

**MAYOR AND COUNCIL  
WORK SESSION AND  
AGENDA MEETING MINUTES  
September 12, 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 Wachterhauser – present
Councilman Romano – present	Councilman Wronko – present
Mayor Zdichocki – present	

**ENGINEER'S REPORT**

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

*Sagamore Road/Spencer Street Improvements* – Mr. Keller stated notification was received on Friday, September 1<sup>st</sup>, that Cifelli would start the curb work for the Sagamore Road and Spencer Street improvements on the following Wednesday, September 6<sup>th</sup>, and they requested to have the curb replacement segments marked. The mark out was completed and; the curb replacement began on Friday, September 8<sup>th</sup>. The delay was due to the mark out. The curb replacement was completed on Monday, September 11<sup>th</sup>. Councilwoman Kuncken stated the contractor did a nice job on the corner of Spencer Street. Mr. Keller stated the quantity of curb replaced was approximately 25 percent less than the contract quantity. Schifano has indicated that the milling and paving will be scheduled for early October. A pre-construction meeting has been scheduled with Schifano on Monday, September 18<sup>th</sup> at 10am. Once a date is set for the paving, residents will be notified. Sagamore will be done beginning at Linden Avenue and skipping over Maple Terrace, which was done a few years ago. Work will continue from Sagamore Road to Spencer Street and then up Spencer Street. The cul de sac was done previously. Councilwoman Kuncken asked who will be handling the detours since school will be in session. Mr. Keller stated the detour will be handled by the DPW and the Police Department if needed. The milling is easier to handle because the surface can be driven on carefully.

*Lenape Road/Woods Avenue/Lepont Street Improvements* – Mr. Keller stated notification was received on Friday, September 1<sup>st</sup>, that Cifelli would start the curb work for the Lenape Road, Woods Avenue and the Lepont Street improvements on the following Wednesday, September 6<sup>th</sup>, and they requested to have the curb replacement segments marked. The mark out was completed and the curb replacement began on Monday, September 11<sup>th</sup>, with an anticipated completion no later than Wednesday, September 13<sup>th</sup>. The quantity of curb to be replaced was approximately one-third less than the contract quantity. Schifano has indicated the milling and paving will be scheduled for early October. A pre-construction meeting has been scheduled for September 18<sup>th</sup> at

10am. Lenape Road/ Woods Avenue and Lepont Street will be milled and paved after Sagamore Road and Spencer Street are completed.

Sunset Avenue/Ridge Road/Overhill Road Water Main Replacement – Mr. Keller stated the various USEPA documents for the Sunset Avenue, Ridge Road and Overhill Road water main replacement project have been completed and accepted by the staff in the Drinking Water and Municipal Infrastructure Branch. These documents have moved into the next level of grant review within the USEPA. Administrator McNeilly stated Mr. Keller has gotten through the first level but the process involved is absolutely maddening. Mr. Keller stated the construction documents are being finalized to incorporate comments from the final review and will be ready for bid. The bid opening date has been tentatively set for November 28, 2023, which will provide a substantial window for contractors to review and prepare bids. The project can not be done during the winter due to the need for a temporary water system to be put in place.

Main Street Redevelopment Plan – Mr. Keller stated the draft redevelopment plan for Main Street has been prepared and it will be submitted to the Borough later this week. The redevelopment plan builds upon the Area in Need Study previously prepared and included a review of the Borough's Housing Element and Fair Share Plan, the Borough's Land Use Ordinance, schematic plans for the redevelopment of this site and other documents.

Stormwater Infrastructure Inventory & Mapping – Mr. Keller stated, as reported last month, the field work is nearly complete for the stormwater infrastructure and inventory mapping. There are some areas where the vegetation is heavy which will be surveyed during the winter. The data has been compiled into a GIS database with parcel information and the municipal boundary. This also includes available aerial photography showing the structures in relation to existing features. A quality review is being conducted to ensure that all the information has been collected, including the outfalls. Mr. Keller stated a question arose during this process regarding Leo Avenue, Kynor Avenue and Hazel Street as to whether they are in town or not. These streets are in town up to a point.

Councilman Thornton asked where the preconstruction meeting with Schifano will be held. Mr. Keller stated the meeting will take place out at the work site on Monday. Local Aid requires that a preconstruction meeting be held. Mr. Keller stated the members of the Infrastructure Committee are welcome to attend.

## **ADMINISTRATOR'S REPORT**

Musconetcong Watershed Association – Administrator McNeilly stated he has confirmed with Ryan, from the Musconetcong Watershed Association, that the annual Stormwater Education Program presentation will take place at the November 28<sup>th</sup> mayor and council meeting at 7:00pm.

DEP Proposed Ordinances – Administrator McNeilly stated the NJDEP has proposed a couple of ordinances related to the changes in the stormwater regulations. Administrator McNeilly stated he has provided the governing body with the links to both ordinances. One ordinance is for the removal and replacement of trees and the second is for private storage of road salt. The road salt storage will affect people like PMZ and the condo associations. The tree ordinance will be forwarded to the Shade Tree Commission. This is a fairly aggressive ordinance and other Administrator's across the state agree that the State is overreaching their authority again. Comments will be gathered from the Borough Engineer and the Shade Tree Commission. An ordinance will be prepared for introduction sometime in October.

Proposed Tree Ordinance - Mr. Keller stated the tree removal replacement is not as bad as other ordinances he has seen. There is a very limited section in the Land Development ordinance right now that addresses landscaping in section 100-128. This should be reviewed and perhaps replaced with the new ordinance. The Borough does not have a large number of subdivisions with new roads. The last one was at the end of Highland Avenue, which is still unbuilt. One thing to consider for the future is if a shade tree easement should be included, which would provide flexibility to plant trees along a roadway. The easement does not affect property ownership. The land stays with the property owner. It just provides space to have shade trees on the road frontage. Mr. Keller stated he is surprised to see an inch and a half caliper on the replacement tree table. The Borough's current ordinance requires two inches, which is on the light side. Usually, the size is two and a half to three inches or even three to three and a half. Ornamental trees are not usually determined by caliper, but by height. Shade trees such as oaks, maples etc. are specified by caliper. Mr. Keller stated there are towns which require a four-inch caliper, but the survival rate of that

size tree is less due to the large size of the root ball. Mayor Zdichocki asked Mr. Keller how the application fee would be determined, which would be done by the Borough. Mr. Keller stated the price varies from town to town. One was just done in Madison and they charge a \$100 flat fee where five trees were taken down on a redevelopment site. Councilwoman Kuncken asked if this regulation would apply to homeowners. Mr. Keller stated trees that are diseased or impacting the structure are exempt from the regulations. In the exemption, it states residents that remove less than four trees per acre, that fall into categories one, two and three, within a five-year period, do not have to file for tree removal. That becomes an enforcement issue. Administrator McNeilly stated this becomes a problem as to who keeps track of that and enforces it. Mr. Keller stated in order to keep track, residents would have to be required to submit a tree removal permit and no fee would be charged. The wording for the size of the property also has to be outlined in detail. The current wording says four trees can be removed per acre but it should say everything from a 2,000 sq. ft. lot up to and including one acre. Mayor Zdichocki stated in Stanhope residents can only remove one tree. Mr. Keller stated the Borough can be more restrictive but not less. A tree with a diameter over 33 inches cannot be taken down without a permit. If the Borough's current ordinance states one tree regardless of size, it will have to be amended to say the tree can be up to but not in excess of 33 inches. Administrator McNeilly stated in addition to sending this paperwork to the Shade Tree Commission for review and comment, Mr. Keller should develop recommendations for Chapter 100, Chapter 53 Shade Tree and how this new ordinance would fit in with both.

Councilman Riccardi stated it was his understanding that the new ordinance would not affect homeowners at all. The changes would only be for major re-development. Mr. Keller read the passage and it does state, under regulated activities, "any person who removes one or more street trees, unless exempt under Section 4, any person, other than a resident, who removes one or more trees..." Administrator McNeilly stated the governing body would have to determine the definition of a street tree and how far from the road edge in would be a street tree. Currently, if the tree is in the right of way, it is a street tree. Mr. Keller stated if a tree is five feet behind the right of way, is it still a street tree? A street tree has to be two and a half inches or greater. There are not any new developments in the Borough where trees that were planted as part of that development are less than six inches. If a tree is greater than six inches and it is on someone's property it becomes regulated. This is where the marrying of the Shade Tree Commission and this ordinance and where it goes in the ordinance is something that needs to be considered. Regardless of who you are, even one tree cannot be removed without a permit, unless it is hazardous. The other thing to consider, which just happened with an application submitted by 6 Summit Street, the person who made the application is the resident. However, he will not be the resident of the new lot. But today he is and he is going to clear several trees in order to build a house that he is going to sell. These are the type of things that need to get weighed and these things are not black and white. The DEP has framed this in the context of stormwater regulations, which is common for tree removal ordinances. Tree removal does cause erosion and stormwater issues. Councilman Riccardi stated in the case of Summit Street, a determination would have to be made as to whether or not it falls in the category of a major development. In the slides Administrator McNeilly emailed to the governing body, a major development is defined as disturbing one or more acres of land, or increasing the impervious surface by one quarter acre or more. If this is not the case for Summit Street, then it would not apply. Mr. Keller stated the definition Councilman Riccardi referenced is a proposed tree replacement performance standard located in Section 7:8 under Stormwater Regulations. Administrator McNeilly stated he will forward the slides to Mr. Keller.

*Proposed Salt Storage Ordinance (Privately Owned)* – Mr. Keller stated in the purpose of the ordinance it needs to describe that this pertains to commercial, industrial and multi-family communities where there would be bulk storage of salt. This does not pertain to individual homeowners. Councilwoman Kuncken stated the way the ordinance has been written makes it seem like it would pertain to an individual homeowner. Especially where it references storage of salt in a shed and the fact that the doors must close properly to keep the salt from washing away into the water system. Administrator McNeilly stated the ordinance is for landscapers and places such as the Highpoint Condominiums, Stonegate and Isolatek, where large amounts of salt are stored. Mr. Keller confirmed this and stated that it is important for the salt to be stored properly so that it does not flow down into the water courses and the Musconetcong River. In Knowlton there is a serious problem with salt in the water systems. With all the state highways in the area being salted over and over, the salt has gotten into the wells. Councilwoman Kuncken stated there is a multi-family area on Linden Avenue which may be affected by this ordinance. Mr. Keller stated the ordinance could be structured in a way to include multi-family units with a specific number of units or just state multi-family housing. Councilman Riccardi asked if it would be beneficial to clarify the threshold of how much salt is stored. Mr. Keller stated, in reading the ordinance, as long

as it is bulk storage, and it is not stored in bags, it does not matter if it is a yard or 50 yards. There should be a threshold but with these types of ordinances they are stating minimums. The municipalities do have the option to make it more restrictive.

Sussex/Warren Area Energy Cooperative – Administrator McNeilly stated word was received today that the energy auction held this morning for competitive electric rates was unsuccessful in beating the established BSG rate provided by the State. As such, our rate will remain with JCP&L. A follow up auction may be held when rates start to show a competitive downturn.

Personnel Policy – Administrator McNeilly stated it is time to update the personnel policy manual as required by the JIF. The update should be ready to adopt in November. Additionally, Administrator McNeilly, the Police Chief, Sergeants, and the DPW Superintendent will be receiving the JIF's biennial training this month, beginning two weeks from Wednesday.

Morris Joint Insurance Fund – Administrator McNeilly stated the Borough's policy with the Morris Joint Insurance Fund is up for renewal in 2023. Administrator McNeilly stated he and the Borough's Risk Manager, Wayne Dietz, are finalizing the required information and paperwork for submission. The resolution to renew the policy will be on the October meeting agenda.

Budget 2024 – Administrator McNeilly stated the CFO has reported that the budget requests are trickling in. Reminders have been sent to all the departments. The capital requests may or may not be ready for review at the October 10<sup>th</sup> meeting.

Dell Road Property – Councilman Thornton asked for an update on the Dell Road property. The sidewalk is still in disrepair. Administrator McNeilly stated the DPW is currently working on hydrant flushing. Hydrants are taking a bit longer this time due to the fact the hydrants were not done last fall due to the drought. Once that is complete, work at Dell Road will take place. The DPW is currently short staffed.

Overgrown Area Maple Terrace – Councilman Wronko asked if any progress has been made with the overgrown area located on Maple Terrace. Administrator McNeilly stated he has no update at this time.

Sparta Road Light Replacement – Councilman Riccardi asked for an update on the Sparta Road light replacement. Administrator McNeilly stated the light is scheduled to be installed by the end of the month.

Vacant House on High Street - Councilman Thornton asked if any progress has been made with the vacant house on High Street. Administrator McNeilly stated the CFO is tracking down the original lien holder. There is also a second lien holder but that one has not been in place long enough to be able to foreclose on the property. Councilman Wachterhauser asked if the taxes are being paid. Administrator McNeilly confirmed the taxes are being paid due to the fact the second lien holder is motivated to keep a third lien holder from coming in behind him. The difficult choice which will come before the governing body will be, if neither of them move fast enough, there could be a situation similar to what occurred at 5 Ridge Road in the past. The Borough was held up then because HUD stopped the plan. HUD is not involved this time. Last time the Construction Official called for a hearing to declare the structure a public hazard so that the structure could be torn down. Then there are a certain number of days when a demolition company would be hired to come in and tear down the structure. The Borough does not move to the front of the line to collect money owed and most likely will not get reimbursed for whatever is spent. When the Ridge Road property was slated for demolition, the cost estimate was between \$35,000 to \$40,000. The cost is probably higher now. Funding is not allocated in the Borough's budget. Councilwoman Kuncken asked if the Borough would receive money once the property is sold. The first lien holder has had a lien on the property for approximately the last sixteen years. So that lien is going to be large. The second lien holder has been in place since 2020 and is also owed a significant amount. The governing body will have to determine if the cost of demolition is worth it for the public good. If so, there would have to be an emergency appropriation for the funds or it will have to be allocated in the budget for 2024. Councilwoman Kuncken asked if the Borough is obligated to remove the building if it is in fact deemed a hazard. Administrator McNeilly stated the Borough can only do what it can do. This is a scarce resource situation. If you know it needs to be done but funding is not available, it's not an option. Mayor Zdichocki stated there are companies who can be contracted to come in and take care of the property, either by purchasing it, finding the owner or obtaining grants to take it down. Administrator McNeilly stated with existing lien holders that is not likely to happen because their efforts would not receive the money. The residence on Mountain

Terrace years ago, which was taken over by the Salt & Light Company, moved along quickly due to the fact they were the only company involved. They renovated the home and then sold it. Administrator McNeilly stated work will continue for the High Street house. It will take time. Councilman Thornton stated it is important for the residents to know that work is continuing.

## **WORK SESSION**

*Use of Camper/Recreational Vehicle for Living Purposes (Zoning Officer's Request)* – Mayor Zdichocki stated the Zoning Officer has been involved in investigating the issue of campers/recreational vehicles being used for living purposes. Councilwoman Kuncken asked how prevalent is this problem? Mayor Zdichocki stated there are two cases. One was brought to the Zoning Officers attention by one of the Police Officers. Administrator McNeilly stated there is one which has been a consistent issue and others have come and gone over time. In the past, there was one on Oak Drive where the hoses and electrical were running across the sidewalk to the house. It would be beneficial to establish a relief program within the ordinance, especially if someone is dealing with the loss of a home due to a fire or other disaster. The governing body can determine the size of a trailer and the duration of time it would be permitted. Councilwoman Kuncken stated she is of the opinion that no one should be punished if, for example, grandma and grandpa live in Florida and are visiting for a month with their RV and they are sleeping in it because there is no room in the house. The RV would have to be parked on the property and not in the street. Administrator McNeilly stated that scenario could also be added to the ordinance. Mayor Zdichocki stated the current issue involves a trailer which is parked on the property which she believes belongs to the grandparents. The police have noticed the lights on at night for many months, almost a year now. Councilwoman Kuncken asked if residents would still be able to store their trailers on their property. Administrator McNeilly confirmed storage of trailers and boats would still be allowed. At this time, the Zoning Officer cannot enforce the trailer issues without an ordinance in place. Mayor Zdichocki stated the Borough Attorney should be consulted for the proper wording of the ordinance. Administrator McNeilly asked the governing body for approval to forward the ordinance request to the Borough Attorney. The governing body agreed.

*NJ Natural Gas Lines* – Councilwoman Kuncken stated she is of the opinion, as gas lines start moving into the neighborhoods, it would be a good idea for the governing body to get ahead of the communications and detours. Byram is currently having gas lines installed in the neighborhoods and twice now Councilwoman Kuncken has been stuck in an area she is not familiar with and there were no detour signs posted. Plans do not seem to be mapped out ahead of time. Administrator McNeilly stated in the area by the Post Office there has been an issue with two or three preexisting abandoned water systems. They dig and find the pipes and then our DPW has to confirm if it is part of the current water system, or not, and then they can move on. Councilwoman Kuncken stated she would like us to be pro-active as opposed to reactive which will also prevent residents calling Borough Hall. Administrator McNeilly stated the gas company provides updates on Friday's. They did this for the work on Brooklyn Road and are now sending information for Kelly Place. Discussion took place regarding the various detours which will occur. Councilwoman Kuncken stated, while she understands this is a utility company doing the work and not the Borough, we all need to have answers about what is going on in order to inform the residents when they ask. Mayor Zdichocki asked when Brooklyn Road is scheduled to be paved. Administrator McNeilly stated he received a notice indicating the work will take place on County Route 602 on October 17<sup>th</sup> and 18<sup>th</sup> between the night time hours of 7:00pm to 5:30am. Councilman Wachterhauser questioned why Brooklyn Road, which is a residential street, will be worked on during the night. Residents are going to complain. Administrator McNeilly stated when the Borough works on Brooklyn Road it is always done during the night. Mayor Zdichocki stated she called the gas company and she was told no gas lines will be run on Sparta Road for the next two years. Councilwoman Kuncken asked if an informational meeting will be held by the gas company and if so, more than one may be needed. Administrator McNeilly stated the gas company has nothing planned prior to spring. The gas company has been submitting the road opening permits which was a process that the Borough put in place and it has been helpful. The applications started dribbling in for McKinley Street, Linden Avenue etc. Now the individual homeowner applications are being submitted. Administrator McNeilly stated he reviews the applications which are then forwarded to the Borough Engineer and then to the DPW Superintendent for signing and then they have to be returned. We do not have the mechanism here to do that so they end up back with Administrator McNeilly. Any applications which require detours have to be forwarded to the police department, fire department, ambulance squad and office of emergency management. It is also necessary to make sure that the gas company repairs what they remove. They cannot work on days that it snows because we cannot have open trenches. Administrator McNeilly explained it is difficult to manage where they are working and when. Staging areas are also an issue with regard to areas which have

been paved and not paved. There are roads which have to be paved that the Borough has received grants for because this was done before the gas company was in the Borough. The Borough has required door to door notification which has been being done. The Post Office did receive notice and we have not received any complaints. Administrator McNeilly stated he is of the opinion the worst is behind us now that the gas lines on Brooklyn Road are completed. Councilman Wachterhauser asked if the Nixle budget can be upgraded for next year in order that more messages can be sent out. Councilman Thornton stated the Borough cannot control the pace at which the gas company moves but, a courtesy Nixle message should be sent to inform the residents and make them aware of the detours. Councilwoman Kuncken agreed the Nixle cost should be discussed during the budget planning.

## **OLD BUSINESS**

## **ORDINANCE**

### *Ordinance for Public Hearing and Final Adoption*

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

#### **Ordinance 2023-12**

#### **AN ORDINANCE AUTHORIZING THE PUBLIC SALE OF REAL PROPERTY LOCATED AT BLOCK 10314, LOTS 2, IN THE BOROUGH OF STANHOPE, PURSUANT TO N.J.S.A. 40A:12-13(a)**

**WHEREAS**, the Borough of Stanhope is the owner of the property located at Block 10314, Lot 2, Kynor Avenue, Stanhope, New Jersey, which land is not needed or required for municipal use; and

**WHEREAS**, the lot meets the minimum size required for development under the municipal ordinance; and

**WHEREAS**, the Mayor and Council deems it in the best interest of the Borough of Stanhope to sell the property at public auction, in accordance with the provisions of N.J.S.A. 40A:12-13 et seq.; and

**WHEREAS**, the sale shall be conducted as an auction to the highest bidder, after advertisement, with such auction to be held at the Stanhope Borough Municipal Building, 77 Main Street, Stanhope, New Jersey 07874 on October 24, 2023 at 7:00pm, or such adjourned date, as may be determined by the Mayor and Council.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Stanhope as follows:

1. The Borough of Stanhope shall offer for sale by auction, pursuant to the provisions of N.J.S.A. 40A:12-13(a), et seq., the property located at Block 10314, Lot 2, Leo Avenue, with a minimum sale price of \$70,000.00. The Mayor and Council reserves the right, in its discretion, to reject all bids for the property for any reason, including but not limited to, in the event that the minimum sale price for the property is not met.

2. Upon final passage of this Ordinance, the sale shall take place on October 24, 2023 at 7:00 pm at the Stanhope Borough Municipal Building, 77 Main Street, Stanhope, New Jersey 07874, after offering same to the highest bidder, at said time and place.

3. A copy of this Ordinance shall be posted on the bulletin board or other conspicuous place in the Stanhope Borough Municipal Building. Notice of adoption of this Ordinance shall be made in the official Borough newspaper within five (5) days following the enactment of the Ordinance. Notice of the public sale shall be published in the official Borough newspaper by two (2) insertions at least once a week during two (2) consecutive weeks, the last publication shall be within seven (7) days prior to the sale date.

4. The property shall be sold subject to the following terms and conditions:

(a) The property is sold "as is". No representations of any kind are made by the Township as to the conditions of the property, and the descriptions of the property are intended as a general guide only and may not be accurate. The properties are being sold in the present "as is", "where is", with all faults.

(b) The sale shall be made after legal advertisement of this Ordinance to the highest bidder.

(c) The Borough does not warrant or certify title to the property and in no event shall the Borough of Stanhope be liable for any damages to the purchaser-successful bidder if title is found unmarketable for any reason and the purchaser-successful bidder waives any and all right in damages or by way of liens against the Borough. The sole remedy being the right to receive a refund prior to closing of the deposit paid in the event title is found unmarketable. It shall be the obligation of the successful purchaser to examine title to said premises prior to the closing. In the event of closing and a later finding of defect of title, the Borough shall not be responsible for same, shall not be required to refund money or correct any defect in title or be held liable for damages.

(d) Acceptance of the highest bid shall constitute a binding agreement of sale and the purchaser shall be deemed to agree to comply with the terms and conditions of the sale herein contained.

(e) The highest bidder shall deposit with the Borough either cash, check or money order in the amount of not less than 10% of the bid price at the time of sale. In the event the successful bidder fails to deposit 10% of the bid price at the time of the sale, the Borough of Stanhope will re-auction the property at the same public sale. If the successful bidder fails to pay the deposit, the bidder shall be responsible for any difference between their bid and the final sale bid in the event such bid is lower than the bid of the original bidder.

(f) The highest bidder must pay the balance of the purchase price, plus (1) the sum of \$540.00 for the legal services incurred by the Borough; (2) the Borough of Stanhope's advertising and the actual recording fees within thirty (30) days after the date the Mayor and Council adopts a resolution confirming the winning bid(s); (3) all costs and expenses for the sale including, but not limited to, the appraisal costs incurred by the Borough; and (4) realty transfer fees, if any. The balance shall be paid by certified funds. Once the purchase price has been paid, a Quitclaim Deed without covenants will be prepared by the Borough Attorney and, after execution by the Mayor, shall be recorded with the Sussex County Clerk's Office by the Borough Attorney. Additional work performed by the Borough Attorney beyond the standard preparation of the sale resolutions, notice of sale, letters to property owners and adjoining property owners, Deed and closing statement, shall be billed at the rate charged by the Borough Attorney and shall be the responsibility of the purchaser, which fees must be paid prior to the Deed being recorded

(g) The Deed will be subject to all matters of record, which may affect title herein, what an accurate survey may reveal, the Ordinances of the Borough of Stanhope and reserving an easement for all natural or constructed drainage systems, waterways, water and sewer easements, if any, on the premises and the continued right of maintenance and flow thereof.

Potential Bidders are advised:

(1) To conduct all necessary title searches prior to the date of sale.

(2) No representations of any kind are made by the Borough of Stanhope as to the conditions of the Property, including habitability or usability; the Property is being sold in its present conditions "as is".

(3) The property will be conveyed by a Quit Claim Deed and such conveyance shall be subject to all covenants, restrictions, reservations and easements established of record or by prescription and without



representation as to character of title of the Property to be conveyed.

(4) The highest bidder for the Property shall have the rights, at its sole cost and expense, to obtain a new survey of the Property. Provided such survey depicts the Property and is certified to be correct to the Borough of Stanhope, the Borough of Stanhope shall utilize the legal description drawn in accordance with such survey in the Deed of conveyance, provided the highest bidder provides such legal description and a copy of the certified survey to the Borough of Stanhope not less than one week prior to the date set for closing of title.

Additional terms the successful bidder must comply with:

(1) To abide by appropriate zoning, subdivision, health and building regulations and codes and stipulate that this sale will not be used as grounds to support any variance from the regulations.

(2) That the failure to close title as agreed shall forfeit to the Borough of Stanhope any and all money deposited with the Borough.

(h) The property will be sold subject to the current year taxes, prorated from the date of sale.

(i) The Mayor and Council reserves the right to withdraw this offer to sell, or upon completion of the bidding to accept or reject any or all bids for said properties or to waive any informality in relation thereto.

(j) All bidders currently owning property within the Borough must have their taxes, as well as all municipal utility charges, if applicable, paid to date in order to be a qualified bidder. In the event the bidder's taxes or municipal utility charges are delinquent, the bidder shall be deemed unqualified and such bid shall be rejected.

(k) The same is made subject to all applicable laws, statutes, regulations, resolutions and ordinances of the United States, State of New Jersey and Borough of Stanhope.

(l) No employee, agent or officer of the Borough of Stanhope has any authority to waive, modify or amend any of the conditions of sale.

(m) The purchaser must abide by appropriate zoning, subdivision, health and building regulations and code, and agrees that this sale will not be used as ground to support any variance from or realization of the regulations.

(n) The failure of the purchaser to close on title within sixty (60) days of the Borough's award of the bid shall constitute a breach of this Ordinance unless the Borough agrees in writing prior to that date to extend the time of the closing. In the event the purchaser fails to close within 60 days or such date as may be extended by the Borough, the deposit paid by the purchaser shall be retained by the Borough as liquidated damages. The municipality is entitled to retain the purchaser's deposit to the extent of any expenses and/or losses it incurs including but not limited to advertising costs, attorney's fees, lost tax revenues from the date of the required closing as well as additional cost of resale and the difference in the sales price, to the extent the property is sold for a lower price and any subsequent sale. The only exception to this section is in the event that the purchaser fails to close as a result of the title being unmarketable, in which case the Purchaser shall be entitled to a refund of their deposit.

(o) The purchase shall not be used for any County, Board of Taxation, Tax Court of New Jersey, or in any Courts of the State as grounds to support a challenge of the existing assessments with regard to other properties.

(p) The sale shall be subject to final approval by the Mayor and Council.



5. 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.

6. 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.

7. Effective Date. This Ordinance shall take effect immediately upon adoption and publication in accordance with 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 Wachterhauser, and unanimously carried by voice vote, the Mayor and Council instructed the Clerk to post the ordinance and authorized publication of same.

**Ordinance 2023-13**

**AN ORDINANCE AUTHORIZING THE PUBLIC SALE OF REAL PROPERTY TO CONTIGUOUS PROPERTY OWNERS OF BLOCK 10314, LOT 4 AND BLOCK 10807, LOT 12 IN THE BOROUGH OF STANHOPE PURSUANT TO N.J.S.A. 40A:12-13(b)(5) AND N.J.S.A. 40A:12-13.2**

**WHEREAS**, the Borough of Stanhope is the owner of certain real properties set forth in Schedule “A”, which properties are not needed or required for municipal use; and

**WHEREAS**, the lots are less than the minimum size required for development under the municipal ordinance and are without capital improvements; and

**WHEREAS**, the Borough Council deems it in the best interest of the Borough of Stanhope to sell the properties to owners of contiguous property in accordance with the provisions of N.J.S.A. 40A:12-13(b)(5) and N.J.S.A. 40A:12-13.2; and

**WHEREAS**, the sale shall be conducted as an auction limited to contiguous property owners to be held at the Stanhope Borough Municipal Building, 77 Main Street, Stanhope, New Jersey 07874 on October 24, 2023, at 7:00pm or such adjourned date as may be determined by the Borough Council.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Stanhope, Sussex County, New Jersey, as follows:

1. The Borough of Stanhope shall offer for sale by auction, pursuant to the provisions of N.J.S.A. 40A:12-13(b)(5) and N.J.S.A. 40A:12-13.2, the properties listed on Schedule “A” to the contiguous property owners. Schedule “A” also contains the minimum sale price for each property. The sale is limited to contiguous property owners, and the sale is conditioned upon the property being sold merging with the contiguous property owner’s existing property. The properties being sold are less than the minimum size required for development under the municipal zoning ordinance, are without any capital improvement, and shall be merged with the purchaser's contiguous lot. The Mayor and Council reserves the right, in its discretion to reject all bids for each property for any reason, including but not limited to, in the event that the minimum sale price for such property is not met.

2. Upon final passage of this Ordinance, the sale shall take place at the Stanhope Borough Municipal Building, 77 Main Street, Stanhope, New Jersey, subject to receiving no higher bid for said parcels, after offering same to the highest bidder, at said time and place.

3. A copy of this Ordinance shall be posted on the bulletin board or other conspicuous place in the Borough Municipal Building. Notice of adoption of this Ordinance shall be made in the Official Borough newspaper within five (5) days following the enactment of the Ordinance. Notice of the public sale shall be published in the official Borough of Stanhope newspaper by two (2) insertions at least once a week during two (2) consecutive weeks, the last publication shall be within seven (7) days prior to the sale date.

4. The properties shall be sold subject to the following terms and conditions:

(a) The properties are sold “as is”. No representations of any kind are made by the Borough as to the conditions of the properties, and the descriptions of the properties are intended as a general guide only and may not be accurate. The properties are being sold in the present “as is”, “where is”, with all faults.

(b) The sale shall be made after legal advertisement of this Ordinance to the highest bidder who is the owner of a contiguous property, which property shall merge with the property being sold, and becomes part of the contiguous property owned by the successful bidder.

(c) The Borough does not warrant or certify title to the properties and in no event shall the Borough of Stanhope be liable for any damages to the purchaser-successful bidder if title is found unmarketable for any reason and the purchaser-successful bidder waives any and all right in damages or by way of liens against the Borough. The sole remedy being the right to receive a refund prior to closing of the deposit paid in the event title is found unmarketable. It shall be the obligation of the successful purchaser to examine title to said premises prior to the closing. In the event of closing and a later finding of defect of title, the Borough shall not be responsible for same, shall not be required to refund money or correct any defect in title or be held liable for damages.

(d) Acceptance of the highest bid shall constitute a binding agreement of sale and the purchaser shall be deemed to agree to comply with the terms and conditions of the sale herein contained.

(e) The highest bidder shall deposit with the Borough cash, check or money order in the amount of not less than 10% of the bid price at the time of sale. In the event the successful bidder fails to deposit 10% of the bid price at the time of the sale, the Borough of Stanhope will re-auction the property at the same public sale. If the successful bidder fails to pay the deposit, the bidder shall be responsible for any difference between their bid and the final sale bid in the event such bid is lower than the bid of the original bidder.

(f) The highest bidder must pay the balance of the purchase price, plus (1) the sum of \$540 for the legal services incurred by the Borough; (2) the Borough of Stanhope’s advertising and the actual recording fees within thirty (30) days after the date the Council adopts a resolution confirming the winning bid(s); and (3) realty transfer fees, if any. The balance shall be paid by certified funds. In addition, for all properties that are subject to Section 5 (r) of this Resolution, the Purchaser shall provide the Borough Attorney with a copy of the deed for their existing property and their title insurance policy within seven (7) days of their being notified that they are the successful bidder of the sale. Once the purchase price has been paid, a Quitclaim Deed without covenants will be prepared by the Borough Attorney and, after execution by the Mayor, shall be recorded with the Sussex County Clerk’s Office by the Borough Attorney. Additional work performed by the Borough Attorneys beyond the standard preparation of the sale resolutions, notice of sale, letters to property owners and adjoining property owners, Deed and closing statement shall be billed at the rate charged by the Borough Attorney and shall be the responsibility of the purchaser, which fees must be paid prior to the Deed being recorded.

(g) The Deed will be subject to all matters of record, which may affect title herein, what an accurate survey may reveal, the Ordinances of the Borough of Stanhope and reserving an easement for all natural or constructed drainage systems, waterways, water and sewer easements, if any, on the premises and the continued right of maintenance and flow thereof.

(h) The properties will be sold subject to the current year taxes, prorated from the date of sale.

(i) The Governing Body does hereby reserve the right to withdraw this offer to sell, or upon completion of the bidding to accept or reject any or all bids for said properties or to waive any informality in relation thereto.

(j) All bidders currently owning property within the Borough must have their taxes, as well as sewer and water charges, if applicable, paid to date in order to be a qualified bidder. In the event the bidder's taxes or sewer or water charges are delinquent, the bidder shall be deemed unqualified and such bid shall be rejected.

(k) This same is made subject to all applicable laws, statutes, regulations resolutions and ordinances of the United States, State of New Jersey and Borough of Stanhope.

(l) No employee, agent or officer of the Borough of Stanhope has any authority to waive, modify or amend any of the conditions of sale.

(m) The purchaser must abide by appropriate zoning, subdivision, health and building regulations and code, and agrees that this sale will not be used as ground to support any variance from or realization of the regulations.

(n) The failure of the purchaser to close on title within the time provided for in Subsection 5(f) of this Ordinance shall constitute a breach of this Agreement unless the Borough agrees in writing prior to that date to extend the time of the closing. In the event the purchaser fails to close within the dates provided for in Subsection 5(f) or such date as may be extended by the Borough, the deposit paid by the purchaser shall be retained by the Borough as liquidated damages. The municipality is entitled to retain the purchaser's deposit to the extent of any expenses and/or losses it incurs including but not limited to advertising costs, attorney's fees, lost tax revenues from the date of the required closing as well as additional cost of resale and the difference in the sales price, to the extent the properties are sold for a lower price and any subsequent sale. The only exception to this section is in the event that the purchaser fails to close as a result of the title being unmarketable, in which case the Purchaser shall be entitled to a refund of their deposit as provided for in Subsection 5(c) of this Ordinance.

(o) The purchase shall not be used for any County, Board of Taxation, Tax Court of New Jersey, or in any Courts of the State as grounds to support a challenge of the existing assessments with regard to other properties.

(p) The sale shall be subject to final approval by the Borough Council.

Potential Bidders are advised:

- (1) To conduct all necessary title searches prior to the date of sale.
- (2) No representations of any kind are made by the Borough of Stanhope as to the conditions of the Property, including habitability or usability; the Property is being sold in its present conditions "as is".
- (3) The Property will be conveyed by a Quit Claim Deed and such conveyance shall be subject to all covenants, restrictions, reservations and easements established of record or by prescription and without representation as to character of title of the Property to be conveyed.
- (4) The highest bidder for the Property shall have the right, at its sole cost and expense, to obtain a new survey of the Property. Provided such survey

depicts the Property and is certified to be correct to the Borough of Stanhope, the Borough of Stanhope shall utilize the legal description drawn in accordance with such survey in the Deed of conveyance, provided the highest bidder provides such legal description and a copy of the certified survey to the Borough of Stanhope not less than one week prior to the date set for closing of title.

Additional Terms the Successful Bidder must comply with:

- (1) To abide by appropriate zoning, subdivision, health and building regulations and codes and stipulate that this sale will not be used as grounds to support any variance from the regulations.
- (2) That the failure to close title as agreed shall forfeit to the Borough of Stanhope any and all money deposited with the Borough.

5. 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.

6. 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.

7. Effective Date. This Ordinance shall take effect immediately upon adoption and publication in accordance with 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 Riccardi – yes  
Councilman Romano – yes

Councilman Thornton – yes  
Councilman Wachterhauser – yes  
Councilman Wronko – yes

On motion by Councilman Wronko, 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.

## **RESOLUTIONS**

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

### **Resolution 153-23**

### **RESOLUTION TO AMEND BUDGET TO INCLUDE SAFE & SECURE COMMUNITIES PROGRAM**

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

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

**WHEREAS**, the Borough of Stanhope has received a total of \$7,425.00 from the State of NJ for the Safe & Security Communities Program, and

**WHEREAS**, the Borough of Stanhope now wishes to amend its 2023 budget to include the additional grant funds approved of \$7,425.00 as a revenue.

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

insertion of an item of revenue in the budget of the year 2023 in the sum of \$7,425.00, which will be available as a revenue from:

- Miscellaneous Revenues
  - Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services – Public And Private Revenues Offset with Appropriations: Safe & Security Communities Program

**BE IT FURTHER RESOLVED** that a like sum of.....\$7,425.00 be and the same is hereby appropriated under the caption of:

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

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

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

Roll Call:

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

Councilwoman Kuncken asked if this funding is the same one the Borough has received over the years. Administrator McNeilly confirmed this is the same grant but the amount has decreased significantly despite the fact that the officer’s salary continues to increase.

**Resolution 154-23**                      **RESOLUTION APPOINTING MATTHEW JESSUP AS SPECIAL COUNSEL FOR REDEVELOPMENT MATTERS**

**WHEREAS**, the Borough of Stanhope is in need of a Special Council to perform professional legal services in connection with redevelopment matters within the Borough of Stanhope; and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11 et seq., requires that the resolution authorizing the award of contracts for “Professional Services” without competitive bids and the contract itself must be available for public inspection; and

**WHEREAS**, Matthew Jessup, of the law firm of McManimon, Scotland & Baumann, LLC has submitted a proposal to provide redevelopment counsel services for the Borough, dated August 11, 2024; and

**WHEREAS**, the Mayor and Council hereby authorizes the appointment of Matthew Jessup of McManimon, Scotland & Baumann, LLC for redevelopment services, as set forth in the August 11, 2023 proposal.

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

1. That the Borough of Stanhope authorizes appointment of Matthew Jessup, of the law firm of McManimon, Scotland & Baumann, LLC, for special redevelopment legal services as set forth in the August 11, 2023 proposal.

2. This appointment is awarded without competitive bidding as a “Professional Service” under the provisions of the Local Public Contracts Law because the aforesaid agreement encompasses professional services recognized, licensed and regulated by the law and is of a nature where it is not possible to obtain competitive bids.

3. This is awarded upon consideration of the qualifications submitted by Matthew Jessup and the firm of McManimon, Scotland & Baumann, LLC.

4. A Notice of this Resolution shall be published in one of the official newspapers for the Borough of Stanhope as required by law.

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

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

**Resolution 155-23**

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR BIDS FOR SUNSET/RIDGE WATER SYSTEM IMPROVEMENTS**

**WHEREAS**, the Borough of Stanhope is seeking to replace the existing 4-inch water mains with 8-inch water mains, the replacement of water services from the new main into the houses, new fire hydrants and associated pavement/landscape restoration on Sunset Avenue and Ridge Road, and a water main extension along West Street; and

**WHEREAS**, Bowman Consulting Group has prepared a workplan, including a budget, for the water system improvements, which has been accepted by the USEPA; and

**WHEREAS**, the scope and extent of the work requires that the work be publicly bid pursuant to the Local Public Contracts Law; and

**WHEREAS**, the Borough Engineer has prepared Bid Specifications in accordance with the Local Public Contracts Law for work to be completed, including the required Notice to Bidders.

**NOW, THEREFORE**, be it resolved by the Mayor and Council of the Borough of Stanhope that the Borough is hereby authorized to advertise for bids for Sunset Avenue and Ridge Road water system improvements in accordance with the prepared Bid Specifications.

On motion by Councilman Romano, seconded by Councilman Thornton 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

**Resolution 156-23**

**RESOLUTION TO ADOPT THE SCHOOL ROUTE PLAN AND SCHOOL CROSSING ASSESSMENT PREPARED BY BOWMAN CONSULTING GROUP, LTD.**

**WHEREAS**, the Borough of Stanhope requested the services of Bowman Consulting Group, Ltd to conduct a study regarding the school route plan and school crossing locations to formalize procedures and assess the appropriateness of school crossings for the Borough's Valley Road School; and

**WHEREAS**, the Borough does not provide busing for Valley Road School and therefore children either walk, bike or are driven to and from the school, necessitating the need for such an assessment.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Stanhope hereby authorize the adoption of the school route plan and school crossing locations assessment for Valley Road School, prepared by Bowman Consulting Group, Ltd., dated June 16, 2023.

On motion by Councilwoman Kuncken, seconded by Councilman Romano 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



Councilwoman Kuncken asked if a copy of the school study will be provided to the school? Administrator McNeilly stated a copy will be given to the school when it is finalized. Mr. Keller stated they have met with the school superintendent as well.

## **PAYMENT OF BILLS**

### **Resolution 157-23**

### **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 September 12, 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 Thornton and unanimously carried by the following roll call vote the foregoing resolution was duly adopted.

Roll Call:

Councilwoman Kuncken – yes

Councilman Thornton – yes

Councilman Riccardi – yes

Councilman Wachterhauser – yes

Councilman Romano – yes

Councilman Wronko – yes

## **AGENDA ITEMS**

All items listed on the Agenda for September 26, 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.

Rand Milton stated he is from Green Grove and previously appeared before the Mayor and Council with a presentation for a proposed cannabis retail sale facility. Mr. Milton asked the governing body if there has been any change to the ordinance which would permit Class V Cannabis Retail Sales within the Borough. Mr. Milton stated his company is in the final stages of their conditional license for the state. Administrator McNeilly stated the governing body asked the Borough Attorney, during a previous discussion, if a referendum question could be placed on the ballot. The attorney informed the governing body this is an option but due to the fact it was less than 81 days prior to the election for this November, it cannot be done until 2024 on the presidential election. Administrator McNeilly stated no changes will be made to the ordinance at this time. Mr. Rand confirmed that a decision will be at least a year away and stated he does have extra copies of the presentation should anyone need a copy.

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

## **ADJOURNMENT**

On motion by Councilman Romano, seconded by Councilman Riccardi and unanimously carried by voice vote the meeting was adjourned at 8:02 P.M.

Approved:

Linda Chirip  
Deputy Clerk