

**MAYOR AND COUNCIL
REGULAR MEETING
April 25, 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	

Mayor's Statement - Mayor Zdichocki stated the town-wide clean up took place on Sunday and she thanked everyone who participated in the event. The following groups; the Stanhope Seniors Group, the girl scout troop, Go-Green Club and the Lakeland Little League received funding from the Clean Communities Program. Mayor Zdichocki also thanked Bell's Mansion for the wonderful food and desserts which they provided for the volunteers this year and in years past.

Mayor Zdichocki stated the Borough has received the 2022 Tree City USA designation. Residents of Stanhope should be proud to live in a community that makes the planting and care of trees a priority.

Mayor Zdichocki stated the Lakeland Little League held their opening day ceremony and she had the pleasure of throwing the opening pitch. Mayor Zdichocki thanked the coaches, parents and volunteers who make the Lakeland Little League a success.

ELECTION OF TEMPORARY COUNCIL MEMBER

On motion by Councilwoman Kuncken and seconded by Councilman Romano, Scott Wachterhauser was nominated for the position of Temporary Council Member. On motion by Councilman Romano and seconded by Councilman Thornton, the nominations were closed.

Scott Wachterhauser was elected as Councilman for Stanhope Borough which was unanimously carried by the following roll call vote.

ROLL CALL

Council Members:

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

Mayor Zdichocki congratulated Mr. Wachterhauser and asked him to come forward to take his Oath of Office.

Mayor Zdichocki thanked the other residents who showed an interest in joining the governing body and stated there are other boards and commissions who are always looking for volunteers. Mayor Zdichocki also asked those residents to continue attending the Mayor and Council meetings and show their continued interest. There will be other openings in the future and she hopes this does not deter them. Councilwoman Kuncken stated she was very impressed with the applicants for this vacancy. All the applicants were well qualified and represent a great cross section of our community. Councilwoman Kuncken reiterated to the applicants that they should not go away. There are other openings which will occur and there are boards and commissions that need volunteers. The governing body was totally surprised by Mr. Vance's resignation and you just never know what will open up, so please stay with us. Councilwoman Kuncken congratulated Mr. Wachterhauser.

OATH OF OFFICE

Ursula Leo, Borough Attorney, administered the Oath of Office to Scott Wachterhauser as a Councilman of the Borough of Stanhope. Mayor Zdichocki and the Council congratulated Councilman Wachterhauser and invited him to take his seat on the dais.

ELECTION OF COUNCIL REPRESENTATIVE TO THE LAND USE BOARD

On motion by Councilman Romano and seconded by Councilwoman Kuncken, the election of the Council Representative to the Land Use Board was tabled. The governing body unanimously agreed to table the election of the Land Use Board Representative.

PRESENTATION

Mayor Zdichocki invited Mr. Rand Milton from Green Growth CPAs, a cannabis retail facility, to come forward to give his presentation.

Mr. Rand Milton introduced himself and stated he is here on behalf of Green Growth CPAs. Mr. Milton thanked the Mayor, the Council members and the Administrator for inviting them here this evening. The hope is to convince the governing body to permit a Class V cannabis retail store within the Borough. Mr. Milton handed out copies of the proposal. Green Growth is the parent company, Elevated is the cannabis division and New Jersey Bound is the New Jersey Division. Mr. Milton stated he has an MBA in Finance and he is a very active fireman and fire commissioner in his hometown, which is an elected position. Years ago, he ran a very successful real estate company in New York City and that included doing a major rezoning in Queens. Green Growth is a company which has successfully opened stores in California, Colorado, Montana and Ohio and is looking to open a store in New Jersey. The company is run by former Deloitte professionals, which is a major international accounting firm. Mr. Milton stated his experience stems from caring for his twenty-year old son who has Crohn's Disease, which is an autoimmune disease that affects the small intestine and colon. He was diagnosed at a very young age and is on medication which is treating the disease successfully but there is a major concern in regard to his diet and appetite to make sure that he is growing. Medical marijuana has helped considerably in maintaining his appetite. His son is now a sophomore in college studying bio-pharmacology. Mr. Milton stated while his expertise is more location, real estate driven, he does have experience in dealing with officials, agencies and politicians.

Mr. Milton introduced his partner, Dr. Kathleen Peck, who has national experience in managing cannabis stores. Dr. Peck thanked the governing body for meeting with them this evening and stated she ran the sales for a company called Fluent, a cannabis company based out of Florida, Puerto Rico, Texas, Michigan, Pennsylvania, England and Canada. Dr. Peck is now partnering with Mr. Milton at Green Growth. Dr. Peck stated the hope this evening is to answer the governing body's questions with regard to having a cannabis store in town and why their company should be chosen. Dr. Peck stated her other experience is in banking and she is also an executive coach. There are 12 retail locations already up and running in other states. The company is anxious to open a store in New Jersey and specifically in Stanhope. They are not looking to be Curaleaf with thousands of dispensaries all over. Their company is selective in the areas they choose and the company was founded by CPA's. This is good news due to the fact that a problem many of the cannabis companies have is financial. They go into business thinking they are going to make a fortune and they tend to fail or get bought out. CPA's will not let that happen. In addition to the

retail cannabis experience, they also have cultivation and processing facilities in other states. They have what is called vertical knowledge, which is knowledge from seed to sale. They will only do retail in New Jersey and will buy product from those already established businesses in the other states. As of yesterday, they have 400,000 retail cannabis purchases. They produce 4,000 pounds of cannabis annually and manage 100+ employees. There are 30 cannabis experts, of which she and Mr. Milton are two of those. Cannabis companies came to them for help because they did not know how to handle the financials. Best practices were established and that is when they both joined the company. What is also of value is the relationship the company has with other cannabis divisions. The second issue that every cannabis company is faced with is with the regulations, the compliance. Dr. Peck stated they like this area because they do not want people buying product off the street that could be laced with fentanyl or other products. Regulated cannabis companies are all tested. They work with the labs and with the government to set up those labs and they have the experience with the government agencies on the local and state levels. Green Growth has compiled a long list of businesses that they do business with, including regulatory businesses which they are quite proud of. Not all other cannabis companies work with the regulators in the way that Green Growth does. If the retail store is established in Stanhope, this would provide twenty new jobs resulting in \$728,199 in payroll annually. Investment into the community would be between \$650,000 to \$1 million. They would contribute approximately \$100,000 to local charitable organizations annually. This would be a successful business to fuel the growth of the municipality. The Borough would receive the state required tax revenue of 2% which would result in \$253,478 annually based on projected revenues of \$12.6 million. The percentage of Stanhope residents that voted in favor of cannabis is 72%. Though that number may be slightly different due to the shared zip code issue in this area. This municipality has demographics which are good for their business such as traffic flow and population. Municipalities where Green Growth does not want to establish a business are places like Jersey City which has approved 53 cannabis stores. Dr. Peck stated they have searched many locations throughout New Jersey and have five locations of interest. Stanhope is their first choice. The location of the highways in this area are also beneficial. Pictures of dispensaries which have been opened in other states were provided in the handouts. The store initially would have a large amount of open space for the first week or so that the store is open. This is due to the fact that a lot of people will stop in just to see what the store is about. As time goes on that space will be used for other purposes such as an educational area. Dr. Peck stated at this time they cannot state a location within the Borough for the retail store due to the fact there would be zoning requirements which have to be determined. Typically, the permitted areas would not be located near a church, pre-school, daycare or school. Dr. Peck asked if the governing body had any questions.

Mayor Zdichocki stated, for the public's benefit, that Green Growth is not the first company to make a cannabis presentation to the governing body. The governing body has not made any determinations at this time.

Councilman Thornton asked what the square footage of the store would be. Dr. Peck stated the size would be 2,000 square feet or slightly less. Councilman Thornton asked what the hours of operation would be. Dr. Peck stated the state mandates the hours which are from 9:00am to 10:00pm. Their store may not be open that many hours. If the neighboring businesses are not open at those times, they would not stay open. Mayor Zdichocki asked if they have had any security issues with any of the existing stores. Dr. Peck stated they have not had any issues. There are three levels of security. The State law mandates fifty pages of specific security measures and Green Growth has additional security in addition to that. The security is not just physical guards in the dispensaries. There are cameras that have to see every square inch, inside and outside. These are monitored by the employees and a third party. The security is extensive. In the initial first month, there is additional security to prevent traffic issues. Mayor Zdichocki asked if they work in conjunction with the Police Departments in the communities. Dr. Peck stated they will sit down with the Police Department to hear their feedback regarding the location. Some of the past suggestions have been where to locate the cash register or to have windows with wire mesh inside. The Police Departments have brought their entire squad in to see where and how the product is stored. Councilwoman Kuncken asked where the financial figures quoted earlier are derived from. Dr. Peck stated the figures are determined by history and experience. The figures were based using data from other towns with similar demographics to Stanhope. There is also data available from the other 25 dispensaries already open in the state. Councilman Wronko asked where the other four locations are that they have an interest in opening a store. The nearest location to here was in Paramus because of the traffic demographics. However, after researching the size of the city and the actual traffic issues at that location make it unappealing. The other locations are in south jersey in towns similar to Stanhope which are friendly, containable and smaller. The traffic here with Route 80, Route 183 and Route 206 is desirable. Councilman Wronko asked if the business is self-

funded or dependent on other financing. Dr. Peck stated it is self-funded. Councilman Thornton asked for specific examples from towns with existing stores with regard to the income figures. There is a town in Ohio that is similar in population and traffic.

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.

Bill Eaves - Asked if Green Growth is looking to purchase land and build new construction or would they rehabilitate an existing building. Mr. Milton stated that decision would depend on whether or not the town ops-in and where the zoning for a store would be permitted. Mr. Eaves asked if they have any existing options in town. Dr. Peck stated they can do one of three things. They can buy the land and build, they can buy an existing building or they can rent an existing building. In looking at the town, they have guessed that there are some locations on Route 183. The locations are 177 Route 183, 20 Main Street, 23 US Route 206, and 143 Route 183.

Rosemarie Maio stated they mentioned during the presentation that the location of the store would not be placed near a church, school or daycare. Two of the locations mentioned are very close to those types of facilities. Dr. Peck stated their review has not scrubbed for those issues as yet. They have only based the locations on population and traffic. They have not scrubbed for churches, schools, daycares or liquor stores. Ms. Maio stated there is also a liquor store in the mentioned areas. Dr. Peck stated in that case they are down to two possible locations depending on the zoning. Mr. Milton stated, in his research with other towns, the areas where the business would be permitted is usually very limited.

Mayor Zdichocki asked if anyone had any further questions. Seeing none. Mayor Zdichocki thanked the representatives from Green Growth for their presentation this evening. The governing body members also extended their thanks. Mr. Milton and Dr. Peck thanked the Mayor and Council and stated there are extra presentation handouts if anyone is interested in having one.

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

MINUTES FOR APPROVAL

Mayor Zdichocki read aloud the list of minutes being presented for approval:

March 28, 2023 Business Meeting & Closed Session

On motion by Councilman Romano, seconded by Councilwoman Kuncken and carried by a majority voice vote, the above listed minutes were approved. Councilman Wachterhauser abstained.

CORRESPONDENCE *(List Attached)*

On motion by Councilman Riccardi, seconded by Councilman Wronko and unanimously carried by voice vote, the list of correspondence was accepted and ordered placed on file.

COUNCIL COMMITTEE REPORTS

On motion by Councilwoman Kuncken and seconded by Councilman Wronko, the Council Committee Reports were waived.

Public Safety – Councilwoman Kuncken/Councilman Vance

(Police, Fire, Ambulance, Court & Violations Bureau, Emergency Management)

Finance & Administration – Councilman Romano/Councilman Thornton

Community Development – Councilman Wronko/Councilman Riccardi

Municipal Infrastructure – Councilman Thornton/Councilman Romano

(Water Distribution, Sewer Collection System, Road Construction & Maintenance, Buildings & Grounds)

Information Technology – Councilman Riccardi/Councilman Wronko

Boards/Commissions – Councilman Vance/Councilwoman Kuncken

ADMINISTRATOR’S REPORT

NJDEP Grant - Administrator McNeilly stated he was notified today that the Borough’s application was granted for the Stormwater Management Grant for \$25,000 to be used for the digital mapping of our system. Eric Keller, Borough Engineer, has been asked to prepare the engineering proposal for the project.

Dispatch Service – Administrator McNeilly stated the Borough’s dispatch work group has begun reviewing our needs as the current dispatch contract expires in December 2023. A follow up group meeting is slated for mid-May which will include representatives from the Police Department, Fire Department and the Ambulance Squad. Councilwoman Kuncken stated a meeting was held this past Thursday and the committee consists of a combination of the Public Safety Committee and the Finance Committee. The work group consists of Councilwoman Kuncken as Chair of Public Safety, Councilman Romano as Chair of Finance, Mayor Zdichocki who sits on all committees, Administrator McNeilly and the Police Chief. The Police Chief was asked to be the point of contact at the last meeting and he has agreed to do this and he will attend all of the meetings. The first meeting was held to develop a framework to move forward. One of the things determined at this meeting was who are the stakeholders. They consist of the Borough of Stanhope, the Police Department, the Ambulance Squad, the Fire Department and maybe to a lesser degree, Emergency Management. The next meeting will take place sometime in mid-May. It is the committee’s intention that they will bring all the information that they possibly can back to the governing body. At a time in the not too distant future, the stakeholders will be invited to a meeting here. It is important for all of the members of the governing body to hear the needs and concerns of the stakeholders. Ultimately, the governing body signs the contract but they are the people who use the dispatch services. As we go along, the governing body will be kept up to date on the progress. Mayor Zdichocki stated this is a contract negotiation and there are two entities being considered. The goal is to get the best and most cost-effective service for the Borough.

Stanhope Sign – Administrator McNeilly stated the welcome sign on Sparta Road has been installed.

2023 Local Recreation Improvement Grant – Administrator McNeilly stated he was notified that the Borough will be receiving a \$71,000 grant award for playground improvements at the Dell Road Park. The initial request was for \$100,000. The existing equipment at Dell Road Park was installed at least 25 years ago. At the Mayor’s request, Administrator McNeilly stated he has reached out to the representative from Burke to discuss equipment options. This project will have to go to bid due to the fact it is over the threshold. Discussions are being held with Burke to see what is available. This does not mean that they have the contract.

Hydrant Flushing – Administrator McNeilly stated the DPW Superintendent has reported that the spring hydrant flushing is complete. The next hydrant flushing will take place in September.

Leaf and Brush Pick Up – Administrator McNeilly stated, as a reminder, that the first week in May is leaf and brush pick up town-wide. Brush pickup will resume during the second week of September and leaf pick up will begin in the second week of October. As always, leaves and brush can be brought to the DPW yard on Wednesday’s and Saturday’s.

Musconetcong Avenue – Councilman Romano stated the no parking signs, which need to be installed on Musconetcong Avenue, are in a section that has a solid sidewalk. Administrator McNeilly stated he and the DPW Superintendent have discussed this. The signs will have to be placed there and they will be an obstruction to the sidewalk.

Curb Restoration for Delaware Avenue & Valley Road - Councilwoman Kuncken stated at the last meeting a discussion took place with the Borough Engineer regarding the curb restoration for Delaware Avenue and Valley Road after the completion of the sidewalk replacement work. The Engineer stated he was not satisfied with the way the restoration was done and that the contractor would be called back. Councilwoman Kuncken asked Administrator McNeilly when that work will take place. Administrator McNeilly stated he is aware that the Engineer and the Contractor met last week and he will follow up with the Engineer to see what was determined.

Water Project Update - Councilman Riccardi asked if there is any update on the water project for Overhill Road? Administrator McNeilly stated no update is available to date.

COUNCIL DISCUSSION

Bylaws – Councilman Thornton stated he would like to bring something to the forefront in the spirit of better communication. The bylaws state that the Mayor must notify the Council President when the Mayor is going to be out of town. Councilman Thornton noted with the resignation of the Council President, the governing body was not informed that the Mayor was out of town. Mayor Zdichocki stated if the Mayor is not here and the Council President is not available, then the council member with the longest years of service is next in line. Councilman Thornton replied that is understood but his point is that if they had all been informed it would not be an issue. Councilwoman Kuncken stated it was an unusual situation. Mayor Zdichocki stated she was on vacation and did not know anything had happened. Councilman Thornton stated in his opinion it would be helpful for all of the governing body to be informed. Mayor Zdichocki stated the rule is that the Clerk, Administrator and Council President need to be informed of the Mayor’s absence. Councilwoman Kuncken stated in the past the entire Council was notified. Ellen Horak, Borough Clerk, stated in the past the entire Council was noticed as a matter of practice but it is not in the bylaws. Councilwoman Kuncken stated in the event that something like this were to happen again, she is now Council President but she is also the longest serving council member. Councilman Thornton would be next in line should Councilwoman Kuncken be unavailable. Councilman Thornton stated in the spirit of better communication it would be helpful for everyone to be informed. Mayor Zdichocki stated she always has her phone with her. Councilwoman Kuncken stated the problem would be that the Mayor could not be in town within the hour. Administrator McNeilly asked if the governing body wants to make a bylaw change/update. Ms. Horak stated the previous Mayor’s had asked for the notice to be sent to the council president, council members and the administrator. Ms. Horak will send the notice to whomever the Mayor designates. Mayor Zdichocki stated therefore it is up to her. Administrator McNeilly stated it is a council decision as to whether or not to amend the bylaws. Councilman Thornton stated this is why he brought the subject up for discussion. He is not implying that the Mayor did anything improperly. Councilwoman Kuncken stated she understands what Councilman Thornton is saying but she is concerned that opening up the bylaws, one thing may lead into another. This may not be something that can be decided this evening. Mayor Zdichocki stated the bylaws were adopted back in the day when cell phones did not exist. Councilman Romano suggested reviewing the bylaws to see if there are items which need to be changed or updated. Councilman Wronko stated, to Councilman Thornton’s point, it is not about the order of who is contacted but better communication is needed. As the Clerk mentioned, past precedence was that the former Mayors asked the Clerk to inform all of the Council, in lieu of the bylaws. Councilman Wronko asked that the past practice be continued. Mayor Zdichocki stated she is of the opinion that sometimes things are personal and not everyone needs to know. Mayor Zdichocki stated she will take the request under consideration. Councilman Wronko stated the council does not need to know the reason why. We would just like to know that the Mayor will be absent.

OLD BUSINESS

Ordinances for Public Hearing and Final Adoption

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

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 Councilwoman Kuncken, 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	Councilman Wachterhauser - 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 2023-04

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		

<p>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</p>	305,000	131,000
<p>(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</p>	<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 Councilman Romano, seconded by Councilman Thornton 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	Councilman Wachterhauser - 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 Councilwoman Kuncken, 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 Riccardi – yes

Councilman Romano – yes

Councilman Thornton – yes

Councilman Wronko – yes

Councilman Wachterhauser - yes

On motion by Councilman Wronko, 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 2023-06

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 Riccardi, seconded by Councilman Wronko and carried by a majority of the following roll call vote, the foregoing ordinance was adopted. Councilman Wachterhauser abstained.

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 | Councilman Wachterhauser - abstained |

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 2023-07

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 Thornton, seconded by Councilwoman Kuncken and carried by a majority of the following roll call vote, the foregoing ordinance was adopted. Councilman Wachterhauser abstained.

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 Riccardi – yes

Councilman Romano – yes

Councilman Thornton – yes

Councilman Wronko – yes

Councilman Wachterhauser - abstained

On motion by Councilman Wronko, 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.

NEW BUSINESS

ORDINANCE

Mayor Zdichocki offered the following ordinance for Introduction and First Reading which was read by title.

Ordinance for Introduction and First Reading [Public Hearing on May 9, 2023]

Ordinance 2023-08

AN ORDINANCE OF THE CODE OF THE BOROUGH OF STANHOPE TO AMEND CHAPTER 32, “PERSONNEL POLICIES AND STANDARDS” OF THE BOROUGH CODE, WITH THE ADDITION OF A NEW ARTICLE VII, “MANDATORY DIRECT DEPOSIT”

WHEREAS, N.J.S.A. 52:14-15f authorizes local governments to mandate direct deposit for municipal employees; and

WHEREAS, the Chief Financial Officer has recommended that the Governing Body of the Borough adopt such mandatory direct deposit for employees.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Stanhope, County of Sussex, State of New Jersey that:

Section 1. Chapter 32 of the Borough Code, entitled "Personnel Policies and Standards" is hereby amended with the addition of Article VII, “Mandatory Direct Deposit” as follows:

Article VII Mandatory Direct Deposit

§32-31. Direct deposit required

Pursuant to N.J.S.A. 52:14-15f, employees and elected officials of the Borough of Stanhope shall be required to receive their pay through direct deposit at a bank institution of their choice.

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.

Councilman Wronko stated the Article number read is not what is listed on the agenda. The article number was read as VII but is listed as VI on the agenda. Ellen Horak, Borough Clerk, confirmed the correct article number is VII as printed on the ordinance.

Roll Call:

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

Mayor Zdichocki asked that anyone who needs to set up a direct deposit account fill out the paperwork and return it to the CFO, Angelica Sabatini.

RESOLUTIONS

**Resolution 094-23 RESOLUTION FIXING THE 2023 SALARIES OF
BOROUGH EMPLOYEES**

WHEREAS, the Borough Council of the Borough of Stanhope desires to set the specific salaries for full-time and part-time non-contract Borough employees for the year 2023,

NOW, THEREFORE, BE IT RESOLVED that the following salaries are retroactive to January 1, 2023 unless otherwise noted:

Patricia Zdichocki	Mayor	\$	3,013.00
Anthony Riccardi	Council Member		2,739.00
Diana Kuncken	Council Member		2,739.00
Thomas Romano	Council Member		2,739.00
Eugene Wronko	Council Member		2,739.00
Bill Thornton	Council Member		2,739.00
Michael Vance	Council Member		2,739.00
Brian McNeilly	Administrator		As per contract
Ellen Horak	Borough Clerk		71,055.58
Ellen Horak	Registrar		4,865.72
Linda Chirip	Deputy Borough Clerk		41,790.19
Linda Chirip	Deputy Registrar		2,612.08
Linda Chirip	Website Content Manager		4,233.30
Linda Chirip	Receptionist		5,000.00
Angelica Sabatini	Chief Financial Officer/Tax Collector/ Qualified Purchasing Agent		97,850.00
Tammy Minniti	Utility Collector/Asst. to Tax Collector		43,837.83
Laura Aponte	Finance/Tax Clerk		23,400.00
Jason Laliker	Tax Assessor		23,224.44
Ward Sherrer	Custodian		9,045.46

POLICE DEPARTMENT

Steven Pittigher	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
Virginia Citarella	Clerk Typist - Police Dept	39,868.21
Various	Police Matron	\$25.75 per hour
Various	Police Matron – Call-out	\$50.00 per call-out
Various	Special Officer	\$24.03 per hour
Various	Crossing Guard	\$17.47 per hour

DEPARTMENT OF PUBLIC WORKS

Jason Titsworth	Superintendent	83,982.08
Jason Titsworth	Water Operator	6,132.62
Jason Titsworth	Sewer Operator	6,132.62
Jason Titsworth.	Water T-1 License Stipend	3,500.00
	Public Works Repairer	As per contract
	Laborer	As per contract
Various	Part-time Laborer	\$13.00 to \$15.00 per hour
Various	Seasonal Part Time	\$16.07 per hour

CONSTRUCTION DEPARTMENT

Thomas Pershouse	Construction Official	26,798.54
AnnMarie Therrien	Clerical - Construction	15,600.00
Thomas Dixon	Code Enforcement/Housing Officer/ Zoning Officer	26,072.39

BOARDS AND COMMISSIONS:

Ellen Horak	Land Use Secretary	10,918.00
Monique McNeilly	Board of Health Secretary	5,156.18
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.

BE IT FURTHER RESOLVED that the Borough Administrator is authorized to set the salary level according to the salary amounts in Ordinance #2023-02 for the temporary part-time positions of police matron, crossing guards, general part-time, DPW part-time and seasonal employees.

On motion by Councilman Riccardi, seconded by Councilman Wronko and carried by a majority of the following roll call vote, the foregoing resolution was duly adopted. Councilman Wachterhauser abstained.

Roll Call:

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

Resolution 095-23

RESOLUTION AUTHORIZING AND DIRECTING THE BOROUGH OF STANHOPE LAND USE BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER THE PROPOSED STUDY AREA OF BLOCK 11207, LOT 8 IS TO BE DELINEATED AS AN AREA IN NEED OF NON-CONDEMNATION REDEVELOPMENT PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW (N.J.S.A. 40A:12A-1 ET SEQ.)

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. ("LRHL") provides a mechanism to assist local governments in efforts to promote programs of redevelopment; and

WHEREAS, the LRHL sets forth the procedures for the Borough to declare an area in need of redevelopment, along with the development and effectuation of a redevelopment plan; and

WHEREAS, pursuant to the required redevelopment procedures, specifically set forth in N.J.S.A. 40A:12A-6, no area of a municipality shall be determined a redevelopment area unless the governing body of the municipality shall, by Resolution, authorize the Planning Board to undertake a preliminary investigation to determine whether a proposed area is a redevelopment area meeting the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the Mayor and Council of the Borough of Stanhope seek to authorize and recommend the Borough of Stanhope Land Use Board conduct a preliminary investigation of the Study Area as an area in need of redevelopment to be a Non-Condensation Redevelopment Area; and

WHEREAS, the area in question is located at Block 11207, Lot 8, identified as the Study Area and may benefit from the tools available to municipalities under the LRHL and efforts to encourage private development with existing owners for increased employment and housing opportunities, tax ratables and other benefits which communities generally derive from the redevelopment of lands in these areas; and

WHEREAS, the Mayor and Council finds it to be in the best interest of the Borough and its residents to authorize the Borough Land Use Board to undertake such preliminary investigation of the Study Area as a Non-Condensation Redevelopment Area; and

WHEREAS, DeMattehis Real Estate, contract purchaser of the relevant property, shall be responsible to pay for all expenses incurred by the Borough of Stanhope and Land Use Board in conjunction with the request; and

WHEREAS, the Mayor and Council is empowered to authorize this preliminary investigation to be conducted by the Borough of Stanhope Land Use Board pursuant to N.J.S.A. 40A:12A-6 as a Non-Condensation Redevelopment Area.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Stanhope, County of Sussex, in the State of New Jersey as follows:

1. The provisions of the WHEREAS clauses set forth above are incorporated herein by reference and made a part hereof.
2. The Borough of Stanhope Land Use Board is hereby authorized to undertake a preliminary investigation, and prepare the preliminary investigation report, pursuant to a notice to conduct a hearing and comply with other requirements of the LRHL, in order to recommend to the Borough Council whether the area comprising the Study Area is an area in need of Non-Condensation Redevelopment according to the criteria set forth in N.J.S.A. 40A:12A-5.
3. The Borough of Stanhope Land Use Board shall provide a written report to the Mayor and Council, setting forth its findings resulting from such preliminary investigation and shall recommend to the Mayor and Council whether said properties are an "Area in Need of Redevelopment" under the meaning and intendment of the LRHL.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

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

Roll Call:

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

Councilman Thornton – abstained
Councilman Wronko – abstained
Councilman Wachterhauser – abstained

Resolution 096-23

RESOLUTION ATTESTING THAT THE STANHOPE GOVERNING BODY HAS COMPLIED WITH THE PROMULGATION OF THE LOCAL FINANCE BOARD OF THE STATE OF NEW JERSEY RELATIVE TO THE 2022 ANNUAL REPORT OF AUDIT

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

WHEREAS, the Annual Report of Audit for the year 2022 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

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

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

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

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

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

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

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

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

On motion by Councilman Romano, seconded by Councilman Riccardi 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
Councilman Wachterhauser – yes

Resolution 097-23

**RESOLUTION APPROVING SUBMISSION OF THE
CORRECTIVE ACTION PLAN FOR THE YEAR ENDING
DECEMBER 31, 2022 TO THE STATE OF NEW JERSEY,
DIVISION OF LOCAL GOVERNMENT SERVICES**

WHEREAS, all municipalities operating under the Local Fiscal Affairs Law must prepare and submit a Corrective Action Plan as part of their annual audit process, and

WHEREAS, the Borough of Stanhope has by Resolution accepted the 2022 audit as prepared and presented by the Borough Auditors, and

WHEREAS, Angelica Sabatini, the Chief Financial Officer for the Borough of Stanhope has prepared a Corrective Action Plan to address the findings and recommendations for the 2022 audit and presented copies of same to the Mayor, Council, and Administrator,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stanhope, in the County of Sussex, that the Corrective Action Plan, attached hereto and made a part hereof, be approved for submission to the Division of Local Government Services.

On motion by Councilman Riccardi, seconded by Councilman Thornton and carried by a majority the following roll call vote, the foregoing resolution was duly adopted. Councilman Wachterhauser abstained.

Roll Call:

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

CONSENT AGENDA (All items listed on the Consent Agenda are considered routine by the Borough Council and were enacted by one motion of the Borough Council with no separate discussion.)

Resolution 098-23

RESOLUTION AUTHORIZING BANK ACCOUNTS TO BE OPENED AT FIRST HOPE BANK AND SIGNATORIES FOR THE JOINT MUNICIPAL COURT

WHEREAS, the Borough of Stanhope entered into a Shared Services Agreement to join the Andover Joint Municipal Court by Resolution 082-23; and

WHEREAS, due to joining the Joint Municipal Court, Andover Township is opening up a bank account on behalf of the Borough at First Hope Bank.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Stanhope, County of Sussex, State of New Jersey, that:

1. The Mayor and Council of the Borough of Stanhope authorize said Andover Joint Municipal Court accounts at First Hope Bank; and
2. The Mayor and Council also agree to allow both Samantha Bradley and Michael Allatta to sign on the Andover Joint Municipal Court account opened on behalf of the Borough.

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

Resolution 099-23

RESOLUTION AUTHORIZING THE BOROUGH TO CHARGE A MAILING FEE FOR TAX SALE NOTICES

WHEREAS, N.J.S.A. 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services; and

WHEREAS, the rules and regulations permit a municipality to send two (2) notices of tax sale to all properties included in said sale in lieu of a newspaper advertisement; and

WHEREAS, the rules and regulations allow said municipality to charge a fee of \$25.00 per notice for the creation, printing, and mailing of said notice; and

WHEREAS, in an effort to more fairly assign greater fiscal responsibility to delinquent taxpayers, the Borough of Stanhope wishes to charge \$25.00 per notice mailed which will be assessed specifically to the delinquent accounts that are causing the need for a tax sale and not to the general tax base.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Stanhope, County of Sussex, State of New Jersey, that a fee of \$25.00 per notice be established and is hereby authorized and directed to be charged for each notice of tax sale that is sent in connection to the 2023 electronic tax sale.

Resolution 100-23

RESOLUTION AUTHORIZING A CONTRACT WITH REALAUCTION.COM, LLC FOR THE PURPOSE OF CONDUCTING MUNICIPAL TAX LIEN SALES FOR 2023 PUSUANT TO N.J.S.A. 54:5-19.1

WHEREAS, N.J.S.A. 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services, and

WHEREAS, the Director of the Division of Local Government Services has approved RealAuction.com to conduct electronic tax sales in the State of New Jersey along with participating Counties and Municipalities, and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process, and

WHEREAS, RealAuction.com has supplied a contract to provide electronic tax sales services, which contract is attached hereto and made a part hereof by reference, and

WHEREAS, Stanhope Borough wishes to participate in an electronic tax sale in 2023 and to award a contract for such services to RealAuction.com, LLC as a vendor which has been determined to have complied with the statutory provisions necessary to supply such services.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Stanhope that the Tax Collector is hereby authorized to participate in an electronic tax sale and submit same to the Director of the Division of Local Government Services if necessary.

NOW, THEREFOR, BE IT FURTHER RESOLVED, by the Borough Council of the Borough of Stanhope, County of Sussex, New Jersey, that the Borough is hereby authorized to enter into a contract with RealAuction.com, LLC, located at 861 SW 78th Avenue, Suite 102, Plantation, Florida 33324 for a term of one (1) year, subject to the availability of funds.

Resolution 101-23

RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION FOR DMHAS GRANT FUNDING FOR THE LENAPE VALLEY MUNICIPAL ALLIANCE

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse (GCADA) established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey. In coordination with GCADA, the New Jersey Department of Human Services/Division on Mental Health and Addiction Services (DMHAS) has awarded a Youth Leadership Grant to the GCADA Municipal Alliance Program.

WHEREAS, The Borough Council of the Borough of Stanhope, County of Sussex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Borough Council has applied for DMHAS Youth Leadership funding through the Governor's Council on Alcoholism and Drug Abuse through the County of Sussex;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Stanhope, County of Sussex, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of an application for DMHAS Grant funding for the Lenape Valley Municipal Alliance for Grant Term Two, 9/1/23 – 9/30/25, in the total amount of:
DMHAS Grant Funding \$1,956.00
2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Resolution 102-23

**RESOLUTION AUTHORIZING REFUND OF ESCROW
FOR BLOCK 11703 LOT 1 & 2**

WHEREAS, Majit Bajwa was required to post an escrow deposit for variance for Block 11703, Lot 1 & 2, 246 US Highway 206; and

WHEREAS, the land use board review is complete; and

WHEREAS, the work is complete and there is no further billing forthcoming; and

WHEREAS, there are unused funds in the amount of \$42.58.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Stanhope, that the Borough shall refund to the following owner the following amount:

Bajwa, Majit	\$42.58
8 Peachtree Ln	
Chester, NJ 07930	

Resolution 103-23

**RESOLUTION AUTHORIZING REFUND OF ESCROW
FOR BLOCK 11205 LOT 3**

WHEREAS, Brian Murphy and Paula Zeliff-Murphy were required to post an escrow deposit for variance for Block 11205, Lot 3, 2 Plane St; and

WHEREAS, the land use board review is complete; and

WHEREAS, the work is complete and there is no further billing forthcoming; and

WHEREAS, there are unused funds in the amount of \$285.92.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Stanhope, that the Borough shall refund to the following owner the following amount:

Murphy, Brian & Zeliff, Paula	\$285.92
PO Box 503	
Stanhope, NJ 07874	

Resolution 104-23

**RESOLUTION AUTHORIZING REFUND OF ESCROW
FOR BLOCK 11006 LOT 13**

WHEREAS, Michael Rowan was required to post an escrow deposit for variance for Block 11006, Lot 13, 29 Maple Terrace; and

WHEREAS, the land use board review is complete; and

WHEREAS, the work is complete and there is no further billing forthcoming; and

WHEREAS, there are unused funds in the amount of \$6.53.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Stanhope, that the Borough shall refund to the following owner the following amount:

Michael Rowan	\$6.53
29 Maple Terrace	
Stanhope, NJ 07874	

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

Roll Call:

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

PAYMENT OF BILLS

Resolution 105-23

**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 25, 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
Councilman Wachterhauser – yes

ATTORNEY REPORT

Ursula Leo, Borough Attorney, stated she had no report this evening.

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.

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

ADJOURNMENT

On motion by Councilwoman Kuncken, seconded by Councilman Romano and unanimously carried by voice vote the meeting was adjourned at 7:50 P.M.

Approved:

Linda Chirip
Deputy Clerk for
Ellen Horak, RMC
Borough Clerk