

**MAYOR AND COUNCIL  
REGULAR MEETING  
June 25, 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 – absent	Councilman Thornton – present
Councilman Romano – present	Councilman Wachterhauser – present

Mayor Wronko – present

**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.

**MINUTES FOR APPROVAL**

Mayor Wronko read aloud the list of minutes being presented for approval:

May 14, 2024	Work Session and Agenda Meeting
May 28, 2024	Business Meeting & Closed Session

On motion by Councilman Romano, seconded by Councilwoman Kuncken and unanimously carried by voice vote, the minutes for May were approved.

**CORRESPONDENCE** *(List Attached)*

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

**COUNCIL COMMITTEE REPORTS**

Councilman Thornton stated he, Administrator McNeilly, Councilman Romano and the DPW Superintendent Jason Titsworth received updates from NJ Natural Gas. An updated map has been requested detailing what streets have been completed and what still needs to be done. The downtown area will be done in late summer or early fall. From where they are currently working, the next area will be Lloyd Avenue, Lawrence Avenue and Canfield Street. There is milling and paving being done but unfortunately the Administrator has not received a schedule for that work. The representative from Gray Supply has stated he will reach out to the subcontractor to let them know that we need a paving schedule in order to notify the residents. The “decorative” crosswalks

which are being milled and paved will be filled with asphalt for the time being. After Main Street is paved, NJ Natural Gas will come back and replace the crosswalks.

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

**Public Safety – Councilwoman Kuncken/Councilman Riccardi**

(Police, Fire, Ambulance, Court & Violations Bureau, Emergency Management)

**Finance & Administration – Councilman Romano/Councilman Thornton**

**Community Development – Councilman Wachterhauser/Simpson**

**Municipal Infrastructure – Councilman Thornton/Councilman Romano**

(Water Distribution, Sewer Collection System, Road Construction & Maintenance, Buildings & Grounds)

**Information Technology – Councilman Riccardi/Wachterhauser**

**Boards/Commissions – Simpson/Councilwoman Kuncken**

**ENGINEER’S REPORT**

Elm Street and Grove Road - Eric Keller, Borough Engineer, stated there is a resolution on tonight’s agenda for the ADA ramp replacements on Elm Street and Grove Road which is part of the Local Aid Project. The low bidder was Portofino Builders. Four bids were received and Portofino came in below the engineer’s estimate. There are some paperwork issues to be addressed which were discovered during the Attorney review. Mr. Keller stated there are resolutions on tonight’s agenda to award contracts to Riverview Paving for the milling and resurfacing and to Denville Line Painting for traffic striping, which are being done through the Morris County Co-op. These have to be awarded together due to the requirements of Local Aid Grant.

Sunset Avenue, Ridge Road, Overhill Road Water Main Replacement – Mr. Keller reported that the temporary bypass system is in place for the Sunset Avenue, Ridge Road and Overhill Road Water Main Replacement Project. Despite some early issues with water spraying and hoses leaking everything is good. Last week, the DPW Superintendent shut off the old water main line and drained it as best as he could. Kulpeska began construction yesterday with the milling of a trench on Sunset Avenue. Today they were installing pipes in the ground. The schedule that has been provided to the Borough states the water mains will be installed by the end of July and they will then be tested for pressure, leakage and bacteriological testing will be done. Once these tests pass, connections to the houses will begin. This process will take approximately four weeks. The project should be complete by the end of August. As of right now, the project is on schedule. Administrator McNeilly stated he has been informed there are approximately eight (8) non-copper services and he asked Mr. Keller if he had an actual figure. Mr. Keller stated he will have to check the count with the DPW Superintendent. Administrator McNeilly stated this will help lessen the disruption. Mr. Keller stated, if the services are copper, the lines only have to be done from the main to the curb box.

Local Aid Project 2025 – Mr. Keller stated the Local Aid Project for next year which is currently being prepared is for New Street. It will be twenty-five years since New Street was reconstructed. The application will be submitted tomorrow, after Mr. Keller takes the required photographs.

Water Tower Project – Mr. Keller stated Administrator McNeilly and Jason Titsworth, DPW Superintendent, have reviewed the site for the water tower project to determine the placement of the tank. The Borough has a boundary survey of the property from a few years ago when the fencing was installed but a topographical survey does not exist. Mr. Keller stated he would like to begin the engineering process for the project to complete the preliminary items up front. This tank will hold approximately 300,000 gallons. This will be four times larger than what the Borough currently has now, which is completely undersized. In 2010, when reviewing the water planning site, it was determined that there was a need for an improved water tank for storage, fire flow and pressure. This will make significant improvements in the water pressure service in the upper portion of the Borough’s water system. Administrator McNeilly stated he has asked Mr. Keller to prepare a preliminary engineering budget, specific to site survey, and the shack building which contains the pumps. There is concern about the terrain and where the tank should be placed.

Administrator McNeilly stated he is of the opinion the existing tower should remain in place. It is paid for and it was rehabilitated ten years ago and it holds 75,000 gallons of water which is already up in the air. It is not costing the Borough anything. Mr. Keller needs to do a study on this as well. Mr. Keller stated he will have to determine how both tanks will be filled properly. Councilwoman Kuncken asked if there is enough room on the site. Administrator McNeilly and Mr. Keller confirmed there are several acres available. Mr. Keller stated, during the planning study, it was determined there is 200 foot of frontage along Brooklyn Road and to the back portion, near the homes, on either side, it widens out even further. When travelling up the access road to the existing elevated tank, all the land to the East belongs to the Borough. To make the storage and the pressure work, the majority of the water has to be above elevation 1089. The ground surface in that area is approximately 1010. The new tank will be on a pedestal similar to the one Wharton installed a few years ago. The pedestal will not be as large as Wharton's due to the fact the Borough's tank will not be as large. The Borough's pedestal will be approximately 30 feet in diameter with the storage above and will probably extend 120 feet from grade level depending on the location. If the tank is located closer to the houses, which is about 20 feet lower than the reservoir height, then the tank will be that much taller. If it is located near the existing tank then it would be 120 – 130 feet in the air. Councilwoman Kuncken asked if the existing tank would then be utilized as a backup. Administrator McNeilly stated that is his recommendation but there may be a determination made in the future which, for mechanical reasons, that may not be possible. Councilman Wachterhauser asked what the height of the existing tank is just for reference. Administrator McNeilly stated the existing tank is at least 100 feet tall. The trees are very tall in that area and will obscure the view of the tank somewhat. The existing tank cannot be removed in order to place the new tank in its' place due to the fact this would leave many residents without water for a very long time. Mr. Keller stated a booster pump is already installed at the existing tank due to the fact it is not tall enough and it does not have enough water to push it out to service the area. Administrator McNeilly stated the new tower will be high enough to avoid this problem and the additional 300,000 gallons of water will help in a fire situation. Administrator McNeilly asked Mr. Keller to prepare a document for review at the next scheduled meeting. Councilman Thornton asked how the existing tank would be utilized due to the fact that water cannot sit unused. Mr. Keller stated the system would have to work hydraulically and the water does have to move to keep it from getting stagnant.

### **ADMINISTRATOR'S REPORT**

*FY2025 Local Aid Grant* – Administrator McNeilly stated, as Mr. Keller reported earlier, the Local Aid Grant for 2025 is ready for submission to obtain a grant for New Street. The resolution is on tonight's agenda.

*2024 Congressionally Directed Spending Grant* – Administrator McNeilly stated, as discussed during Mr. Keller's report, the engineering work needs to begin for the water tower project. Mr. Keller will provide a quote in order for some of the preliminary engineering to begin.

*NJ Natural Gas* – Administrator McNeilly stated no paving schedule was provided from NJ Natural Gas for today. A schedule was received late in the afternoon today and the paving for the Stanhope area will take place on July 3<sup>rd</sup>. This will include Old Waterloo Road, Kelly Place, Main Street (Kelly Place to High Street), High Street (Main Street to Linden Avenue), Linden Avenue (High Street to McKinley Street) and McKinley Street. Paving is also taking place all the way out to Hopatcong. Administrator McNeilly stated, as far as the crosswalks on Main Street, he will request a document from the engineer outlining the requirements, which will then be passed on to the gas company. The crosswalks will be paved at this time and once Main Street is paved next year, arrangement will be made with the gas company to have the crosswalks reinstalled to the Borough's specifications. Discussion took place regarding the current appearance of the crosswalks and whether or not the same materials should be used to replace them. Mr. Keller stated the grant application for the paving of Main Street does include the replacement of the decorative crosswalks with the same thermoplastic material. A plan will be formulated with NJ Natural Gas in the future for the replacement of the crosswalks.

Councilwoman Kuncken stated she saw that when the gas lines are run to the individual properties, the curb cut is a rectangle as big as her kitchen table. Valley Road was paved a year ago and now it is a patchwork. Mr. Keller stated the road in those areas will eventually be made to look like the patch which was done at 9 Valley Road which needed a water repair right after the road was paved. Councilwoman Kuncken stated she mentioned to Administrator McNeilly that the residents on Elm Street need to obtain their permits soon due to the fact Elm Street will be paved in August. Mr. Keller stated once the road is paved the residents cannot obtain permits. Councilman Thornton

stated this issue was discussed at the last meeting and NJ Natural Gas was asked to do another round of outreach on those roads. The initial cutoff was July 1<sup>st</sup>.

Sussex-Warren Area Energy Cooperative (SWAEC) – Administrator McNeilly stated, after several years of unfavorable results, the Sussex-Warren Area Energy Cooperative has awarded IDT with a 15-month contract. Each resident, not currently opted out, will receive an information packet which will include a link to a zoom meeting. The letter will have Stanhope letterhead and a letter from the Mayor. Councilman Thornton asked if additional outreach is needed for new residents. Administrator McNeilly stated the packet will contain all the information and the residents can attend the zoom meeting. The new rate will begin with the September 2024 meter reading and will continue to May 2025.

New Street Parking – Administrator McNeilly stated a resident requested that the No Parking signs on New Street be removed. The parking restriction was put in place due to a business that had been in operation on Plainview Street, which is no longer being utilized. The ordinance would have to be updated if the governing body chooses to do so. The governing body agreed to remove the parking restriction. An ordinance will be prepared for introduction at the next scheduled meeting. Administrator McNeilly stated the No Parking signs will be removed from in front of the canal area across from Plainview Street.

T-Mobile Grant – Administrator McNeilly stated T-Mobile confirmed receipt of the Borough's grant submission for the picnic tables and benches. A decision as to whether or not the Borough will be awarded the grant will be made in mid-August.

## **COUNCIL DISCUSSION**

45 Main Street - Mayor Wronko stated he, along with Councilwoman Kuncken, Councilman Wachterhauser and Administrator McNeilly met with the developer for 45 Main Street, at their request. They were given the opportunity to voice their thoughts on the issues. Mayor Wronko stated it was shared back to the developer that the decision of the council was based on the information the council members received from the community and those concerns were reiterated once again.

Car Thefts – Mayor Wronko stated there were some car thefts which occurred over in the Young Street area. Administrator McNeilly will speak with the Police Chief to determine if there are any trends occurring in other communities to see if there are bigger concerns. This is an upsetting issue and a close eye will be kept on the situation. Councilman Thornton stated he spoke with the Stanhope Detective and was informed one car was stolen but the keys were left in the car. There was another attempt on a different car but the perpetrators were interrupted and were not successful in stealing that car. Discussion took place regarding the situation. It was suggested that a onetime Nixle be sent out to inform the public and remind them to be vigilant in locking their vehicles and to call the police if they see anything suspicious.

Surplus Equipment and Vehicles – Councilman Wachterhauser stated he was at the DPW yard and noticed quite a few pieces of equipment and vehicles and he asked if there is a plan for them. Administrator McNeilly stated he has this project on his list. When time allows it will be addressed.

Affordable Housing Trust Fund (Planner William Hamilton) – William Hamilton, Borough Planner, stated the Borough has an approved spending plan which was done in 2016. Approval was given by the courts and Fair Share Housing. The Borough allocated approximately \$20,000 which was estimated to be available by 2025. The actual amount is closer to \$50,000. The requirements are that the funds have to be spent in a certain percentage of uses. Thirty percent has to be used to assist homeowners with rents, loans and things of that nature. Twenty percent can be spent on administrative costs such as professional fees. Mr. Hamilton stated he did the spending plan back in December of 2023 and the amount then was \$53,000. Mr. Hamilton stated the Borough Attorney, Ursula Leo, sent a memo a few months ago to the Mayor and Council with regard to the fourth-round affordable housing regulations. These are going to come up on us fairly quickly. Mr. Hamilton stated he is of the opinion that the \$50,000 should be utilized in 2024 or we run the risk of the State coming in and taking that money for their own use. Mr. Hamilton asked if there are any ideas on how the funds can be utilized and if not, he suggested contacting the Affordable Housing Liaison, through the Administrator, to determine the most appropriate way to facilitate that spending.

Councilman Thornton asked what type of loans can the funding be used for. Mr. Hamilton stated the funds can be used for home improvement loans, rental assistance, mortgage assistance etc. There are many different types of loans that the legislation allows. Councilwoman Kuncken asked if the funds are then paid back to the Borough similar to the other loans the Borough has made in the past. Administrator McNeilly stated the previous loans were income based and residents could obtain a loan to replace items such as a furnace or a roof. This was a zero percent interest loan which was paid back when the home was sold. Some of that money was lost when there was a second mortgage which took precedent. Mr. Hamilton stated these funds could work in the same way or they could be loans that do not have to be paid back. Councilman Wachterhauser asked what the remaining fifty percent of the funding can be used for. Mr. Hamilton stated the remainder can be used for any type of other improvements such as new construction, a new roof on a facility, rehabilitation etc. If there are any known deficiencies at this time with any of the existing low- or moderate-income housing, within the Borough, they should be looked into.

Attorney Leo stated if the funds are not utilized by July 1, 2025, there is a good chance those funds will be gone. Councilman Thornton stated \$50,000 is not going to go very far. Councilman Wachterhauser asked if grants could be provided to senior citizens who are unable to afford upgrading their heating systems to natural gas. Mr. Hamilton stated there is a limit of 25 percent for senior impact but this is an area that can be researched. Councilwoman Kuncken asked if the funds could be used by residents that need to replace their water lines. Administrator McNeilly stated if the funds were used for the water lines it would only benefit approximately four residents. Administrator McNeilly asked how much of the funding can be used for rental assistance which would have the ability to be shared much further. Mr. Hamilton replied all of it could be used for rental assistance. Administrator McNeilly stated this would provide assistance to many more individuals. The Housing Liaison is Tom Dixon who handles the current loan system but managing something additional on this scale could take up a great deal of his time schedule. The governing body all agreed they would like the funds to be utilized by the residents as opposed to having the funds taken by the state.

Attorney Leo stated another option is to obtain credits for units for the next round which would also limit administrative time and costs. There is a 30-year deed restriction but if Habitat for Humanity or SCARC was interested in creating a group home the funds could be used for that purpose. Administrator McNeilly stated the Borough already has two group homes and one Habitat for Humanity Home so those entities may not have any interest in doing anything else in Stanhope. Attorney Leo stated other municipalities are doing this so there could be an interest. Mr. Hamilton stated Habitat for Humanity and SCARC can be contacted to see if there is an interest. Councilman Thornton asked if the Town with a Heart Fund could use the funding. Administrator McNeilly stated it is a worthy cause however, the manner in which that fund is overseen may not qualify.

Councilman Romano stated the funds should be utilized in a way that benefits as many residents as possible but with the least amount of administrative oversight. Administrator McNeilly asked if there is an outside entity that could bring that manpower requirement outside of this building to oversee whatever type of program is chosen. Mr. Hamilton stated there is an entity but there are costs associated with it. Discussion took place regarding how best to utilize the funds for the benefit of the residents with the least amount of administrative expenses. Mr. Hamilton stated he can plan to attend the Mayor and Council meeting on July 23<sup>rd</sup> and in the meantime, he will do some additional research and speak with Mr. Dixon and Administrator McNeilly. The Mayor and Council thanked Mr. Hamilton for attending tonight's meeting.

Ordinance Amending Chapter 100, Land Development, Article XXI "Flood Damage Prevention" Regarding Regulations – Administrator McNeilly stated there are two pilot counties for this issue, Sussex County and Cumberland County. Mr. Keller stated he has not had a chance to review the ordinance as yet. The Borough does have an existing flood damage ordinance. With the changes to the same regulations, the flood elevations have increased. The Borough does have the river and there was an issue in 1999. These are things that someone is telling us are good for us. Mr. Keller stated he will review the paperwork. As the stormwater coordinator, he is required to take courses, given by non-engineers, to tell him how to do stormwater.

## **NEW BUSINESS**

## **RESOLUTIONS**

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

**Resolution 123-24**

**RESOLUTION TO AMEND BUDGET TO INCLUDE 2024 CLEAN COMMUNITIES GRANT**

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

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

**WHEREAS**, the Borough of Stanhope has received a total of \$10,292.74 from the NJ Solid Waste Administration for the 2024 Clean Communities Grant; and

**WHEREAS**, the Borough of Stanhope now wishes to amend its 2024 budget to include the additional grant funds approved of \$10,292.74 as a revenue.

**NOW THEREFORE, BE IT RESOLVED** that the Council of the Borough of Stanhope does hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2024 in the sum of \$10,292.74, which will be available as a revenue from:

Miscellaneous Revenues

Special Items of General Revenue Anticipated with Prior Written

Consent of the Director of Local Government Services – Public

And Private Revenues Offset with Appropriations: 2024 Clean Communities Grants, and

**BE IT FURTHER RESOLVED** that a like sum of.....\$10,292.74 be and the same is hereby appropriated under the caption of:

General Appropriations

1. Public and Private Programs Offset by Revenues:
  - 2024 Clean Communities Grant, and

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

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 – absent

Councilman Thornton– yes

Councilman Romano – yes

Councilman Wachterhauser – yes

**Resolution 124-24**

**RESOLUTION AUTHORIZING USE OF RIVERVIEW PAVING, INC. AS SET FORTH IN THE MORRIS COUNTY CO-OP PUBLIC BIDS FOR GROVE ROAD & ELM STREET MILLING AND PAVING, RECOMMENDATION OF AWARD NJDOT LOCAL AID PROJECT**

**WHEREAS**, the Borough of Stanhope is in need of roadway milling and paving for Grove Road and Elm Street (the “Project”);

**WHEREAS**, the Borough applied for and received a Local Aid Grant from the New Jersey Department of Transportation; and

**WHEREAS**, the Borough Engineer’s estimate for milling and paving, including asphalt and fuel price adjustments on Grove Road and Elm Street is \$104,055.44; and

**WHEREAS**, the Borough is a member of the Morris County Co-Op which has already publicly bid milling and paving services for the year 2024 and has awarded a contract therefore for the services needed; and

**WHEREAS**, the Borough may utilize the Co-Op bid price as a member of the Co-Op without the need for further public bidding; and

**WHEREAS**, the Borough Engineer has recommended the use of the Co-Op bids for the above noted and various construction items for the “Project”; and

**WHEREAS**, the Borough awards the milling and resurfacing to Riverview Paving, Inc. for District #2 for the total amount of \$104,055.44 subject to the approval of the New Jersey Department of Transportation (see attached bid tabulation);

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Stanhope, that the Borough shall utilize Riverview Paving, Inc. for milling and paving for the Grove Road and Elm Street Local Aid Project at the 2024 Morris County Co-Op awarded bid prices and quantities as set forth in the attached bid tabulation.

On motion by Councilman Thornton, seconded by Councilman Simpson 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 – absent	Councilman Thornton– yes
Councilman Romano – yes	Councilman Wachterhauser – yes

**Resolution 125-24**

**RESOLUTION AUTHORIZING USE OF DENVILLE LINE PAINTING, INC. AS SET FORTH IN THE MORRIS COUNTY CO-OP PUBLIC BIDS FOR GROVE ROAD & ELM STREET FOR TRAFFIC STRIPING ON ROADWAYS, RECOMMENDATION OF AWARD NJDOT LOCAL AID PROJECT**

**WHEREAS**, the Borough of Stanhope is in need of traffic striping on roadways for Grove Road and Elm Street (the “Project”);

**WHEREAS**, the Borough applied for and received a Local Aid Grant from the New Jersey Department of Transportation; and

**WHEREAS**, the Borough Engineer’s estimate for traffic striping on Grove Road and Elm Street is \$3,695.93; and

**WHEREAS**, the Borough is a member of the Morris County Co-Op which has already publicly bid traffic striping services for the year 2024 and has awarded a contract therefore for the various services needed; and

**WHEREAS**, the Borough may utilize the Co-Op bid price as a member of the Co-Op without the need for further public bidding; and

**WHEREAS**, the Borough Engineer has recommended the use of the Co-Op bids for the above noted and various construction items for the “Project”; and

**WHEREAS**, the Borough awards the traffic striping on roadways to Denville Line Painting, Inc, for traffic striping on roadways for District #2 for the total amount of \$3,695.93 subject to the approval of the New Jersey Department of Transportation (see attached bid tabulation);

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Stanhope, that the Borough shall utilize Denville Line Painting, Inc, for traffic striping on roadways for the Grove Road and Elm Street Local Aid Project at the 2024 Morris County Co-Op awarded bid prices and quantities as set forth in the attached bid tabulation.

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

**Resolution 126-24**

**RESOLUTION OF THE MAYOR AND COUNCIL  
AWARDING BID TO PORTOFINO BUILDERS, LLC FOR  
THE ELM STREET AND GROVE ROAD ADA CURB  
RAMP REPLACEMENT**

**WHEREAS**, the Borough of Stanhope advertised for the receipt of sealed competitive bids for Elm Street and Grove Road ADA curb ramp replacement; and

**WHEREAS**, the Borough accepted sealed competitive bids on June 18, 2024; and

**WHEREAS**, the Borough received four (4) sealed competitive bids in the following amounts: Portofino Builders, LLC, \$59,675.00; Cedar Contracting Co., \$63,475.00; Terra Ferma Contracting Corp., \$88,290.00; and Diamond Construction Co., \$92,540.00; and

**WHEREAS**, the Borough Attorney had reviewed the bids for compliance with the Local Public Contracts Law and the Borough’s bidding requirements; and

**WHEREAS**, Portofino Builders, LLC is the lowest responsive, responsible bidder for the Borough’s bid request for bid received on June 18, 2024;

**WHEREAS**, award of this Contract is subject to approval by the New Jersey Department of Transportation;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Stanhope that the Borough does hereby award a bid to Portofino Builders, LLC, in an amount not to exceed \$59,675.00 for Elm Street and Grove Road ADA curb ramp replacement; 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 Portofino Builders, LLC, and the bid bonds shall be returned to said bidders.

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

Attorney Ursula Leo stated the resolution needed to be amended to include an additional Whereas clause stating the contract is subject to approval by the New Jersey Department of Transportation. Mr. Keller stated this is required because if the NJDOT does not concur and the Borough awards the contract, the Borough would be responsible for the payment.

Roll Call:

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

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

**Resolution 127-24**

**Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Roadway Improvements for Stanhope’s New Street Improvement Project.**

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council Borough of Stanhope formally approves the grant application for the above stated project.

**BE IT FURTHER RESOLVED** that the Mayor and Council are hereby authorized to submit an electronic grant application identified as MA-2025-Stanhope Borough-00507 to the New Jersey Department of Transportation on behalf of the Borough of Stanhope.

**BE IT FURTHER RESOLVED** that Mayor and Council are hereby authorized to sign the grant agreement on behalf of Borough of Stanhope and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.



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

Roll Call:

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

Councilman Simpson – yes  
Councilman Thornton – 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 128-24**

**RESOLUTION AUTHORIZING A CONTRACT WITH REALAUCTION.COM, LLC FOR THE PURPOSE OF CONDUCTING MUNICIPAL TAX LIEN SALES FOR 2023 PUSUANT TO N.J.S.A. 54:5-19.1**

**WHEREAS**, N.J.S.A. 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services, and

**WHEREAS**, the Director of the Division of Local Government Services has approved RealAuction.com to conduct electronic tax sales in the State of New Jersey along with participating Counties and Municipalities, and

**WHEREAS**, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process, and

**WHEREAS**, RealAuction.com has supplied a contract to provide electronic tax sales services, which contract is attached hereto and made a part hereof by reference, and

**WHEREAS**, Stanhope Borough wishes to participate in an electronic tax sale in 2024 and to award a contract for such services to RealAuction.com, LLC as a vendor which has been determined to have complied with the statutory provisions necessary to supply such services.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Stanhope that the Tax Collector is hereby authorized to participate in an electronic tax sale and submit same to the Director of the Division of Local Government Services if necessary.

**NOW, THEREFOR, BE IT FURTHER RESOLVED**, by the Borough Council of the Borough of Stanhope, County of Sussex, New Jersey, that the Borough is hereby authorized to enter into a contract with RealAuction.com, LLC, located at 861 SW 78<sup>th</sup> Avenue, Suite 102, Plantation, Florida 33324 for a term of one (1) year, subject to the availability of funds.

**Resolution 129-24**

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

**WHEREAS**, the Borough of Stanhope received a request from the residents of Spring Lane to conduct a block party; and

**WHEREAS**, said block party is scheduled for Saturday, June 29, 2024 from the hours of 1:00 p.m. to 6:00 p.m. on Spring Lane between house numbers 1 and 5.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Stanhope, County of Sussex, State of New Jersey, does hereby grant approval to the residents of Spring Lane to hold a block party on Saturday, June 29, 2024 from the hours of 1:00 p.m. to 6:00 p.m. on Spring Lane between house numbers 1 and 5.

**Resolution 130-24**

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF STANHOPE AUTHORIZING THE RENEWAL OF LIQUOR LICENSES TO LICENSE HOLDERS IN THE BOROUGH**

**WHEREAS**, the liquor license renewal applications submitted are complete in all respects, the renewal fees have been paid, Tax Clearance Certificates received, the licenses have been reviewed, and the premises inspected;

**NOW, THEREFORE, BE IT RESOLVED** that the statutory requirements thereto having been fulfilled, the applications for renewal of liquor licenses be granted and the Borough Clerk be authorized to complete, sign and deliver said licenses on behalf of the Mayor and Council to the below named applicants, said licenses being renewed for the period July 1, 2024 to June 30, 2025 in the Borough of Stanhope, County of Sussex, New Jersey:

***Plenary Retail Consumption Licenses:***

- 1919-33-001-002 Karlbar Inc., t/a Black Forest Inn, 249 Route 206
- 1919-33-002-010 CKJ Corporation, Inc., t/a Shakey Jake’s, 134 Route 183
- 1919-33-004-008 Kacz MJ Corp., t/a Bell’s Mansion, 11 Main Street
- 1919-33-005-009 Sammy’s Italian Food, t/a Sal’s Pizza, 81 Route 183
- 1919-33-006-007 JMK Hospitality Group, LLC t/a The Stanhope House, 45 Main Street

***Plenary Retail Distribution License:***

- 1919-44-003-011 Stanhope Liquor Inc., 141 Route 183

***Club Licenses:***

- 1919-31-008-001 Musconetcong Post #278, American Legion, 119 Route 183
- 1919-31-009-001 Stanhope Hose Co. No. 1, 26 Main Street

**Resolution 131-24**

**RESOLUTION AUTHORIZING THE BOROUGH TO CHARGE A MAILING FEE FOR TAX SALE NOTICES**

**WHEREAS**, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services; and

**WHEREAS**, the rules and regulations permit a municipality to send two (2) notices of tax sale to all properties included in said sale in lieu of a newspaper advertisement; and

**WHEREAS**, the rules and regulations allow said municipality to charge a fee of \$25.00 per notice for the creation, printing, and mailing of said notice; and

**WHEREAS**, in an effort to more fairly assign greater fiscal responsibility to delinquent taxpayers, the Borough of Stanhope wishes to charge \$25.00 per notice mailed which will be assessed specifically to the delinquent accounts that are causing the need for a tax sale and not to the general tax base.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Stanhope, County of Sussex, State of New Jersey, that a fee of \$25.00 per notice be established and is hereby authorized and directed to be charged for each notice of tax sale that is sent in connection to the 2024 electronic tax sale.

On motion by Councilwoman Kuncken, seconded by Councilman Wachterhauser and unanimously carried by the following roll call vote, the foregoing resolutions were duly adopted. Councilman Romano abstained from Resolution #129-24.

**Roll Call:**

- Councilwoman Kuncken – yes
- Councilman Riccardi – absent
- Councilman Romano – yes/#129-24 abstained
- Councilman Simpson – yes
- Councilman Thornton – yes
- Councilman Wachterhauser – yes

**PAYMENT OF BILLS**

**Resolution 132-24**

**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 June 25, 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 – absent  
Councilman Romano – yes

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

**ATTORNEY REPORT**

Attorney Leo stated she has prepared the cannabis referendum question. Mayor Wronko stated a straw poll should be taken to determine if the governing body members wish to move forward with the referendum. Councilwoman Kuncken stated her concern is with the fact that Councilman Simpson and Councilman Wachterhauser did not have any participation in these discussions. As such, they have no background discussion on this topic and Councilman Riccardi is absent this evening. Councilman Romano suggested holding the discussion until the next meeting. Attorney Leo stated there is a timeframe for the referendum to be submitted 80 days prior to the November election. Ellen Horak, Borough Clerk, stated the deadline for submission to the County Clerk is around August 14<sup>th</sup>.

Councilman Thornton asked that a discussion take place now to give Councilman Simpson and Councilman Wachterhauser some background information. Councilman Wachterhauser stated he was present for a cannabis presentation at his first meeting on the council and he is in favor of having a referendum question placed on the November ballot. Attorney Leo stated the question would be non-binding. This would just provide the governing body with feedback from the community. Attorney Leo stated the question could ask if all cannabis businesses or just retail should be allowed in the Borough. There are six cannabis business classifications. Attorney Leo asked if the governing body wants to include all of the classifications in the question or just the retail. Councilman Thornton stated during previous discussions it was determined that just the retail business be considered. The other classifications cannot be facilitated within the Borough. Councilwoman Kuncken agreed just the retail business should be included.

Mayor Wronko stated some of the feedback he has received regarding referendums is that they are traditionally utilized for issues that would cause taxes to be increased. Other municipalities are just letting their council receive feedback and then the governing body members vote on the issue. Similar to how the recent issue at 45 Main Street was handled. Councilman Romano stated the ultimate decision is on the governing body. In his tenure on the council, it has been his experience that if the residents do not want something to happen, they show up and they voice their opinions. Councilman Thornton stated he is of the opinion the cannabis business is not a good thing for the community and a referendum will make it easier for the residents to voice their opinion. Councilman Romano stated a referendum cannot contain enough information in order for the residents to understand what is going on and in his opinion, it makes it look like the governing body cannot do their job and he believes it is bad policy. Councilman Thornton stated, despite the fact that the Borough has not utilized a referendum in the past, he is of the opinion it should be used now because this will affect

everyone. Mayor Wronko stated a referendum has not been done in the past and there may be a reason for that. In speaking with people from other towns Mayor Wronko has discovered that other towns do not go out to referendum for matters such as this. The referendums are only used when tax dollars would be increasing. Mayor Wronko asked if this would be setting a precedence where if someone does not like something they can come to a meeting and ask for a referendum. Attorney Leo stated she is of the opinion that if everyone here is inclined to say no and the answer that is received from the public is different than that, this will be a tough position for the governing body members to be in. Much discussion took place regarding this topic and discussions which have taken place over the past several years.

Administrator McNeilly asked Attorney Leo to read the question as it would appear on the ballot. Attorney Leo read "Should the Stanhope Borough Committee adopt an ordinance revising the Stanhope Borough Code to permit cannabis retail businesses within the Borough of Stanhope." Councilwoman Kuncken stated the referendum will not contain any of the pros or cons regarding the issue. While a referendum does have its merits, Councilwoman Kuncken stated she is concerned, as Mayor Wronko stated earlier, that every time something comes up that people do not like, they will end up saying, "But you let the cannabis thing be put to a referendum, why can't we vote on this?" Councilwoman Kuncken stated if this happens then we are not governing. This would be turning over our responsibility to the public and while she respects what the public thinks, the governing body does have a job to do. There is a big concern that this is opening the door for people to demand a referendum in the future. This is a difficult situation due to the fact it is not only a social question but for some it is a moral issue.

Administrator McNeilly asked Attorney Leo if the referendum would have an interpretive statement. Attorney Leo read the statement, The Borough Code 100-52 prohibits all class use of cannabis. The Borough has received multiple inquiries and they wish to obtain public sentiment as to the allowance of cannabis retailing. And then it talks about the statute that allows it. The interpretive statement would read, this referendum seeks public input as to whether the Borough's current cannabis ordinance, Section 100-52.1 should be revised to allow cannabis businesses. A yes vote on the referendum question will mean that the voters desire to allow cannabis retail businesses within the Borough of Stanhope. Attorney Leo explained to the governing body that if they vote to approve the cannabis retail, that will require a zoning ordinance, a licensing ordinance and a tax ordinance which she would draft and in other municipalities the debates that ensue tend to go on for months usually. The governing body continued to debate the subject. Councilman Wachterhauser stated at this time cannabis is following the path that alcohol did when prohibition was lifted. As time goes by, it may be more widely accepted. The referendum is non-binding. Years from now the sentiment of the people may change. Councilman Thornton stated there are several cannabis businesses in the neighboring towns already. Councilman Romano asked why the question is even being put out there and perhaps we should just let it go. There is concern that this will cause a problem in the future with regard to going to referendum and Councilman Romano is of the opinion this is bad policy. Administrator McNeilly stated this is a social issue for some and a financial issue for others. Both sides should be heard. The social ones will have a chance to vote no and the financial ones will have the chance to vote yes. Administrator McNeilly stated in his opinion to do nothing is more of a disservice. There was a property that was going to look at substantial improvement in its value and bring money into the community and now that does not exist. This is an opportunity to bring a substantial revenue to the community. It should be vetted and considered and it should not be walked away from.

Mayor Wronko called for a straw poll. Mayor Wronko asked the governing body members if they are in favor of placing the referendum question on the November ballot. The governing body agreed to place the referendum on the ballot by a majority vote. The results are as follows: Councilwoman Kuncken – yes, Councilman Wachterhauser – yes, Councilman Thornton – yes, Councilman Simpson – yes, Councilman Romano – no.

Administrator McNeilly stated there are still businesses interested in this area due to the convenient location. Three surrounding towns are still prohibiting cannabis businesses. They are Byram Township, Hopatcong Borough and Mt. Olive Township. Attorney Leo stated she will prepare the ordinance referendum for introduction at the next meeting.

## **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.

## **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 – Contract
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 Mayor and Council went into Closed Session at 8:28 P.M.

## **RETURN TO OPEN SESSION**

At the conclusion of the Closed Session, the Mayor and Council reconvened the public meeting at 8:43 P.M. with all present.

## **ADJOURNMENT**

On motion by Councilwoman Kuncken, seconded by Councilman Romano and unanimously carried by voice vote the meeting was adjourned at 8:43 P.M.

Approved:

Linda Chirip  
Deputy Clerk for  
Ellen Horak, RMC  
Borough Clerk