

**MAYOR AND COUNCIL  
REGULAR MEETING  
August 22, 2023  
6:00 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.

Furthermore, notice of the meeting time change was sent to the New Jersey Herald and Daily Record on August 15, 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 – absent
Councilman Romano – present	Councilman Wronko - absent

Mayor Zdichocki – present

**CLOSED SESSION**

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231 P.L. 1975 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exists;

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

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter(s).
2. The general nature of the subject matter(s) to be discussed is as follows:
  - 1- Contract
  - 1 – Attorney-Client
3. It is anticipated at this time that the above stated subject matter(s) will be made public at the conclusion of each individual specified subject matter.
4. This resolution shall take effect immediately.

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

The Mayor and Council went into Closed Session at 6:02 P.M.

## **RETURN TO OPEN SESSION**

At the conclusion of the Closed Session, the Mayor and Council reconvened the public meeting at 6:45 P.M. with all present.

## **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.

Kathy Sacchiero stated she is here this evening to register a complaint regarding the house located at 13 High Street which abuts the gas station. The house has been empty for at least ten years or longer. It is a blight on the street. It is the first house you see when you turn the corner and no one is taking care of it. There is a hole the size of Kansas in the roof and the ceilings have collapsed on the inside. There are vermin living in there and there is documentation proving there is a family of raccoons living in the house. There may also be fox and a few years ago a coyote was seen in that area. Ms. Sacchiero stated something has to be done and she submitted photos of the hole in the roof. Ms. Sacchiero stated there are several young children playing on this street and it is not known if the animals are rabid or not. The lawn is not being taken care of and with winter coming it is likely there will be no snow removal. The house needs to be destroyed and taken down. The former occupants had an issue with heating oil. They were pumping oil from a can to heat the house. The house is unlivable. There is a gas station located right next door with a propane station. The house is a fire hazard and she asked the town to please do something. Mayor Zdichocki thanked Ms. Sacchiero for bringing her concern to the governing body's attention. Ms. Sacchiero stated she has spoken with Tom Dixon, Code Enforcement Official, at least twice.

Mary Azagra-Monteiro stated there was a dead animal in the house at 13 High Street and the stench from that animal was enough to turn your stomach. This was approximately two to three weeks ago.

John Monteiro stated he owns the property next to 13 High Street. From the backyard he can see there is a tree which has fallen onto the house at #13. The tree is just hanging there and the roof is practically gone. Mr. Monteiro stated he was shown the inside of the house long ago and everything from the roof down has fallen inside the building. He had to buy traps to put in his yard due to the number of rats coming from the building.

Ron Sacchiero stated 13 High Street is the first house you see on the block and it gives a bad look to the neighborhood. Everyone else takes care of their property but this one house is in total disrepair. Mr. Sacchiero stated he does not know what the legalities are or what the Borough can do about this, but he hopes there is something that can be done. The situation is very frustrating.

Mayor Zdichocki stated she understands the frustration. We all take good care of our houses and we expect others to do the same. The Zoning Officer will be consulted. Administrator McNeilly stated this particular house shares a legacy similar to that of 5 Ridge Road. There are solutions but none of them include the word quick. Unfortunately, this property has a ghosted owner and a ghosted lien holder and a second lien holder behind it. Administrator McNeilly does not want anyone to leave tonight's meeting thinking that this will be fixed fast. Mayor Zdichocki asked if the owners can be required to secure the house, close up the holes and maybe put up fencing? Administrator McNeilly stated there is no one to contact. The Borough went through a similar problem with Ridge Road and ended up in Superior Court just in trying to do the right thing, only to be told you cannot do so. Administrator McNeilly stated he will need some time to strategize with the Borough Attorney to come up with a plan.

Ms. Sacchiero asked if the neighbors could be kept informed of the progress. Administrator McNeilly stated the matter will be discussed again at the end of the month. Councilman Thornton suggested regular attendance at the Mayor and Council meetings would keep them informed. The members of the public thanked the governing body for their time.

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:

July 11, 2023	Work Session/Agenda Meeting
July 25, 2023	Business Meeting & Closed Session

On motion by Councilwoman Kuncken, seconded by Councilman Thornton and carried by a majority voice vote, the above listed minutes were approved. Councilman Romano and Councilman Thornton abstained from the minutes of July 25, 2023.

## **CORRESPONDENCE** *(List Attached)*

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

## **COUNCIL COMMITTEE REPORTS**

On motion by Councilman Romano, seconded by Councilwoman Kuncken and unanimously carried by voice vote, the Council Committee Reports were waived.

Councilman Riccardi stated the Technology Committee has a meeting scheduled for August 28<sup>th</sup>.

Mayor Zdichocki stated the Stanhope Seniors Club will be stuffing the water bills on Tuesday, August 29<sup>th</sup> at 10:00am. Anyone else interested in helping is welcome to do so.

**Public Safety – Councilwoman Kuncken/Councilman Wachterhauser**  
(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 Wachterhauser/Councilwoman Kuncken**

## **ADMINISTRATOR’S REPORT**

Administrator McNeilly stated he had no report.

## **COUNCIL DISCUSSION**

**Water Quality Report** – Councilman Riccardi asked Administrator McNeilly why certain items are not checked annually. Administrator McNeilly stated there are specific DEP regulations and a specific schedule which is followed for the testing. During budget discussions, some years additional funds must be budgeted when it is time for certain tests to be conducted. Councilman Riccardi asked if the schedules are longer than five years. Administrator McNeilly stated he will have to check on the regulations and schedules.

**Dispatch Services** – The governing body asked Administrator McNeilly to prepare a resolution to contract with Sparta Dispatch. Administrator McNeilly stated the resolution will be prepared for the September 26<sup>th</sup> meeting.

## **NEW BUSINESS**

### **ORDINANCE**

*Ordinances for Introduction and First Reading [Public Hearings on September 12, 2023]*

Mayor Zdichocki offered the following ordinances for Introduction and First Reading 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 Councilman Riccardi, seconded by Councilman Romano and unanimously carried by the following roll call vote, the foregoing ordinance was introduced.

Roll Call:

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

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

Roll Call:

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

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

## **RESOLUTIONS**

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

### **Resolution 148-23**

### **RESOLUTION AWARDING CONTRACT TO ATLANTIC INFRA FOR INFRARED PAVEMENT RESTORATION OF SPARTA ROAD, DELL ROAD & VALLEY ROAD**

**WHEREAS**, the Borough of Stanhope, through its municipal engineer, requested quotes for infrared pavement restoration on Sparta Road, Dell Road, & Valley Road within the Borough of Stanhope (the “Project”); and

**WHEREAS**, though several attempts were made to obtain quotes for this project, the only quote received for the Project was from Atlantic Infra, with a quote of \$9.98/SF for a total of \$5,480.02; and

**WHEREAS**, the Borough Engineer has reviewed the received quote and finds it reasonable and appropriate, and recommends the award of the contract to Atlantic Infra; and

**WHEREAS**, the Borough QPA has reviewed and recommends award of the contract to Atlantic Infra., as it is below the 15% bid threshold, per NJSA 40A:11-6.1.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Stanhope, that the Borough does hereby award the contract for the infrared pavement restoration project on Sparta Road, Dell Road, and Valley Road to Atlantic Infra, in an amount not to exceed \$5,480.02 for the Project.

On motion by Councilman Thornton, 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 Thornton – yes
Councilman Riccardi – yes	Councilman Wachterhauser – absent
Councilman Romano – yes	Councilman Wronko – absent

### **Resolution 149-23**

### **RESOLUTION AUTHORIZING PROFESSIONAL ENGINEERING SERVICES OF BOWMAN CONSULTING GROUP, LTD. REGARDING THE SALT STORAGE BUILDING TRUSS REPAIR DESIGN SERVICES**

**WHEREAS**, the Borough of Stanhope has the emergent need for engineering services to repair the damage to several of the roof trusses after a preliminary examination by Bowman Consulting Group, Ltd. that was requested by the DPW Superintendent; and

**WHEREAS**, the Borough of Stanhope utilizes Bowman Consulting Group, Ltd. for professional engineering services and recent emergent events require additional services; and

**WHEREAS**, the Borough received a quote from Bowman Consulting Group, Ltd. on August 17, 2023 for professional engineering services in the amount of \$3,600.00. If signed and sealed drawings be required, there will be an additional charge of \$1,150.00, for a total amount of \$4,750.00; and

**WHEREAS**, Bowman Engineering also quoted an hourly fee of \$150.00/hour, budgeted not to exceed \$750.00, if there is a need to attend any meetings or provide additional services; and

**WHEREAS**, the Chief Financial Officer, Angelica Sabatini, has certified that funds are available.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Stanhope hereby authorize the total amount of \$4,750.00, for professional engineering services related to designing repair of the roof trusses on the salt storage building and an hourly fee of \$150.00/hour, budgeted not to exceed \$750.00, should there be a need to attend any meeting or provide additional services.

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

Roll Call:

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

**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 150-23**

**RESOLUTION AUTHORIZING REFUND OF ESCROW FOR BLOCK 11203 LOT 9**

**WHEREAS**, 30 Main Stanhope LLC was required to post an escrow deposit for variance for Block 11203, Lot 9, 30 Main 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 \$1,090.64.

**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:

30 Main Stanhope LLC	\$1,090.64
37 Main St	
Sparta, NJ 07871	

**Resolution 151-23**

**RESOLUTION AUTHORIZING REFUND OF ESCROW FOR BLOCK 11104 LOT 4**

**WHEREAS**, Stephen Krakowski was required to post an escrow deposit for variance for Block 11104, Lot 4, 35 Musconetcong Ave; 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 \$22.50.

**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:

Stephen Krakowski	\$22.50
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On motion by Councilman Thornton, seconded by Councilman Riccardi and unanimously carried by voice vote, the foregoing resolutions were duly adopted.

Roll Call:

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

### **PAYMENT OF BILLS**

#### **Resolution 152-23**

#### **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 22, 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 voice vote, the foregoing resolution was duly adopted.

Roll Call:

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

### **ATTORNEY REPORT**

Ursula Leo, Borough Attorney, stated at the last meeting the governing body had a question regarding a referendum. Under the statutory law this can go out for a non-binding question as to whether or not the residents are in favor of a recreational cannabis business or not. It has been done in other municipalities. The timeline for submitting the referendum question to the County Clerk is not less than 81 days prior to the election. Therefore, this could not take place until next year. Non-binding means the results come in and are essentially a poll of the voters. The governing body does not have to act in favor of the results. Administrator McNeilly stated there is a cost to the referendum. Attorney Leo stated the other municipalities that have had a referendum for the same topic are: Middletown, Jamesburg, Hightstown, Northvale and Lacey Township. Councilman Thornton asked if the cost can be determined. Attorney Leo stated the costs vary depending on the size of the municipalities.

### **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 Riccardi, seconded by Councilman Thornton and unanimously carried by voice vote the meeting was adjourned at 7:05 P.M.

Approved:

Linda Chirip  
Deputy Clerk for  
Ellen Horak, RMC  
Borough Clerk