



**STOCKTON BOROUGH COUNCIL
REGULAR MEETING MINUTES
Date: August 19 2024 – 7:00 P.M.**

Mayor Aaron Lipsen., called the regular meeting of the Stockton Borough Council to order on August 19, 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 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.

Mayor Lipsen called for a moment of silence for Nicholas Suozzo.

ROLL CALL

Present: Councilperson William Brown, Councilperson Peter Folz, Council President Thomas Hunt, Councilperson Ken Kozuhowski (via phone), 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.

APPROVAL OF MINUTES

Motion made by Hunt and seconded by Mann to approve the minutes of the July 15, 2024, meeting, all were in favor.

AUDIT REVIEW

CFO, Diane McDaniel presented and reviewed the 2023 Audit report. Mayor Lipsen thanked McDaniel for her due diligence and everyone else for following municipal law.

Motion made by Mann and seconded by Hunt to approve the 2023 audit report Resolution 2024-73

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

Ayes: 6

Nays: 0

Motion passes.

**RESOLUTION 2024-73
GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year (2023) has been filed by a Registered Municipal Accountant with the *Municipal Clerk* pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations, and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the *Governing Body* of the *Borough of Stockton*, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

OLD BUSINESS

- Worman Road update: Mayor Lipsen reported that the Infrastructure Committee met with the engineer and his supervisor for several hours. They reviewed and went over details involved in the project and they are doing what they can to move the project forward.
- Hunterdon County Open Space Trust Fund Grant & Stockton Playground Park Master Plan-Mayor Lipsen recused himself from the dais for discussions. Council President Hunt took over meeting at this point. Mayor Lipsen made the following public comments as a resident, Mayor Lipsen explained the grant needs to be done by Sept 20th and council needs to decide what they want to apply for. CFO Mc Daniel recommended that one large item should be focused on. Lipsen reviewed a score card for each category. A Resolution can be passed tonight if the council wants to. There are funds that can be set aside. The council can pass tonight or wait until the next meeting. Lipsen went on to discuss different ideas and costs for consideration of the grant.
- Hunt asked for public input from audience:

Mike Odenwald, 19 Risler stated that this is a great opportunity but wanted to clarify the timing, things went by so fast he wasn't sure what was being proposed. Odenwald asked is there a total amount of the grant request. Attorney Maddox responded that it's up to \$150,000. Odenwald continued and stated that everything mentioned by Lipsen should happen. Odenwald commented on how it was presented tonight for the first time.

Kate Meltzer, 2 Main Street, stated that she loves the idea that the park is getting more funding. With younger children enjoying the playground there is definitely a need, I would be an advocate for a younger child and toddler area. Also recommended that some equipment be updated and possibly a basketball area and lighting.

Adam Juncosa -thanked Mayor Lipsen for doing a lot of research on this. The park has been something the town has been looking to upgrade. Adam asked that for the grant application, can we cast a wide net. Adam discussed examples of what needs updating. Adam stated he wanted to know how it works that if they give us a less amount, do we lose the grant if we can't accommodate everything on our list. Hunt responded that the terms and conditions of funds can be one item or multiple items.

Aaron Lipsen stated that with the pavilion it does not include electricity or a bench, its just a pad and pavilion The County wants to know once they designate the money that the project gets done and completed. The match is a 25% grant match.

Adam Juncosa stated that from a historical point of view, about 12 years ago the council put out a survey to whole town asking what the highest things would be they wanted. The number #1 thing at that point is to bring back the pavilion that was wiped out in the 2005 flood. When the park master plan was worked on in 2019 again the pavilion was also number #1 recommendation from the town.

Elaine Johnson, - inquired about handicap accessibility from the parking lot to the pavilion. Hunt responded and stated that there are some discussions in increasing parking for more than just the park. The Planning Board is also working on a reexamination report and parking is a piece of that. Ms. Johnson stated that it would be nice to expand the park to older kids like teenagers that want to play baseball or basketball.

Mike Odenwald- inquired about open space funds being used to remove mold from the old school. Attorney Maddox responded that it is the same fund but not sure if it will be used. Hunt replied that typically open space is used for open space.

Odenwald-stated that he spoke to the mayor about the pavilion and that he would donate bocce courts to form a league. Mr. Odenwald discussed different uses for the pavilion and added that the town needs to think about the use of its resources.

Council comments:

Brown commented that his thoughts are that the pavilion is expensive would constitute one grant application with the price range. Stated that there is a lot of talk of replacing the pavilion that was wiped out in 2005, but the cost seems daunting. Suggested to build on the strengths what we already have. Suggested a large space suitable for toddler equipment which there is not a lot there for little kids. That equipment is expensive. Maybe upgrading the fence.

Hunt commented that he agrees with Brown, keep it simpler. Toddler space should be looked into which is needed by a number of citizens. Put up a basketball hoop, which is easier for the town to handle with matching the funds.

Folz suggested that there should be some music space of some sort, pavilion should wait. I would like to not go with just with pavilion.

Hunt stated that there are a lot of prefab pavilion companies out there. It's not cheap. Do we have to make a decision with regard to the content for this resolution tonight? Aaron Lipsen stated we have a meeting on the 16th the council can do it. Attorney Maddox stated that she will work with Diane and have a list of items and have an advertisement for a public hearing advertised. Attorney Maddox added that CFO McDaniel has the most information on how these grant applications need to be presented and can work with her. See how far we can go without specificity of the resolution.

Hunt- stated that the application is due on the 20th. Asked Attorney Maddox if they will have all the required paperwork other than selection of content of the resolution, is it a practical approach? Attorney Maddox replied yes, she thinks so. She will have to have a resolution but everything we need to do we can do from now before the next meeting. She can provide the council with a draft ahead of time.

Mike Odenwald stated that for the council to make a decision in favor of going for a grant not yet knowing how to use it is consistent for buying the school with no intended use on how to use it. Stated that he feels that this is going down the same road. Asked what is the cost for insurance for a pavilion, who will pay for that? Stated that these are simple things, with fantastic ideas but no thought through over the past year and half. I would balk at this year's grant and suggested that they prepare for next year's grant and include a public vote,

Further discussions ensued regarding meetings and suggestions for the use of grant. Hunt stated that this will be tabled for now and they will solicit public input from now until the next meeting.

Motion made by Mann and seconded by Kozuhowski to table until next meeting, all were in favor.

Mayor Lipsen returned to the dais and took over as chair.

- Parking and Ordinance 14-2. Mayor Lipsen discussed the Ordinance from 2014, and council being concerned with parking. Explained that they have been exploring other parking opportunities in Stockton. He has spoken with the engineer to look at additional parking. Lipsen stated that they are not ready for full reports at this point. Mayor Lipsen stated that Ordinance 14-2, passed in 2014, established a restriction for 1-hour parking in all diagonal parking spots on Bridge Street. He explained that there are preexisting signs to advertise these restrictions and that they can be installed. This idea was unanimous supported by members of the council. Folz asked how this is going to be enforced. Lipsen explained that we don't have enforcement, it's to warn people away from parking in that area. Discussions of metered parking and parking permits ensued. Lipsen stated that he will go ahead with putting up the signs and re-exam the issue in the future.

NEW BUSINESS

- Engage RCAP Solutions, Inc. to perform GIS mapping of the Stockton Borough water system through the Community and Environmental Resources Program-Mayor Lipsen explained that this is a free mapping of our water system that can be a great benefit to us, we don't have every single detail back from them, but it does seem promising. Mapping is free and we will get a few years use of that, Lipsen asked for any objections from council, none were observed.
- Employee Paid Training and Hotel Stay. Lipsen stated that we typically pay for training for employees, there are some overnight hotel stays warranted, this is something we could do for an employee or council member. Borough Clerk Courter explained this is canceled at this time citing that there is no money in budget but can be considered for next year's budget. Lipsen added that this can be a policy we can think about for next year.
- Water Leaks and Billing Policies. Mayor Lipsen explained that there have been some people having water leaks inside their home and the meter keeps going. Some of these

leaks are between the curb stop and meter. The meter runs and they are getting billed for water and sewer for leaky water. There hasn't been a set borough policy, but we need to think about making one. One case that can be made if it is provable that our water is leaking underground argument can be made that person should not have to pay for sewage fees. This is something that should be looked at with the infrastructure committee. Discussions concerning creating an ordinance that is fair and having a cap in place.

- Hunterdon County Energy Aggregate Options. Mayor Lipsen explained that many local communities have joined this program which was put in place by Governor Christie and expanded by Governor Murphy. Communities can buy a coop or aggregate with bigger purchasing power. Lengthy discussions ensued regarding the program and opting in and opting out options. Folz and Hunt stated that they would feel better to have a representative from the company to present to the council. Kozuhowski commented that he supports adopting a resolution to opt in.

OPEN PUBLIC COMMENT – PRIVILEGE OF THE FLOOR

Mayor Lipsen opened the floor to public comment.

Sharon Eckard –Deputy OEM Coordinator, reported that part of being in Emergency Management is preparation for anything that could happen in the borough. She has been trying to post on Stockton Facebook pages information and has brought some pamphlets tonight. She found them on ready.gov website and there is a lot of useful information in the pamphlet. Deputy Coordinator Eckard gave examples of some of the information in the pamphlets and their checklists such as how to prepare for an emergency such as a hurricane. There are also ones for flood, thunder, and lightning. She is trying to make the public aware now so they can prepare now. The OEM staff in coordination with the Public Safety Committee are updating the Emergency Operations Plan, which hasn't been updated since 2014. This should be ready to submit by the end of the year. The ready.gov website provides stuff that can be mailed as well and it's all free from FEMA.

Adam Juncosa gave background and clarity on the energy aggregate program that was done in 2019. The last step did not happen because of Covid. They did have a representative that came and spoke with the council. Juncosa stated that it changes nothing for end user and everything you do is the same. The change is the name of the service provider. Energy provider and transmission are separated. The aggregate bargains for the best energy rate and the savings are nominal.

Mike Oldenwald stated that he has some facts that he will be posting to social media about tax insights. Mr. Oldenwald read a prepared statement regarding taxes and the ages of residents with regard to what is occurring now with fixed incomes and being able to stay here and afford it. Added that Stockton had 5th highest tax increase. Oldenwald stated that he is doing this for the best interests of the residents and added that the town council is not focusing on the majority of its residents.

Lauren Elizondo, 14 Risler Street, Stated that she has 24 years of sewer bills and sometimes they are consistent and some are wacky. Asked who has the authority to alter readings. Mayor Lipsen responded and stated the borough has an infrastructure committee and asked her to leave a contact number so they can set a time to meet with her to discuss this issue further.

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

ORDINANCES 1st Reading:

Motion made by Hunt and seconded by Brown to approve on first reading Ordinance 24-10.

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

Ayes: 6

Nays: 0

Motion passes.

Ordinance # 24-10

**AN ORDINANCE OF THE BOROUGH OF STOCKTON AMENDING
ORDINANCE #24-02, "TREE REMOVAL-REPLACEMENT ORDINANCE"**

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

Section 1. Amendment to Section IV, "Exemptions."

Section IV of Ordinance #24-02, which sets forth categories of tree removal that are exempt from the permit, fee and tree replacement standards set forth in Section III of Ordinance #24-02, is hereby amended to add a new category as follows (additions are underlined; deletions are [bracketed]):

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; and
- H. Any trees removed in furtherance of the clearing of land which is assessed as farmland and which is actively devoted or to be devoted to agricultural or horticultural use.

Section 2. 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 3. Repealer.

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

Section 4. 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 Folz and seconded by Hunt to open the public hearing for Ordinance 24-08, all were in favor,

Pub comment:

Odenwald asked who enforces it. Mayor Lipsen stated it is enforced by the NJ State Police and Zoning Officer. Odenwald asked if the state police would issue a summons, Mayor Lipsen responded yes.

Hearing no further public comment motion made by Hunt and seconded by Mann, all were in favor.

Motion made by Hunt and seconded by Brown to adopt Ordinance 24-08.

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

Ayes: 6

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.

RESOLUTIONS

Motion made by Mann and seconded by Hunt to approve Resolution 24-72.

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

Ayes: 6

Nays: 0

Motion passes.

RESOLUTION 2024-72

**RESOLUTION AUTHORIZING DEDICATION BY RIDER PURSUANT TO
N.J.S.A. FOR UNIFORM FIRE CODE VIOLATION PENALTIES**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenue received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, The Borough of Stockton provides for receipts of funds received from the New Jersey Division of Fire Safety for collected dedicated penalties for failing to abate Uniform Fire Code Violations at facilities located in Stockton Borough; and

WHEREAS, the revenue to be received from Uniform Fire Code violations fees is not subject to a reasonably accurate estimate in advance for budgetary purposes, and N.J.S.A. 40A:4-39 allows the Borough to include such items in its budget by annexing to said budget, upon the prior written consent of the Director of the Division of Local Government Services in the Department of Community Affairs, a budget rider; and

WHEREAS, the Borough wishes to establish a budget rider pursuant to N.J.S.A. 40A:4-39 in order to receive and hold said Uniform Fire Code violations fees and use those fees for purposes of firefighter training and /or new equipment.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stockton as follows:

1. The dedicated revenues anticipated during the year from January 1 through December 31, in a given year, received by the Borough of Stockton as Uniform Fire Code violations fees as N.J.S.A.5:70-2.12 are hereby anticipated as revenue and are hereby appropriated for the purposes to which said revenue is dedicated by statute or other legal requirements, namely for purposes of firefighter training and /or new equipment.
2. This Resolution establishing a dedication by Rider for firefighter training and /or new equipment will take effect upon its adoption and also upon the approval of the Director of the Division of Local Government Services in the Department of Community Affairs.
3. A certified true copy of this Resolution shall be forwarded to the Director of the Division of Local Government Services in the Department of Community Affairs.

Motion made by Kozuhowski and seconded by Mann to approve Resolution 24-74.

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

Ayes: 2, Nays: 4 (Brown, Fisher, Folz and Hunt)

Nays: 0

Motion fails.

Resolution 24-75 was tabled until next meeting.

PAYMENT OF BILLS AND VOUCHERS

Motion made by Hunt and seconded by Folz to approve Resolution 24-76.

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

Ayes: 6

Nays: 0

Motion passes.

**Stockton Borough Council
Resolution 2024-76**

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 **\$231,657.29**

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 **August 19, 2024** in the amount of **\$231,657.29**

MAYORS REPORT, BOROUGH COUNCIL COMMENTS & COMMITTEE REPORTS

Mayor's Report:

Mayor Lipsen reported that last week he attended a ribbon cutting at South Hunterdon Elementary School. He was quite impressed. It will be a great asset to our students and add to property values to those in our area. There will be an open house this Thursday from 1-7PM and on August 24th from 9AM-Noon for a tour of the building.

Mayor Lipsen stated that he is looking into website and email upgrades for the borough. Added that the borough does have a person managing the current website and email system.

Committee Reports

School Committee

Mann reported that the review of the borough's application for the grant regarding the school is going quite well. It seems like a good chance to move forward. Mayor Lipsen added that they are impressed with the committee's involvement. This fall we should know about the planning grant, and they are working with the engineer and architect to move the process forward with other grant opportunities.

Grounds Committee

Fisher reported that they will keep evaluating the situation with the playground with potential for things discussed earlier concerning the grant. Will explore more things to make sure we are covered and work towards something everyone likes and agrees on and utilize this grant to improve our parks and recreation.

Infrastructure Committee

Mayor Lipsen reported that the existing sewer generator is being serviced to improve functionality. Also begun installing new water meters. Working to have the second phase of sign installation for missing or damaged signs in town completed. In the next month or two we will have new signs. Successfully submitted the county infrastructure grant for the generator. The Borough joined the PFAS class-action lawsuit successfully. Lipsen thanked Attorney Maddox and Councilperson Brown who put in hours and hours on this. The NJ DEP gave us access to the GIS location mapping software for mapping our storm drains. Special thanks to Tom Hunt for doing storm drain cleaning. The mayor reported that he also cleared many drains. Tom Hunt added that he would like to get the word out if anyone would like to adopt a storm drain. Folz stated he has adopted one. Lipsen discussed the issue of mapping the storm drains and have them numbered and once that is done do a bigger community outreach to keep them clean. The one on Rt 523 is not the borough's responsibility even though we often clear it.

Community Outreach Committee

Mayor Lipsen reported that the fire company will have a roast beef dinner on October 27th. On Friday November 22nd there will be a pasta and meatball dinner. Mayor Lipsen reported on nominations for the Hunterdon County Health Auxiliary with the Our Lights of Love program. If anyone is interested, they can be nominated, it is open to senior citizens.

OPEN PUBLIC COMMENT FOR ITEMS ON THE AGENDA

Mayor Lipsen opened the floor to public comment.

Adam Juncosa, stated that he is the co-owner of Odd Bird Brewing and thanked the council and public that came to the last locals night. It is held every third Thursday, and they were able to \$900 cash and 120 book bags and 15 boxes of supplies. Amazingly successful and thanked Mayor Lipsen and everyone for coming. Next one is Thursday September 19th at the Stockton Fire Department.

Mike Oldenwald-19 Risler Street, asked if anyone from the Council will be attending the League of Municipalities conference. Stated that it is good for the town to spend money to attend and meet other towns. Good idea to expose other council members. It's a great source of education for the town. If there are monies to be voted for it would be money well spent. Mr. Odenwald asked how the water and sewer units are measured. Inquired about restaurants and asked how many units they get versus a single apartment that gets one unit. Mayor Lipsen responded with an explanation that one unit is a thousand gallons of consumption. Asked where is a map of how each property is given a unit, and asked how are businesses measured for water for the type of business they are. Lipsen responded and explained the process and billing aspect. Odenwald asked with the water moratorium how are new businesses getting allocation. Lipsen responded that there is a water moratorium for new construction and if you're changing a business from something else there is already a water connection, and they get to keep it. Odenwald inquired about the garbage contract and bidding.

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

EXECUTIVE SESSION

A motion by Hunt, seconded by Folz to approve the following resolution, all were in favor.

**RESOLUTION
TO ENTER INTO EXECUTIVE SESSION**

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this governing body is of the opinion that such circumstances presently exist,

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

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows: contractual-solid waste and Fire Inspection Report.
The discussion is anticipated to take approximately 30 minutes. Action may be taken.
3. It is intended at this time that the above-stated subject matter will be made public when the matter has been resolved.
4. This resolution shall take effect immediately.

A motion by Hunt and seconded by Folz to exit the executive session was unanimously approved by voice vote.

ACTION ON ITEMS FROM EXECUTIVE SESSION

No action is being taken.

NEXT MEETING

September 16, 2024-Meeting being held at the Prallsville Mill, 33 Risler Street, Stockton NJ 08559.

ADJOURNMENT

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

The meeting adjourned at 10:25 PM.

Laurie A. Courter, Borough Clerk