran

EXECUTIVE SESSION

N.J.S.A. 10:4-12b.(7) Pending litigation Pasinyck v Stockton and matters falling within the attorney-client privilege in connection with same

APPROVAL OF MINUTES

Motion made by Hunt and seconded by Folz to approve the June 17, 2024, meeting minutes and June 20, 2024 special bill pay, all were in favor except for Kozuhowski, who was absent.

OPEN PUBLIC COMMENT – PRIVILEGE OF THE FLOOR

Mayor Lipsen opened the floor to public comment.

Residents of Worman Road inquired about the repairs of Worman Road. She asked when the road will be repaired and open again. Mayor Lipsen stated that the good news is that the permits were approved by the New Jersey Department of Environmental Protection, they finally got the endangered species investigation performed, and they passed the permits through. Mayor Lipsen explained that the borough has a new engineering company for the remaining stages of the process, and the NJDEP will only permit construction between September and March, due to the endangered species in the area. Our challenge is to try to get everything in place by September, not an easy challenge, but we're going to do our best to do it, but there is no guarantee. A meeting is scheduled with the engineer and hopefully we'll have more information. The remaining permits that we need approval from would be the Hunterdon County Soil Conservation District, Delaware and

Raritan Canal Commission, New Jersey DOT, and county engineer with a detour plan approval. We're going to do our best to get them done as efficiently and within that timeframe for this year if we can.

Another resident asked if it can start this year. Mayor Lipsen stated no, we're not permitted to start to work on the road at all, unless it's between September and March. That is a pretty small window, and there are lots of things that we'd need to do between now and September. We have to go through lots of other permits before we can put it out to bid. Once we put it out to bid, we have to wait 60 days to evaluate the bidders, so it's going to be a challenge. The new engineering firm that we're working with is our new municipal engineer, and they're the ones who did Lower Creek Road. They seem quite capable and efficient.

Another resident from Worman Road stated that she is glad that the chain link fence was addressed and not part of the plan because it is a scenic byway. A second question the resident inquired about with regards to more storms of that caliber, and with the quarry filling with water. It washed over the road, so is the engineering plan, including the likelihood that water will come in again, at that rate and that force, because they anticipate with this weather that we are having? Mayor Lipsen stated that it is his understanding that there is a pipe that's supposed to go underneath the roadway in that area.

Another resident of Worman Road explained when she walked this road after the storm, there was grass stuck on the guardrail and on the trees above that. There was a significant amount of water that was coming over there. The JCP&L guys were working right in front of their house, and they were stranded there for 24 hours because the whole road was damaged, and they couldn't get past. Mayor Lipsen thanked her and said when we review plans again, they'll definitely make mention of that.

Suzanne Perrault, 28 Worman Road, asked is there anything that we can do to help? Can we show up at that meeting with measures? Mayor Lipsen answered no, and added that he feels very confident in our new engineer, but there are a lot of steps with the process. Mayor Lipsen went on to explain his effort through emails and phone calls to the DEP to help advance the process. We just have to put in these applications. We have our meeting next week but you may want to check back maybe in September, or August to see how we're doing. I would say September is the start date, which seems very unlikely. I can't say when until we have the meeting with the engineer to say if it's a possibility to start this fall. Ms. Perrault asked, do you understand the stress of being stuck on that road, with trees that keep falling and us getting stuck? Mayor Lipsen said he does understand. We did ask the previous engineering firm to apply for any permits they could at a time, we asked him about emergency authorization. We've tried to do everything we can try to push and we will continue to do so. If we can start this fall and work next spring or next spring before March, we will do what we can do but I don't know how realistic it really is.

Ms. Le Gorrec, 79 Worman Road, asked if the permits expire, and the permits going forward, if they expire? How long do we have? Mayor Lipsen said we have to file them with the county and that's something that I was just working on today. I'm not sure if there is an end to them. I know with our FEMA funding we had a certain point. I think it is September of 2025 and we can ask for an extension on that, our engineer is really guiding us through the process. Ms. Le Gorrec stated to Mayor Lipsen

that all the residents in the room agree and appreciate you're here to inform us, but how will you inform us in terms of what's been done and outside of meetings that we can't attend? Mayor Lipsen responded that the minutes are posted on the website.

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

CORRESPONDENCE

- Thomas Hunt donation of the flag
- Stephen Giocondo proposed on-street parking or storage of a motor vehicle and/or debris ordinance for adoption
- Land Use Board Ordinance 24-07
- Board of County Commissioners, Hunterdon County, Municipal Parks and Recreation Program.

Mayor Lipsen gave the following statement:

One correspondence we'll talk about later in the meeting. Hunterdon County is asking us to support a resolution which was set up, which would encourage the creation of a Veterans medical facility closer to veterans in Hunterdon County because right now there's a long distance for them to travel to get medical care. Mayor Lipsen on behalf of the council thanked Mr. Hunt for donating the flag for the Stockton playground. The proposed ordinance from Stephen Giocondo will be discussed later in the meeting with regards to parking. The Land Use Board Ordinance 24-07, regarding unanimous support for the new parking ordinance, will be discussed later in the meeting. Board of County Commissioners, Municipal Parks and Recreation Program grant, will also be discussed later in the meeting.

OLD BUSINESS

Parking

Mayor Lipsen stated we do have our ordinances coming later on. Mr. Hunt stated as somebody who's also on the board, and voted unanimously with others to say that the off street parking ordinance amendments that we were looking at the time to basically shift the ordinance back to where it was before, where the planning board had the ability to review and approve parking in those situations, again, as it had before, is good and stated that he recommends that it goes down the path.

Mayor Lipsen stated he had a couple of issues. This last month, the Infrastructure Committee had a couple of meetings about public safety and parking and things like that. Some things that came up, is that we have an existing ordinance for one-hour parking, so it's on the books and we even have some of the signs. The ordinance says that there's the parking, the diagonal parking on Bridge Street, in front of the businesses, those are all under our ordinance for parking and we have the signs for them.,. Mayor Lipsen asked do we want to put up the signs and notifying the public of the one-hour parking? There'll be a small expense or some expense on our part to figure out how to install them and put them there. The second question would be, should we ask the businesses, who they're in front of, whether they actually would want the one-hour parking signs in front of their businesses? Do we want to let the businesses weigh in on this, or do we want to decide one way or the other? Mr. Mann agrees with letting the businesses weigh in. Mayor Lipsen asked if we put up the signs, how are we going to enforce it? Mr. Brown stated that this is already an ordinance so the signs should be put up. Mayor Lipsen asked the Council when they would be interested in talking to the engineer about doing

a parking study. A budget review and a proposal will allow for more information on going forward. Mayor Lipsen also noted that the Borough could explore parking kiosks and pay parking.

Tree Replacement Ordinance and Farming Activities

Mayor Lipsen announced that we passed the tree ordinance that was required by New Jersey DEP. A farmer had complained about the extreme cost of following the rules. Ms. Maddox found that one local municipality lowered the fines for all trees in the town. She also said that you could exempt clearing of land, when the land is assessed as farmland, that's actively devoted to agricultural or horticultural uses.

NEW BUSINESS

Appointment of Jeffrey Harrison as Planning Board Alternate

Mayor Lipsen stated he would like to appoint Jeffrey Harrison, as an alternate on the borough planning board.

Hunterdon County Open Space Trust Fund Grant

Mayor Lipsen explained that the grant is for outdoor recreation. The grant is up to \$150,000 from the county, there is a matching percentage that we would have to meet about 25%. We do have funds in our open space account, which means that we could make some big upgrades or improvements around Stockton borough for recreational outdoor purposes. The proposal is due in September, if we could come up with some ideas. Mayor Lipsen stated that he had spoken with Mr. Kojuhowski who suggested a pavilion at the playground because the former pavilion was never replaced after being damaged by flooding in 2005/2006. Other suggestions from council members included expanding the parking area, rehabbing the baseball field, rehabbing the tennis/basketball courts and possibly adding pickleball courts, and adding equipment to the children's play area. Mr. Mann suggested new fencing around the playground. Mr. Hunt suggested a new gazebo/pavilion. Mr. Brown stated that maintenance and operations maintenance would be a good use.

Snowplow Contract

Will be discussed at the next meeting.

Stockton Playground Plaques

Mayor Lipsen stated that Lorraine Smith donated benches a couple of years ago, and she was interested in putting a plaque on one of the benches that she donated for her significant other. Jean Anne Lesniewski was a volunteer that passed away; she helped us rehab the playground. Mayor Lipsen added that if the Borough Council would approve it, we could also get put a plaque on a bench or a rock or something like that for her as well. Funding would come from a private donation, not borough funds. The Council agreed to this proposal.

ORDINANCES

ORDINANCES 1st Reading:

24-08 Noise

Attorney Maddox stated that the previous ordinance had some discrepancies which was adopted in 2011, and the penalty provisions didn't actually have a dollar amount for the fines. We updated some

of the language and made sure it was consistent with just the standard practice for nuisance type ordinances.

Motion made by Hunt to approve Ordinance 2024-09 on first reading, motion seconded by Folz.

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

Ayes: 5

Nays: 0

Motion passes.

Ordinance # 24-08

AN ORDINANCE OF THE BOROUGH OF STOCKTON REGULATING LOUD, DISTURBING, CONTINUOUS AND EXCESSIVE NOISE AND AMENDING ORDINANCE NO. 11- 04

WHEREAS, by Ordinance No. 11-04, the Council of the Borough of Stockton, adopted regulations prohibiting unnecessary noise and defining activities constituting unnecessary noise; and

WHEREAS, at this time the Borough seeks to reaffirm its commitment to protecting the community from public nuisances including but not limited to unnecessary noise and noise injurious to the well-being of the public, and in furtherance thereof, to update the provisions of Ordinance No. 11-4.

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

Section 1. Noise prohibited - generally.

It shall be unlawful for any person to make, continue or cause to be made or continued any loud, disturbing or excessive noise or any noise which endangers the health, safety or welfare of the community, or which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the Borough of Stockton.

Section 2. Noises expressly prohibited or restricted - Acts enumerated.

The following acts, among others, are declared to be loud, disturbing, excessive or continuous noises, and a danger to the health, safety and welfare of the community, in violation of Section 1, but the enumeration shall not be deemed to be exclusive:

- A. *Horns, whistles, bells and signaling devices.* The sounding of any horn, whistle, bell or any type of signaling device on any automobile, motorcycle, streetcar, bus or other vehicle in the Borough, except as a danger warning;

the creation by means of any such horn, whistle, bell or signaling device of any unreasonably loud or harsh sound; the sounding of any such horn, whistle, bell or signaling device for an unnecessary and unreasonable period of time; the use of any horn, whistle, bell or other signaling device operated by engine, exhaust or by compressed air or gas or by vacuum; and the use of any horn, whistle, bell or signaling device when traffic is for any reason not moving normally.

B. *Radios, televisions, musical instruments and other machines, players or devices of any type or technology, using any type of media, used for the creation of any music or sound.* The use or operation of any of the foregoing devices, with or without amplification, in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle, chamber or premises in or at which such machine or device is operated and who are voluntary listeners thereto. The following shall be prima facie evidence of a violation of this Subsection 2.B:

1. The operation of any such set, instrument, machine, device or player between the hours of 10:00 p.m. and 8:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which or land on which it is located; or
2. The operation of any such set, instrument, machine, device or player between the hours of 10:00 p.m. and 8:00 a.m. in such a manner as to be plainly audible within any residence neighboring the building, structure or vehicle in which or land on which it is located.

As used in this ordinance, "plainly audible" shall refer to any sound that can be detected by a person using that person's unaided hearing faculties.

C. *Commercial loudspeakers, amplifiers, etc.* The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, loudspeaker, sound amplifier, or any other machine, player or device of any type or technology for the producing or reproducing of sound which is audible upon the public streets for the purpose of commercial advertising or for any other purpose, except as may be authorized in connection with law enforcement or public emergencies or as permitted by Council or other ordinance, such as in the case of a Borough-sponsored celebration or parade.

D. *People noises.* Yelling, shouting, whistling, singing or conducting unnecessarily loud or annoying vocal utterances at any time or place, so as unreasonably to annoy or disturb the quiet, comfort or repose of any person in any dwelling or of any person in the vicinity.

- E. *Animals, including but not limited to birds and dogs.* The keeping of any animal, including but not limited to any bird or dog, which, by causing frequent or long continued noise, shall disturb the comfort or repose of any persons in the vicinity. For purposes of this subsection, the following shall be prima facie evidence of a violation of this section: such animal vocalizing (i.e., howling, barking, squawking, etc.) continually or intermittently for thirty (30) minutes, unless provoked, and plainly audible at a distance of fifty (50) feet from the structure in which or land on which it is located.
- F. *Non-vehicular whistles, horns and other signaling devices.* The sounding of any whistle, horn and other signaling device, except to give notice of the time to begin or stop work or as a warning of fire or danger, by or upon request of a duly authorized government official, or as may be required by general law or ordinance, or directed by a duly authorized state or federal official.
- G. *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary jet or internal combustion engine or motor vehicle, except through a properly functioning muffler or other device which will effectively prevent loud or explosive noises therefrom.
- H. *Overloaded, improperly operated vehicles.* The use of any automobile, motorcycle, truck or vehicle so out of repair, or so loaded or operated in such a manner as to create loud and unnecessary grating, grinding, rattling or other loud or disturbing noise.
- I. *Loading or unloading vehicles; opening boxes.* The creation of loud and excessive noise in connection with the loading or unloading of any vehicle or the opening or destruction of bales, boxes, crates or containers.
- J. *Construction work.* The excavation, grading, paving, erection, demolition, alteration or repair of any premises, street, building or structure at any time other than between the hours of 10:00 a.m. and 5:00 p.m. Sundays, 8:00 a.m. and 6:00 p.m. on Saturdays, or 7:00 a.m. and 6:00 p.m. on other days, except in case of urgent necessity in the interest of public health and safety; and, if the nature of the emergency allows the prior procurement of a permit, then only in accordance with a permit first obtained from the Borough engineer as to public street work, or from the building official as to other work. Such permit may be granted for a period not to exceed three days or such other reasonable amount of time determined by the Borough engineer or building official, while the emergency continues.

If the engineer or the building official, as the case may be, shall determine that the public health and safety will not be impaired by such work within the prohibited hours, and if said official shall further determine that loss or

inconvenience would result to any party in interest, said official may grant permission for such work to be done within the prohibited hours, upon application being made at the time the permit for the work is issued or during the progress of the work. The provisions of this subsection shall not apply to interior or exterior repairs or to interior alterations, the work for which is actually performed personally by a homeowner or other occupant or tenant between the hours of 7:00 a.m. and 11:00 p.m., provided, that the work shall be done without undue noise or disturbance of the peace and quiet of the nearby residences or of the neighborhood.

- K. *Refuse collection.* The collection, transportation or disposal of garbage, trash, cans, bottles and other refuse by persons engaged in the business of scavenging or garbage collection, whether private or municipal, at any time on Sundays, other than between the hours of 8:00 a.m. and 6:00 p.m. on Saturdays or 7:00 a.m. and 6:00 p.m. on all other days, except in case of urgent necessity in the interest of public health and safety and, if the nature of the emergency will allow the prior procurement of a permit, then only in accordance with a permit first obtained from the Borough engineer or building official. Such permit may be granted for a period not to exceed three days or such other reasonable amount of time determined by the Borough engineer or building official, while the emergency continues.
- L. *Schools and places of worship and hospitals.* The creation of any excessive noise on any street or property adjacent to any school, institution of learning, place of worship, while the same is in use, or adjacent to any hospital which unreasonably interferes with the workings of such institution or which disturbs or unduly annoys patients in the hospital, provided that, with respect to such streets, conspicuous signs are displayed indicating the proximity of the school, place of worship or hospital.
- M. *Drums, other instruments.* The use of any drum or other instrument or device for the purpose of attracting attention to any performance, show, sale or other event.
- N. *Solicitors, peddlers.* The shouting or crying of solicitors, peddlers, hawkers and vendors, which disturbs the peace and quiet of the neighborhood.
- O. *Railroads, buses, trucks.* The causing, permitting, or continuing of any excessive, unnecessary or avoidable noise in the operation of railroad cars, locomotives, buses and trucks.
- P. *Gas-powered leaf blowers, snow blowers, portable generators, chain saws, hedge trimmers, string trimmers and pole trimmers.* The operation of any gas-powered leaf blowers, snow blowers, portable generators, chain saws, hedge trimmers, string trimmers or pole trimmers at any time other than between the hours of 8:00 a.m. and 9:00 p.m. on weekdays or 9:00 a.m.

and 9:00 p.m. on Saturdays and Sundays; except that the use of any such equipment shall not be prohibited during the days and times set forth in this Subsection 2.P when used in response to a bona fide emergency, such as a power outage, snow storm or other natural disaster.

- Q. *Idling, starting, etc., of vehicles at night.* Any of the following activities, when occurring in close proximity to residences between 11:00 p.m. and 7:00 a.m.: the warming up or idling of buses, trucks or tractors; and the unnecessary and repeated idling, acceleration and deceleration, or starting and stopping of automobiles and motorcycles.

Section 3. Permits - Issuance.

The officers charged with the responsibility of issuing permits for the activities requiring permits in accordance with Section 2 above shall issue permits for such activities if the officer finds that the activities will not unduly or unnecessarily annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of others, that the activities will not violate other ordinance or law or create a public nuisance, and that the public health and safety will not be endangered thereby.

Permits shall specify the dates and hours of the permitted activities, which shall not be allowed between the hours of 10:00 p.m. and 7:00 a.m., unless the issuing officer determines that it is in the best interest of the community that the activities take place, wholly or partially, during such hours.

Section 4. Certain noises exempt.

Nothing in this ordinance shall be construed to apply to bells or chimes at places of worship; to municipal, county, state or federal government agencies in connection with any emergency; to normal working activities of or activities sponsored by the Borough of Stockton; to warning devices on authorized emergency vehicles; or to horns or other warning devices on other vehicles used only for traffic safety purposes.

Section 5. Enforcement of ordinance.

In addition to public law enforcement officers and others who by law are entitled to enforce or bring complaints under this ordinance, the officers who are designated under this ordinance for the issuance of permits shall have the power to enforce and bring complaints under this ordinance.

Section 6. Violations; penalties.

Any person who violates this ordinance shall be subject to the following penalties for each and every violation: a fine a fine not exceeding \$2,000; or imprisonment for a period not to exceed 90 days; or performance of community service for a period not exceeding 90 days; or a combination of such fine, imprisonment and/or community

service. In cases of continuing violations, each day that such violation continues shall be deemed a separate offense.

Any person who is convicted of violating 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 7. 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 8. Repealer.

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

Section 9. 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.

ORDINANCES-2nd Reading Public Hearing/Adoption

Motion made by Hunt to open the public hearing for Ordinance 2024-09 , motion seconded by Mann.

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

Ayes: 5

Nays: 0

Motion passes.

24-09 Ordinance Violation

Attorney Maddox explained the purpose of the ordinance which establishes a fine for violation of an ordinance. Ms. Maddox stated that this would supersede what was in place and added that it was prudent to put one in place. This is standard for code books. Main difference is the amount of fine. The maximum fine is \$2000 with the courts having discretion upon a conviction.

Motion made by Hunt to approve Ordinance 2024-09 on second reading, motion seconded by Folz.

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

Ayes: 5

Nays: 0
Motion passes.

ORDINANCE # 24-09
AN ORDINANCE OF THE BOROUGH OF STOCKTON
ESTABLISHING GENERAL PENALTIES AND FINES FOR
VIOLATING ORDINANCES OF THE BOROUGH OF
STOCKTON

WHEREAS, pursuant to N.J.S.A. 40:49-5, the Borough Council may prescribe penalties for the violation of ordinances it has passed and may have the authority to pass and which do not have specific penalties prescribed therein; and

WHEREAS, at this time the Borough Council seeks to adopt an ordinance for the purpose of prescribing such penalties that apply to existing ordinances with no specific penalties, and ordinance which it may in the future adopt that do not have specific penalties, for violations thereof.

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

Section 1. General Penalty

Whenever in any ordinance of the Borough of Stockton, any act is prohibited or is made or declared to be unlawful or an offense, or whenever in any ordinance the doing of any act is required or the failure to do an act is declared to be unlawful, where no specific penalty is provided therefor, the violator of any such provision of the ordinance shall be punished by a fine not exceeding \$2,000, by imprisonment for a period not exceeding 90 days, or be required to perform community service for a period not exceeding 90 days or by a combination of such fine, imprisonment and/or community service.

Section 2. Continuing Violations

Each day any violation of any ordinance shall continue or shall have continued shall constitute a separate offense, unless otherwise provided in the subject ordinance.

Section 3. Repeat Offenses

Any person who is convicted of violating an ordinance within one year of the date of a previous violation of the same ordinance and who was fined for the previous violation, shall be sentenced by the court to an additional fine as a repeat offender pursuant to the provisions of N.J.S.A. 40:49-5.

Section 4. Failure to Pay Fines

Any person convicted of violating any ordinance, and who is in default of the payment of any fine imposed for the violations may, in the court's discretion, be imprisoned for a term not exceeding 90 days or be required to perform community service for a period not exceeding 90 days.

Section 5. 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 6. Repealer

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

Section 7. 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

Motion made by Mann and seconded by Brown to approve Resolution 24-66.

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

Ayes: 5

Nays: 0

Motion passes.

RESOLUTION 2024-66

Calling Upon the Veterans Administration to Create a Community Access Point in Hunterdon County

WHEREAS, the Hunterdon County Commissioner Board recently contacted Congressman Tom Kean and U.S. Senators Cory Booker and Robert Menendez, for their collective help in getting the U.S. Department of Veterans Affairs to increase access to VA healthcare services within Hunterdon County; and,

WHEREAS, the U.S. Department of Veterans Affairs has recently opened Community Access Point (CAP) centers in other counties in New Jersey, including Morris County; and

WHEREAS, residents currently residing in Hunterdon County must travel nearly an hour to seek care at either Lyons VA Medical Center in Somerset County or the Vet Center Outstation that recently opened in Hackettstown in Warren County; and

WHEREAS, the creation of a CAP in Hunterdon County has been a major priority for veterans-based organizations in Hunterdon County including the VFW and American Legion; and

WHEREAS, to help facilitate the establishment of a CAP in Hunterdon County, the Commissioner Board is willing to provide office space free of charge to the U.S. Department of Veterans Affairs; and

NOW, THEREFORE, BE IT RESOLVED, the Borough of Stockton does hereby support the Hunterdon County Commissioner Board's call for the creation of a VA Community Access Point in Hunterdon County; and

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

Motion made by Mann and seconded by Brown to approve Resolution 24-67.

Roll call: Brown, Fisher, Folz, Hunt, Kozuhowski, and Mann.
Ayes: 5
Nays: 0
Motion passes.

RESOLUTION 2024-67
Bill List

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 \$213,713.88.

The attached bill list has been approved for payment by the Mayor and Borough Council of the Borough of Stockton at their Regular Meeting on July 15, 2024 in the amount of \$213,713.88.

Aaron Lipsen, Mayor

Thomas Hunt, Council President

William Brown, Borough Council

Matthew Fisher, Borough Council

Peter Folz, Borough Council

Ken Kozuhowski, Borough Council

Michael Mann, Borough Council

Motion made by Mann and seconded by Folz to approve Resolutions 24-68.

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

Ayes: 5

Nays: 0

Motion passes.

RESOLUTION 24-68
A RESOLUTION OF THE BOROUGH OF STOCKTON, HUNTERDON COUNTY,
NEW JERSEY SUPPORTING RevolutionNJ

WHEREAS, Governor Philip Murphy and the New Jersey State Legislature created RevolutionNJ in 2018 to plan, encourage, develop, and coordinate the commemoration of the 250th anniversary of the founding of the United States, New Jersey's pivotal role in the American Revolution, and the contributions of its diverse peoples to the nation's past, present, and future; and

WHEREAS, the New Jersey Historical Commission, under the leadership of Secretary of State Tahesha Way, with its non-profit partner Crossroads of the American Revolution established RevolutionNJ to advance the role that history plays in public discourse, community engagement, education, tourism, and scholarship in New Jersey; and

WHEREAS, RevolutionNJ will engage New Jerseyans in all 21 counties and 564 municipalities through its officially recognized programs, initiatives, and events over the next ten years; and

WHEREAS, it is fitting and desirable that we commemorate the beginning of the Nation and the role New Jersey played over the past 250 years as well as its present and future role as part of the United States, with particular focus on the individuals, ideas, and events that shaped our Country, State, and Borough; and

WHEREAS, RevolutionNJ will consider the role New Jersey played during the American Revolution when it saw more battles and skirmishes than any other state and was truly the

Crossroads of the American Revolution; and

WHEREAS, RevolutionNJ will highlight the role New Jerseyans played beyond the battlefield during the American Revolution when people of diverse backgrounds contributed to the development of the State and the Nation in various ways and fought for the right to life, liberty, and the pursuit of happiness; and

WHEREAS, preserving, studying, and enjoying state history strengthens communities and builds bonds between New Jersey residents as we work together toward the goals of justice and equality embedded in the United States Constitution;

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Stockton hereby endorses RevolutionNJ and its mission to advance the role that history plays in public discourse, community engagement, education, tourism and scholarship in New Jersey.

IT IS FURTHER RESOLVED that:

- The Borough Council commemorates the 250th anniversary of the establishment of the United States as an independent Nation.
- The Borough Council authorizes the appointment of a committee to develop a plan for this commemoration that will promote the maximum involvement of our residents, neighborhoods, businesses, schools, civic organizations, and institutions in the commemorations.
- The Borough Council further urges all its residents to reflect upon the significance of this event and the role that our State and its diverse people have played in the history and development of our Nation and to participate in this important commemoration, endeavoring to include the stories of all those whose lives are part of the history of what we now know as New Jersey, and understanding that the revolution continues today as we uphold the revolutionary ideals articulated in our founding documents.

Motion made by Hunt and seconded by Folz to approve Resolution 24-69.

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

Ayes: 5

Nays: 0

Motion passes.

Resolution 2024-69
AUTHORIZING THE EXECUTION OF A DEVELOPER'S AGREEMENT WITH
STOCKTON PARTNERS, LLC
4 North Main Street (Block 8, Lots 7, 8 and 9)

WHEREAS, Stockton Partners, LLC ("Developer") is the owner of certain property that is designated as Block 8, Lots 7, 8 and 9 on the Tax Map of the Borough of Stockton, Hunterdon

County, State of New Jersey, more commonly known as 4 North Main Street, Stockton, New Jersey (the “Property”); and

WHEREAS, the Borough of Stockton Planning Board (hereinafter the “Board”), granted Developer Minor Site Plan and bulk variance approval to allow the development of the Property for use as the Stockton Inn consisting of a thirteen-room hotel, restaurant/bar and event venue (the “Approval”), the details of which are set forth in the Resolution of the Board adopted on April 4, 2023 (the “Resolution”); and

WHEREAS, the Board’s Approval is subject to the conditions set forth in the Resolution, including that the parties shall enter into a Developer’s Agreement with the Borough of Stockton.

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

- The preamble to this resolution is hereby incorporated as if more fully set forth herein.
- 2. The Developer’s Agreement between the Borough of Stockton and Stockton Partners, LLC, a copy of which is on file with Clerk of the Borough of Stockton, is hereby approved, and the Mayor and Clerk are hereby authorized and directed to execute said agreement on behalf of the Borough.
- 3. The Mayor, Clerk, Borough Attorney, and other appropriate officers, employees and professionals, are hereby authorized and directed to prepare and execute any and all other documents and undertake any and all acts necessary to effectuate the terms hereof.
- 4. This resolution shall take effect immediately.

Motion made by Mann and seconded by Hunt to approve Resolution 24-70.

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

Ayes: 5

Nays: 0

Motion passes.

RESOLUTION 24-70

AUTHORIZING MAYOR OR HIS DESIGNEE TO EXECUTE DOCUMENTS AND FORMS NECESSARY TO FILE CLAIMS IN PFAS CLASS ACTION SETTLEMENTS

WHEREAS, by resolution adopted on June 17, 2024, the Borough Council authorized the Mayor to sign an agreement hiring Cossich, Sumich, Parsiola & Taylor LLC and Baron & Budd, P.C. (collectively the “Law Firms”), to assume joint legal responsibility to represent the Borough in pursuing the Borough’s claims in pending multi-district litigation (“MDL”) designed to resolve claims for PFAS contamination in Public Water Systems’ Drinking Water; and

WHEREAS, the MDL involves settlements of claims against various Defendants, including 3M company (“3M”); E.I. Du Pont de Nemours and company, Dupont de Nemours inc., the Chemours company, the Chemours company fc, llc, and Corteva, inc. (collectively, “Dupont”); Tyco Fire Products and Chemguard, Inc. (collectively, “the Tyco Defendants”); BASF Corporation (“BASF”); and other potential defendants; and

WHEREAS, the time within Public Water Systems, including the Borough, may file claims against 3M and Dupont has been extended from July 12, 2024 to July 26, 2024; and

WHEREAS, the Borough intends to finalize and submit its claims against 3M and Dupont prior to the new deadline, and claims against the Tyco Defendants and BASF prior to the applicable deadlines (which are currently not known); and

WHEREAS, it is important to ensure that the Borough has authorized the proper personnel to execute any and all documents and other forms on the Borough's behalf so that the claims may be filed expeditiously.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stockton that the Mayor or his designee (which shall be another Council member or Council President) is authorized to execute any and all documents and other forms on the Borough's behalf as may be necessary to submit the claims against the above-stated Defendants in the MDL settlements.

Motion made by Mann and seconded by Folz to approve Resolution 24-71.

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

Ayes: 5

Nays: 0

Motion passes.

RESOLUTION 2024-71

AUTHORIZING THE QUALIFIED PURCHASING AGENT TO AWARD AGREEMENT BELOW THE BID THRESHOLD FOR PROFESSIONAL ENGINEERING SERVICES IN CONNECTION WITH WORMAN ROAD PROJECT

WHEREAS, Stockton Borough's Chief Financial Officer Diane McDaniel is a Qualified Purchasing Agent under New Jersey law; and

WHEREAS, by Resolution 2024-62 adopted on June 17, 2024, the Borough Council increased the bid threshold for purchases and contracts under the Local Public Contracts law to the maximum permitted, which is currently \$44,000; and

WHEREAS, N.J.S.A. 40A:11-3 permits the Borough Council to authorize the QPA to award contracts not exceeding the bid threshold without the necessity of a Council resolution; and

WHEREAS, the Borough seeks to contract with the Borough Engineer's office to provide engineering services necessary to complete the Worman Road project, and has requested a proposal from the Borough Engineer's office therefor; and

WHEREAS, at this time the Borough Council wishes to authorize Ms. McDaniel to award a contract to the Borough Engineer's office for engineering services in connection with the Worman Road project and cost not to exceed the bid threshold.

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

- Diane McDaniel shall be and hereby is authorized to execute a contract with Colliers Engineering and Design for engineering services in connection with the Worman Road project.
- The scope of work and cost shall be subject to the approval of the Infrastructure Committee.

MAYORS REPORT, BOROUGH COUNCIL COMMENTS & COMMITTEE REPORTS

Committee Reports

Community Outreach Committee:

Mann gave the following report: They had a very successful Blood Drive two weeks ago, and we actually far exceeded the expectations of the Red Cross. We had great community involvement. Mann thanked the Starving Artists Cafe, as they supplied food for the workers and for the participants. They are looking at some ongoing things, such as a special get together to welcome some people to our community and we're also looking at redoing the Tie the Town Pink for Breast Cancer Awareness Month. Mayor Lipsen added that October 21st is the possible date to have a little potluck at the Prallsville Mill before our next Council Meeting. Borough professionals would be invited to get to know each other; it would run from 5:30-7pm. It would be open to residents as well.

Infrastructure Committee:

Mayor Lipsen reported that they are starting to prioritize issues but they don't have a firm proposal yet. They are having the engineers from the hydrology department take a look at our water system and sort of help us prioritize and move forward. We will start rolling out the water meters soon. We met with a landscaper who performs public works about a lot of work that needs to be done around town, we're waiting on proposals.

Grounds Committee:

Mayor Lipsen stated that he did get a recommendation from our OEM Coordinator that instead of putting a rule sign in the Stockton playground with different rules, we could install a kiosk so that rules could be easily changed. The garbage can at Stockton playground has been emptied by volunteers but someone has been putting their household garbage there every week. Mayor Lipsen suggests hiring a helper person to do small jobs throughout the town.

Infrastructure Committee:

Mr. Brown stated that they are working on the some of the pipe and shutoff valve replacements, and the ARP bidding requirements. Mayor Lipsen also noted that they met with Go Hunterdon and they gave some suggestions on traffic information. They submitted the DOT grant for the two streets, and reported that they did get in the county grant for the sewer pump station.

Stockton School Committee:

Mr. Mann stated there is a grant review on the 29th through Zoom. If anyone is interested, please let Mr. Mann know.

OPEN PUBLIC COMMENT FOR ITEMS ON THE AGENDA

Mayor Lipsen opened the floor to public comment.

Mary Tolmie, Worman Road, stated she would like to see better access to Prallsville Mill from Worman Road and from the Mill to the park. There is a trail there now which has been created but it would be better if it was smoother. She would also like to know if the town owns the field/property at the end of Mill Street? Mayor Lipsen said he is looking into who owns the property at the end of Mill Street.

Cathy Brown, North Main Street, asked if there is metered parking, is it possible to have residential parking permits? She also likes the idea for open space in the park and adding the pavilion. Ms. Brown would like to know if the Noise Ordinance covers commercial HVAC systems, when they run all night through the summer?

Adam Juncosa, Stockton-Sergeantsville Road,

Mr. Juncosa stated there are manufacturing regulations in regards to decibels for HVAC.

He stated that at his business, Odd Bird Brewing, on the 3rd Thursday of every month is local's night, where they donate to a local charity. They're combining July & August this summer, so on August 1st, will be donating to Fisherman's Mark. They will be donating 20% of all sales and 100% of tips.

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

EXECUTIVE SESSION

N.J.S.A. 10:4-12b.(5) Matter involving the potential purchase, lease, or acquisition of real property with public funds

N.J.S.A. 10:4-12b.(7)

Matter involving potential litigation and/or contract negotiation in which the Borough may become a party

NEXT MEETING

August 19, 2024

ADJOURNMENT

A motion was made by Hunt and seconded by Folz to adjourn the meeting. The meeting adjourned at 10:20 PM.

Jennifer Terepka

Jennifer Terepka, Deputy Clerk