

**MAYOR AND COUNCIL
WORK SESSION AND
AGENDA MEETING MINUTES**

**April 11, 2023
7:00 P.M.**

CALL TO ORDER

SALUTE TO COLORS

Mayor Zdichocki invited all those present to stand in a salute to the colors.

MAYOR'S STATEMENT AS TO COMPLIANCE WITH P.L. 1975

Adequate Notice of this Meeting has been provided according to the Open Public Meetings Act, Assembly Bill 1030. Notice of this Meeting was included in the Annual Meeting Notice sent to the New Jersey Herald and the Daily Record on January 4, 2023 and was placed on the Official Bulletin Board in the Municipal Building and on the official website of the Borough of Stanhope.

In the event the Mayor and Council have not addressed all items on this Agenda by 10:00 PM and they are of the opinion that they cannot complete the Agenda in a reasonable time period, the Mayor and Council may exercise their option to continue this meeting at an agreed to date, time and place. Please turn off all cell phones for the duration of this Meeting.

ROLL CALL

Council Members:

Councilwoman Kuncken – present

Councilman Thornton – present

Councilman Riccardi – present

Councilman Wronko - present

Councilman Romano – present

Mayor Zdichocki – present

ENGINEER'S REPORT

Eric Keller, Borough Engineer, and Police Chief Steven Pittigher came forward to discuss the Stanhope School Crossing Study.

Stanhope School Crossing Study – Mr. Keller stated the draft school crossing study report was sent to Chief Pittigher and Administrator McNeilly for their review and comments. The executive summary has not been completed to date pending discussion and any feedback. The study was focused on the key crossing locations along the primary roadways to get an understanding of traffic conditions. These are crossings which may be used by school children going to the Valley Road School. The study is focused on the Kindergarten through 8th grade students. The high school is not part of the study. Traffic and pedestrian counts were done, as well as gaps, the spacing between vehicles, at the five locations identified in the study. These were done during arrival to school and departure from school. An inventory of all the school and other pedestrian crossing signage was completed within the Borough. This is shown on Exhibit 1 of the Sidewalk and Pedestrian Crossing Plan. This plan also indicates which roads have sidewalks and the color coding indicates if the sidewalks are on one side or the other or on both. The only school crossing where a significant number of pedestrians were noticed was on Dell Road at Maryann Terrace. Some crossings had no pedestrians, while others had a few here and there. The Dell Road location does have a crossing guard and due to the characteristics of that crossing and the number of pedestrians there it is Mr. Keller's recommendation that the crossing guard remain at this location which is warranted by this criteria. Currently, there are two other school crossing guards located at Route 183 and Linden Avenue and at the corner of Brooklyn Road and Maple Terrace. There are four (4) locations which have rectangular rapid flashing beacons. Three are located on Brooklyn Road. The County has completed the installations at Maple Terrace and Lloyd Avenue. The one at Crestview Drive was changed from what looked like a traffic signal light to a true rectangular flashing beacon. The 4th beacon is located on Sparta Road at the Little League Field which was installed by the Borough as part of the TAP grant. Mr. Keller stated he also prepared the school route plan, which is a key component of the study. Mr. Keller stated this will be labeled as Exhibit 2 Valley Road School – School Route Plan. The plan shows what the preferred routes to school are for children to walk to

school, should they choose to. There are two areas with red dashes where there really is no safe or appropriate walking path. These are the Baker Place, Highland Avenue, Lakeview Terrace, Port Morris Area, as well as some portions of the streets by the Hopatcong border which are Leo Avenue, Kynor Avenue and Hazel Street. Where children live and how they get to school is a dynamic process. A bi-annual or annual review of the school crossings should be conducted to make sure we are properly accommodating the children. This would be done to assess any changes or conditions which would warrant further action. This needs to be a collaborative approach. The Stanhope Board of Education should promote this plan and educate the children and the parents by distributing the school route map. How the crosswalk lights should be utilized needs to be taught. Not everyone knows how to use the crossings properly. Councilwoman Kuncken stated the council stated in the past that education needs to be provided at the school for the proper use of the crosswalk lights. You cannot just press the button and walk into the street. New Jersey state law says if someone is in the crosswalk, you must stop. However, as cars are approaching and someone just steps out into the road, there has to be enough time for them to be able to stop. Mr. Keller stated on Page 9 of the report there are four action items; an evaluation of the existing crosswalk signage, condition of the signs and whether or not any changes are appropriate, and an educational program with safe routes to school and how to use the crossing devices. Mr. Keller stated the Borough Attorney needs to be consulted to determine if an ordinance is required to officially adopt the school crossings or if just having the signs posted is sufficient. The sign inventory revealed that the reduced speed school sign on Sparta Road in the south bound direction coming into town needs to be replaced. A sign is also needed for north bound traffic. That is a regulatory sign and may have to be incorporated into the Borough ordinance. Mayor Zdichocki asked if the flashing beacon lights are going to eliminate the crossing guards? Mr. Keller replied having the beacon lights is not necessarily sufficient to replace the need for a crossing guard especially due to the speed of the roadway and the young age of the children. From an engineering perspective there would have to be an evaluation done to determine the need for a crossing guard versus the beacon. The beacon should be sufficient and it is hoped that a parent would at least walk with their child to cross Brooklyn Road in a perfect world. Unfortunately, there are tragedies which occur and the Borough has had a few of them. You cannot put a price on that. There is nothing in a safety study which would be absolute. It is not black or white. This is a gray area. The best decision possible needs to be made.

Chief Pittigher stated he has asked for the diagram with the routes to the schools as a result of the tragedies which have occurred on Route 183. One of those involved a teenager. During that time frame he was asked to produce some documents which he could not produce. Chief Pittigher stated he went through a deposition and he was asked where he stationed the crossing guards in town and why. He had to explain that it was an arbitrary decision. That was not a situation that he wanted to be in. Years ago, three weeks into being appointed Police Chief, a tragedy occurred and no one knew what to do. Some of the Council members volunteered and walked around town to determine the best routes. Wherever there was a road crossing that looked bad, we put a crossing guard. The crossing guards have been at those locations for so long that we simply left them there. Over the years, at certain locations, there were no longer any children crossing so those guards were pulled out and at the same time the flashing lights were being installed. New people have moved into town and have asked to have a crossing guard in front of their homes which is not an option. People started asking what the process is to get a crossing guard and the Chief did not have an answer to their question. This is the reason for the engineering study to be conducted and then the school needs to be brought in because they understand child behavior. This is how the plan is determined and then it gets posted and every few years it is reviewed to see if any changes are required. This is what needs to be done to keep the residents safe. Mayor Zdichocki asked if the State or the County have to approve the plan. Chief Pittigher replied they do not have to approve it. Mayor Zdichocki asked if the Police Officers could present information to the students about the beacons when they are doing their drug awareness sessions at the school. Chief Pittigher stated the Safe Routes to School group has a program in place. Once the plan is finalized the Chief would like to team up with the traffic engineer and the school to look at what the Safe Routes to School Program provides. Mr. Keller stated he would like the Borough Attorney's input on what ordinances if any are required. He has checked two other towns and could not find anything codified in the traffic/vehicle sections with regard to school crossings. The school crossing signs in the Borough are compliant with the MUTCD which is the Manual on Uniform Traffic Control Devices, published by Federal Highway. Some of the devices are older than others with somewhat different coloring but both are compliant. Mr. Keller stated he did not check to see if they are properly reflective as that is beyond the scope of the study. There is a crosswalk by the high school at the Northern end of Lenape. This is only a pedestrian crossing. Pedestrian crossing signs are rectangular diamond shaped. The school crossing signs are pentagonal. Mr. Keller recommended that the signage be changed to a school crossing sign. Prior to doing so, he would like to know if

this needs to be codified in the ordinance. Mayor Zdichocki asked, if in addition to additional signage, are additional crossing guards recommended? Mr. Keller stated no additional crossing guards are needed. The existing crossing guards should be maintained at Dell Road, at Route 183 and Linden Avenue even though this is a signaled crossing, there is a right turn on red. The signal is controlled by the State and therefore the Borough cannot just install a sign. Chief Pittigher stated he has been on a list for quite some time for signs to be installed at this location which should be forthcoming. Councilwoman Kuncken asked if the crossing guard at Maple Terrace will remain. Mr. Keller stated when the count was conducted no one at all crossed at that location all day. Councilman Romano stated Maple Terrace and Hill Road have no sidewalks so parents may be reticent to have children walk in the road in that area. Chief Pittigher stated the Borough has three (3) crossing guards and an alternate. When the alternate is placed on Maple Terrace, the Police Department receives calls asking where the crossing guard is because they do not recognize the car. Councilwoman Kuncken stated she has spoken with residents on Musconetcong Avenue and Spring Lane and she is of the opinion they would be upset if the crossing guard was removed from Maple Terrace. Mr. Keller stated that is why more than just numbers need to be taken into consideration. Chief Pittigher stated Mr. Keller had explained to him that the crossing guard at Dell Road is needed due to the curbing and the number of children. Mr. Keller stated it is a very busy area and when he was out there, he was uncomfortable crossing the road. Administrator McNeilly stated one thing that this report shines a light on, which has been discussed in the past, is how does the Highland Avenue path get connected to the Elm Street path. Chief Pittigher stated once the report is out this will show residents that this area is not being taken care of right now. Councilwoman Kuncken asked what the next steps are. Chief Pittigher stated the school will be contacted to see if they have any input. Mr. Keller stated a meeting was held early on with the Superintendent of the school to gather information. The report was prepared and then a meeting was held with the Chief and Administrator. Mr. Keller stated now the governing body is having a chance to provide input and then this will be taken to the school. Councilwoman Kuncken asked Chief Pittigher if the report addresses his concerns. Chief Pittigher confirmed this and stated this was not done arbitrarily. Mayor Zdichocki stated the governing body would like to hear the school's feedback. Councilman Thornton asked the Chief to explain the law regarding when someone is in a pedestrian crossing. Chief Pittigher stated when someone is in a pedestrian crossing, the vehicle must stop until that person is completely out of the crossing. If there is an intersection without pedestrian crossing lines, as soon as the person steps into the road it becomes a pedestrian crossing. The only time it does not is when you are in the middle section of a road at which time the vehicle has to yield to you if you are in the road, but it is not a pedestrian crossing. Once the pedestrian is halfway across the street the vehicle can proceed. Councilman Riccardi asked what is the purpose of having an ordinance for this purpose. Mr. Keller stated that is the question, whether or not an ordinance is necessary. State law requires if there is a crossing that is signed, vehicles have to stop for pedestrians. It is unfortunate, but everything that is done has to be done with figuring out what the liability is in order to protect the Borough. Councilman Riccardi asked how often the plan should be reviewed. Chief Pittigher stated if a new development was built that would require review. Any large increase or decrease in traffic would warrant review. The school would be a source of information as well. They would know where most of the students are coming from. Mr. Keller stated the Superintendent has indicated his interaction with parents usually occurs when there is a problem. Councilman Thornton asked if the high school should be included in the study as there are students who walk to school. Chief Pittigher stated the regulations stated this is specifically for grammar schools and middle schools and he does not recommend going past that. Mr. Keller stated part of it is the maturity of high school students. It does not mean that they always use the best judgement but in general that age group is supposedly more aware.

Councilman Wronko asked if the study was conducted when it was sunny or raining out? Mr. Keller stated it was a sunny day. Councilman Wronko asked if there are any guidelines provided by the State or the County that would indicate how often the study should be reviewed? Chief Pittigher stated there are some towns further east that review their plan regularly. He can check to see how this is done but they are generally large cities. Mr. Keller stated to a certain point the plan is going to be looked at in a reactive situation. Traffic conditions are fairly stable, unless some new development comes in. A speed study was not done, though it could be from the data collected, but the gaps were part of the study. If for instance there are six new children walking from Musconetcong Avenue, we need to rely on the school to provide that information. This is why they are a part of this study. The governing body thanked Mr. Keller and Chief Pittigher for their presentation this evening.

Sunset Avenue/Ridge Road/Overhill Road Water Main Replacement – Mr. Keller stated he and Administrator McNeilly are working with the USEPA, which is the funding agency, for the Sunset Avenue/Ridge Road/Overhill Road Water Main Replacement Project.

Sagamore Road/Spencer Street Improvements & Lenape Drive/Woods Avenue/Lepont Street Improvements – Mr. Keller stated once the capital program goes through the funding process, the two projects on the books for this year are, Sagamore Road and Spencer Street, which is the 2022 Local Aid Grant, and Lenape Drive, Woods Avenue and Lepont Street which will have limited curb repairs as well as milling, resurfacing and striping done.

Infrared Pavement Restoration – Mr. Keller stated he is coordinating with Atlantic Infra to schedule the pavement restoration for Dell Road and Valley Road. The company is available next Tuesday if that is acceptable. Mr. Keller stated Jason Titsworth, DPW Superintendent, is copied on the emails with Atlantic Infrared. This will complete the work for Dell Road and Valley Road.

The Mayor and Council thanked Mr. Keller for attending this evening's meeting.

ADMINISTRATOR'S REPORT

Congressional Directed Spending – Administrator McNeilly stated the Congressional Directed Spending for the Water Main Replacement Project is moving forward. The applications to release the funding are being reviewed by the EPA. The Borough has filed for categorical exclusion on environmental review due to the fact the project is located in the roadway and not impacting habitat or wetlands.

CFO Memo – Administrator McNeilly stated earlier today the CFO sent a memo to the governing body regarding funding of the Borough's 20% obligation for the Water Main Project. Other government funds cannot be used as the 20% obligation for the project. The Borough's CARES ACT funding will be used for other blacktopping and road resurfacing projects. The Borough will have to bond for this specific project.

Joint Court Andover Township – Administrator McNeilly stated he has received notification that the AOC in Morristown has reviewed the plan for Stanhope to join with the Andover Township Court and the transition has been approved. The transfer date is set for June 1, 2023. The ticket books will need to be updated and the schools will be contacted. The truancy officers will need to know court issues are being moved to Andover Township. This should be a smooth transition. Councilman Riccardi asked if the general public needs to receive notification. Administrator McNeilly stated no notice is required. The ticket books will have the Andover Township information printed on them so the ticket holders will know who to contact or make payments to. However, currently the tickets say pay to Hopatcong and people still come to Stanhope Borough Hall only to be redirected. Chief Pittigher stated the Assignment Judge for the court system will determine the procedures for the transition.

NJDEP Grant – Administrator McNeilly stated he and Eric Keller, Borough Engineer, had a meeting with Mike from Millennium Strategies to discuss the NJDEP Stormwater Management Grant for \$25,000 to be used for digital mapping of our system. The application deadline is open and we can apply anytime this year. This is something we would like to do in the near future. The Borough is in the Tier A group because of the lake and has been for a very long time. Other municipalities are now being changed over to Tier A from Tier B. The grant is not a matching grant. Mr. Keller stated one of the things which has been done for a Tier A permit is that the DEP has added requirements. The Borough's infrastructure mapping and outfall mapping is all drawn on tax maps. The new requirements require electronic documents. The grant would help to begin the process of creating a digital database. Registration for the grant is open all the way to December and there is a rolling approval. Administrator McNeilly stated if there are no objections, the application will be filed for the grant. The governing body had no objections.

Cannabis Presentation – Administrator McNeilly stated Mr. Rand Milton, who represents New Jersey Bound Inc., will be attending the April 25th meeting to make a presentation for their proposed cannabis business. Mayor Zdichocki stated Mr. Milton attended the meeting when the

last cannabis presentation was made. Administrator McNeilly stated he anticipates another presentation will be scheduled for the May business meeting when the Borough Attorney is present.

Earth Day Weekend – Administrator McNeilly stated Angelica Sabatini, CFO, has confirmed that the shredding truck will be at the DPW yard on April 22nd from 9:00am to Noon. The electronic waste collection will be done at the same date and time. The DPW will be delivering the e-waste to Green Vision in Randolph on Monday, April 24th. The flyer and Nixle message are ready to be sent.

Nixle Messages – Administrator McNeilly stated there are several Nixle messages ready to be sent out. The Rabies Clinic is coming up along with the shredding and electronic recycling event and brush pick up the following Monday.

NJ Natural Gas – Administrator McNeilly stated the Natural Gas message is going to be changed to a standard message, now that we are not confined by weather and location. Mayor Zdichocki asked why Brooklyn Road is still being closed and not just a lane closure? Administrator McNeilly stated once the gas company gets further along past the hill they should be able to operate with a lane closure. Councilman Riccardi stated he has not experienced any issues getting in and out of that area. Administrator McNeilly stated he will be speaking with the contractor, Gray, about the amount of base material that has been placed just before Sunset Avenue. The operation which is now going on at the Little League Field is shocking. It is way more intensive than it was during the first three months. Opening Day is approaching for the Little League. The League should be charging a thousand dollars a week rental for the inconvenience which they are dealing with. Councilman Wronko stated his understanding is there is an agreement for the contractor to do work on the parking lot but this may not justify the amount of storage that is taking place. Mr. Keller stated he hopes they do not pave the Little League lot. While it would be great for the League, it will open up stormwater issues for them.

Water Tower Grant – Mayor Zdichocki stated Congressman Tom Kean Jr's office telephoned her and she added Administrator McNeilly to the call. There were 60 grant applications submitted for the available \$3.3 million-dollar grant. Out of the 60 applicants, 15 will be accepted and Stanhope is among the 15 chosen. Mayor Zdichocki stated this would be the largest grant the Borough has ever received. Administrator McNeilly stated this is still a long way off. The paperwork does not go to the President's desk for signature until next April or so. There is a twenty percent match required which would amount to \$660,000. This sounds like a lot of money but this is a very good deal. The Borough would be buying a water tower for twenty cents on a dollar. This will provide for a great deal of water storage above ground. Mr. Keller stated right now the State views this as one of the major deficiencies in the Borough's water system. The work which will be done on Sunset Avenue will be the removal of the last of the four-inch mains in the system. The current system does not have sufficient storage or pressure above ground in the upper zone. The ground reservoirs do nothing for the upper zone. Administrator McNeilly stated the Borough will not know if the grant is awarded until sometime next year. Senator Booker's office has reached out for additional information which is a good sign. The water tower is a needed item that the Borough could never afford on its own and meets the requirements and objectives of the grant.

Stanhope Sign for Sparta Road – Councilman Riccardi asked if there is any update on the Welcome to Stanhope sign for Sparta Road. Administrator McNeilly stated the sign has not been installed to date even though the last contact with the contractor had indicated the sign was to be installed the next day.

Street Lights for Sparta Road – Councilman Riccardi asked if the two street lights on Sparta Road have been repaired. Administrator McNeilly stated one of the street lights has been reinstalled and he will follow up with the DPW with regard to the other light.

No Parking Signs - Councilman Romano asked Administrator McNeilly if he has spoken with the DPW Superintendent regarding the need for "No Parking" signs. Administrator McNeilly stated the DPW Superintendent is currently working nights. When he is back on days, Administrator McNeilly will contact him. The signs can be placed on the road due to the fact the no parking area

is designated by ordinance. The problem is the area where the sign needs to be placed is where the curb meets the sidewalk and there is no grass area.

Feral Cats – Councilman Riccardi stated an email was received from a resident regarding an issue with feral cats and the need for them to be spayed/neutered. Councilman Riccardi asked if this issue should be referred to the Board of Health? Councilman Romano confirmed the Board of Health can address the situation. Mayor Zdichocki stated the resident would like a program set up for trapping and neutering the cats. Administrator McNeilly stated the Borough does not do TNR because the Borough cannot fund this. Councilwoman Kuncken stated that was a big issue for many years awhile back.

WORK SESSION

American Legion Post 278 (Memorial Day Parade Request) – Mayor Zdichocki stated she and Councilwoman Kuncken have attended two meetings regarding the parade. The plan has not changed. The parade will take place on the same route and the information will be provided to the Chief of Police. Councilwoman Kuncken asked if the Borough would be donating to the American Legion for the parade. Administrator McNeilly stated this has been done in the past, but the American Legion would send a letter of requesting the donation. Councilwoman Kuncken stated the parade organizer is fairly new and may not be aware of the procedure. Councilwoman Kuncken will let him know to request the donation if funds are needed. Administrator McNeilly stated the trailer will need to be dropped off. Mayor Zdichocki stated it is easier to decorate the trailer if it can be delivered the night before. Administrator McNeilly stated it will be dropped off during work hours on Friday and picked up on Tuesday. Mayor Zdichocki stated all the Council Members are welcome to walk in the parade.

OLD BUSINESS

Mayor Zdichocki offered the following ordinance for Public Hearing and Final Adoption which was read by title.

Ordinance for Public Hearing and Final Adoption

Ordinance 2023-02

AN ORDINANCE OF THE BOROUGH OF STANHOPE COUNTY OF SUSSEX, NEW JERSEY FIXING THE SALARY AND WAGES FOR BOROUGH EMPLOYEES AND OFFICIALS

BE IT ORDAINED by the Mayor and Council of the Borough of Stanhope, New Jersey as follows:

SECTION 1. That the Annual salary, wage and compensation to be paid to Borough employees to not exceed the below stated maximums:

Mayor	\$	3,013.00
Borough Council Member		2,739.00
Administrator		As per contract
Borough Clerk		78,000.00
Registrar		5,000.00
Deputy Borough Clerk		46,000.00
Deputy Registrar		3,000.00
Website Content Manager		5,000.00
Receptionist		5,500.00
Chief Financial Officer/Tax Collector/ Qualified Purchasing Agent		107,000.00
Utility Collector/Asst to Tax Collector		48,000.00
Finance/Tax Clerk		26,000.00
Tax Assessor		26,000.00
Custodian		9,900.00

POLICE DEPARTMENT

Chief of Police	As per contract
Sergeant	As per contract
Sergeant's Stipend	As per contract
Detective's Stipend	As per contract
Patrolman	As per contract
Clerk Typist - Police Dept.	44,000.00
Police Matron	\$25.00 to \$30.00 per hour
Police Matron – Call-out	\$50.00 per call-out
Special Officer	\$24.00 to \$27.00 per hour
Crossing Guard	\$17.00 to \$20.00 per hour

DEPARTMENT OF PUBLIC WORKS

D.P.W. Superintendent	\$ 92,000.00
Water Operator	6,800.00
Sewer Operator	6,800.00
Water T-1 License Stipend	3,500.00
Public Works Repairer	As per contract
Laborer	As per contract
Part-time Laborer	\$13.00 to \$17.00 per hour
Seasonal Help	\$16.00 to \$18.00 per hour

CONSTRUCTION DEPARTMENT

Construction Official	30,000.00
Construction Secretary	17,000.00
Fire Subcode Official	3,200.00
Plumbing Subcode Official	3,700.00
Code Enforcement/Housing Officer/ Zoning Officer	29,000.00

BOARDS AND COMMISSIONS:

Land Use Secretary	\$ 12,000.00
Board of Health Secretary	5,700.00
Secretary to:	
Shade Tree	\$25.00 per month*
Environmental Commission	\$25.00 per month*
Recreation Commission	\$25.00 per month*

*submission of monthly minutes required.

SECTION 2. Salaries and wages for all Borough employees and officials shall be paid in bi-weekly installments as nearly equal as possible.

SECTION 3. Unless otherwise provided herein, remuneration for all employees shall be retroactive to January 1st of each year.

SECTION 4. The salaries and wages herein established shall be in lieu of any and all fees to which the respective incumbents of said offices might otherwise be entitled by statute or ordinance; which fees shall immediately upon collection thereof be paid over to the Treasurer for use of the Borough except as otherwise provided herein.

SECTION 5. The Borough shall pay medical insurance premiums in accordance with State law, collective bargaining agreements and the Borough's elected participation in any State health benefit program for all eligible employees and their eligible dependents.

SECTION 6. The terms and conditions of all collective bargaining agreements negotiated between the Borough and any bargaining unit representing Borough employees are hereby incorporated into this Ordinance.

SECTION 7. All Ordinances and Resolutions, or parts thereof, inconsistent herewith are hereby repealed.

SECTION 8. This Ordinance shall become effective immediately upon final adoption and publication as required by law.

On motion by Councilman Riccardi, seconded by Councilman Wronko and unanimously carried by the following roll call vote, the foregoing ordinance was adopted.

Mayor Zdichocki opened the meeting to the public for questions or comments on this ordinance only. Seeing no one from the public wishing to speak, Mayor Zdichocki closed the public portion of the meeting.

Roll Call:

Councilwoman Kuncken – yes

Councilman Thornton – yes

Councilman Riccardi – yes

Councilman Wronko – yes

Councilman Romano – yes

On motion by Councilman Romano, seconded by Councilwoman Kuncken, and unanimously carried by voice vote, the Mayor and Council instructed the Clerk to post the ordinance and authorized publication of same.

NEW BUSINESS

ORDINANCE

Mayor Zdichocki offered the following ordinances for Introduction and First Reading which were read by title.

Ordinances for Introduction and First Reading [Public Hearings on April 25, 2023]

Ordinance 2023-03

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF NEW AND ADDITIONAL VEHICULAR EQUIPMENT FOR USE BY THE WATER UTILITY OF THE BOROUGH OF STANHOPE, IN THE COUNTY OF SUSSEX, NEW JERSEY, APPROPRIATING \$31,500 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$16,500 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF STANHOPE, IN THE COUNTY OF SUSSEX, NEW JERSEY (not less than two thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by The Borough of Stanhope, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$31,500, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$15,000 down payment for said improvement or required by law now available as the purpose thereof by virtue of provision in a previously adopted budgets of the Borough for down payment or for capital improvement purposes, and exclusive of the sum of \$94,500 appropriated therefor on the date hereof by virtue of a sewer utility ordinance and a general capital bond ordinance of the Borough.

Section 2. For the financing of said improvement or purpose, including for the purpose of applicable United States Treasury regulations, the reimbursement of expenditures heretofore or hereafter made therefor, and to meet said \$31,500 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$31,500 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Borough in a principal amount not exceeding \$31,500 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. (a) The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the acquisition by purchase of new and additional vehicular equipment for use by the water utility of the Borough, including one (1) mason dump truck, together with all equipment, appurtenances and accessories necessary

therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved.

(b) The estimated maximum amount of bonds or notes to be issued for said purpose pursuant to this bond ordinance is \$16,500.

(c) The estimated cost of said purpose is \$120,000, the excess thereof over the appropriation hereby made therefor being the amount of \$31,500 appropriated on the date hereof by virtue of a sewer utility ordinance and a general capital bond ordinance of the Borough.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purpose described in Section 3 of this bond ordinance is not a current expense and is a property or improvement which the Borough may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of said purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is five (5) years.

(c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that, while the net debt of the Borough determined as provided in said Local Bond Law is not increased by this bond ordinance, the gross debt of the Borough as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$31,500, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$3,500 for interest on said obligations, costs of issuing said obligations and other items of expense listed in and permitted under section 40A:2-20 of said Local Bond Law may be included as part of the cost of said improvement and is included in the foregoing estimate thereof.

(e) This bond ordinance authorizes obligations of the Borough solely for purposes described in paragraph (h) of section 40A:2-7 of said Local Bond Law, and the said obligations authorized by this bond ordinance are to issued for a purpose which is self-liquidating within the meaning and limitations of section 40A:2-45 of said Local Bond Law and are deductible, pursuant to paragraph of (c) of section 40A:2-44 of said Local Bond Law, from the gross debt of the Borough.

Section 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 6. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and, unless paid from revenues of the water supply and distribution system of the Borough, the Borough

shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 7. The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

Section 8. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

On motion by Councilman Romano, seconded by Councilman Thornton and unanimously carried by the following roll call vote, the foregoing ordinance was introduced.

Roll Call:

Councilwoman Kuncken – yes
Councilman Riccardi – yes
Councilman Romano – yes

Councilman Thornton – yes
Councilman Wronko – yes

On motion by Councilwoman Kuncken, seconded by Councilman Riccardi, and unanimously carried by voice vote, the Mayor and Council instructed the Clerk to post the ordinance and authorized publication of same.

Ordinance 2023-04

BOND ORDINANCE APPROPRIATING \$528,000, AND AUTHORIZING THE ISSUANCE OF \$308,000 BONDS OR NOTES OF THE BOROUGH, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF STANHOPE, IN THE COUNTY OF SUSSEX, NEW JERSEY

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF STANHOPE, IN THE COUNTY OF SUSSEX, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by The Borough of Stanhope, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sums, except as described in said Section 3, being inclusive of all appropriations heretofore made therefor and amounting in the aggregate to \$528,000 including the aggregate sum of \$50,000 as the several down payments for said improvements or purposes required by law and more particularly described in said Section 3 and now available therefor by virtue of provision in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes and including also (i) in the case of the improvement or purpose described in paragraph (a) of said Section 3, the sum of \$29,000 received or expected to be received by the Borough from the American Rescue Plan Act of 2021 as a grant-in-aid of financing said firefighting equipment and (ii) in the case of the improvement or purpose described in paragraph (b) of said Section 3, the sum of \$141,000 received or expected to be received by the Borough from the New Jersey Department of Transportation as a grant-in-aid of financing said improvements to Sagamore Road and Spencer Street.

Section 2. For the financing of said improvements or purposes, including for the purpose of applicable United States Treasury regulations, the reimbursement of expenditures heretofore or hereafter made therefor, and to meet the part of said \$528,000 appropriations not provided for by application hereunder of said down payments and grant, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$308,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$308,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. The improvements hereby authorized and the several purposes for the financing of which said obligations are to be issued, the appropriation made for and estimated cost of each such purpose, and the estimated maximum amount of bonds or notes to be issued for each such purpose, are respectively as follows:

<u>IMPROVEMENT OR PURPOSE</u>	<u>APPROPRIATION AND ESTIMATED COST</u>	<u>ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES</u>
(a) Acquisition by purchase of new and additional equipment, including personal protective equipment and SCBA bottles for use by the Fire Department of the Borough, and one (1) leaf machine for use by the Department of Public Works of the Borough, together with all equipment, appurtenances and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved, the \$160,000 hereby appropriated therefor being inclusive of the sum of \$29,000 received or expected to be received by the Borough from the American Rescue Plan Act of 2021 as a grant-in-aid of financing said firefighting equipment	\$160,000	\$119,000
(b) Improvement of various roads in and by the Borough by the construction or reconstruction therein of roadway pavements at least equal in useful life or durability to a roadway pavement of Class B construction (as such term is used or referred to in Section 40A:2-22 of said Local Bond Law) including, without limitation, Lenape Drive, Woods Avenue, Lepont Street, Sagamore Road and Spencer Street, together with all structures, appurtenances, milling, curb and sidewalk reconstruction, drainage improvements, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved, the \$305,000 hereby appropriated therefor being inclusive of the sum of \$141,000 received or expected to be received by the Borough from the New Jersey Department of Transportation as a grant-in-aid of financing said improvements to Sagamore Road and Spencer Street	305,000	131,000
(c) Acquisition by purchase of new and additional vehicular equipment, including one (1) mason dump truck for use by the Department of Public Works of the Borough, together with all equipment, appurtenances and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved, the \$63,000 hereby appropriated therefor being exclusive of the sum of \$62,000 appropriated therefor on the date hereof by a water utility bond ordinance and a sewer utility ordinance of the Borough	<u>63,000</u>	<u>58,000</u>
Totals	\$528,000	\$308,000

Except as otherwise stated in paragraphs (a) and (b) above with respect to the said \$170,000 grants-in-aid of financing the purposes described in said paragraphs, the excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefor, as above stated, is the amount of the said down payments for said purposes.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purposes described in Section 3 of this bond ordinance are not current expenses and each is a property or improvement which the Borough may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 10.99 years.

(c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$308,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) Amounts not exceeding \$50,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of said Local Bond Law may be included as part of the costs of said improvements and are included in the foregoing estimate thereof.

Section 5. The funds from time to time received by the Borough on account of the grants referred to in Section 1 of this bond ordinance shall be used for financing the improvements or purposes described in Sections 3(a) and 3(b) of this bond ordinance by application thereof either to direct payment of the costs of said improvements or purposes, or to payment or reduction of the authorization of the obligations of the Borough authorized by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of such costs shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this bond ordinance.

Section 6. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale at not less than par and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 7. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 8. The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

On motion by Councilwoman Kuncken, seconded by Councilman Thornton and unanimously carried by the following roll call vote, the foregoing ordinance was introduced.

Roll Call:

Councilwoman Kuncken – yes	Councilman Thornton – yes
Councilman Riccardi – yes	Councilman Wronko – yes
Councilman Romano – yes	

On motion by Councilman Romano, seconded by Councilman Wronko, and unanimously carried by voice vote, the Mayor and Council instructed the Clerk to post the ordinance and authorized publication of same.

Ordinance 2023-05

ORDINANCE PROVIDING FOR THE ACQUISITION OF NEW AND ADDITIONAL VEHICULAR EQUIPMENT FOR USE BY THE SEWER UTILITY OF THE BOROUGH OF STANHOPE, IN THE COUNTY OF SUSSEX, NEW JERSEY, AND APPROPRIATING \$31,500 THEREFOR FROM VARIOUS FUNDS OF THE BOROUGH

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF STANHOPE, IN THE COUNTY OF SUSSEX, NEW JERSEY, AS FOLLOWS:

Section 1. The improvement or purpose described in Section 2 of this ordinance is hereby authorized a general improvement to be made or acquired by The Borough of Stanhope, New Jersey, and there is hereby appropriated therefor the sum of \$31,500, to the extent of \$10,000, from moneys available in the Capital Improvement Fund of the Borough and, to the extent of \$21,500, from moneys available in the Capital Surplus of the Borough, said sum being exclusive of the aggregate sum of \$94,500 appropriated therefor on the date hereof by virtue of a water utility bond ordinance and a general capital bond ordinance of the Borough.

Section 2. The improvement hereby authorized and the purpose for the financing of which the appropriation is made as provided in Section 1 of this ordinance is the acquisition of new and additional vehicular equipment for use by the sewer utility of the Borough, including one (1) mason dump truck, together with all equipment, accessories, apparatus and appurtenances necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved.

Section 3. The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

Section 4. This ordinance shall take effect after publication after final passage as provided by law.

On motion by Councilman Wronko, seconded by Councilman Romano and unanimously carried by the following roll call vote, the foregoing ordinance was introduced.

Roll Call:

Councilwoman Kuncken – yes	Councilman Thornton – yes
Councilman Riccardi – yes	Councilman Wronko – yes
Councilman Romano – yes	

On motion by Councilman Wronko, seconded by Councilman Romano, and unanimously carried by voice vote, the Mayor and Council instructed the Clerk to post the ordinance and authorized publication of same.

**AN ORDINANCE TO AMENDING THE CODE OF THE
BOROUGH OF STANHOPE TO REPEAL AND REPLACE
EXISTING CHAPTER 10 “COURT”**

WHEREAS, Chapter 10, “Courts”, was adopted by the Mayor and Council on December 27, 1948; and

WHEREAS, the Borough of Stanhope (“Stanhope”) previously established a Municipal Court as of January 1, 1949 for the adjudication of offenses within the jurisdiction of such a court, and is permitted to join with other municipalities in the creation of a Joint Municipal Court; and

WHEREAS, currently the Borough of Hopatcong (“Hopatcong”) and Stanhope have a shared municipal court arrangement and have expressed a desire to dissolve their current arrangement to join the established Andover Joint Municipal Court, which was established in October 2014; and

WHEREAS, the Mayor and Council now desire to amend Chapter 10, “Courts” of the Code of the Borough of Stanhope due to Stanhope joining the established Andover Joint Municipal Court

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Stanhope, Sussex County, New Jersey, that existing Chapter 10, of the Code of the Borough of Stanhope entitled “Court”, is repealed and replaced as follows:

SECTION 1:

Chapter 10. Joint Municipal Court

§10-1. Creation; name; jurisdiction.

- A. Creation of Court. There has been created a Joint Municipal Court consisting of the Township of Andover, the Township of Hampton, the Township of Fredon, the Township of Byram, Andover Borough, Stanhope Borough and Hopatcong Borough (collectively "the seven municipalities"). This Court was originally created by the shared services agreement in October of 2014 and is subject to the terms thereof. The shared services agreement is attached hereto and incorporated in this chapter and shall be approved by and filed with the Administrative Director of the Courts.
- B. Name of Court. The name of the Joint Municipal Court shall be the "Andover Joint Municipal Court (Andover, Hampton, Fredon and Byram Township and Andover, Stanhope and Hopatcong Borough)," and it shall have a Seal bearing said name.
- C. Jurisdiction. The jurisdiction of the Andover Joint Municipal Court shall be co-extensive with the territories of the Townships of Andover, Hampton, Fredon and Byram and the Boroughs of Andover, Stanhope and Hopatcong in the County of Sussex. The Court shall be under the jurisdiction of the Assignment Judge and Municipal Court Administrator for Vicinage 10, Morris/Sussex, of the Superior Court of New Jersey.

§10-2. Municipal Judge; powers, duties and qualifications

- A. There shall be a Joint Municipal Judge appointed by the Governor as provided by law with regard to joint municipal courts. The Municipal Judge shall serve for a term of three (3) years from the date of appointment and until a successor is appointed and qualified.
- B. The Municipal Judge shall have and possess the requisite qualifications in order to serve as a Municipal Court Judge as provided by the laws of the State of New Jersey.
- C. The Municipal Judge shall faithfully carry out all of the responsibilities of a Municipal Court Judge and shall abide by all rules and regulations established for Municipal Court Judges by the Administrative Office of the Courts, the New Jersey Supreme Court and any other applicable laws and rules.

§10-3. Municipal Prosecutor

There shall be appointed a Municipal Prosecutor for the Joint Municipal Court who shall prosecute all cases in the Joint Municipal Court.

- A. The Municipal Prosecutor shall be appointed annually by Andover Township at the same time and in the same manner as other annual appointments are customarily made and shall continue to serve until a successor is duly appointed and qualified.
- B. The Municipal Prosecutor shall serve at the will of Andover Township, which service may be terminated upon 30 days' written notice.
- C. Qualifications for the position of Prosecutor are that the appointee shall be a duly licensed attorney at law of New Jersey, in good standing, and shall remain so throughout the term of service.
- D. There shall also be appointed by Andover Township an Alternate Municipal Court Prosecutor, whose duties shall be the same as the Municipal Prosecutor's, but who shall act as Municipal Prosecutor only in the event the Municipal Prosecutor is absent or unavailable, or in the event the Municipal Prosecutor is unable to represent the Township as a result of a conflict of interest. All provisions and references to Municipal Prosecutor in this chapter shall apply to the Alternate Municipal Prosecutor in all respects. In the event that the Municipal Prosecutor is absent, unavailable or unable to represent the Township due to a conflict of interest, the Municipal Prosecutor shall promptly notify the Municipal Court Administrator of such circumstances, and the matter shall then be reassigned or transferred to the Alternate Municipal Prosecutor, through the office of the Municipal Court Administrator.

§10-4. Municipal Court Administrator

There shall be an Administrator of the Andover Joint Municipal Court who shall perform the functions and duties prescribed for the Administrator by law, by the rules applicable to municipal courts and by the Municipal Court Judge. The compensation of the Administrator shall be determined by Andover Township. The duties of the Municipal Court Administrator shall include, but are not limited to:

- A. Carrying out the rules, regulations, policies and procedures relating to the operation of the Court.
- B. Interviewing and speaking to persons wishing to file criminal complaints or wishing information in that regard; receiving complaints and dispensing information relative to Court matters.
- C. Maintaining the financial records of the Court.
- D. Attending Court sessions; recording pleas, judgments and dispositions; arranging trial calendars, signing court documents; preparing and issuing warrants and commitments.
- E. Taking and preparing bail bonds, recognizances and security in lieu thereof; making inquiry concerning their sufficiency and equity; receiving and accounting for fines and costs;
- F. Interviewing persons on informal Police Court matters to determine if there is a basis for formal action and, if necessary, issuing summonses requiring Court appearances, maintaining and classifying records and files.
- G. Maintaining, forwarding, receiving and reporting such records, reports and files as are required by the State Director of Motor Vehicles.
- H. Making a yearly report to the Township Committee
- I. Performing all other duties required by law

§10-5. Deputy Municipal Court Administrator

There shall be a Deputy Administrator of the Andover Joint Municipal Court who shall perform the functions and duties prescribed by law, by the rules applicable to municipal courts and by the Municipal Court Judge. The Deputy Administrator shall be appointed in accordance with the applicable Court rules. The compensation of the Deputy Administrator shall be determined by Andover Township.

§10-5.1. Municipal Public Defender; Conflict Public Defender

The Township of Andover shall, by resolution, annually appoint a Public Defender to serve within the Andover Joint Municipal Court. The Public Defender shall be compensated as determined by the Township of Andover. It shall be the Municipal Public Defender's duties to represent eligible, indigent defendants, in proceedings over which the Andover Joint Municipal Court has jurisdiction.

- A. **Qualifications.** The Municipal Public Defender shall be an attorney at law of the State of New Jersey in good standing. The Municipal Public Defender need not be a resident of the Township and may hold the same title in one or more Municipal Courts. The Municipal Public Defender may represent private clients in this and any other municipality, subject to the Rules of Court governing the conduct of lawyers, judges and court personnel.
- B. **Term.** The Municipal Public Defender shall serve for a term of one year from the date of his or her appointment and may continue to serve in office pending reappointment of a successor. The Municipal Public Defender shall be removed by the governing body of a municipality for good cause shown and after a public hearing, upon due notice with an opportunity to be heard. Failure to reappoint a Municipal Public Defender shall not constitute a removal from office.
- C. **Salary.** Remuneration for the position of Municipal Public Defender and Conflict Public Defender shall be fixed by ordinance.
- D. **Duties.** The Municipal Public Defender shall represent defendants who meet the eligibility requirements set forth below. The Municipal Public Defender shall be responsible for handling all phases of the defense, including but not limited to discovery, pretrial and post-trial hearings, motions, removals to Federal District Court and other collateral functions. Duties of the Public Defender shall not include de novo appeals in Superior Court.
- E. **Eligibility for services.** To be eligible for the services of the Municipal Public Defender, a defendant must:
 - (1) Be charged with a crime as specified in N.J.S.A. § 2B:12-18; or
 - (2) Be charged with an offense of which there is a likelihood, in the opinion of the Municipal Court, that the defendant, if convicted, will be subject to imprisonment or other consequence of magnitude; and
 - (3) Meet the financial eligibility requirements, in the opinion of the Municipal Court, as set forth in N.J.S.A. § 2A:158A-14 and guidelines promulgated by the New Jersey Supreme Court; and
 - (4) Provide all necessary applications, releases and authorizations, and documents.
 - (5) Pay an application fee of \$200. This fee may be waived or reduced by the Municipal Court upon clear and convincing proof that the fee is an unreasonable burden upon the applicant. Said fee maybe paid over time, not to exceed four months.
 - (6) In the event that the Municipal Court cannot determine eligibility before the time when the first services are to be rendered, the Municipal Court shall refer the defendant to the Municipal Public Defender provisionally. If it is later determined that the defendant is ineligible, or if it is determined that the initial determination was erroneous, the Court shall inform the defendant, and the defendant shall be

obliged to engage his own counsel and to reimburse the municipality for the cost of the services rendered.

F. Juvenile Defendants.

- (1) In the event the defendant is under the age of 18 years, the eligibility for service shall be determined on the basis of the financial circumstances of the individual and the individual's parents or legal guardian.
- (2) The Municipal Court shall be entitled to recover the cost of legal services from the parents or legal guardian and shall have the authority to require parents or legal guardians to execute and deliver any authorizations required to determine eligibility.

G. Municipal responsibilities and reimbursements.

- (1) The municipality shall be responsible for payment of all necessary services of representation as determined by the Court. The factors of need and real value to a defendant may be weighed against the financial constraints of the municipality in determining the necessary services
- (2) The municipality shall have a lien on any property to which the defendant shall have or acquire an interest up to the amount of the reasonable value of the services rendered to a defendant. To effectuate such lien, the Municipal Attorney shall file a notice, setting forth the services rendered to the defendant and the reasonable value thereof, with the Clerk of the Superior Court. Within 10 days of said filing, the Municipal Attorney shall send a copy of the notice, with a statement of the date of the filing, to the defendant by certified mail to the defendant's last known address. The filing of the notice shall constitute a lien for a period of 10 years from the date of filing and shall have the priority of a judgment.
- (3) The Municipal Attorney may do all things necessary to collect any money due to the municipality for reimbursement for services rendered by the Municipal Public Defender, including remedies available for recovery of a civil judgment, counsel fees and costs.
- (4) All application fees collected shall be deposited in a dedicated fund administered by the Treasurer of the municipality and shall be used exclusively to meet the costs incurred in providing the services of a Municipal Public Defender.

H. There shall also be appointed by Andover Township a Conflict Public Defender, whose duties shall be the same as the Public Defender's but who shall act as Public Defender only in the event the Public Defender is absent or unavailable or in the event the Public Defender is unable to represent an eligible defendant as a result of a conflict of interest. All provisions and references to Municipal Public Defender in this chapter shall apply to the Conflict Public Defender in all respects. In the event that the Municipal Public Defender is absent, unavailable or unable to represent an eligible defendant due to a conflict of interest, the Municipal Public Defender shall promptly notify the Municipal Court Administrator of such circumstances and the matter shall then be reassigned or transferred to the Conflict Public Defender, through the office of the Municipal Court Administrator.

§10-5.2. Auditor

The auditor appointed by Andover Township shall act as the auditor for the Andover Joint Municipal Court. The auditor shall perform a yearly audit of the Andover Joint Municipal Court, which audit shall be prepared generally in accordance with the requirements of the Local Fiscal Affairs Law, N.J.S.A. 40A:5-1, et seq. A copy of the complete audit shall be supplied to each participating municipality by September 1 of each year.

§10-5.3. Additional Court personnel

The Township of Andover shall hereafter, by resolution, have the power to designate such other persons as may be required to serve as clerks, staff and other officers thereof and to establish compensation to be paid to the respective persons to manage and run the day-to-day operations of

the Joint Municipal Court. Compensation thereof shall be in accordance with the salary ordinance adopted annually by the Township of Andover.

§10-5.4. Withdrawal by member municipality

The members of the Andover Joint Municipal Court established by this article are the Township of Andover, Township of Hampton, Township of Fredon, Township of Byram, Borough of Stanhope, Borough of Hopatcong and Borough of Andover. Collectively, the Township of Andover, Township of Hampton, Township of Fredon, Township of Byram, Borough of Stanhope, Borough of Hopatcong and Borough of Andover shall be referred to as members. Any member of the Andover Joint Municipal Court may withdraw by complying with the provisions of the shared services agreement amongst the members identified in § 10-1.A above or such subsequent agreements or amendments then existing and in effect.

§10-5.5. Contributions and compensation

- A. The Township of Hampton, the Township of Fredon, the Township of Byram, the Borough of Stanhope, the Borough of Hopatcong and the Borough of Andover shall pay the Township of Andover a fee in accordance with the shared services agreement then existing between the parties.
- B. The Township of Andover shall remit fines and levies collected for infractions occurring in the Township of Hampton, the Township of Fredon, the Township of Byram, Stanhope Borough, Hopatcong Borough and Andover Borough to the applicable municipality on at least a monthly basis or as set forth in the agreement amongst the municipalities.

SECTION 2 - SEVERABILITY

If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

SECTION 3 - REPEALER

All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

SECTION 4: EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption and publication in accordance with law.

On motion by Councilman Romano, seconded by Councilman Riccardi and unanimously carried by the following roll call vote, the foregoing ordinance was introduced.

Roll Call:

Councilwoman Kuncken – yes	Councilman Thornton – yes
Councilman Riccardi – yes	Councilman Wronko – yes
Councilman Romano – yes	

On motion by Councilwoman Kuncken, seconded by Councilman Wronko, and unanimously carried by voice vote, the Mayor and Council instructed the Clerk to post the ordinance and authorized publication of same.

Ordinance 2023-07

AN ORDINANCE TO AMENDING THE CODE OF THE BOROUGH OF STANHOPE TO REPEAL AND REPLACE EXISTING CHAPTER 110 “PROPERTIES, VACANT AND ABANDONED”

WHEREAS, the Borough of Stanhope previously adopted Ordinance 2015-12, which established Chapter 110, “Properties, Vacant and Abandoned”, and the Mayor and Council now desire to amend Chapter 110 in order to make it consistent P.L. 2021, Chapter 444, regarding requirements for municipal vacant and abandoned property registration for foreclosed properties, and to otherwise revise the Chapter to make revisions, including regarding registration fees for vacant and abandoned properties.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Stanhope, Sussex County, New Jersey, that existing Chapter 110, of the Code of the Borough of Stanhope entitled “Properties, Vacant and Abandoned” is repealed and replaced as follows:

Chapter 110 Properties, Vacant and Abandoned

SECTION 1:

ARTICLE I – REGISTRATION OF VACANT PROPERTIES

SECTION 110-1 - DEFINITIONS

As used in this Chapter, the following terms shall have the meanings indicated:

- A. **ABANDONED PROPERTY** - As defined in accordance with the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq., shall mean the following:
1. Except as provided in N.J.S.A. 55:19-83, any property that has not been legally occupied for a period of six (6) months and which meets any one of the following additional criteria may be deemed to be abandoned property upon a determination by the Construction Official that:
 - (a) The property is in need of rehabilitation in the reasonable judgment of the Construction Official, and no rehabilitation has taken place during that six (6) month period;
 - (b) Construction was initiated on the property and was discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least six (6) months as of the date of a determination by the Construction Official pursuant to this section;
 - (c) At least one installment of property tax remains unpaid and delinquent on that property in accordance with N.J.S.A. 54:4-1 et seq., as of the date of a determination by the Construction Official pursuant to this section; or
 - (d) The property has been determined to be a nuisance by the Construction Official in accordance with N.J.S.A. 55:19-82.
 2. A property which contains both residential and non-residential space may be considered abandoned pursuant to N.J.S.A. 55:19-78 et seq., so long as two-thirds (2/3) or more of the total net square footage of the building was previously legally occupied as residential space and none of the residential space has been legally occupied for at least six (6) months at the time of the determination of abandonment by the Construction Official and the property meets the criteria of either Subsection (1)(a) or Subsection (1)(d) of this definition.
- B. **ACTIVELY MARKETED VACANT PROPERTIES** - Owners of properties meeting the definition of “Vacant Property” that are being bonafidely actively marketed for sale shall file a Registration Statement with the Borough in accordance with the terms and conditions of this Chapter, but shall be exempt from the payment of a registration fee. The owner of any such property in order to be exempt from the payment of a registration fee shall provide adequate proof to the Borough of the bonafide active marketing of the property for sale by providing such evidence of such bonafide active marketing activities as shall be reasonably required by the Borough, including but not limited to, copies of listing agreements and/or pending contracts of sale or other advertising or marketing efforts being made by the property owner directly to promote the sale of the property. Although exempt from the payment of any registration fee, in all other respects, the property owner of any vacant property that is being bonafidely actively marketed for sale shall be required to maintain the property while it is being bonafidely actively marketed in accordance with this Chapter and all other ordinances of the Borough of Stanhope.
- C. **CREDITOR** - A mortgagee or an agent or assignee of a mortgagee, such as the servicer, who has filed a complaint in the Superior Court seeking to foreclose upon a residential or commercial mortgage. If the entity seeking to foreclose upon the residential or commercial mortgage changes as a result of an assignment, transfer, or otherwise after the filing of the foreclosure complaint in the Superior Court, the new entity shall be deemed the Creditor for purposes of this Chapter. For purposes of this Chapter, a Creditor shall not include the

State, a political subdivision of the State, a State, county or local government entity, or their agent or assignee, such as the servicer.

D. EVIDENCE OF VACANCY OR ABANDONMENT -

1. In addition to the definitions of vacant and abandoned property in this Chapter, a property shall be considered vacant and/or abandoned if it is not legally occupied by the owner or tenant(s), and which is in such condition that it cannot be legally reoccupied because of the presence or finding of at least two (2) of the following:
 - (a) overgrown or neglected vegetation;
 - (b) the accumulation of newspapers, circulars, flyers, or mail on the property;
 - (c) disconnected gas, electric or water utility services to the property;
 - (d) the accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
 - (e) the accumulation of junk, litter, trash, or debris on the property;
 - (f) the absence of window treatments such as blinds, curtains or shutters;
 - (g) the absence of furnishings and personal items;
 - (h) statements of neighbors, delivery persons, or government employees indicating that the property is vacant or abandoned;
 - (i) windows or entrances to the property that are boarded up or closed off, or multiple window panes that are damaged, broken and unrepaired;
 - (j) doors to the property that are smashed through, broken off, unhinged, or continuously unlocked;
 - (k) a risk to the health, safety, or welfare of the public or any adjoining or adjacent property owners due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property;
 - (l) an uncorrected violation of a municipal building, housing, or similar code during the preceding year, or an order by municipal authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied;
 - (m) the mortgagee or other authorized party has secured or winterized the property due to the property being deemed vacant and unprotected or in danger of freezing;
 - (n) a written statement issued by a mortgagor expressing the clear intent of all mortgagors to abandon the property; or
 - (o) any other reasonable indicia of abandonment.
2. Property determined to be "abandoned property" in accordance with the meaning of such term in the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq., shall also be deemed to be vacant property for the purposes of this section.

E. **OWNER** - Shall include the title holder, any agent of the title holder having authority to act with respect to a vacant property, any foreclosing entity subject to the provisions of N.J.S.A. 46:10B-51, or any other entity determined by the Borough of Stanhope to act with respect to the property. The term "Owner" shall not include any duly licensed real estate agent engaged solely in the sale of the property on behalf of the Owner.

F. **PROPERTIES UNDER REPAIR OR RENOVATION** - Owners of properties meeting the definition of "vacant property" that are in the process of being repaired or renovated shall file a Registration Statement with the Borough in accordance with the terms and conditions of this chapter, but shall be exempt from the payment of a registration fee. The owner of any such property in order to be exempt from the payment of a registration fee shall have obtained all necessary permits and approvals from the Borough to repair or renovate the property and shall demonstrate proof to the Borough of diligent continuous efforts by the owner to promptly complete the repair or renovation of any such property.

G. **PUBLIC OFFICER** - as designated in Section 110-14.

H. **SEASONALLY OCCUPIED PROPERTIES** - Seasonally occupied properties shall be those properties in the Borough which are occupied on a limited, part-time or seasonal basis and not on a year-round basis by the owner. Owners of seasonably occupied residences shall be required to file a registration statement with the Borough, but shall be exempt from payment of any registration fee and the posting of a placard on the property as otherwise required by Section 110-5 of this Chapter.

- I. **VACANT PROPERTY** - Any building used or to be used as a residence which is not legally occupied or at which substantially all lawful construction operations or residential occupancy has ceased for a period of at least three (3) months, and any commercial property that has not been legally occupied or at which substantially all lawful construction operations have ceased for a period of at least (3) three months, and which exhibits evidence of vacancy such that a reasonable person would believe that the property is vacant. Any property that contains all building systems in working order, is being maintained on a regular basis, has not been cited by the Borough for any violation of municipal ordinance within such time and is being actively marketed by its owner for sale or rental shall not be deemed vacant.

SECTION 110-2 - GENERAL REQUIREMENTS.

- A. The owner of any vacant or abandoned property as defined herein shall, within 30 days after the building becomes vacant or abandoned property or within 30 days after assuming ownership of the vacant or abandoned property, whichever is later, file a registration statement for each such vacant or abandoned property with the Borough of Stanhope on forms provided by the Borough of Stanhope for such purposes. The registration shall remain valid until the end of the calendar year. The owner shall be required to renew the registration annually, no later than January 31, as long as the building remains vacant or abandoned property and shall pay a registration or renewal fee in the amount prescribed in Subsection 110-4 of this Chapter for each vacant property registered. The initial and renewal fees shall be prorated and or credited accordingly upon legal occupancy.
- B. Any owner of any building that meets the definition of "vacant property" or "abandoned property" prior to (adoption date) shall file a registration statement for that property on or before (adoption date plus 60 days). The registration statement shall include the information required under Section 110-3 of this Chapter, as well as any additional information that the Construction Official may reasonably require.
- C. The owner shall notify the Borough of Stanhope within 30 days of any change in the registration information by filing an amended registration statement on a form provided by the Borough of Stanhope for such purpose.
- D. The registration statement shall be deemed prima facie proof of the statement therein contained in any administrative enforcement proceeding or court proceeding instituted by the Borough of Stanhope against the owner or owners of the building.

SECTION 110-3 - REGISTRATION STATEMENT REQUIREMENTS; PROPERTY INSPECTION

- A. After filing a registration statement or a renewal of a registration statement, the owner of any vacant or abandoned property shall provide access to the Borough of Stanhope Construction Official if requested, following reasonable notice, during the period covered by the initial registration or any subsequent renewal. If an inspection is required of the interior of the property due to complaints or other cause, the fee for such inspection shall be the same as that for a Continued Certificate of Occupancy inspection as provided in the applicable provisions of the Code of the Borough of Stanhope.
- B. The registration statement shall include the name, street address, and telephone number of a natural person 21 years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding, on behalf of such owner or owners in connection with the enforcement of any applicable code. The designated agent must have a contact number that will be available 24 hours per day on an emergency basis. The statement shall also include the name of the person responsible for maintaining and securing the property, if different from the designated agent.
- C. An owner who is a natural person and who meets the requirements of this section as to availability of a contact number on a twenty-four-hour emergency basis may designate himself or herself as agent.
- D. By designating an authorized agent under the provisions of this section, the owner consents to receive any and all notices of code violations concerning the registered vacant property

and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purpose of this section until the owner notifies the Borough of Stanhope of a change of the authorized agent or until the owner files a new annual registration statement. The designation of an authorized agent in no way releases the owner from any requirement of this section.

SECTION 110-4 - FEE SCHEDULE: OWNERS

The initial registration fee for each building shall be \$500. The fee for the first renewal is \$1,500. The fee for the second renewal is \$3,000. Subsequent renewals beyond the second renewal, shall be \$5,000. Initial fee shall be prorated according to the month of registration and renewal fees shall be credited when a property becomes legally occupied during a renewal period.

Vacant and Abandoned Property Registration Fee Schedule

Registration	Fee
Initial registration (per property)	\$500
First renewal of registration (per property)	\$1,500
Second renewal of registration (per property)	\$3,000
Subsequent renewals beyond second renewal	\$5,000

SECTION 110-5 - REQUIREMENTS FOR OWNERS OF VACANT AND ABANDONED PROPERTY.

- A. The owner of any building that has become vacant or abandoned property, and any person maintaining, operating or collecting rent for any such building that has become vacant, shall, immediately:
 1. Post a sign affixed to the inside of the building indicating the name, address and telephone number of the owner, the owner's authorized agent for the purpose of service of process (if designated pursuant to Subsection 110-3 of this section), and the person responsible for the day-to-day supervision and management of the building, if such person is different from the owner holding title or authorized agent. The sign shall be of a size and placed in such a location so as to be legible from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than 15 inches by 17 inches; and
 2. Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the Code of the Borough of Stanhope and maintain the sign required in Subsection 110-5.A(1) above until the building is again legally occupied or demolished or until repair or rehabilitation of the building is complete; and
 3. Make provision for the maintenance of the lawn and yard, including regular grass cutting and leaf and brush removal and shall also comply with all applicable provisions of the Code of the Borough of Stanhope; and;
 4. Make provision for the cessation of the delivery of mail, newspapers and circulars to the property, including having the property listed on the exclusion list maintained by the Borough of Stanhope for the delivery of circulars and advertisements to the property; and
 5. Make provision for the winterizing of the property by the cessation of water service to the property and the draining of water lines; other than buildings with a fire sprinkler system, and
 6. Make provision for the cessation of electric or gas utility services to the property; other than buildings with a fire sprinkler system, and
 7. Make provision for the regular maintenance of the exterior of the property.

SECTION 110-6 - ADMINISTRATION

The Borough of Stanhope Mayor and Committee may issue rules and regulations for the administration of the provisions of this section.

SECTION 110-7 - VIOLATIONS AND PENALTIES

- A. Any owner who is not in full compliance with this article or who otherwise violates any provision of this article or of the rules and regulations issued hereunder shall be subject to a fine of not less than \$500 and not more than \$1,000 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this article shall be recoverable from the owner and shall be a lien on the property.
- B. For purposes of this article, failure to file a registration statement in time, failure to provide correct information on the registration statement, failure to comply with the provisions of Section 110-5, or such other matters as may be established by the rules and regulations of the Borough of Stanhope shall be deemed to be a violation of this article.

SECTION 110-8 - COMPLIANCE WITH OTHER PROVISIONS

Nothing in this article is intended to nor shall be read to conflict or prevent the Borough of Stanhope from taking action against buildings found to be unfit for human habitation or unsafe structures as provided in applicable provisions of the Code of the Borough of Stanhope and/or the Uniform Construction Code. Further, any action taken under any such code provision other than the demolition of a structure shall not relieve an owner from its obligations under this article.

SECTION 110-9 - REQUEST FOR EXEMPTION

Any owner having received notice from the Borough that their property has been determined to be either vacant or abandoned may make a request in writing to the Borough for an exemption from any of the provisions of this chapter by demonstrating to the Borough such special circumstances peculiar to the property that warrants either a temporary or permanent exemption from any of the provisions of this Chapter. In the event of a denial of any such exemption request, the owner shall have the right to file an appeal in accordance with the provisions of Section 110-10 hereof.

SECTION 110-10 - APPEALS

Any owner having received notice from the Borough that their property has been determined to be either vacant or abandoned shall have the right to appeal any such determination by any Borough official directly to the Governing Body of the Borough of Stanhope. Any such appeal shall be taken within forty-five (45) days of the date of the receipt of notice from the Borough of such vacant or abandoned property determination. The appeal shall be in writing and served on the Borough Clerk with a copy to the Borough's Construction Official. Upon the filing of the appeal, all proceedings against the property shall be stayed pending the appeal process. The Governing Body shall schedule a hearing on the appeal as soon as practical at a regularly scheduled or special meeting of the Borough Committee, at which time the property owner shall have the right to present relevant evidence to the Borough Committee that the property is neither vacant or abandoned. Any such property owner shall have the right to be represented at any such hearing and shall have the right to call witnesses and present other relevant proof. The Mayor shall preside all such hearings, which shall to the extent applicable, be in accordance with the provisions of N.J.S.A. 40:55D-10.

ARTICLE II - FORECLOSURES

SECTION 110-11 – RESIDENTIAL OR COMMERCIAL FORECLOSURES

- A. The Creditor filing a summons and complaint in an action to foreclose shall, in addition to the notice provided to the municipality pursuant to N.J.S.A. 46:10B-51, register the residential or commercial property with the Borough's Property Registration Program as a property in foreclosure.

- B. Registration as a Property in Foreclosure. The Creditor must provide the municipality with:
1. The information pursuant to Sections 110-2 and 110-3 and comply with Section 110-5;
 2. The date the summons and complaint in an action to foreclose on a mortgage that was filed against the subject property, the court in which it was filed and the docket number of the filing;
 3. Identify whether the property is vacant and abandoned in accordance with the definitions in Section 110-1.
 4. If there is any change in the name, address or telephone number for a representative, agent or individual authorized to accept service on behalf of a Creditor required to register pursuant to the Property Registration Program following the filing of the summons and complaint, the Creditor shall update the Property Registration Program within ten (10) days of the change in that information;
 5. If there is any change in the property's status, update the property registration with the Borough's Property Registration Program to reflect the change;
 6. If the Creditor is located out-of-state, the information of an in-state representative or agent to act for the foreclosing Creditor.
- C. The Creditor filing a summons and complaint in an action to foreclose shall be responsible for the care, maintenance, security, and upkeep of the exterior of the property if the property is vacant and abandoned at any time while the property is registered with the Property Registration Program.
- D. A foreclosed property is considered vacant and/or abandoned if it meets the definitions of Section 110-1.
- E. In the case of a violation for failure to provide care, maintenance, security, and upkeep of the exterior of vacant and abandoned property, such notice shall require the person or entity to correct the violation within thirty (30) days of receipt of the notice, or within ten (10) days of receipt of the notice if the violation presents an imminent threat to public health and safety. In addition, Sections 110-7 and 110-10 shall apply.
- F. Fees. The Creditor will pay an annual registration fee of:
1. \$500.00 per property annually for any property that is required to be registered because a summons and complaint in an action to foreclose was filed by the Creditor.
 2. An additional \$2,000.00 per property annually if the property is vacant or abandoned when the summons and complaint in an action to foreclose is filed, or becomes vacant and abandoned pursuant to the definition in the ordinance at any time thereafter while the property is in foreclosure.
 3. The registration fee shall be due on January 1 of each year, following initial registration.
- G. Any fines imposed pursuant to this section shall commence thirty-one (31) days following receipt of the notice of violation, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence eleven (11) days following receipt of the notice.
- H. Penalties of out-of-state Creditors. An out-of-state Creditor who fails to appoint an in-state representative or agent after the 10th day of the period set forth in N.J.S.A. 46:10B-51 shall be subject to a fine of \$2,500.00 for each day of the violation.
- I. 20% of any money collected pursuant to his section shall be utilized by the municipality for code enforcement.

SECTION 110-12 – PROVISIONS ONLY APPLICABLE TO COMMERCIAL PROPERTIES

- A. For the purposes of this section only, "Creditor" means a State chartered bank, savings bank, savings and loan association or credit union, any person required to be licensed under the provisions of the "New Jersey Residential Mortgage Lending Act," N.J.S.A. 17:11C-

51 through -89, and any entity acting on behalf of the Creditor named in the debt obligation including, but not limited to, servicers. For purposes of this section, a Creditor shall not include the State, a political subdivision of the State or a State, county or local government entity, or their agent or assignee, such as the servicer.

- B. A Creditor serving a summons and complaint in an action to foreclose on a mortgage on commercial property shall, within ten (10) days of serving the summons and complaint, notifying the Borough Clerk that a summons and complaint in an action to foreclose on a mortgage has been filed against the subject property.
- C. The notice shall contain the full name, address, and telephone number for the representative of the Creditor who is responsible for receiving complaints of property maintenance and code violations and the full name and contact information for any person or entity retained by the Creditor or a representative of the Creditor to be responsible for any care, maintenance, security or upkeep of the property.
- D. The notice may contain information about more than one property, and shall be provided by mail and electronic mail communication.
- E. The Borough Clerk shall forward a copy of the notice to the Public Officer or shall otherwise provide it to any other local official responsible for administration of any property maintenance or public nuisance code.
- F. The notice shall also include the street address, lot and block number of the property.
- G. If there is any change in the name, address, or telephone number for a representative, agent, or individual authorized to accept service on behalf of a Creditor required to be provided in a notice pursuant to this paragraph following the filing of the summons and complaint, the Creditor shall provide a notice to the Borough Clerk containing the updated name, address or telephone number within ten (10) days of the change in that information.
- H. If the owner of a commercial property vacates or abandons any property on which a foreclosure proceeding has been initiated or if a commercial property becomes vacant at any point subsequent to the Creditor's filing the summons and complaint in an action to foreclose on a mortgage against the subject property, but prior to vesting of title in the Creditor or any other third party, and the exterior of the property is found to be a nuisance or in violation of any applicable State or local code, the Borough Clerk shall notify the Creditor or the representative or agent.
- I. The Borough shall include a description of the conditions that give rise to the violation with the notice of violation and shall provide a period of not less than thirty (30) days from the Creditor's receipt of the notice for the Creditor to remedy the violation.
- J. If the Creditor fails to remedy the violation within that time period, the Borough may impose penalties allowed for the violation of municipal ordinances.
- K. If the Borough expends public funds in order to abate a nuisance or correct a violation on a commercial property in situations in which the Creditor was given notice pursuant to the provisions of subsection h of this section, but failed to abate the nuisance or correct the violation as directed, the Borough shall have the same recourse against the Creditor as it would have against the title owner of the property, including, but not limited to, the recourse provided under N.J.S.A. 55:19-100.

**ARTICLE III - MUNICIPAL POWERS TO REHABILITATE
ABANDONED PROPERTIES**

SECTION 110-13 - MUNICIPAL POWERS TO REHABILITATE ABANDONED PROPERTY

The Borough of Stanhope hereby grants to itself all such powers granted to municipalities by the State of New Jersey for the rehabilitation of abandoned property. Such powers are set forth, inter alia, in the "Abandoned Properties Rehabilitation Act" (N.J.S.A. 55:19-78 et seq.) and in applicable portions of the "New Jersey Urban Development Corporation Act" (N.J.S.A. 55- 19-1

through -77). These state statutory powers are collectively referred to herein as the "enabling statutes."

SECTION 110-14 - PUBLIC OFFICER

The Public Officer, as defined in N.J.S.A. 55:19-80, who is responsible for executing the provisions of this chapter for the rehabilitation of abandoned property, and enforce the requirements of Chapter 110 shall be designated by resolution of the Borough Council and/or shall be the Construction Official.

SECTION 110-15 - ABANDONED PROPERTY

The Public Officer shall designate a property as an "abandoned property" if said property meets the criteria set forth in N.J.S.A. 55:19-81 (abandoned property criteria) and/or N.J.S.A. 55:19-82 (nuisance property criteria). The Public Officer's designation is limited by the provisions of N.J.S.A. 55:19-83.

SECTION 110-16 - ABANDONED PROPERTY LIST

The Public Officer shall establish an Abandoned Property List pursuant to N.J.S.A. 55:19-55. An interested party (as that term is defined in N.J.S.A. 55:19-105a) may request that the Public Officer include a property on the Abandoned Property List, pursuant to N.J.S.A. 55:19-105.

SECTION 110-17 - RIGHTS OF OWNER OF ABANDONED PROPERTIES

- A. The owner of a property on the Abandoned Property List has such rights designated to said owner by the enabling statutes. Such powers include but are not limited to:
1. Challenging the inclusion of a property on the Abandoned Property List, pursuant to N.J.S.A. 55:19-55e;
 2. Seeking removal from said list, pursuant to N.J.S.A. 55:19-57 and 55:19-103;
 3. Petitioning for reinstatement of control and possession, pursuant to N.J.S.A. 55:19-92 et seq.

SECTION 110-18 - MUNICIPAL POWERS

- A. The Borough of Stanhope has such powers and rights regarding abandoned properties as set forth in the enabling statutes. Such powers include but are not limited to:
1. Sale of tax lien, pursuant to N.J.S.A. 55:19-56;
 2. Special tax sales, pursuant to N.J.S.A. 55:19-101;
 3. Foreclosing the right to redemption, pursuant to N.J.S.A. 55:19-58;
 4. Recourse directly against property owner, pursuant to N.J.S.A. 55:19-100;
 5. Possession and control of property, pursuant to N.J.S.A. 55:19-84 to 55:19-92 et seq.;
 6. Rehabilitation and reuse of property, while in possession and control, pursuant to N.J.S.A. 55:19-90;
 7. Borrowing money and making applications for rehabilitation of property, while in possession and control, pursuant to N.J.S.A. 55:19-91;
 8. Sale of property, pursuant to N.J.S.A. 55:19-96;
 9. Purchase of property, pursuant to N.J.S.A. 55:19-96;
 10. Recover rehabilitation costs by lien on property, pursuant to N.J.S.A. 55:19-98;

11. Clearance, development, redevelopment or repair of property through power of eminent domain, pursuant to N.J.S.A. 55:19-56, 55:19-102.

SECTION 110-19 - RIGHTS OF UTILITIES

Electric and natural gas utilities are granted such rights to abandoned properties as are set forth in N.J.S.A. 55:19-106.

SECTION 110-20 - INTERPRETATION

All references in this chapter to state statutes include reference to all amendments thereto. References to particular sections of the enabling statutes are for ease of reference, but may not be exhaustive and are not meant to be exclusive of other applicable statutory provisions contained in the enabling statutes or elsewhere in the New Jersey statutes.

SECTION 2 - SEVERABILITY

If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

SECTION 3 - REPEALER

All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

SECTION 4: EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption and publication in accordance with law.

On motion by Councilman Wronko, seconded by Councilman Riccardi and unanimously carried by the following roll call vote, the foregoing ordinance was introduced.

Roll Call:

Councilwoman Kuncken – yes	Councilman Thornton – yes
Councilman Riccardi – yes	Councilman Wronko – yes
Councilman Romano – yes	

On motion by Councilman Riccardi, seconded by Councilman Romano, and unanimously carried by voice vote, the Mayor and Council instructed the Clerk to post the ordinance and authorized publication of same.

RESOLUTIONS

Mayor Zdichocki offered the following resolutions which were read by title.

Resolution 087-23

RESOLUTION TO AMEND BUDGET TO INCLUDE SAFE & SECURE COMMUNITIES PROGRAM

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough of Stanhope has received a total of \$8,775.00 from the State of NJ for the Safe & Security Communities Program, and

WHEREAS, the Borough of Stanhope now wishes to amend its 2023 budget to include the additional grant funds approved of \$8,775.00 as a revenue.

NOW THEREFORE, BE IT RESOLVED that the Council of the Borough of Stanhope does hereby request the Director of the Division of Local Government Services to

approve the insertion of an item of revenue in the budget of the year 2023 in the sum of \$8,775.00, which will be available as a revenue from:

Miscellaneous Revenues

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services – Public

And Private Revenues Offset with Appropriations: Safe & Security Communities Program

BE IT FURTHER RESOLVED that a like sum of.....\$8,775.00

be and the same is hereby appropriated under the caption of:

General Appropriations

(A) Public and Private Programs Offset by Revenues: Safe & Security Communities Program, and

BE IT FURTHER RESOLVED that the Chief Financial Officer submit one copy of the Chapter 159 certification form to the Director of Local Government Services.

On motion by Councilman Riccardi seconded by Councilwoman Kuncken and unanimously carried by the following roll call vote, the foregoing resolution was duly adopted.

Roll Call:

Councilwoman Kuncken – yes
Councilman Riccardi – yes
Councilman Romano – yes

Councilman Thornton – yes
Councilman Wronko – yes

Resolution 088-23

RESOLUTION AUTHORIZING THE BOROUGH OF STANHOPE TO ENTER INTO A SHARED SERVICES AGREEMENT WITH THE COUNTY OF SUSSEX, NEW JERSEY FOR THE COUNTY FIRE MARSHAL TO ENFORCE THE UNIFORM FIRE SAFETY ACT, THE STATE FIRE SAFETY CODE AND RELEVANT REGULATIONS

WHEREAS, the Borough of Stanhope is in need of an individual to work for the Borough of Stanhope to enforce the Uniform Fire Safety Act, N.J.S.A. 52:27D-192, et seq., the State Fire Safety Code, N.J.A.C. 5:70-4.1, et seq. and relevant regulations; and

WHEREAS, the Borough of Stanhope and the County of Sussex have determined that it would be mutually beneficial to enter into a Shared Services Agreement whereby the County’s Fire Marshal would perform the similar services to the Borough; and

WHEREAS, the Borough of Stanhope and the County of Sussex desire to enter into a Shared Services Agreement effective July 1, 2023 through June 30, 2028, which will allow the County’s Fire Marshal to share office hours with the Borough of Stanhope; and

WHEREAS, the parties have the authority to enter into a Contract for the joint provision of the services pursuant to N.J.S.A 40A:65-4, et seq.

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

1. The Borough Administrator is hereby authorized to execute this Shared Services Agreement between the Borough of Stanhope and the County of Sussex, New Jersey.
2. This Resolution shall take effect immediately.

BE IT FURTHER RESOLVED that certified copies of this Resolution shall be forwarded to Ron Tappan, Administrator, County of Sussex; Virgil R. Rome, Jr., Sussex County Fire Marshal; Michael F. Strada, Sussex County Sheriff; and Director, Division of Local Government Services.

On motion by Councilwoman Kuncken seconded by Councilman Wronko and unanimously carried by the following roll call vote, the foregoing resolution was duly adopted.

Roll Call:

Councilwoman Kuncken – yes
Councilman Riccardi – yes
Councilman Romano – yes

Councilman Thornton – yes
Councilman Wronko – yes

Resolution 089-23

RESOLUTION AUTHORIZING THE BOROUGH OF STANHOPE AWARD A CONTRACT TO PRIMEPOINT, LLC FOR PAYROLL PROCESSING SERVICES

WHEREAS, the Borough of Stanhope sought proposals through an RFP for Payroll Processing Services; and

WHEREAS, the Borough received two (2) proposals from payroll processing service providers; and

WHEREAS, the Borough Finance Committee has reviewed both proposals and recommend awarding the Borough's Payroll Processing Services contract to PrimePoint, LLC; and

WHEREAS, the agreement with PrimePoint includes a one-time implementation fee of \$1,500.00 for customized training, and a monthly cost of \$250.00 plus \$6.00 per Borough employee; and

WHEREAS, the Chief Financial Officer has certified that there are sufficient funds available for these services, which are not expected to exceed \$8,000.00.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Stanhope, County of Sussex, State of New Jersey, that they do hereby authorize the Mayor and Borough Clerk to execute a contract with PrimePoint, LLC, to provide payroll processing services to the Borough of Stanhope for a period of one (1) year, beginning July 1, 2023.

On motion by Councilman Romano seconded by Councilman Wronko and unanimously carried by the following roll call vote, the foregoing resolution was duly adopted.

Roll Call:

Councilwoman Kuncken – yes
Councilman Riccardi – yes
Councilman Romano – yes

Councilman Thornton – yes
Councilman Wronko – yes

Resolution 090-23

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF STANHOPE GRANTING APPROVAL TO THE AMERICAN LEGION, MUSCONETCONG POST 278 TO CONDUCT A PARADE ON MEMORIAL DAY, MONDAY, MAY 29, 2023

WHEREAS, the Borough of Stanhope received a request from the American Legion, Musconetcong Post 278 to conduct their annual Memorial Day Parade through the Borough of Stanhope; and

WHEREAS, said parade is scheduled for Monday, May 29, 2023 to begin at the College Road School in Netcong and end at the American Legion, Musconetcong Post 278 on Route 183 in Stanhope.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stanhope, County of Sussex, State of New Jersey, hereby grants approval to the American Legion, Musconetcong Post 278 to hold a parade on Memorial Day, Monday, May 29, 2023 to begin at the College Road School in Netcong and end at the American Legion, Musconetcong Post 278 on Route 183 in Stanhope.

On motion by Councilwoman Kuncken, seconded by Councilman Wronko and unanimously carried by voice vote, the foregoing resolution was duly adopted.

Mayor's Acceptance of Resignation

Resolution 091-23

RESOLUTION OF MAYOR'S ACCEPTANCE OF RESIGNATION OF COUNCILMAN VANCE FROM HIS POSITION AS BOROUGH COUNCILMAN WITH COUNCIL CONCURRENCE

WHEREAS, Michael Vance was heretofore elected to the Borough Council of the Borough of Stanhope; and

WHEREAS, on April 3, 2023, the Borough Clerk received from Councilman Vance a written resignation of his Council position effective immediately.

NOW, THEREFORE, be it resolved by the Council of the Borough of Stanhope that they do hereby concur with the Mayor's acceptance of Councilman Vance's resignation from the position of Borough Councilman effective immediately.

On motion by Councilman Wronko, seconded by Councilman Thornton and unanimously carried by voice vote, the foregoing resolution was duly adopted.

Mayor's Appointment

Resolution 092-23

MAYOR'S APPOINTMENT OF LAURA RICCARDI TO THE BOROUGH OF STANHOPE BOARD OF HEALTH

Mayor's appointment to the Board of Health as follows:

Laura Riccardi to fill an unexpired term, said term to expire 12/31/2025

BE IT RESOLVED by the Council of the Borough of Stanhope that they do hereby concur with the Mayor's appointment of Laura Riccardi as a member of the Board of Health, to fill an unexpired 3-year term, with said term to expire December 31, 2025.

On motion by Councilman Romano, seconded by Councilman Wronko and carried by a majority voice vote, the foregoing resolution was duly adopted. Councilman Riccardi abstained.

PAYMENT OF BILLS

Resolution 093-23

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF STANHOPE AUTHORIZING PAYMENT OF BILLS

WHEREAS, the Chief Finance Officer has certified that funds are available in the proper account; and

WHEREAS, the Chief Finance Officer has approved payment upon certification from the Borough Department Heads that the goods and/or services have been rendered to the Borough;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stanhope that the current bills list, dated April 11, 2023 and on file and available for public inspection in the Office of the Chief Finance Officer and approved by the Chief Finance Officer for payment, be paid.

On motion by Councilman Romano, seconded by Councilman Wronko and unanimously carried by the following roll call vote the foregoing resolution was duly adopted.

Roll Call:

Councilwoman Kuncken – yes
Councilman Riccardi – yes
Councilman Romano – yes

Councilman Thornton – yes
Councilman Wronko – yes

ELECTION OF COUNCIL PRESIDENT

On nomination by Councilman Wronko, seconded by Councilman Thornton and unanimously carried by the following roll call vote, Councilwoman Kuncken was elected Council President.

Roll Call:

Councilwoman Kuncken – yes
Councilman Riccardi – yes
Councilman Romano – yes

Councilman Thornton – yes
Councilman Wronko – yes

AGENDA ITEMS

All items listed on the Agenda for April 25, 2023 were approved.

COUNCIL DISCUSSION

Council Vacancy – Councilwoman Kuncken stated, now that Michael Vance’s resignation from the Council has been adopted, she would like to explain the procedure for filling that vacancy. The Council seat which was held by Michael Vance was a Republican seat and must be replaced with someone who is a registered Republican. Councilwoman Kuncken stated anyone who is interested in filling this vacancy and is a registered Republican should send a letter addressed to Councilwoman Kuncken as she serves as the Chairperson for the Local Republican Committee. The deadline for submitting the request is April 18th. The reason that a new Council President was chosen this evening was due to the fact that Councilman Vance held that position.

CITIZEN’S TO BE HEARD

Mayor Zdichocki opened the meeting to the public after advising attendees that there is a five (5) minute time limit for each speaker.

Steve Lazzaro, member of the Lakeland Little League Board, thanked the governing body for their support for this year’s baseball season, for putting up the signs and for donating the stipends for the children. This is going to be a great season. There are over 120 children registered and there are 11 teams. The parking lot is not getting paved. It will be getting QP’d by opening day. Mr. Lazzaro invited all of the governing body members and everyone present at the meeting to attend opening day on April 22nd at 10:00am. Mr. Lazzaro invited Mayor Zdichocki to throw the first pitch. Mayor Zdichocki stated she would love to. Mr. Lazzaro thanked everyone again and the governing body thanked him for the invitation and for attending tonight’s meeting.

Seeing no one from the public wishing to speak, Mayor Zdichocki closed the public portion of the meeting.

ADJOURNMENT

On motion by Councilman Romano, seconded by Councilman Riccardi and unanimously carried by voice vote the meeting was adjourned at 8:05 P.M.

Approved:

Linda Chirip
Deputy Clerk for
Ellen Horak, RMC
Borough Clerk