

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

**August 8, 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 Riccardi – present

Councilman Romano – present

Councilman Thornton – present

Councilman Wachterhauser - present

Councilman Wronko - present

Mayor Zdichocki – present

Moment of Silence – Mayor Zdichocki asked for a moment of silence in remembrance of Peg Findley. Peg was a regular attendee at the Mayor and Council meetings and she also devoted many years to the Borough while serving on the Planning Board/Land Use Board. Peg was also a past member and President of the Stanhope Seniors Club. Peg was always supportive of all the Borough activities. She was a great friend and will be greatly missed.

ENGINEER'S REPORT

Mayor Zdichocki invited Eric Keller, Borough Engineer, forward to give his report.

Sagamore Road/Spencer Street Project – Mr. Keller stated NJDOT has approved the Sagamore Road/Spencer Street project. The resolutions awarding the contracts, which are all under the co-op, were adopted at the previous Mayor and Council Meeting. Mr. Keller has reached out to both Cifelli, who is the curb contractor, and Schifano regarding scheduling. Both companies are booked and willing to work with us. Mr. Keller stated he is attempting to have Cifelli in soon for the curb work which is minimal. Paving cannot be done until the curbing is complete. The paving will probably take place in October but Mr. Keller will attempt to get it moved up. Councilwoman Kuncken stated this will result in diverting a lot of school traffic. Mr. Keller stated it will take one day to mill the road and one day to pave the road. When the dates are determined, the school superintendent should be made aware in order to let the parents and faculty know.

Sunset Avenue/Ridge Road/Overhill Road Water Main Replacement Project – The USEPA has come back with more comments on the work plan. They are asking for more detail. The Borough is paying for the design and administration costs. The Borough is just asking for the money for the construction based on the Engineer's estimate.

Redevelopment Plan Authorization – Mr. Keller stated he is aware there is a resolution on tonight’s agenda regarding the Redevelopment Plan. William Hamilton, Borough Planner, has been in contact with Brian McNeilly, Borough Administrator, and Ursula Leo, Borough Attorney. Mr. Hamilton has also been contacted by the contract purchaser to discuss their plans. What they want to do and what the Borough wants will need to be joined together. That is what the redevelopment plan process does. There will be some back and forth. This will be the more challenging part.

Stormwater Mapping – Mr. Keller stated the stormwater mapping field work is nearly complete, except for the locations in the wooded areas. These areas will be done in the winter when the vegetation dies back. The field work will then be processed and the map will be created.

The governing body thanked Mr. Keller for attending this evenings meeting.

ADMINISTRATOR’S REPORT

Water System Disruption – Administrator McNeilly stated the DPW will be making a water service repair on Route 183 tomorrow evening on the west side of Route 183. There is a service connection at Shakey Jake’s property which needs to be replaced because it is leaking quite a bit. Fortunately, back in 1999, an improvement was done to the water service and it was split on Route 183 so traffic is not interrupted. Water service will only be affected from Main Street to Dell Road on the west side. The residents and businesses all received a hand delivered notification stating there will be low or no water pressure during the repair. The DPW has gone door to door with flyers and the information is on the website. A Nixle message will also be sent out. The Fire Department has also been notified. The DPW Superintendent is of the opinion that by the time everything is set up, most people will not be utilizing their water. There is no way to bleed the system down. This means there will be a considerable amount of water remaining in the system. Unfortunately, when the improvement was made in 1999, the decision was not made to include a fire hydrant so the section cannot be drained. This was also an issue the other night when VanGenderen (Napa Building) experienced a fire. The fire hose had to be run across Route 183 which closed the road to traffic. If an ambulance needed to access the condos or anywhere on that side of town during the fire, that would have posed an additional problem. The DPW will be able to release some of the pressure but they will be working on the water service live. Residents and businesses may not lose water at all.

Police – Administrator McNeilly stated he was asked by Chief Pittigher to let the governing body know he has requested a new patrol officer list from Civil Service as a result of the resignation listed on the agenda this evening.

Vacant Land Sale – Administrator McNeilly stated the Borough has received a couple of requests for purchase of vacant land. There is one property off of Elm Street which is a property the Borough acquired a long time ago. This is connected to another piece behind the house which is on Spruce Drive, which is a paper street. This is a flag lot and it does not have enough square footage to qualify as a building lot. It is essentially unbuildable, unless a variance were to be obtained. The lot can be sold at auction, but only to the adjoining property owners. If purchased, it would be required that the lot be merged with the purchasers existing lot. It cannot remain as separate lot.

Administrator McNeilly stated there is another lot located on Kynor Road as you turn in on the east side of Kynor Road. There is a house that goes from Kynor Road to Leo Avenue and then there is a lot next to that before you get to the next house. The Borough had this property up for sale once before in 2015 which did not receive interest from either party. One neighbor is currently interested but the second adjoining property owner may also be interested if the property is put up for sale.

Administrator McNeilly stated there is another lot which is off of Leo Avenue which is up the hill and to the left. By bulk area, it meets the zoning requirements but it is steep. This would require an application to the Land Use Board for slope disturbance. This property may be a general auction or a general sale because this property can stand on its own. Administrator McNeilly has contacted the Borough Attorney for information.

Administrator McNeilly stated he has received some information from the Zoning Officer and the Borough Attorney. The next step is to obtain some figures from the Tax Assessor. The property has to be sold at fair market value. One of the questions to the attorney has to do with the determination of fair market value. If the lot is standalone then fair market value is based on general public. If the property only has value to a neighboring property owner, then how is fair market value determined. Previously, Lot 4 on Kynor Avenue had been listed at \$25,000, which is out of its realm. The amount of \$5,000 is more practical. One of the other lots was previously listed at \$7,500 and did not receive any takers. The lot on Elm Street is smaller than Lot 4 on Kynor Road. The property on Elm Street touches several properties. Administrator McNeilly stated he will obtain the figures and would like to place the ordinances on the agenda by the end of the month. Councilman Thornton asked if any of the lots are sold to the neighboring property owners, what does that do to their taxes. Administrator McNeilly stated their taxes would increase based on the size of the property being added to their existing lot and they would now have increased area to use when determining impervious coverage. A deck or pool which was not possible before may now be an option. Councilman Thornton stated that is something the property owners should be made aware of. Administrator McNeilly stated there is wording included in the auction that states the cost for the sale and changing the deed are the responsibility of the purchaser. How much that will cost is unknown.

Budget 2024 – Administrator McNeilly stated the CFO has provided all the departments, boards and commissions with the budget request paperwork and the capital request memo for the 2024 budget. There are a couple boards that do not meet during the summer so their budgets may not be turned in until September which is fine.

Sparta Road Light Fixture – Councilman Riccardi asked if there is an update for the installation of the replacement light fixture for Sparta Road. Administrator McNeilly stated he has no updated information. In the future, there will never be a project that includes light fixtures that will not have two extra fixtures purchased as backups. Councilman Thornton asked if the Borough Engineer could follow up on the delivery of the light fixtures. Mr. Keller stated he will see what he can do. They did work with the manufacturer's representative. In the past extra light fixtures have been ordered but in this case the TAP grant would not permit the purchase of extra fixtures. If it was purchased, it had to be installed somewhere. Administrator McNeilly stated the Borough should have ordered backup fixtures and paid for them on our own to place in storage. The person that took out the light at Smith Street had a \$5,000 property damage policy and the Borough did not receive the money for that fixture. That person hit a telephone pole, the light fixture, a car and a house. The Borough/JIF received approximately \$400. The Borough was made fully whole by our insurance except for the deductible.

Memorial Bench – Councilwoman Kuncken asked if there has been a date set for the dedication of the memorial bench in memory of Bruce Bender. Administrator McNeilly stated Jason Titsworth, DPW Superintendent, has been in contact with the family members who are donating the bench. The bench originally chosen is no longer available. Another bench was chosen which was agreeable with the family and is being ordered or has been ordered. Councilwoman Kuncken asked to be informed when the dedication will take place because she would like to be there as Bruce was a friend for a very long time.

Police Officer Resignation – Mayor Zdichocki asked Administrator McNeilly if there is a way in the future to require officers, who the Borough sends to be trained, to stay for a minimum of one to two years. If the officer does not stay, then they would be required to pay back the money spent for their training. Administrator McNeilly stated those requirements and more stringent requirements are already in place. Without speaking about a specific employee by name, the person in question has satisfied that requirement. Councilman Wachterhauser stated there are State laws in place and the Borough cannot go past those regulations. Administrator McNeilly stated the policies on the Police Department side are stronger than any other departments. For example, someone going to water school does not have the same length of time to remain employed.

WORK SESSION

Cannabis Ordinance – Mayor Zdichocki stated a copy of the ordinance was previously distributed and she asked if anyone would like to discuss the issue. Councilman Wronko stated he is of the opinion that the governing body had asked the Borough Attorney about the option of having public input on this topic which was one of her recommendations. Councilman Wronko stated he is of the opinion this should be considered. Mayor Zdichocki stated she does not recall that being discussed because it would involve a separate vote which the Borough would have to pay for.

Mayor Zdichocki asked if the question could be included in the November election. Councilwoman Kuncken stated if the governing body chooses to do that she is of the opinion it should wait until 2024 when there will be a bigger turnout at the polls for the presidential election. Administrator McNeilly asked if municipal questions can go on a November ballot. Borough Clerk, Ellen Horak, stated the deadline for submission on the ballot has a shorter timeframe now. Councilman Thornton agreed this should be a question for the 2024 ballot. The sample ordinance came as a surprise because he does not recall any of the council members expressing the sentiment that there was any interest in changing the existing ordinance. The council had agreed to listen to the presentations and proposals but that was all. Administrator McNeilly stated at a previous meeting he had asked the question as to whether or not the governing body was at a point where there should be a discussion about changing the restriction. At that time the answer was yes and he stated he would contact the Borough Attorney to draft an ordinance for discussion purposes. This may have occurred at a meeting when Councilman Thornton was absent. Administrator McNeilly stated there is no reason to review the ordinance if the preference is to have a referendum next year. Councilwoman Kuncken stated she would like to know if this question qualifies to be placed on the ballot. Ms. Horak stated that is a question the Borough Attorney would have to answer. Mayor Zdichocki stated the Borough is being contacted by people that want to open a business here and make presentations. The concern is if we listen to one presentation are we obligated to listen to all. Councilman Thornton stated his understanding, from the Borough Attorney, is that because they did listen to one, they now have to listen to all. Administrator McNeilly stated that is not required if the Borough is not going to entertain the option for another 18 plus months. Councilman Romano stated after listening to the two presentations, and being impressed by the second, he is still not comfortable making a decision without public input. Public input just cannot be achieved through a meeting. A public referendum would provide a response. This will settle the question regarding what the people voted for when they voted to legalize cannabis. Councilman Riccardi stated, not that we are turning away those people who contacted us, but at least now we can provide a caveat of what the plan is. Administrator McNeilly stated, from a time management standpoint, if the governing body wants public input provided during an election, and we are not looking at the November 2023 election, then those people inquiring should be told this is an issue which will not be decided upon until late 2024 or in 2025. Councilwoman Kuncken stated clarification is needed from Ursula Leo, Borough Attorney, as to whether or not the question can be placed on the ballot.

OLD BUSINESS

ORDINANCE

Ordinance for Public Hearing and Final Adoption

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

Ordinance 2023-11

ORDINANCE PROVIDING FOR THE IMPROVEMENT OF PLAYGROUND AND RECREATIONAL FACILITIES AND THE ACQUISITION OF EQUIPMENT BY THE BOROUGH OF STANHOPE, IN THE COUNTY OF SUSSEX, NEW JERSEY, AND APPROPRIATING \$118,000 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 \$118,000, to the extent of \$26,000, from moneys available in Recreation Trust Reserves of the Borough, to the extent of \$21,000, from moneys available in General Capital Fund Balance of the Borough and, to the extent of \$71,000, from the proceeds of a Fiscal Year 2023 Local Recreation Improvement grant from the New Jersey Department of Community Affairs received or expected to be received by 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 improvement of playground and recreational facilities in and by the Borough and the acquisition by purchase and installation, as necessary, of new and additional recreational equipment in and by the Borough, together with all sitework, structures, equipment, accessories, apparatus, appurtenances, 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.

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 Riccardi 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 Wachterhauser – yes

Councilman Wronko - 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.

RESOLUTIONS

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

Resolution 144-23

RESOLUTION AUTHORIZING WILLIAM HAMILTON TO PREPARE A REDEVELOPMENT PLAN

WHEREAS, the Mayor and Council of the Borough of Stanhope adopted Resolution 145-23, accepting the recommendation of the Land Use Board to declare the property known as Block 11207, Lot 8, as set forth in the Planning Board's written report as a Non-Condensation Redevelopment Area; and

WHEREAS, the Borough of Stanhope requires professional planning services to prepare a redevelopment plan for the property known as Block 11207, Lot 8; and

WHEREAS, William Hamilton of Bowman Engineering has been previously qualified and appointed as the Borough Planner for the Borough and is experienced in providing the professional planning services needed by the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stanhope that the Borough Planner, William Hamilton, is authorized to prepare a redevelopment plan for the property known as Block 11207, Lot 8; and

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

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

Roll Call:

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

Councilman Thornton - abstain
Councilman Wachterhauser – yes
Councilman Wronko – abstain

Resolution 145-23

**RESOLUTION OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF STANHOPE GRANTING
APPROVAL FOR A BLOCK PARTY**

WHEREAS, the Borough of Stanhope received a request from the residents of Lakeview Estates to conduct their annual block party; and

WHEREAS, said block party is scheduled for Sunday, September 24, 2023 from the hours of 12:00 p.m. to 11:00 p.m. on Towpath Lane between house numbers 10 and 14.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stanhope, County of Sussex, State of New Jersey, does hereby grant approval to Lakeview Estates to hold a block party on Sunday, September 24, 2023 from the hours of 12:00 p.m. to 11:00 p.m. on Towpath Lane between house numbers 10 and 14.

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

Mayor's Acceptance of Resignation

Resolution 146-23

**MAYOR'S ACCEPTANCE OF THE RESIGNATION OF
CHRISTINA DIMITRIOU WITH COUNCIL
CONCURRENCE**

BE IT RESOLVED by the Council of the Borough of Stanhope that they do hereby concur with the Mayor's acceptance of Christina Dimitriou's resignation as Police Officer with the Stanhope Police Department, effective August 13, 2023.

On motion by Councilman Wronko, seconded by Councilman Riccardi and unanimously carried by voice vote, the foregoing resolution was duly adopted. Councilwoman Kuncken stated she does so reluctantly.

PAYMENT OF BILLS

Resolution 147-23

**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 August 8, 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 Wachterhauser – yes
Councilman Wronko - yes

AGENDA ITEMS

All items listed on the Agenda for August 22, 2023 were approved.

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 Councilman Romano, seconded by Councilman Thornton and unanimously carried by voice vote the meeting was adjourned at 7:30 P.M.

Approved:

Linda Chirip
Deputy Clerk for
Ellen Horak, RMC
Borough Clerk