



STOCKTON BOROUGH COUNCIL

Regular Meeting Agenda

September 16, 2024 – 7:00 pm

Meeting being held at the Prallsville Mill, 33 Risler Street, Stockton NJ 08559.

- 1. CALL TO ORDER AND STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT:** This meeting is called pursuant to the provisions of the Open Public Meetings Act. Adequate notice of this meeting has been provided by a notice mailed to the Hunterdon County Democrat and The Trenton Times, posted on the Borough Website, on the window of Borough Hall, and filed with the Borough Clerk as required by law.
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
Brown, Fisher, Folz, Hunt, Kozuhowski, Mann, Lipsen

3A Hunterdon Energy Aggregate Presentation (We will allow public Q & A)
- 4. PROCLAMATION:** None
- 5. APPROVAL OF MINUTES**
 - **August 19, 2024**
- 6. CORRESPONDENCE**
- 7. OLD BUSINESS**
- 8. NEW BUSINESS**
- 9. OFFICE OF EMERGENCY MANAGEMENT REPORT**
- 10. OPEN PUBLIC COMMENT:**
Any person desiring to address the Borough Council during periods designated for public comment shall first seek recognition by the mayor, or presiding officer, and upon recognition shall state their name and address. All comments shall be addressed to the mayor, or presiding officer. Comment will be limited to 5 minutes per comment.
- 11. ORDINANCES 1st Reading:**

ORDINANCES-2nd Reading Public Hearing/Adoption
 - 24-10 Amending Tree Ordinance 24-02

Please note, items listed on the agenda may change prior to the meeting.

12. RESOLUTIONS

- 24-74 HAEC
- 24-75 Authorizing Submission of Hunterdon County Municipal Park and Recreation Grant Application
- 24-77 Appointment of Recycling Coordinator
- 24-79 BAN
- 24-80 Text, Title or Appropriation Change
- 24-81 GIS Mapping

13. PAYMENT OF BILLS AND VOUCHERS

- 24-78 Resolution authorizing payment of bills and vouchers

14. MAYOR'S REPORT, BOROUGH COUNCIL COMMENTS, & COMMITTEE REPORTS

15. OPEN PUBLIC COMMENT

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16. EXECUTIVE SESSION

- Borough Hall
- Anticipated/Possible Contract Negotiations – Flood Mitigation Program
- Attorney-Client Privileged Discussion/Possible Contract Negotiations – Disposition of Public Property
- Anticipated/Possible Contract Negotiations – Stormwater

17. POTENTIAL ACTIONS ON ITEMS FROM EXECUTIVE SESSION

18. NEXT MEETING – October 21, 2024

19. ADJOURNMENT

Ordinance # 24-10 (2nd Reading)

**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.

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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.

RESOLUTION 2024-74

RESOLUTION OF THE MAYOR AND COUNCIL OF STOCKTON BOROUGH, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AUTHORIZING THE SIGNING OF GOVERNMENT ENERGY AGGREGATION PROGRAM AGREEMENTS

WHEREAS, the State of New Jersey has been engaged in a process to establish a competitive market place through deregulation and restructuring the electric and natural gas utility markets; and

WHEREAS, the establishment of a governmental energy aggregation program ("GEA Program") to purchase electric generation service and natural gas pursuant to the Government Energy Act of 2003, *N.J.S.A. 48:3-93.1 et seq.* ("Act") and the New Jersey Board of Public Utilities' implementing rules at *N.J.A.C. 14:4-6.1 et seq.* ("Rules") will increase competition for the provision of electric power and natural gas to residential and non-residential electricity and gas ratepayers, thereby increasing the likelihood of lower electric rates and natural gas rates for these users without causing an interruption in service; and

WHEREAS, under a GEA Program the residential ratepayers may have the opportunity to receive a direct reduction in their electric bills through the bulk purchase of energy from a third-party energy supplier; and

WHEREAS, pursuant to Ordinance #19-08 adopted by the Council of Stockton Borough on October 14, 2019, Stockton Borough publicly declared its intent to commence a GEA Program; and

WHEREAS, the Borough of Califon is the Lead Agency for the Hunterdon Area Energy Cooperative (HAEC) and shall accept or reject pricing on behalf of the Cooperative and its participant members; and

WHEREAS, Stockton Borough wishes to be a participating member of the HAEC and hereby agrees to proceed with the program, by signing the Supplier Agreement, should the Borough of Califon accept pricing, which provides a savings on the supply portion of the electric bill for the residential energy aggregation program; and

WHEREAS, the Borough of Califon appointed Commercial Utility Consultants, Inc. (CUC) and Concord Engineering dba Concord Energy Services (CES) for the HAEC to serve as the Energy Agents to assist and administer the GEA program at no cost to the Borough of Califon or HAEC or its participating members; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of Stockton Borough, in the County of Hunterdon, New Jersey, duly assembled in public session, as follows:

Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

1. The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.
2. Stockton Borough, as a participating member of the HAEC, hereby agrees to proceed with the program by signing the Supplier Agreement should the Borough of Califon accept pricing which provides a reduction on the supply portion of the electric bill for the residential energy aggregation program.
3. The Mayor, Chief Financial Officer, Treasurer or other municipal officer is hereby authorized and directed to execute on behalf of Stockton Borough any documents necessary to carry out the purpose of this Resolution including the Supplier Services Agreement providing a reduction is achieved at the time of auction.

**Borough of Stockton
RESOLUTION 2024-75**

Authorizing Submission of the Hunterdon County Municipal Park & Recreation Grant Application

WHEREAS, the Hunterdon County Open Space, Farmland & Historic Preservation Trust Fund (“County Open Space Trust Fund”), provides matching grants to municipal governments and to nonprofit organizations for assistance in the development or redevelopment of outdoor municipal recreation facilities; and,

WHEREAS, the Borough of Stockton desires to further the public interest by obtaining a matching grant of \$150,000 from the County Trust Fund to fund the following project: Stockton Borough Park Improvements; and

WHEREAS, the Borough is committed to providing a 25% cash match for the project, that is, up a \$50,000 Borough match for a total project amount, including the \$150,000 grant, of \$200,000; and,

WHEREAS, the Council of the Borough of Stockton, which is its governing body, has reviewed the Municipal Park and Recreation Grant Program application and instructions, and desires to make an application for such a matching grant and provide application information and furnish such documents as may be required; and,

WHEREAS, the County of Hunterdon shall determine whether the application is complete and in conformance with the scope and intent of the Municipal Park and Recreation Grant Program and the Hunterdon County Open Space Trust Fund; and,

WHEREAS, the Borough of Stockton is willing to use the County Open Space Trust Fund in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the County of Hunterdon for the above named project and ensure its completion on or about the project contract expiration date.

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

1. That it is hereby authorized to submit the above completed project application to the County by the deadline of September 20, 2024, as established by the County; and,
2. That, in the event of a County Trust Fund award that may be less than the grant amount requested above, the Council of the Borough of Stockton has, or will secure, the balance of funding necessary to complete the project, or modify the project as necessary; and,
3. That the Council of the Borough of Stockton is committed to providing a 25% cash match for the project (up to a \$50,000 Borough match plus the \$150,000 grant for a total project of \$200,000); and,
4. That only those park improvements identified and approved in the project application, its Project contract, or other documentation will be considered eligible for reimbursement.
5. That the Council of the Borough of Stockton agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and,
6. That this resolution shall take effect immediately.

**BOROUGH OF STOCKTON
COUNTY OF HUNTERDON**

**RESOLUTION 24-77
A RESOLUTION APPOINTING THE 2024 RECYCLING COORDINATOR**

WHEREAS, the Borough of Stockton is in need for the appointment of a Recycling Coordinator; and,

WHEREAS, the term of the recycling coordinator shall be for one (1) calendar year, expiring on December 31 of each year and any vacancy during the year shall be filled for the unexpired term; and

WHEREAS, the Mayor and Council have determined that _____ is qualified for the position of Recycling Coordinator and will be able to perform the duties of Recycling Coordinator as delineated by statute and to expire December 31, 2024; and

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Stockton that _____ be and is hereby appointed to serve as Recycling Coordinator through December 31, 2024.

**Stockton Borough Council
Resolution 2024-78**

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 \$_____

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 **September 16, 2024** in the amount of _____

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Aaron Lipsen, Mayor

Michael Mann, Borough Council

William Brown, Borough Council

Matthew Fisher, Borough Council

Peter Folz, Borough Council

Ken Kozuhowski, Borough Council

Thomas Hunt, Council President

**Borough of Stockton
Hunterdon County, New Jersey**

Resolution #24-79

CERTIFICATE OF DETERMINATION AND AWARD

I, Diane Soriero McDaniel, Chief Financial Officer of the Borough of Stockton, in the County of Hunterdon, New Jersey (hereinafter referred to as the "Borough"), HEREBY CERTIFY as follows:

1. I hereby determine to issue the Bond Anticipation Note (the "Note") hereinafter described by virtue of the authority conferred upon me by the bond ordinances of the Borough referred to in the attached chart by reference to number, date of adoption and amount of bonds or notes authorized, such notes to be issued in the amounts indicated in the chart.

<u>TOTAL</u>	<u>NUMBER</u>	<u>DENOMINATION</u>
<u>PRINCIPAL</u>		
<u>AMOUNT:</u> \$683,639	2024A	\$683,639
<u>DATE:</u> 9-06-2024		
<u>MATURITY:</u> 9-05-2025		
<u>INTEREST</u>		
<u>RATE PER</u> 4.75% payable at maturity		
<u>ANNUM:</u>		
 <u>CUSIP</u>		
<u>NUMBER:</u>		

PAYING AGENT: BOROUGH OF STOCKTON, New Jersey

- 2 Pursuant to the authority so conferred upon me, I have awarded and sold the Note to Northfield Bank, at the price of \$683,639.

Please note, items listed on the agenda may change prior to the meeting.

3. No bonds of the Borough have heretofore been issued pursuant to the bond ordinances referred to in Section 1 hereof, except as set forth in the attached chart.
4. The date of the first note or other obligation issued in anticipation of the issuance of the bonds that the Note is issued in anticipation of, whether or not now outstanding, is as stated in the attached chart.
5. No grants have been received, no paydowns have been made and no cancellations have been enacted that would reduce the debt authorization below the amount of notes outstanding under the bond ordinances described in the attached chart except as set forth therein.
6. No notes or other obligations in anticipation of the issuance of bonds have heretofore been issued pursuant to the bond ordinances referred to in the attached chart and now remain outstanding and unpaid except as set forth in the attached chart.

IN WITNESS WHEREOF, I have her unto set my hand as of September 16, 2024.

BE IT RESOLVED by the Borough Council of the Borough of Stockton that the attached Certification of Determination and Award for Bond Anticipation Notes, Series 2024A in the principal amount of \$683,639.00 be hereby accepted.

RESOLUTION 2024-80

TITLE, TEXT OR AMOUNT OF APPROPRIATION CHANGE

WHEREAS, N.J.S. 40A:4-85 provides that the Director of the Division of Local Government Services may, at the request of, or with the consent of, the governing body of any county or municipality, make such correction of the title, text or amount of any appropriation appearing in the budget as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of any such county or municipality;

NOW THEREFORE, BE IT RESOLVED that in accordance with the provisions of N.J.S. 40A:4-85, the Council of Borough of Stockton, in the County of Hunterdon, State of New Jersey, hereby requests the Director of the Division of Local Government Services to make the following corrections in the budget year 2024:

That the appropriation provided for in the approved budget entitled:

Assessment of Taxes:

Salaries & wages From \$9,000.00 To \$5,000.00

Assessment of Taxes:

Other Expenses From: \$450.00 To \$4,450.00

BE IT FURTHER RESOLVED, that the foregoing correction is, in the opinion of the governing body, warranted and authorized by the statute above referred to, and is necessary for the orderly operation of the Borough the reasons hereinafter set forth:

During the budget year, the tax assessor notified the Borough of her retirement as of 5-31-2024.

The Borough of Stockton entered into a shared service with the Township of Delaware to fill the position of tax assessor on June 1, 2024.

BE IT FURTHER RESOLVED, that the Borough Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval.

RESOLUTION 2024-81

RESOLUTION AUTHORIZING EXECUTION OF COMMUNITY SERVICES AGREEMENT WITH RURAL COMMUNITY ASSISTANCE PARTNERSHIP, INC. (RCAP) FOR GPS DATA COLLECTION AND GIS MAPPING SERVICES OF THE WATER SYSTEM

WHEREAS, Rural Community Assistance Partnership, Inc. (RCAP) has submitted a proposal to the Borough of Stockton to provide GPS data collection and GIS mapping services of the water system at no cost to the Borough; and

WHEREAS, RCAP is a non-profit organization that provides technical assistance, training, resources, and support to rural communities throughout the country, including environment-focused technical assistance and training programs to help rural communities build resilience, sustainability and improve the quality of life; and

WHEREAS, RCAP's no-cost environmental programs are funded by grants awarded by the United States Environmental Protection Agency; and

WHEREAS, RCAP's terms and conditions for its services are set forth in a "Community Services Agreement;" and

WHEREAS, the Borough seeks to authorize RCAP to conduct these services on its behalf for a one year term; and

WHEREAS, it is anticipated that execution and operation of the Community Services Agreement will not require the expenditure of any Borough funds, and that should the Borough seek to procure additional services from RCAP beyond the one-year term, there may be costs in connection therewith which shall be subject to the subsequent approval of Council; and

WHEREAS, because the services under the Community Services Agreement do not require any payment to be made by the Borough, the agreement may be awarded without bidding pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-6.1.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Stockton on this 16th day of September, 2024 that the Mayor is hereby authorized and directed to execute a Community

Services Agreement with Rural Community Assistance Partnership, Inc. provide GPS data collection and GIS mapping services of the Borough's water system at no cost to the Borough for a term of one year.