

**MAYOR AND COUNCIL
WORK SESSION AND
AGENDA MEETING MINUTES
February 13, 2024
7:00 P.M.**

CALL TO ORDER

SALUTE TO COLORS

Mayor Wronko 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 10, 2024 and was placed on the Official Bulletin Board in the Municipal Building.

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 Simpson – present
Councilman Riccardi – present	Councilman Thornton – present
Councilman Romano – present	Councilman Wachterhauser – present
Mayor Wronko – present	

Mayor Wronko adjusted the agenda and moved Resolution 058-24 forward.

Resolution 058-24

**RESOLUTION AUTHORIZING OFFER OF
EMPLOYMENT TO MIGUEL S. PARDO TO THE
STANHOPE BOROUGH POLICE DEPARTMENT**

WHEREAS, the Borough of Stanhope desires to hire a full-time Police Officer to serve within the Stanhope Borough Police Department; and

WHEREAS, the Chief of Police has recommended the appointment of Miguel S. Pardo to the full-time position of Police Officer, effective April 8, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Stanhope that the Borough Administrator be and the same is hereby authorized to extend an offer of employment to Miguel S. Pardo as a Police Officer for the Borough of Stanhope, effective April 8, 2024.

On motion by Councilwoman Kuncken, 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 Simpson – yes
Councilman Riccardi – yes	Councilman Thornton – yes
Councilman Romano – yes	Councilman Wachterhauser – yes

OATH OF OFFICE

Mayor Wronko invited Miguel S. Pardo to come forward to take his oath of office. Miguel S. Pardo was sworn in by Borough Clerk, Ellen Horak, as a full-time Stanhope Borough Police Officer. The governing body and the audience congratulated Officer Pardo.

ENGINEER'S REPORT

Sagamore Road/Spencer Street Improvements – Eric Keller, Borough Engineer, stated the work on the Sagamore Road and Spencer Street project is complete. The striping was completed by Denville Line in December. The pay request has been reviewed and found to be acceptable. There is a payment due for \$1,589.83 as compared to our estimate of \$1,784.30.

Valley Road/Delaware Avenue Improvements – Mr. Keller stated a pay requisition recommendation has been submitted for the striping of the Valley Road and Delaware Avenue Improvement project by Denville Line in the amount of \$1,450.49 which is less than the engineer's estimate of \$2,251.92. This project is complete.

Sunset Avenue/Ridge Road/Overhill Road Water Main Replacement – Mr. Keller stated he has been coordinating with the USEPA on the Sunset Avenue, Ridge Road and Overhill Road Water Main Replacement project. An award of contract to Kulpeksa Land Improvements is on the agenda this evening. The amount of the contract is \$756,652 compared to the engineer's estimate of \$769,674. The USEPA grant was in the amount of \$677,000 with a Borough matching share of \$135,400 for a total of \$812,400. Therefore, the base bid from Kulpeksa is within the combined grant award and Borough matching share. Mr. Keller stated they will strive to minimize change orders.

Mr. Keller stated discussions have taken place regarding the matter of payment for the service lines from the curb box to the meter. The work has been included as a construction item within the contract scope as a separate construction item. This replacement is mandated by NJDEP due to the fact that galvanized lines are presumed to contain lead joints. Mr. Keller stated two of the services have copper lines but the others are galvanized. For this project, we will have to do work all the way to the houses, presuming the owners will permit us to do so. A notice will be sent out explaining this replacement needs to be done because the government has decided galvanized pipes may contain lead which is dangerous to people and therefore the lines are to be replaced with copper piping. If the owners do not respond, then a certified letter will be sent. If after that notice is sent and there is no response, we will document that two attempts were made, which meets the requirements for notifying the owners and giving them the opportunity to respond. If they do not respond, work will be done to the curb box and we will not replace the service line into the house. The letter will also state that if the homeowner does not have the work done as part of this project, they will have to do the replacement on their own. The work is included as part of the grant funding but does this set a precedence for a homeowner in another area to complain or say that the homeowners in this project had their lines paid for. A decision is needed from the governing body on the cost to replace the service lines. The decision to be made is whether the Borough will seek reimbursement from the homeowners for this work. Mayor Wronko asked if Mr. Keller knows how other municipalities are handling this issue. Mr. Keller stated, in speaking with the Administrator, it seems that municipalities in suburban areas are having the work paid for by the homeowners. In the more urban areas, where they have received funding from county improvement authorities or from the state directly, the work is being paid for by the municipality. Mr. Keller stated the grant is going to be utilized to pay the contractor. If the governing body decides to seek reimbursement from the homeowners for the replacements of the service lines, those funds collected could go into the water utility to fund further improvements in other parts of the system. Mayor Wronko stated if a reimbursement is required, that would enable additional work to be done that would benefit a larger population. Mr. Keller stated there are 31 services and 2 have previously been replaced by the homeowners. Councilman Thornton asked if the Construction Official has been contacted to determine if permits have been issued to replace the service lines at any of these properties over the past 15-20 years. Mr. Keller confirmed he has done this and only one permit was issued. Mr. Keller heard there was another line replaced on Ridge Road but there is no record of that. In the contract, the service from the main to the curb box is a unit. From the curb box to the house is calculated on a linear foot basis because each property will be different. Councilwoman Kuncken and Councilman Romano asked how many homes within the Borough, outside of the project, are going to be affected by the NJDEP requirement. Mr. Keller stated he did not have that information.

Mr. Keller stated he anticipates scheduling a pre-construction meeting in the coming weeks and will be coordinating with the contractor on shop drawings, submittals and other associated paperwork. Mr. Keller has also coordinated with the USEPA on applicable issues, including the preparation of a construction sign, which has been discussed with the DPW Superintendent.

Salt Storage Building Truss Repair – Mr. Keller stated the repairs to the damaged trusses in the salt storage building have been completed. PEOSH visited the site and accepted the work as being complete. Mr. Keller stated a site visit was also conducted and the work was found to be consistent with the engineer’s repair plans. The project has been closed.

Elm Street & Grove Road Local Aid Project – Mr. Keller stated the Local Aid Grant for FY22 for ADA curb ramp replacements, milling and resurfacing has been received and the project must be designed and constructed in 2024. The proposal is being prepared for these services and the plan is to get an early start on the ADA ramps and curb work. Councilwoman Kuncken stated this project needs to be coordinated with the gas line installation too.

NJ Natural Gas Phase 1 Project – Mr. Keller stated the Borough recently received a Road Opening Permit for the first phase of the distribution network by NJNG, which is under review. The Administrator asked that we contact NJNG to schedule a pre-construction meeting to coordinate on their efforts including their schedule and to get additional information on traffic control plans and detours. These efforts are just underway. Councilman Thornton asked Mr. Keller to make sure the Municipal Infrastructure Committee is included in the pre-construction meeting. At the meeting in November, NJNJ had stated they were planning to break ground on March 15th. Councilman Thornton asked if that is still the plan. Mr. Keller stated NJNG just filed a road opening permit last Friday. Mr. Keller stated he will call Brian Klinger, the Engineering Coordinator, to follow up. Councilman Thornton stated the Administrator reported at the last meeting that there have been several retirements at NJNG which includes several people they had met with in November. Mr. Keller stated he was not aware of that but Mr. Klinger is still there. Councilman Thornton asked that Mr. Keller contact him directly, while the Administrator is away, with any updated information. Councilwoman Kuncken stated it is important for NJNG to know how busy the area by the school is and the fact that there is no busing and many students walk through that area.

Leo Avenue Drainage – Mr. Keller stated, at the request of the Administrator and DPW Superintendent, a site visit was conducted at Leo Avenue to examine a subsurface drainage issue along Stanhope’s portion of Leo Avenue. Based upon the information provided by the Superintendent, we understand there is a subsurface water flow that is undermining the pavement and causing sink holes, which have been temporarily repaired. No visible signs of surface drainage from uphill properties was found. Mr. Keller stated he did note some wet spots on the pavement in Hopatcong. The roadway was resurfaced by Hopatcong last year, which included Stanhope’s 250-foot portion of the road. Mr. Keller stated his recommendation is to install two additional inlets uphill of those at Brooklyn Road, each with subbase outlet drains to pick up subsurface runoff. These two inlets would be connected to the existing inlet with a 12-inch pipe. These would not be in the County right of way so they will not have to be involved. This would be a DPW project to be done in the warmer weather. Stanhope’s DPW Superintendent has spoken with Hopatcong’s DPW, but they do not want to be involved.

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

WORK SESSION

Budget (Wrap Up) – Angelica Sabatini, CFO, stated the Finance sheet has been updated based on the salaries change of position. The Police Department sheet overtime has been updated based on a prior discussion. The Zoning Officer’s O&E budget has been updated as per prior discussion. One item has been added to the Capital for the DPW. This is for the mason dump which is split between three budgets. We will be going out to bid for the truck. Councilman Thornton stated during the Infrastructure Meeting discussion took place regarding the fact that CDL trucks will no longer be needed.

2A Current Fund Summary / 2B Revenue Budget / 2C Expenses Summary – Ms. Sabatini stated page 2C lists the summary of expenses. The major increases are ones the Borough has no control over. No changes were made.

Mayor Wronko stated this year’s budget discussions have moved along faster than in previous years. The governing body members all agreed the budget was well prepared, less confusing and a testament to Ms. Sabatini’s hard work. Ms. Sabatini thanked the Mayor and Council and stated if there are no further questions or changes, the budget can be introduced at the next scheduled meeting. Councilman Thornton asked what the overall municipal levy is for the budget. Ms.

Sabatini stated that is listed on page 2A. The levy is \$4,022,924.93. This is 4.9 for a 4% increase. This is using more fund balance than we have in the past. Mayor Wronko asked how the water/sewer rate increase will affect the budget. Ms. Sabatini stated the water/sewer budget is a completely separate budget from the current fund.

Water/Sewer Rate Increase (Ordinance) – Ms. Sabatini stated the sewer, based on the Auditor’s recommendation, has a small amount included which we are allowed to anticipate as revenue, assuming that the sewer increase is approved. This will alleviate some of the use of the fund balance. Councilwoman Kuncken stated the MSA issue driving the sewer increase is out of the Borough’s control. Councilman Thornton stated a letter should be included in the first quarter water bill advising the residents that there will be an increase in the second quarter billing. Ms. Sabatini stated she can draft a letter. Councilman Romano asked that the letter include the fact that the water/sewer bills have not been increased in a very long time. The problem with the MSA is a capital issue due to the fact the building is 35 years old. The MSA’s operational budget this year is flat. Councilman Thornton asked if there are any projects in the neighboring areas that the Borough could sell water usage to. Councilwoman Kuncken in the past when those instances have occurred, the Borough was approached by the entity that wanted to purchase from us. Mr. Keller stated the Exxon Station at the corner of Acorn Street is interested in using the sewer system. However, it is required that in order to be a sewer customer you must also be a water customer. Unfortunately, the problem with the Exxon Station is that they are in the preservation area for the Highlands. That lot was carved out when they drew the line. All the lots north of the Exxon Station are in the Planning Area. Much discussion took place about possible projects in Byram and whether or not using the Borough’s water or sewer system would be an option. Mayor Wronko asked Ms. Sabatini to draft a letter for review by the governing body. The governing body approved to have water/sewer ordinance increase placed on the next agenda for introduction.

Redevelopment Plan and Ordinance – Mayor Wronko and Councilman Thornton recused themselves from discussion of the Redevelopment Plan and stepped down from the dais. Councilwoman Kuncken oversaw this portion of the meeting.

Councilwoman Kuncken stated the Redevelopment Plan is being discussed this evening for informational purposes and no decision will be made tonight. An ordinance will follow at a future meeting for introduction and following that meeting there will be a public hearing. Councilwoman Kuncken asked Mr. Keller to provide an overview. Mr. Keller stated the Redevelopment Plan was discussed at the Land Use Board meeting in January. The Land Use Board provided their changes and recommendations to the governing body. Bill Hamilton, the Borough’s Planner from Mr. Keller’s office, prepared an area need study which determined that this property meets the criteria under the law and that it is a distressed property and therefore is an area in need of non-condemnation redevelopment. Mr. Keller’s office was then asked to proceed with a redevelopment plan which is essentially a zoning ordinance that establishes the criteria for the redevelopment area. In this case, it is a single property known as Block 11207 Lot 8, 45 Main Street, also known as The Stanhope House. All the standard provisions in our Land Use Code, Section 100, continue to apply as far as applications and other criteria which is not contained in here. For deviations, an applicant can go to the Land Use Board for both “C” and “D” variances, as established in the Municipal Land Use Law. Under a redevelopment plan, the only deviations you can request are “C” variances which are bulk requirements. If it goes to use, density, or things like height which are classified as “D” variances, then the redevelopment plan needs to be amended. This cannot be addressed by the Land Use Board.

Mr. Keller stated the goals of the Redevelopment Plan are to stimulate economic investment. The property in our area is in need and the site is dilapidated. This would promote development and strengthen the downtown area and improve the physical appearance. There is a requirement to provide affordable housing. If it is a rental property, the requirement is 15% affordable housing and if it is a sale property, which is determined by the developer, the percentage would be 20% for affordable housing. Mr. Keller stated for standards, an allowable density for the property was not established. The property is fairly small, less than an acre in size. It is almost entirely impervious coverage. Any rainfall from the site goes directly into the storm sewer system, which ends up in the river. There is no stormwater management. The parking lot has pretty much zero delineation, except for the municipal parking spaces. These five municipal spaces will be set aside as part of the plan. There are height limitations and parking restrictions with setbacks. The parking requirements establish the allowable density, which will determine the number of units.

Councilman Riccardi stated the parking is set at 1.7, and some of the governing body members have stated previously they are of the opinion this will not be enough. The NJ Administrative Code 5:21 Section 4-14 states for these types of buildings; a one bedroom should be at 1.8 parking spaces and a two bedroom should be 2 parking spaces. Councilman Riccardi asked why the plan is under those amounts. Mr. Keller stated this is a very good question. Those parking standards were established back in the 1980's and they have not been updated in the Residential Site Improvement Standards (RSIS) which is 5:21. The RSIS, when it was adopted in 1997, was based on a Rutgers's study involving a sub-division and site plan ordinance that was developed in the 1980's. Rutgers's has recently done an updated parking analysis resulting in the lower 1's for mid-rise buildings. Councilman Riccardi stated that may be Rutgers's findings, but the NJ State code is still 1.8. Mr. Keller stated the RSIS has established that municipalities can establish their own separate parking standards based upon local criteria and conditions. Mr. Keller stated, stepping outside of his Borough Engineering position, he also works for developers and does have technical knowledge he can share. Mr. Keller feels it is his responsibility to share the great deal of experience he has acquired during his forty plus years in this business. His company has done many mid-rise buildings and they have found 1.7 to be a satisfactory number to meet the requirements of the residents. Councilman Wachterhauser stated the building will be mixed use with storefronts on the lower level and the property currently has a liquor license. There is no on street parking permitted in the area. Councilman Riccardi stated theoretically there could be a restaurant with a bar. There are four (4) spaces allotted for the retail. Mr. Keller stated he hears the concerns. Councilman Wachterhauser stated it is possible there could be three (3) employees. Councilman Wachterhauser stated he is not against the redevelopment but he is concerned about the parking. A one-bedroom apartment could be for a couple and that could mean two cars. Councilwoman Kuncken stated the downtown area was developed a long time ago and the streets are narrow. Back then no one ever imagined that families would have so many cars. There is only a certain amount that can be done with the existing infrastructure in the downtown area. Mr. Keller stated the building next door to the municipal building, which was approved by the Land Use Board, has parking spaces in the back of the building but they are only for the residents of the apartments. Spaces were not provided for the retail use. Councilman Wachterhauser stated there are also two apartment buildings next to 45 Main Street that have no parking for the tenants. Those people will end up competing for parking. Councilman Wachterhauser stated perhaps there could be a stipulation that only one car per unit would be permitted. However, people would just park extra cars somewhere else. Councilman Riccardi asked if the size of the units can be limited to just one-bedroom units and then maybe the 1.7 spaces would work. The two-bedroom units are most likely going to have at least two cars. Councilman Wachterhauser stated there could even be three cars with a two bedroom. The Rutgers study, in his opinion, does not seem viable for this area and he is not comfortable voting for the 1.7 spaces. Councilwoman Kuncken asked if the parking issue has been brought to the attention of the developers. Mr. Keller confirmed it has been brought to their attention. They have a great deal of experience with this type of development. They started the plan with 1.5 spaces or less and Mr. Keller stated right away that would be unacceptable. Councilman Riccardi stated he is still unsure as to why the standards set in the code are not being followed. In his line of work the standards which are set are usually the bare minimum.

Mr. Keller stated there has been a lot of talk over the past five to ten years with regard to the parking standards and there is a provision in the RSIS code that allows municipalities to adopt standards below the code. The Site Improvement Advisory Board makes recommendations to the DCA on modifying the RSIS standards. The parking standards have not changed in thirty years but many projects have been done with parking standards in suburban areas which do not match the standards. Mr. Keller stated, technically, by the letter of the law, the standard does not apply to this project at 45 Main Street because it is a mixed-use project. This does not mean that it is not a valid document to be guided by. Councilman Riccardi stated the electric car parking requirements for this project state that the State code is to be followed. Why are we picking and choosing which parts of the code to follow? Mr. Keller explained how the electric parking spaces are determined and how that affects the other parking spaces. For example, if there are 50 units, at 1.7 parking spaces, that means 85 parking spaces would be required. Of the 85, 15% would need to be electric (EV) spaces which equates to 13 spaces. Each EV space counts as two spaces. So, if there are 85 spaces, technically they have provided 98 parking spaces. Councilman Riccardi stated he wants to make sure the residents already in this area are not put in a bad situation with parking and that the new residents will have a space to park. Councilman Romano stated he has lived here for 60 years and this is far from a new concept or problem. Even if the retail spaces are built, they may not become occupied. There are two new business storefronts next door that have remained empty. Mr. Keller stated some developers will tell the residents they are only allowed one parking space and if they need an additional space they need to pay for those. The governing body members stated however that the spaces need to be available. Councilman Wachterhauser stated people will

just find places to park on the street. Then all the residents in the area will be complaining and there will be issues in the winter months when parking on the roads is restricted. Councilwoman Kuncken stated the parking issues cannot be solved this evening. The developer needs to be involved and informed about the objections that exist with regard to the parking. Mr. Keller stated either the Borough Attorney or the Borough Planner would contact the developer to make them aware of this issue. Mr. Keller has not been involved with the developer. The governing body asked Mr. Keller to inform the Borough Planner and ask him to contact the developer.

Councilman Romano stated the governing body needs to state what number of spaces would be acceptable. Mr. Keller agreed that he needs to let the Borough Planner know what would be acceptable. Mr. Keller stated he is not aware of what type of bedroom mix the developer is looking at. Generally, the market units are one and two bedrooms. If there are 50 rental units, 15% of that would have to be affordable housing units, which would equate to 8 units. Councilwoman Kuncken asked if the affordable housing units would be located within the same location. Mr. Keller confirmed this. The requirement is that 20% of those have to be three-bedroom units. This would mean there would have to be two three-bedroom units. There can not be any more than one one-bedroom unit and that would leave five two-bedroom units. Depending on the developer and their proforma, and what they think will rent or sell, there are generally 60% one-bedroom units and 40% two-bedroom units. Some of the one-bedrooms may have a den or a bonus room without a door or closet. With rental properties there is more control with regard to the number of people in a unit as opposed to units that are sold. The maximum occupancy can be included in the lease.

Councilman Riccardi asked if the requirements for the electric parking spaces can be spelled out, as opposed to just stating the parking is to be based on State code, in order to eliminate any confusion. Mr. Keller stated the only caveat to this is that the EV charging law was modified during the lame duck session. There were a lot of changes proposed but most of it was not approved. If the requirements are specified in the Redevelopment Plan and the law changes, then the Redevelopment Plan would have to be revised. The municipality can not have a plan that is contrary to the State law because State law supersedes the municipality. Mr. Keller stated with the 1.7 parking spaces, the developer does not get credit for EV parking, making the 1.7 a hard number and this would provide for more spaces. If the RSIS code is used, the developer does not have to provide 1.8, 2 or 2.1 spaces because they get a 10% credit so the number of spaces would actually be less. The governing body stated they want to follow the State code requirements. Mr. Keller stated he will ask the Borough Planner to speak with the developer. Once an ordinance is introduced, the plan goes back to the Land Use Board. Then the Land Use Board will respond back to the governing body and the ordinance would then be scheduled for a public hearing and final adoption. After the ordinance is introduced, changes can not be made. If changes are required, the process starts all over again. Mr. Keller stated the governing body should review the plan and make sure no other changes are needed, including the type of uses permitted. Councilman Riccardi asked if the parking requirements can list what State code is being used to make sure the Redevelopment Plan is as clear as possible. Mr. Keller stated that issue will need to be discussed with the Borough Attorney. Councilwoman Kuncken stated everything needs to be as clear as possible for the public hearing in order to keep things civil and as calm as possible. Much discussion took place regarding the retail space and what type of restaurant could, or could not, be opened at the location based on the square footage. Mr. Keller stated the retail space is designated for the first floor but he is not aware of the square footage amount. Certain types of businesses will not have enough space. Something like a pizzeria may not be able to fit the HVAC equipment, pizza ovens etc.

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

Councilwoman Kuncken turned the meeting back over to Mayor Wronko and he, along with Councilman Thornton returned to the dais.

NEW BUSINESS

ORDINANCE

Ordinance for Introduction and First Reading [Public Hearing on February 27, 2024]

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

CALENDAR YEAR 2024 ORDINANCE OF THE BOROUGH OF STANHOPE, COUNTY OF SUSSEX, NJ TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Borough of Stanhope in the County of Sussex finds it advisable and necessary to increase its CY 2024 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Council hereby determines that a 1.0% increase in the budget for said year, amounting to \$40,467.83 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Stanhope, in the County of Sussex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2024 budget year, the final appropriations of the Borough of Stanhope shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$141,637.39 and that the CY 2024 municipal budget for the Borough of Stanhope be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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

Roll Call:

Councilwoman Kuncken – yes	Councilman Simpson – yes
Councilman Riccardi – yes	Councilman Thornton – yes
Councilman Romano – yes	Councilman Wachterhauser - yes

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

RESOLUTIONS

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

Resolution 056-24

Resolution Authorizing Compliance with the United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit’s hiring practices comply with the United States Equal Employment Opportunity Commission’s “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964,” *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit’s hiring practices as they pertain to the consideration of an individual’s criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the Mayor and Council of the Borough of Stanhope, County of Sussex, New Jersey hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit’s hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

On motion by Councilman Romano, 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 Simpson – yes |
| Councilman Riccardi – yes | Councilman Thornton – yes |
| Councilman Romano – yes | Councilman Wachterhauser – yes |

Resolution 057-24

RESOLUTION AWARDED CONTRACT FOR WATER SYSTEM IMPROVEMENTS PROJECT TO SUNSET AVENUE, RIDGE ROAD, OVERHILL ROAD, WEST DRIVE AND MOUNTAIN VIEW ROAD

WHEREAS, the Borough of Stanhope heretofore advertised for the receipt of sealed competitive bids for water system improvements to Sunset Avenue, Ridge Road, Overhill Road, West Drive and Mountain View Road, with US EPA grant funding; and

WHEREAS, the Borough accepted sealed competitive bids on December 19, 2023; and

WHEREAS, the Borough received seven (8) sealed competitive bids in the following amounts: Crossroads Paving, \$874,055.00; Conquest, \$1,023,415.00; Montana Construction Corp., Inc., \$1,611,111.00; Underground Utilities Corp., \$998,585.00; Penn Bauer, Inc., \$815,913.54; Kulpeksa Land Imp. Corp., \$756,652.00; Shauger Property Services, Inc., \$1,011,940.00 and Salmon Brothers, Inc., \$998,100.00; and

WHEREAS, the Borough Attorney and Borough Engineer have reviewed the bids for compliance with the Local Public Contracts Law and applicable bidding requirements; and

WHEREAS, Kulpeksa Land Imp. Corp. is the lowest responsive, responsible bidder for the Borough’s bid request for bid on December 19, 2023.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stanhope that the Borough does hereby award a bid to Kulpeksa Land Imp. Corp. in an amount not to exceed \$756,652.00 for the proposed water system improvements to Sunset Avenue, Ridge Road, Overhill Road, West Drive and Mountain View Road, subject to all applicable bid requirements, including in accordance with US EPA grant requirements; and

BE IT FURTHER RESOLVED, that the award of this bid is subject to certification of the availability of funds by the Chief Financial Officer; and

BE IT FURTHER RESOLVED, that the Borough Clerk shall notify all bidders of the award of the bid to Kulpeksa Land Imp. Corp., and the bid bonds shall be returned to said bidders.

On motion by Councilman Riccardi, 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 Simpson – yes
Councilman Riccardi – yes	Councilman Thornton – yes
Councilman Romano – yes	Councilman Wachterhauser – yes

Resolution 059-24 **RESOLUTION AUTHORIZING GRANT APPLICATION FROM NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS FOR THE INSTALLATION OF A NEW PLAYGROUND IN THE DOWNTOWN AREA OF STANHOPE BOROUGH**

Whereas, the Borough of Stanhope desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for up approximately \$100,000 to carry out a project to install a new playground in the downtown area for the Borough of Stanhope.

Be it therefore RESOLVED,

- 1) that the Borough of Stanhope does hereby authorize the application for such a grant; and,
- 2) recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Borough of Stanhope and the New Jersey Department of Community Affairs.

Be it further RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith: Gene Wronko, Mayor and Brian McNeilly, Borough Administrator.

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 Simpson – yes
Councilman Riccardi – yes	Councilman Thornton – yes
Councilman Romano – yes	Councilman Wachterhauser – yes

TABLED Resolution 060-24 **RESOLUTION APPROVING EMERGENCY TRUCK REPAIRS**

WHEREAS, the Borough of Stanhope became aware of an engine failure in the leaf vacuum machine and needed an emergency repair; and

WHEREAS, Hoover Truck and Bus Centers, one of the Borough’s usual vendors, was directed to make the emergency repairs to the machine; and

WHEREAS, it was necessary to have this repair done immediately due to the need of the machine during the annual fall leaf collection,

WHEREAS, N.J.S.A. 40A:11-6 provides for the awarding of contracts without public advertising for bids and without the need to seek competitive quotations, when an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the performance of services; and

WHEREAS, emergency repairs to the leaf vacuum machine totaling \$22,668.81 in work performed by Hoover Truck and Bus Centers is \$16,068.81 above the \$6,600 quote threshold and 5,168.81 above the \$17,500 pay-to-play threshold;

WHEREAS, the emergent condition of the machine was properly reported by the DPW Supervisor to the Borough Administrator in accordance with Borough practices and the provisions of N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stanhope, Sussex County, State of New Jersey, that it does hereby concur in the payment to Hoover Truck and Bus Centers for emergency repairs to the leaf vacuum machine in the amount of \$22,668.81.

On motion by Councilman Romano and seconded by Councilman Riccardi discussion took place regarding Resolution 060-24.

Councilman Thornton asked that the resolution be tabled. On two occasions, once on December 21st and again on January 23rd, he asked the CFO if the vendor had submitted invoices. The Administrator was copied on the request made on January 23rd. As the Chairman of the Infrastructure Committee and 2nd Chairman for the Finance Committee, Councilman Thornton stated none of this documentation was supplied to the committees. Councilman Thornton stated he looked up pricing online for the parts the Borough is being charged for and the vendor is charging 25% - 30% more. Councilman Thornton is of the opinion that further justification for the bill is required. He is not saying the vendor does not deserve to be paid but he would have liked the vendor to fix the equipment as quickly as he was able to submit a bill. Councilman Thornton made a motion to table the resolution which was seconded by Councilman Wachterhauser. Councilman Wachterhauser stated the governing body was repeatedly told the machine needed a starter and a fly wheel. The bill from Hoover Truck Repair lists a lot more than just a starter and a fly wheel. There is reference to a catastrophic failure which was never brought to the attention of the governing body. It appears that the entire piece of equipment was rebuilt amounting to a cost of almost \$22,000. This is approximately a quarter of the cost of a new machine. Mayor Wronko stated the resolution will be tabled until the Administrator is available.

On motion by Councilman Thornton, seconded by Councilman Wachterhauser and unanimously carried by voice vote, Resolution 060-24 was tabled.

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 061-24

REMOVAL OF VALESKA MILLAN FROM THE RECREATION COMMISSION

WHEREAS, the Mayor and Council were made aware by the New Jersey Department of Community Affairs Local Finance Board (“DCA”), via a letter December 29, 2023, that a member of the Stanhope Borough Recreation Commission, Valeska Millan, did not file an annual Financial Disclosure Statement (“FDS”), as required per the Local Government Ethics Law (“LGEL”), specifically N.J.S.A. 40A:9-22.6(a); and

WHEREAS, June 14, 2023, a Notice of Violation was issued by the DCA to Ms. Millan for not filing her annual FDS, and as of December 1, 2023, Ms. Millan has neither paid the \$100 fine issued by the DCA nor requested an administrative hearing, resulting in the DCA correspondence requesting the matter be addressed; and

WHEREAS, as per N.J.S.A. 40A:9-22.11, the finding by the DCA that Ms. Millan is guilty of the violation of the provisions of the LGEL is sufficient cause for her removal from the Recreation Commission.

NOW THEREFORE IT BE RESOLVED by the Mayor and Council of the Borough of Stanhope that Ms. Millan be removed from the Stanhope Borough Recreation Commission effective immediately, in accordance with the DCA recommendations.

Resolution 062-24

SUPPORTING CONTINUATION OF CORPORATE BUSINESS TAX (CBT) AND A 2.5% SURCHARGE ON NEW PROFITS ABOVE \$1 MILLION AT 2023 RATE TO FUND CRITICAL OPEN SPACE, FARMLAND, HISTORIC PRESERVATION AND HAZARDOUS SITE CLEANUP FUNDING

WHEREAS, in 2014, sixty-five (65%) percent of New Jersey voters approved amending the New Jersey Constitution to provide long term sustainable funding for open space (Green and Blue Acres), farmland and historic preservation by dedicating a portion of the Corporate Business Tax (CBT) to those programs; and

WHEREAS, New Jersey voters high approval on every NJ open space ballot question since 1961 reflects their dedicated support for farmland, open space and historic preservation; and

WHEREAS, agriculture plays an integral role in the prosperity, agri-businesses and well-being of “The Garden State”, along with providing a fresh and abundant supply of food for its residents; and

WHEREAS, in the most densely populated state in the nation, the Covid-19 pandemic proved the high value of New Jersey’s open space and recreational areas to the health and well-being of residents throughout New Jersey, especially those in urban towns and minority communities; and

WHEREAS, Governor Murphy stated on Earth Day 2023 during final adoption of New Jersey’s Environmental Justice Rules, “we have worked incredibly hard to ensure that all people – regardless of income, race, ethnicity, or national origin – can enjoy their right to live, work, learn and recreate in a clean and healthy environment”; and

WHEREAS, New Jersey is one of the original thirteen colonies, its historic preservation is significant to our nation’s history; and

WHEREAS, open space is essential to protecting New Jersey residents and businesses from storm related flooding that results in loss of life and property and is increasing at a alarming rate due to climate change; and

WHEREAS, continuation of New Jersey’s CBT and a 2.5% surcharge on net profits above \$1million, which is set to expire at the end of 2023, provides important and necessary funding for the acquisition, preservation and stewardship of open space, farmland and historic sites in New Jersey that protects and enhances the character and beauty of “The Garden State”, while also providing its citizens with opportunities for recreation, relaxation and education; and

WHEREAS, CBT funding provides long-term, sustainable funding to support communities with the remediation of hazardous sites known as brownfields, the cleanup of leaking underground storage tanks, and funds cleanups of hazardous spills; and

WHEREAS, the proposed reduction in the CBT included in the 2024 NJ State budget would slash approximately \$60 million annually from vital open space, farmland, historic preservation and remediation of hazardous sites known as brownfield, the cleanup of leaking underground storage tanks, and funds cleanups of hazardous spills.

NOW, THEREFORE BE IT RESOLVED, by the Stanhope Borough Council that the undersigned ask Governor Murphy and the New Jersey Legislature to maintain the current 2023 level of Corporate Business Tax funding of a 2.5% surcharge on net profits above \$1 million to provide continuous level funding for critical environmental and public health programs.

This resolution shall take effect immediately.

Resolution 063-24

RESOLUTION GRANTING WATER AND SEWER ALLOCATION TO APPLICANT, PATRICK LYNCH, FOR ONE LOT LOCATED ON SUMMIT STREET, IDENTIFIED ON THE TAX MAP OF THE BOROUGH OF STANHOPE AS BLOCK 11103, LOT 24.07

WHEREAS, Patrick Lynch has filed an application with appropriate fees for water and sewer allocation to service a one-family residential property at 6 Summit Street, Block 11103, Lot 24.07; and

WHEREAS, the Borough's checklist and Ordinance Sections 100-34C(4) and 100-35D all require a certification from the Mayor and Council that adequate water supply and sewerage capacity exist to service the proposed development; and

WHEREAS, the Mayor and Council wish to comply with the Ordinance requirements to certify the availability of water and sewer for the single-family dwelling;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stanhope that the application submitted by Patrick Lynch for water and sewer allocation be and is hereby granted as follows:

Water Allocation: 300 gpd

Sewer Allocation: 300 gpd

Resolution 064-24

RESOLUTION GRANTING WATER AND SEWER ALLOCATION TO APPLICANT, ADAM LUSARDI, FOR ONE LOT LOCATED ON WALTON STREET, IDENTIFIED ON THE TAX MAP OF THE BOROUGH OF STANHOPE AS BLOCK 10607, LOT 8

WHEREAS, Adam Lusardi has filed an application with appropriate fees for water and sewer allocation to service a one-family residential property at 3 Walton Street, Block 10607, Lot 8; and

WHEREAS, the Borough's checklist and Ordinance Sections 100-34C(4) and 100-35D all require a certification from the Mayor and Council that adequate water supply and sewerage capacity exist to service the proposed development; and

WHEREAS, the Mayor and Council wish to comply with the Ordinance requirements to certify the availability of water and sewer for the single-family dwelling;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stanhope that the application submitted by Adam Lusardi for water and sewer allocation be and is hereby granted as follows:

Water Allocation: 300 gpd

Sewer Allocation: 300 gpd

Resolution 065-24

RESOLUTION GRANTING WATER AND SEWER ALLOCATION TO APPLICANT, MANJIT BAJWA, FOR ONE LOT LOCATED ON ROUTE 206 SOUTH, IDENTIFIED ON THE TAX MAP OF THE BOROUGH OF STANHOPE AS BLOCK 11702, LOT 5

WHEREAS, Manjit Bajwa has filed an application with appropriate fees for water and sewer allocation to service a one-family residential property at 256 us Route 206 South, Block 11702, Lot 5; and

WHEREAS, the Borough's checklist and Ordinance Sections 100-34C(4) and 100-35D all require a certification from the Mayor and Council that adequate water supply and sewerage capacity exist to service the proposed development; and

WHEREAS, the Mayor and Council wish to comply with the Ordinance requirements to certify the availability of water and sewer for the single-family dwelling;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stanhope that the application submitted by Manjit Bajwa for water and sewer allocation be and is hereby granted as follows:

Water Allocation: 1,664.9 gpd

Sewer Allocation: 1,664.9 gpd

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

Roll Call:

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

Councilman Simpson – yes
Councilman Thornton – yes
Councilman Wachterhauser – yes

Mayor's Appointments

Resolution 066-24

**MAYOR'S APPOINTMENT OF SIXTA RIVERA AS
FINANCE CLERK WITH COUNCIL CONCURRENCE**

Mayor's appointment of Sixta Rivera as Finance Clerk with Council Concurrence.

BE IT RESOLVED by the Council of the Borough of Stanhope that they do hereby concur with the Mayor's appointment of Sixta Rivera as Finance Clerk, subject to the following terms and conditions:

1. The appointment is effective February 20, 2024.
2. The annual salary will be \$20,800, to be pro-rated in CY2024.
3. Working hours to be a total of 20 hours per week on the following days and times:
Monday-Friday 10:00am to 2:00pm. Hours may be adjusted by the Chief Financial Officer, as necessary.

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

Councilwoman Kuncken asked to have the Administrator explain the job duties for the position at the next meeting. Councilman Thornton stated he had asked if the members of the Personnel Committee would meet the applicant prior to hiring and he was told no. Councilwoman Kuncken stated that is not the usual procedure. Mayor Wronko stated at a future work session meeting communication issues will be discussed. Councilwoman Kuncken stated the hiring process should not be made more cumbersome. Mayor Wronko stated new hires are done so infrequently that he is of the opinion adding another step by having the Personnel Committee involved with the interviewing process could be included. Councilman Thornton stated the governing body met with the CFO prior to her hire. Councilman Romano stated the CFO is a department head position. Ellen Horak, Borough Clerk, stated past practice for many years has been for the governing body to meet with department heads prior to their employment and employees being hired within the departments are done so on the recommendation of their department head and the Administrator. Councilman Wachterhauser stated we need to be operating within the Civil Service Law and to make sure the ordinances are being followed or to determine if the ordinances need to be changed. Councilman Thornton stated just because an ordinance is reviewed does not mean it needs to be changed but we can look to see if it is still applicable or if it can be improved upon. Sometimes things need to be re-evaluated. Mayor Wronko stated he would like to ensure that everyone on the Council has a voice, whether we agree with them or not. Everyone should have the opportunity to make a case for something they are interested in and it can be discussed and a determination made on how to proceed. Everyone's opinion needs to be respected. Councilwoman Kuncken stated that is a healthy process. The governing body has always operated under the premise that once a decision is made, whether the supporters won or loss, it is over and we move on.

Resolution 067-24

**MAYOR'S APPOINTMENT OF JENNIFER DILETTO TO THE
BOROUGH OF STANHOPE RECREATION COMMISSION**

Mayor's appointment to the Recreation Commission as follows:

Jennifer Diletto to fill an unexpired term, said term to expire 12/31/2024

BE IT RESOLVED by the Council of the Borough of Stanhope that they do hereby concur with the Mayor's appointment of Jennifer Diletto as a member of the Recreation Commission, to fill an unexpired term, with said term to expire December 31, 2024.

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

PAYMENT OF BILLS

Resolution 068-24

**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 February 13, 2024 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 Riccardi – yes
Councilman Romano – yes

Councilman Simpson – yes
Councilman Thornton – yes
Councilman Wachterhauser – yes

AGENDA ITEMS

All items listed on the Agenda for February 27, 2024 were approved.

CITIZEN’S TO BE HEARD

Mayor Wronko 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 Wronko closed the public portion of the meeting.

ADJOURNMENT

On motion by Councilman Romano, seconded by Councilwoman Kuncken and unanimously carried by voice vote the meeting was adjourned at 8:45 P.M.

Approved:

Linda Chirip
Deputy Clerk for
Ellen Horak, RMC
Borough Clerk