

**MAYOR AND COUNCIL  
WORK SESSION AND  
AGENDA MEETING MINUTES  
April 9, 2024  
7:00 P.M.**

**CALL TO ORDER**

**SALUTE TO COLORS**

Council President Thornton 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 – absent	

**ENGINEER'S REPORT**

*Sunset Avenue/Ridge Road/Overhill Road Water Main Replacement* – Eric Keller, Borough Engineer, stated a pre-construction meeting was held on March 28<sup>th</sup> with the Borough representatives, Kulpeksa Land Improvement and their subcontractor for the temporary water system for the Sunset Avenue, Ridge Road, Overhill Road Water Main Replacement Project. The USEPA representative was unable to attend but they have been kept in the loop on the status. Kulpeksa is finalizing their paperwork and we anticipate that the contract will be fully executed in the near future. Mr. Keller stated we are also awaiting their paperwork on the use of an MBE/DBE subcontractor to address the USEPA requirements.

Mr. Keller stated Kulpeksa indicated they would start construction in late April, with a completion date on or before September 1, 2024 in compliance with our work schedule to the USEPA. The initial phase of work would be the installation of a new hydrant at the northern end of Ridge Road by the circle and then the installation of the temporary water service. The contractor and their subcontractor expressed a concern for fire protection coverage with only one feed to the temporary service. They are providing a revised plan with a connection to a fire hydrant on Valley Road to provide redundancy through the easement area.

Mr. Keller stated we are waiting for the contractor's schedule for the sequence of streets and homes where the mains and the services are to be installed. Notices will be sent to each of the property owners regarding the need for access to their homes which will be needed to ensure proper connection of the temporary water service and to gain permission to replace their water services to the meter. Administrator McNeilly will add some additional commentary during his report.

Elm Street & Grove Road Local Aid Project – Mr. Keller stated the design work for the Elm Street and Grove Road Local Aid Project is moving along well. The survey has been completed for the ADA ramps. It is anticipated that the construction plans will be submitted to the NJDOT Local Aid Office by mid-April and then going to bid in early May. This has to go out to bid due to the fact there are no provisions in the Morris County Co-op for this. The anticipated construction will start once school ends for the year. Once the ADA ramp construction is underway, the milling and resurfacing will be scheduled through the Morris County Cooperative to be completed before school reopens in September.

NJ Natural Gas Phase 1 Project – Mr. Keller stated he attended a pre-construction meeting with representatives from NJ Natural Gas and the Borough representatives to discuss the schedule of their work and other projects within the Borough. The majority of the work along Elm Street and Valley Road (up to Spencer Street) was undertaken while the school was on spring break. NJ Natural Gas has been informed that while school is in session, they need to provide a direct route to and from the school, which included Grove Road, Delaware Avenue and/or Spencer Street/Valley Road. At this time, they are working on Delaware Avenue and Hickory Drive. The gas company has been told they cannot go into the area of Sunset Avenue and Ridge Road until the water main project is completed. Administrator McNeilly stated the next roads on the schedule are Valley Road, Oak Drive, Spencer Street and Sagamore Road. Mr. Keller stated the gas company was told Valley Road and Grove Road and any of the house connections have to be completed prior to the Borough paving. Once the roads are paved, the roads cannot be opened for five years. Administrator McNeilly stated the work to make the connections to the houses cannot begin until after school is in session and they have to be done before school ends for the day.

Sparta Road Sign – Councilman Thornton stated the sign on Sparta Road is not visible from a distance due to the way the lights shine on it. Mr. Keller stated there had been a discussion regarding whether the arms on the lights should be extended. He will review his notes and look at the sign. Administrator McNeilly stated it is unfortunate that there is no electrical power at that location. Mr. Keller stated there is power in the area which could be brought over but the electric company requires a box with a meter to be installed as well.

## **ADMINISTRATOR'S REPORT**

2025 Congressional Directed Spending Request – Administrator McNeilly stated he has been working with the grant writer and Borough Engineer, Eric Keller, on the 2025 Congressional Directed Spending Grant. The federal grant has been submitted to both of the Senator's offices for \$2.5M for renovations/expansion of the municipal and police complex. The program is under the USDA and a lengthy waiting period for their decision is to be expected. The grant program is focused on towns with a population less than 5,000 people. Funding, if successful, is 75% federal and 25% local funds. This would go a long way toward getting a project done that has been talked about for 35 years.

NJ Natural Gas – Administrator McNeilly stated the gas main install in the school area on Elm Street went reasonably smooth during the school break. Gas is now running in the lines from Valley Road at Spencer Street to Elm Street to the school over the hill on Elm down to Grove Road, including to the cul-de-sac, and then on Grove Road out to Brooklyn Road. Delaware Avenue and Hickory Drive are being worked on and then they will go to Oak Drive (east) and the remainder of Valley Road and then down Spencer Street and Sagamore Road. NJ Natural Gas is now finishing the remaining streets in the school area. Grove Road will continue to be the main access road to and from the school. The road opening permits are being submitted fast and furious. The gas company is doing a good job of obtaining customers because some of the permits are for roads that will not be getting the gas lines until next year some time. Councilwoman Kuncken stated she is of the opinion this is because the meeting which was held by NJ Natural Gas was done so well and was well attended.

13 High Street – Administrator McNeilly stated he has been in contact with the lien holder for 13 High Street as he works his way through the legal process to acquire the property. The lien holder is looking for legal rights from a Judge to enter the property to make temporary repairs on the gapping holes in the structure.

Leo Avenue – Administrator McNeilly stated Leo Avenue is currently suffering from subsurface water erosion. Several complaints have been received. Only 200 feet of this road is within the Borough. The rest of the road is in Hopatcong. Hopatcong paved the road late last year and offered to pave all the way to the bottom of the road. Leo Avenue had not been paved in a very long time. The problem now is that the paving encapsulated all the running water from underneath the roadway and now it is travelling down subsurface off the top of the hill and has run down and blown out a whole section of Leo Avenue pretty aggressively. The DPW has been compacting materials into the trench daily. Now that the weather conditions are decent, the DPW will begin to rip up the road and install some drains underneath to hopefully control the water. Mr. Keller stated the inlets close to our municipal boundary will have some subsurface outlet drains installed with stone to pick up the water that is underneath there and get it into the inlets and take it back down to the inlets that exist at Brooklyn Road. Mr. Keller stated he inspected the area with the DPW Superintendent and two or three of the repairs which were made back in February had a wet spot on the pavement. The water cannot be seen on the surface but it is noticeable that the asphalt is getting pressure from the water underneath. Mr. Keller stated they have inspected the area to make sure there were no sump pump drains or anything that would cause water to come out to the road and there was nothing. All the water is subsurface. This may have happened when Hopatcong compacted the asphalt with a vibratory roller, which vibrates everything, like the earthquake did last week. Administrator McNeilly stated access to Leo Avenue will be closed for a few days while the repair is made. Calls may be received from areas outside of Stanhope regarding the issue but it is going to be repaired on Stanhope's side.

Hopatcong LEAP Grant Application – Administrator McNeilly stated, in March of 2023, Stanhope joined the other communities served by the Hopatcong Animal Control Officer to submit a Local Efficiency Achievement Program (LEAP) grant request. Improvements are needed at the animal pound now that this is such a large shared program. Hopatcong was not awarded the grant in the 2023 round so they are resubmitting for 2024 and have again requested the partner towns sign the application and provide a supporting a resolution. The grant request is the same amount of \$200,000 and requires no contribution from the Borough of Stanhope. Administrator McNeilly stated if the governing body approves the request, a resolution will be prepared for the April 23<sup>rd</sup> meeting. The governing body agreed to the request.

Ridge Road/Sunset Avenue/Overhill Road/Mountain View Road – Administrator McNeilly stated after the pre-construction meeting with the contractor for Ridge Road, Sunset Avenue, Overhill Road and Mountain View Road, it was discovered there are many pieces to this project which we were not aware of until this discussion took place. The Borough has some prior experience when the above ground water system was done on Sparta Road but it was not done as elaborately as this project will be. If there is a hydrant in the area, then a temporary hydrant needs to be there as well. The flow and the pressure have to be set to a certain amount. Before the standby water is turned on for each house, the contractor has to enter the home to make sure there are no issues. The Borough's DPW needs to check the water meter and the homeowner's personal water shut off to determine if it is brass or ceramic. If it is brass, a schedule must be set to change the brass shut off to a ceramic shut off. Each home in this area falls under the grant for removal of the galvanized lines and therefore the service has to be inspected from out of the house to the curb box. If it is determined the service is galvanized pipe or lead pipe, the homeowner has to be notified that the line must be replaced. The homeowner will have the option to agree to the replacement or sign a waiver refusing to have the replacement done. All of these things have to be done by someone. Then there is the issue of having the standby water system in the roadway on a very tight street along with the construction and the replacement. A month or two later the gas company will be coming along. All of this information cannot be relayed with a Nixle Message or social media. Administrator McNeilly is of the opinion that an informational meeting be scheduled at Borough Hall to meet with the residents located in the water main replacement area. A letter can be sent to each homeowner in the project area from Administrator McNeilly, Borough Engineer Eric Keller and the DPW Superintendent Jason Titsworth to explain the need for the meeting. The meeting can address all the issues and answer all their questions. The project is going to cause a great deal of disruption. The roads in this area are very tight. As soon as the projects are completed the road should be paved but it is going to be a rough 18 months.

Councilwoman Kuncken asked how the alternate water supply is done. Mr. Keller stated it is a pipe that will sit on the ground. In certain areas where there is a road crossing, there will be a trench dug for the line with a bridge over it. Councilwoman Kuncken asked if the line will run in front of people's driveways. Mr. Keller confirmed this and stated there will be ramps over the line

to protect it. This was done on Sparta Road 12-14 years ago. For this project there is not enough room in the street to provide separation to the sanitary to keep the existing water. The Borough cannot tell the contractor how to do their job. Means and methods are their responsibility. On Overhill Road between Ridge Road and Sunset Avenue there is no water main in there so they could do that. But it is up to the contractor. They want to put the temporary water system in up front. Mr. Keller stated two hydrants in the neighborhood are red tagged, which means they do not provide much protection. The temporary system will run all the way down to Valley Road where the hydrant is located on the corner. Mr. Keller stated he spoke with the DPW Superintendent and another hydrant needs to be installed on Valley Road below East Drive. Currently, there is one hydrant on Valley Road and one on Oak Drive and that is all there is for the whole southern end of the development. There needs to be another. Mr. Keller stated the water maps that he has show another hydrant on Valley Road, but it does not exist. There are water mains in the ground and a price has been obtained from the contractor to put in hydrants. This would have to be added in. Administrator McNeilly stated this is a tricky situation due to the typography and the only feed for the whole neighborhood comes off the circle on Ridge Road. This project will correct that problem. Mr. Keller stated they looked at possibly connecting to the hydrant on Brooklyn Road however, the hydrant is on the other side of the road and there are no inlets to use to connect to it underground. Councilman Wachterhauser asked if the change orders will be covered by the grant. Administrator McNeilly stated we are not at a point where change orders are required as yet. Mr. Keller stated the cost is under the budget amount set forth in the grant. The grant was for \$677,000 plus the Borough's twenty percent. The contract is for under \$700,000. Right now, between the funding provided by the EPA and the Borough's twenty percent share, which totals \$800,000, we are below that. The Borough has to pay twenty percent of whatever the final cost is. Those funds have been set aside.

Administrator McNeilly stated the letter will be prepared and the date set for the information meeting. This will not be a council meeting. The meeting date will be April 30<sup>th</sup> at 7:00PM. Councilwoman Kuncken asked if the governing body members can attend. Attorney Leo stated if the governing body members attend they cannot interact with the audience or speak in any way in order for this to not constitute a mayor and council meeting. Borough Clerk, Ellen Horak, stated she can advertise the mayor and council's attendance at the informational meeting, not a council meeting, so this would cover the issue.

Environmental Commission Grant – Councilman Riccardi stated, in reviewing the minutes from the last meeting which he was unable to attend, he noticed the Environmental Commission is waiting on a reply from Millennium Strategies with regard to the ANJEC grant. Councilman Riccardi stated he has not seen any correspondence and he asked Administrator McNeilly if a reply has been received. Administrator McNeilly stated he has not received a reply. Councilman Riccardi asked Administrator McNeilly to follow up with Millennium Strategies.

Leaf Machine Insurance Claim – Councilman Thornton asked if a response has been received as yet regarding the insurance claim for the leaf machine. Administrator McNeilly replied a response has not been received.

## **WORK SESSION**

Lake Hopatcong Elks Request to Use Lake by Musconetcong Park for Fishing Contest – Council President Thornton asked for any discussion or any objections regarding the use of the lake by Musconetcong Park to be used by the Lake Hopatcong Elks for a fishing contest. There were no objections.

Council President Thornton called for a straw poll vote to grant approval to the Lake Hopatcong Elks to use the lake by Musconetcong Park for a fishing contest. The results of the poll are as follows: Councilwoman Kuncken – yes; Councilman Wachterhauser – yes; Councilman Thornton – yes; Councilman Riccardi – yes; Councilman Simpson – yes; Councilman Romano - yes

## **OLD BUSINESS**

### Ordinance for Public Hearing and Final Adoption

Council President Thornton offered the following ordinance for Public Hearing and Final Adoption which was read by title.

**Ordinance 2024-04**

**AN ORDINANCE OF THE BOROUGH OF STANHOPE,  
SUSSEX COUNTY, NEW JERSEY AMENDING CHAPTER  
100, LAND DEVELOPMENT BY ADDING A NEW  
ARTICLE XXIV, PROHIBITED USES, SECTION 100-175  
USES PROHIBITED IN EVERY DISTRICT, PROHIBITING  
VEHICLES AND UNITS AS LIVING QUARTERS**

**WHEREAS**, the Borough of Stanhope (the "Borough") Code includes Chapter 100, entitled "Land Development"; and

**WHEREAS**, upon the recommendation of the Borough Zoning Officer, there is a need to revise the Borough Code to prohibit use of certain vehicles and units as living quarters within the Borough; and

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

**SECTION 1.**

Chapter 100 of the Borough Code, entitled "Land Development" is hereby amended with the addition of Article XXIV "Prohibited Uses", Section 100-175, "Uses prohibited in every district" as follows:

**ARTICLE XXIV. Prohibited Uses**

Section 100-175 Uses prohibited in every district.

A. The following uses are prohibited in every district

1. The occupancy for human habitation of any vehicle, recreational trailer, motor home or any other dwelling unit designed for transportation after fabrication, whether used as a second residence (or use) on developed lots, or as a primary residence on vacant or undeveloped lots.

**SECTION 2 - SEVERABILITY**

If any provision of this Ordinance or the application of this Ordinance to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

**SECTION 3 - REPEALER**

All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

**SECTION 4: EFFECTIVE DATE**

This Ordinance shall take effect immediately upon adoption and publication in accordance with law.

**SECTION 5: NOTICE**

The Municipal Clerk is directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. Upon the adoption of this Ordinance, after public hearing, the Municipal Clerk is further directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

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

Council President Thornton opened the meeting to the public for questions or comments on this ordinance only. Seeing no one from the public wishing to speak, Council President Thornton closed the public portion of the meeting.

Roll Call:

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

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

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

**NEW BUSINESS**

**RESOLUTIONS**

Council President Thornton offered the following resolutions which were read by title.

**Resolution 092-24**

**RESOLUTION FIXING THE 2024 SALARIES OF BOROUGH EMPLOYEES**

**WHEREAS**, the Borough Council of the Borough of Stanhope desires to set the specific salaries for full-time and part-time non-contract Borough employees for the year 2024,

**NOW, THEREFORE, BE IT RESOLVED** that the following salaries are retroactive to January 1, 2024 unless otherwise noted:

Eugene Wronko	Mayor	\$	3,013.00
Anthony Riccardi	Council Member		2,739.00
Diana Kuncken	Council Member		2,739.00
Thomas Romano	Council Member		2,739.00
Tyler Simpson	Council Member		2,739.00
Bill Thornton	Council Member		2,739.00
Scott Wachterhauser	Council Member		2,739.00
Brian McNeilly	Administrator		As per contract
Ellen Horak	Borough Clerk		73,187.25
Ellen Horak	Registrar		5,011.69
Linda Chirip	Deputy Borough Clerk		43,043.90
Linda Chirip	Deputy Registrar		2,690.44
Linda Chirip	Website Content Manager		4,360.30
Linda Chirip	Receptionist		5,150.00
Angelica Sabatini	Chief Financial Officer/Tax Collector/ Qualified Purchasing Agent		100,785.50
Tammy Minniti	Utility Collector/Asst. to Tax Collector		45,152.96
Sixta Rivera	Finance/Tax Clerk		20,800.00
Jason Laliker	Tax Assessor		23,921.17
Ward Sherrer	Custodian		9,316.82
<b>POLICE DEPARTMENT</b>			
Steven Pittigher	Chief of Police		As per contract
	Sergeant		As per contract
	Sergeant’s Stipend		As per contract
	Detective’s Stipend		As per contract
	Patrolman		As per contract
Virginia Citarella	Clerk Typist - Police Dept		\$41,064.26
Various	Police Matron		\$26.52 per hour
Various	Police Matron – Call-out		\$50.00 per call-out
Various	Special Officer		\$24.75 per hour
Various	Crossing Guard		\$17.99 per hour

DEPARTMENT OF PUBLIC WORKS

Jason Titsworth	Superintendent	\$86,501.54
Jason Titsworth	Water Operator	\$6,316.60
Jason Titsworth	Sewer Operator	\$6,316.60
Jason Titsworth.	Water T-1 License Stipend	\$3,500.00
	Public Works Repairer	As per contract
	Laborer	As per contract
Various	Part-time Laborer	\$13.00 to \$15.00 per hour
Various	Seasonal Part Time	\$16.55 per hour

CONSTRUCTION DEPARTMENT

Thomas Pershouse	Construction Official	\$27,602.50
AnnMarie Therrien	Clerical - Construction	\$16,068.00
Thomas Dixon	Code Enforcement/Housing Officer/ Zoning Officer	\$26,854.56

BOARDS AND COMMISSIONS:

Ellen Horak	Land Use Secretary	\$11,245.54
Monique McNeilly	Board of Health Secretary	\$5,310.87
Secretary to:		
Shade Tree		25.00 per month*
Environmental Commission		25.00 per month*
Recreation Commission		25.00 per month*

\*submission of monthly minutes required.

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

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

Roll Call:

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

**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 093-24**

**RESOLUTION AUTHORIZING REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER**

**WHEREAS**, the Tax Collector has received payment for the redemption of Tax Title Lien No. 2023-010 representing 2022 property taxes and/or utility charges on Block 11010, Lot 8 known as 10 Ridge Rd, assessed to Miranda, Ray A, and;

**WHEREAS**, the Tax Collector certifies that reimbursement is now required to be made to the following lien holder for the required redemption amounts as shown below:

To Lienholder:	Pro Cap 8 PO Box 774 Fort Washington, PA 19034
Redemption Amount:	Tax Title Lien #2023-010 and Interest to Date of Meeting \$ 1,864.52 Premium Paid by Lienholder <u>300.00</u>
Total From Current Fund:	\$ 1,864.52

Total From Tax Premium Account 300.00

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Stanhope, County of Sussex, State of New Jersey, that the Borough Treasurer be authorized to prepare the necessary check as stated above and to forward same to the lien holder.

**BE IT FURTHER RESOLVED**, that a certified copy of this Resolution be forwarded to the Borough Chief Financial Officer/Tax Collector.

**Resolution 094-24 RESOLUTION AUTHORIZING REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER**

**WHEREAS**, the Tax Collector has received payment for the redemption of Tax Title Lien No. 2023-014 representing 2022 property taxes and/or utility charges on Block 11404, Lot 6 known as 59 Linden Ave, assessed to Ferguson, Douglas & Molly, and;

**WHEREAS**, the Tax Collector certifies that reimbursement is now required to be made to the following lien holder for the required redemption amounts as shown below:

To Lienholder:	Pro Cap 8 PO Box 774 Fort Washington, PA 19034	
Redemption Amount:	Tax Title Lien #2023-014 and Interest to Date of Meeting \$ 1,222.14 Premium Paid by Lienholder <u>300.00</u>	
Total From Current Fund:	\$ 1,222.14	
Total From Tax Premium Account	300.00	

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Stanhope, County of Sussex, State of New Jersey, that the Borough Treasurer be authorized to prepare the necessary check as stated above and to forward same to the lien holder.

**BE IT FURTHER RESOLVED**, that a certified copy of this Resolution be forwarded to the Borough Chief Financial Officer/Tax Collector.

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

- Roll Call:
- |                            |                                |
|----------------------------|--------------------------------|
| Councilwoman Kuncken – yes | Councilman Simpson – yes       |
| Councilman Riccardi – yes  | Councilman Thornton – yes      |
| Councilman Romano – yes    | Councilman Wachterhauser – yes |

**PAYMENT OF BILLS**

**Resolution 095-24 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 April 9, 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 Riccardi and unanimously carried by the following roll call vote the foregoing resolution was duly adopted.

Roll Call:

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

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

**AGENDA ITEMS**

All items listed on the Agenda for April 23, 2024 were approved.

**CITIZEN'S TO BE HEARD**

Council President Thornton opened the meeting to the public after advising attendees that there is a five (5) minute time limit for each speaker.

*Scott Stevens* thanked the governing body for doing what they do. Mr. Stevens stated yesterday he and his neighbor attended the Land Use Board meeting seeking some clarification on some recent work that was started behind their properties which are located on Musconetcong Avenue. The neighbor has started clearing trees and it looks like they are intending to do some type of development back there. Mr. Stevens is concerned due to the fact that when that property was originally sold, his parents attended the town meeting and told him there is a deed restriction on the property to prohibit specific development including tree clearing and land development. This was brought up at last night's Land Use Board meeting. Mr. Stevens stated the Board was working to try and minimize erosion and environmental risks, which is appreciated, but the Board did not seem to have knowledge or access to the deed restriction. Mr. Stevens stated last night he found a copy of the deed restriction and a map with guidelines and he asked if this is something he should bring to the Land Use Board. Mr. Stevens also asked if a stop work order can be issued. Mr. Stevens stated he is looking for guidance. They are worried about erosion and water is already getting into basements of the neighbors. Attorney Leo stated the paperwork will be reviewed and this may be an enforcement issue to be handled by the Zoning/Code Enforcement Officer. Mr. Stevens gave the paperwork to the Clerk and he stated this is his only copy from deed book 2643 page 114 of the original deed of transfer from Salmon Brothers Incorporated to the Rand Homes at Rockaway Township Company dated May 29, 2002. The paperwork is stamped with all the proper approvals. Page 3 contains the amendment which states the deed restriction for Block 11103 Lot 24.05. Mr. Stevens read the following: "Disturbance Restriction and Purpose: In order to alleviate the drainage impact to the neighboring property owners, the Planning Board of the Borough of Stanhope has imposed disturbance restrictions on the property shown on the filed map number 1134, filed in the Sussex County Clerk's Office on March 28, 1996. This includes not permitting disturbance below the 940-contour line. The total amount of clearing and regrading is limited to 11.4 percent of the lot area, plus permitted exceptions. Those exceptions, according to the map, are stated as being for the easement that goes down to Musconetcong Ave for services." On May 13, 2002 the Planning Board signed the map. Salmon Brothers major subdivision Sheet 3 and 3A of 6 prepared by Morris Engineers Inc. dated April 7, 2002. "Approving a specific boundary for the permitted limits of clearing and regrading on the property, excepting utility connections, any change to the clearing and regrading boundary requires approval of the Stanhope Borough Planning Board." Mr. Stevens stated this is for 6 Summit Street and he thanked the governing body for their time. The governing body thanked Ms. Stevens as well.

*Nancy Stevens* stated she was thrown into this on a whirlwind and while she appreciates the governing body taking the time to volunteer and to handle these things, she does not read the town minutes constantly. Ms. Stevens stated she understands this is a Land Use issue but apparently there is an ordinance that restricts notification being sent to neighboring property owners for a minor sub division but not a major sub division. Ms. Stevens stated she does not know if this is a town or a state rule, but she proposed that somehow this needs to be changed. The fact that a house is going to be built in your backyard and you are not notified, because it is considered a minor sub division, and you are not aware of it until the backhoe is up there digging is an issue. Ms. Stevens stated she and her husband are long time residents and she has attended meetings in the past and she has been aware the property has a deed restriction on it. Ms. Stevens stated she attended last night's Land Use Board meeting but she got the feeling that they might not have been aware of this and it feels like the burden of having to prove the restriction is on her and her husband. Ms. Stevens is of the opinion that if the neighbors had been given the chance to prepare by being notified, the

damage which has been done already perhaps could have been prevented or looked into. It would be appreciated if changing this rule could be looked into by the council or the Land Use Board. Councilwoman Kuncken stated permits are required to take down trees within the Borough. Ms. Stevens stated it should be the responsibility of the Land Use Board to research deeds and things like that but apparently it is not. Ms. Stevens is not trying to downplay the concern of the Land Use Board. The Board's notes clearly state they were worried about this issue but it did get voted on and Ms. Stevens stated she was told that the Board had nothing presented to them opposing this. The neighbors were not noticed so they did not know about it but the burden should not be on the citizens.

Councilman Thornton stated he was the Council Representative at the time that application was heard at the Land Use Board. As can be seen in the minutes, the Board did stress the runoff and the number of trees being cleared. At that time, Councilman Thornton stated he had commented that he was surprised that neighboring residents were not present at the meeting and he was told that notice is not given for that type of application. Ms. Stevens stated she did see that mentioned in the minutes. Ms. Stevens stated this is not just a shed being built, it is a house on a steep slope and we were not notified. Councilman Riccardi asked Attorney Leo if the notification law is on the State level. Attorney Leo stated the Municipal Land Use Law sets forth the requirements for the notifications and the municipality cannot vary from those requirements. Ms. Stevens stated, in that case, she would have to fight the state to change the law. Ms. Stevens thanked the governing body and the governing body thanked Ms. Stevens as well.

Sharon Anderson stated she is here this evening with regard to the same topic. Ms. Anderson asked what the Council's procedures and policies are for responding to resident's correspondence? Councilwoman Kuncken asked who Ms. Anderson sent correspondence to? Ms. Anderson stated that does not matter. Ms. Anderson just wants to know what the procedure or policy is for responding back to a citizen who reaches out for assistance. Administrator McNeilly stated there is no written procedure. Ms. Anderson suggested that some type of rule be put into place. As a resident, to reach out and hear nothing back, is frustrating. Ms. Anderson stated again that she is requesting that something be put in place with an official response time, method or maybe if the Borough does not want to be responsible for replying to emails, then put something in writing stating the resident must mail something in and then the Borough will acknowledge that correspondence. Ms. Anderson stated she emailed this entire group on Thursday, twice, and no one got back to her. She also stated she was told yesterday that a copy was sent to Administrator McNeilly. Ms. Anderson stated she came to the office and spoke with Mr. Dixon in Zoning and he told her that he did not know what to do about her question. Ms. Anderson stated she came to the office due to the clearing of trees on the property being discussed this evening. It was a massive tree clearing, way more than the notes say. All of this was brought up at the Land Use Board meeting last night and Ms. Anderson stated she will repeat everything if she has to. Mr. Dixon had told her to email him and he would email the group and get back to her. No one got back to her. She followed up and still no one got back to her. If there is a rule that states no one will get back to you, then fine. Ms. Anderson stated she came to the town on April 7, 2023, because of the tagged trees on 6 Summit Street. At that time, she was told there was nothing going on, there were no permits. Ms. Anderson stated she believes this was a timing issue and that permits came in after. At that time, she was told to email the Shade Tree Commission which she did on that same day. Ms. Anderson said she received a call from Paula who told her that she would check into the issue. Paula did call back and said there were no permits but because it was five acres there was nothing that could be done. Ms. Anderson stated her correspondence is not listed in the meeting notes from the Shade Tree Commission and her conversation is not documented. The conversation took place in April and there were meetings in May, September, October and December and maybe November and her correspondence is not documented. This has nothing to do with not appreciating what everyone does, but she wants to understand what the rules are for noting correspondence. Attorney Leo stated if someone attends a meeting, minutes are taken at the meeting. Other than that, there is no requirement. Ms. Anderson stated she is requesting that there be a requirement to note correspondence because in the correspondence for the August meeting notes, there is discussion about correspondence notes being received. Ms. Anderson stated either it all gets discussed or don't discuss any of it. Ms. Anderson stated the amount of damage that is going to be done due to this over clear cutting is heinous. The Land Use Board stated last night that they will look into this. Ms. Anderson stated she has counted 30 trees which have been taken down. There are many notes in the August and September minutes where the number of trees to be removed were discussed with figures of 16 or 23 but many more than that have been removed in Ms. Anderson's opinion. Ms. Anderson stated she appreciates that Mr. Stevens found the deed restriction paperwork but she is concerned about the comment made at the Land Use Board meeting by the Attorney where he

stated the document was not presented to the Board by the applicant of 6 Summit or their attorney. The person requesting the sub division should not be the person relied upon to provide the deed information. Ms. Anderson thanked the governing body and the governing body thanked Ms. Anderson for her time.

Scott Stevens asked if the members on the Land Use Board are appointed by the governing body. Councilwoman Kuncken stated the members are appointed by the Mayor. Mr. Stevens stated there probably are not a lot of people volunteering for the positions but he asked that the record show that in his opinion there are a lot of non-attentive individuals on the board who were at the meeting yesterday. Mr. Stevens does not want to be accusatory but some members were just not involved last night when the residents were speaking. Mr. Stevens thanked the governing body members for being attentive this evening.

Seeing no one from the public wishing to speak, Council President Thornton closed the public portion of the meeting.

### **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 general nature of the subject matter(s) to be discussed is as follows:
  - 1- Attorney-Client Privilege (Redevelopment)
  - 1 - Attorney-Client Advice
  - 1 – Contract Negotiation
2. 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.
3. This resolution shall take effect immediately.

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

The Council President and Council went into Closed Session at 7:52 P.M.

### **RETURN TO OPEN SESSION**

At the conclusion of the Closed Session, the Council reconvened the public meeting at 8:42 P.M. with all present, except for Council President Thornton.

### **ADJOURNMENT**

On motion by Councilman Romano, seconded by Councilman Simpson and unanimously carried by voice vote the meeting was adjourned at 8:42 P.M.

Approved:

Linda Chirip  
Deputy Clerk for  
Ellen Horak, RMC  
Borough Clerk