

**MAYOR AND COUNCIL
WORK SESSION AND
AGENDA MEETING MINUTES
March 11, 2025
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 8, 2025, 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 – absent
Councilman Romano – present	Councilman Wachterhauser – present

Mayor Wronko – present

ENGINEER'S REPORT

Eric Keller, Borough Engineer, stated he has no report this evening. Mr. Keller stated he is here to participate in the Work Session Discussion regarding the Zone Change Ordinance.

ADMINISTRATOR'S REPORT

Canal Slip – Administrator McNeilly stated Owen Newson noticed the boards were in place in the canal slip but the water level was down, indicating a problem with the pipe. The DPW found a blockage in the pipe feeding the canal and they had to jet out the pipe. The blockage was cleared and the water level returned to normal.

Senator Booker & Senator Kim – Administrator McNeilly stated the grant application request for \$2.5 million, through the Senators has been resubmitted for the renovation and expansion of the Police/Municipal Complex. This grant program under Congressional Directed Spending is through the USDA under the Rural Development, Community Facilities Grant and is specifically for towns with under 5,000 residents. The Mayor and Council thanked Administrator McNeilly for continuing to submit the grants.

Surplus Property – Administrator McNeilly stated there is an applicant before the Land Use Board whose property on Highland Avenue backs up to Kingsland Avenue (paper street) where there are two lots owned by the Borough. A request has been received asking if the Borough is interested in selling the Borough owned property. As part of the Land Use Board process, the owner must see if the option to purchase additional property to add to the undersized lot is possible. Administrator McNeilly stated a sale could take anywhere from two to three months. If the Borough chooses not to sell at this time, the applicant will need a letter stating that purchasing the property is not an option which will allow them to move forward with the Land Use Board. This does not prevent the Borough from selling the property in the future. Mayor

Wronko asked if there is an urgency to this request. Councilman Wachterhauser stated he attended the Land Use Board meeting, and the applicants want to move forward but this issue is holding them up. Discussion took place regarding the process of selling the property which would have to go to auction and there is the possibility someone other than the applicant could end up purchasing the property. This would delay their plan and would not help the situation. Councilman Riccardi suggested letting the applicant know what the timeline would entail. Administrator McNeilly will contact the applicant and inform them of the process and the timeline. If the applicant replies that they would like to try and purchase the property, this issue will be revisited at the next Mayor and Council meeting. In the future, even after a variance is approved, the homeowner could make a request in the future to try and purchase the land.

Mayor Wronko called for a straw poll vote asking the governing body if they were in agreement not to place the property up for sale. The results are as follows: Councilman Romano – yes; Councilman Simpson – yes; Councilman Riccardi – yes; Councilman Wachterhauser – yes; Councilwoman Kuncken – yes. The governing body agreed not to put the property up for auction.

Main Street Lights – Administrator McNeilly stated there are four lights out on Main Street. The bulbs are on order and should arrive soon. Extra bulbs have been ordered as well. Councilwoman Kuncken stated when the lights were first installed the bulbs were so bright that Mike Vance called her, as she was Mayor at the time, and he stated that it was so bright a 747 could see to land.

Plaster Mill – Administrator McNeilly stated the DPW will be cleaning up the Plaster Mill site this week and next week as best they can. Councilman Riccardi asked if the clean up is going to be done inside the fenced in area. There are trees growing through the stonework. Administrator McNeilly stated it is too dangerous to let staff inside the walls. The potential for a cave in is real. Councilman Riccardi asked what will happen when the walls fall down. Administrator McNeilly stated in 1976 the Plaster Mill was placed on the National Historic Registry. The Environmental Commission tried to delist it, and the state will not let any property be delisted. If the walls could be brought down to a safe height, this could be a useful site. Interpretive panels could be installed explaining what the Plaster Mill was. There is a lot of space there that could be utilized. Nothing can ever be built there but at least the fence could be taken down. Forty years ago, some of the stone was repointed which is likely holding it together. The walls were never meant to be wet. They are held together in places with just horsehair and mud. The Borough cannot do anything to the structure. Councilman Riccardi stated it would be nice to make it a useful historical area. Administrator McNeilly agreed it could be a site for an outdoor amphitheater with the way it is terraced. So many people here agree with what should be done but the state will never allow it due to fear of setting a precedent.

Fire Department Request – Administrator McNeilly stated the Fire Department has submitted a request asking to have the permit fees waived for their construction permit to install natural gas to the firehouse.

Mayor Wronko called for a straw poll vote asking the governing body if they approved waiving the construction permit fees for the Fire Department to install natural gas. The results are as follows: Councilman Romano – yes; Councilman Simpson – yes; Councilman Riccardi – yes; Councilman Wachterhauser – yes; Councilwoman Kuncken – yes. The request was approved.

Budget 2025 – Administrator McNeilly stated the budget is ready for introduction at the March 25th meeting.

Street Light Pole Replacement – Councilman Riccardi asked Administrator McNeilly when the light pole on Sparta Road would be replaced. Administrator McNeilly stated he has no word as yet and the funding has not been budgeted. Two light poles were purchased previously and two have been replaced. On a road where the speed limit is 30 mph it was never anticipated that so many light poles would be damaged. In less than a year two telephone poles, a car and part of a house have been damaged. Councilman Wachterhauser asked if insurance covers the replacements. Administrator McNeilly stated insurance does cover this, but the money has to be paid out first and then reimbursed.

WORK SESSION

DPW Contract – Mayor Wronko extended his thanks to Administrator McNeilly, Councilman Romano and Councilman Simpson for the positive talks with the DPW regarding the contract negotiations. A verbal agreement has been reached. There are a few items still to complete and put in writing.

Zone Change Ordinance – Administrator McNeilly stated the zoning change ordinance is being prepared for introduction on March 25th. The Borough Engineer is here this evening to answer any questions. Eric Keller, Borough Engineer, came forward to discuss the zone change ordinance. Mr. Keller stated at the intersection of Sparta Road and Brooklyn Road there are a series of options available. The intersection can be left as is or a traffic signal could be installed. In order to receive approval for a traffic signal there are 9 warrants that would require a majority of them to be satisfied. Some of those requirements deal with the volume of traffic, number of accidents, school activity, and pedestrian traffic. Accident reports, which have been obtained from the Police Department indicate there have been six accidents at that intersection over the past four years. Only two of those would have been correctible if a traffic signal existed. A signal does have the potential to increase rear end hits because now a stop is required. Mayor Wronko asked how many of the 9 warrants are needed to receive approval for a signal. Mr. Keller stated the volume over an 8-hour period would have to be provided. This area would have sharp spikes over those 8 hours but if the volume does not meet the 8-hour requirement, the County will not change anything. Mayor Wronko stated the area will not qualify under those conditions. Mr. Keller confirmed this. The developer will have to conduct a traffic study. Mr. Keller stated he used the Trip Generator Manual to come up with a number for how the traffic would increase if the proposed development is built on Sparta Road. The calculations came to 87 trips in the morning and 109 trips in the evening. The traffic would be in bound and out bound but all of the vehicles would not be traveling to the intersection at Sparta Road and Brooklyn Road. The State does not have any current counts for this area. The last counts were done in June of 2020 which are useless. There is traffic which goes toward Hopatcong. In the morning there is more traffic which goes toward Brooklyn Road. In the afternoon it is a little more balanced. Councilwoman Kuncken stated when the schools let out at 2:30 the traffic increases but it is over quickly. Councilman Wachterhauser asked if turning lanes could be installed at the intersection. Mr. Keller stated there is no right of way available. Easements would have to be obtained from property owners.

Administrator McNeilly stated the developer will do their due diligence with regard to the intersection. They know that it is an issue. Mr. Keller confirmed this and stated the developer will determine if left turns will cause an issue. Administrator McNeilly stated anything which can be done to slow people down when turning onto Sparta Road would be helpful. The high school traffic is over quickly, and Valley Road School traffic is the same. Councilwoman Kuncken stated people learn the peak hours and adjust accordingly. Mr. Keller stated another issue with adding a lane is that now anyone in the lane to turn right cannot see what is coming when the left lane is occupied. This is a balancing act, and it is not an engineering decision, it is more of a policy decision. The land out toward Hopatcong will never be built up and will not cause an issue. It is in the Highlands and the land is steep. Councilwoman Kuncken stated the morning traffic is the busiest time of day and people will learn to adjust. Mr. Keller stated during the afternoon there will be commuters, school traffic, shopping trips etc. generated from the development project. Councilman Wachterhauser asked if the traffic can be monitored after the development is occupied to determine if a change is required. Mr. Keller confirmed this and stated it can be monitored to see if there is a rise in accidents or if police coverage is becoming a common occurrence. Administrator McNeilly stated if the area gets backed up that would indicate there is a problem. Right now, it is mostly right hand turns but the addition of the development could increase the number of left-hand turns. Mr. Keller stated the County will review the application because this is a county road. The County will weigh in on the traffic and determine if there is a concern. Administrator McNeilly stated the walkways will also be reviewed.

Administrator McNeilly asked the governing body for approval to move forward with placing the zoning change ordinance on the upcoming agenda for first reading and introduction. Mayor Wronko asked the governing body for approval to move forward. The governing body unanimously agreed to move forward with the ordinance. The Mayor and Council thanked Mr. Keller for attending this evening's meeting.

OLD BUSINESS

Mayor Wronko offered the following ordinance for public hearing and final adoption which was read by title.

Ordinance 2025-02 AN ORDINANCE TO VACATE HUDE ROAD, LOCATED IN STANHOPE BOROUGH

WHEREAS, there exists in the Borough of Stanhope (hereinafter “Stanhope”), a paper street known as Hude Road on the Borough’s Official Tax Map; and

WHEREAS, the public necessity and general welfare of the inhabitants of the Borough do not require that Hude Road be maintained as a public road; and

WHEREAS, the Mayor and Council of the Borough of Stanhope are of the opinion that the public interest will be best served by vacating, releasing and extinguishing any and all public rights which the Borough may have to Hude Road

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

Section 1.

The public rights and interests of the paper street more commonly known as Hude Road, as more particularly described on the Tax Maps of the Borough of Stanhope are hereby vacated and the public rights therein are hereby forever extinguished and the said lands referred to shall be unencumbered by public rights, as if said public rights had never existed, except for as set forth herein, in accordance with N.J.S.A. 40:67-1, et seq.

Section 2.

Expressly reserved and excepted from this vacation Ordinance are all rights and privileges possessed by public utilities, including Borough utilities, as defined in N.J.S.A. 48:2-13, and by any cable television company, as defined in the Cable Television Act, N.J.S.A. 48:5A-1, et seq., to maintain, repair and replace existing facilities in and adjacent to, over and under the street or portions thereof, are hereby vacated, and the same are hereby expressly reserved and accepted from said vacation.

Also expressly reserved and excepted from this Ordinance are all rights and privileges heretofore possessed by Stanhope Borough to own, maintain, repair or replace any utilities in the vacation area.

Section 3.

The Borough Clerk shall, after the introduction and passage of this Ordinance on first reading, publish a copy of the Ordinance in the Borough’s official newspapers at least once and not less than ten (10) days prior to the time fixed for further consideration and passage pursuant to N.J.S.A. 40:49-6. The Borough Clerk shall mail a copy of the Ordinance, along with a notice of introduction, to the contiguous property owners as shown on the Tax Maps of the Borough of Stanhope. Said notice shall be mailed by certified mail, return receipt requested and shall indicate the time and place when the Ordinance will be further considered for final passage by the Mayor and Council.

Section 4.

A notice of passage of this Ordinance shall be published by the Borough Clerk in accordance with the requirements of N.J.S.A. 40:49-2.

Section 5.

The Borough Clerk shall, within sixty (60) days after this Ordinance becomes effective, file a certified copy thereof under the seal of the Borough of Stanhope, together with a copy of the publication thereof, in the Office of the Clerk of Sussex County.

Section 6. 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 7. 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 8. Effective Date. This Ordinance shall take effect immediately upon adoption and publication in accordance with law.

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

Mayor Wronko opened the meeting to the public for questions or comments on this ordinance only.

Peter Newman asked how this change affects the property taxes for the recipients of the property. Administrator McNeilly stated having the additional land added to the property will be a benefit for anyone wanting to do any projects as it will add to the impervious coverage and will provide more space. The paper street is approximately 50 feet wide, and each property owner will receive approximately 25 feet added to their property. Mr. Newman would receive 25 feet by 270 feet. This will change the land assessment but not significantly. Having additional land for setbacks in the event of doing any projects will be beneficial.

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

Roll Call:

Councilwoman Kuncken – yes	Councilman Simpson – yes
Councilman Riccardi – yes	Councilman Thornton – absent
Councilman Romano – yes	Councilman Wachterhauser - no

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

NEW BUSINESS

ORDINANCES

Ordinances for Introduction and First Reading [Public Hearing on April 22, 2025]

Mayor Wronko offered the following ordinances for Introduction and First Reading which were read by title.

Ordinance 2025-06

“ORDINANCE ADOPTING A NEW CHAPTER 68 ENTITLED "CANNABIS LICENSE REQUIREMENTS" OF THE CODE OF THE BOROUGH OF STANHOPE TO ADD MUNICIPAL LICENSURE REQUIREMENTS FOR CANNABIS FACILITIES”

WHEREAS, the Borough of Stanhope included a referendum question on the November 2024 General Election Ballot seeking public input as to whether retail cannabis businesses should be allowed in the Borough of Stanhope; and

WHEREAS, the voters in the November 2024 General Election voted in favor of allowing retail cannabis businesses as a permitted use within the Borough; and

WHEREAS, it is in the best interests of the Borough of Stanhope to establish a municipal licensing system to regulate and authorize retail cannabis businesses within the Borough of Stanhope.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Stanhope, County of Sussex and State of New Jersey, a new Chapter 68 “Cannabis License Requirements” is hereby added to the Revised General Ordinances of the Borough of Stanhope.

Section 1. A new Chapter 68, “Cannabis License Requirements” is hereby added to the Revised General Ordinances of the Borough of Stanhope, as follows:

Chapter 68 Cannabis License Requirements.

68-1. Stanhope Borough Municipal Cannabis Retail License Requirements.

A. Any person, business or organization, prior to operating a cannabis retail business within Stanhope Borough, shall first apply for and secure from the Borough of Stanhope Council an annual local Class 5 cannabis retail license. A copy of the application shall be approved and may be amended by the Borough Council.

B. Applicants shall include the location of the proposed retail cannabis location, and any change in proposed location shall require submission of a new application to the Borough Council.

C. The Borough of Stanhope, through its Municipal Clerk, shall begin accepting applications for the annual local cannabis retail license 15 days following final passage of this Chapter. The period of each annual local cannabis establishment license shall commence January 1 (or the date of issuance of the license), and expire on December 31 of the calendar year.

D. The number of licenses available for cannabis retail businesses shall be as established by Stanhope Borough Code Section 100-117.1(F), as may be amended. Once the number of licenses permitted by Stanhope Borough Code have been granted, the Borough Clerk shall maintain a waiting list of applicants for a license, in the order that complete applications have been made. A change in proposed location will not result in an applicant losing a conditional license or their place on the waiting list, so long as the Borough Council approves of the new location.

E. A retail cannabis establishment shall be required to maintain a retail license from the State of New Jersey Cannabis Regulatory Commission as a condition of holding a local annual cannabis retail license. An applicant is permitted to apply for a municipal cannabis retail license so long as the applicant shall have submitted a complete application to the Cannabis Regulatory Commission prior to submitting an application for a municipal cannabis license. The municipal cannabis retail license shall be displayed at all times.

F. By no later than December 1 of the license year, all licensees shall be required to again file an application for a local annual cannabis retail license to be authorized to continue operation as a retail cannabis establishment within the Borough of Stanhope.

G. All local retail cannabis establishments' licenses shall be conditional, and shall remain subject to all laws and regulations of the Borough of Stanhope and the State of New Jersey. Failure of any licensee to comply with such applicable laws shall be grounds for revocation and/or nonrenewal by the Borough of Stanhope. Upon receiving conditional approval for a municipal cannabis retail license from the Stanhope Borough Council, all retail cannabis establishments shall obtain approval from the Stanhope Borough Land Use Board, as required by Stanhope Borough Code Section 100-117.1(F), prior to commencing operations. Once Land Use Board approval is obtained, the retail cannabis establishment shall apply to the Borough Council for consideration and review for issuance of a final license.

H. The initial application fee for each local cannabis establishment license shall be \$5,000.00 and the renewal application fee shall be \$2,500.00. Such fees shall be non-refundable. An escrow in the initial amount of \$1,000.00 shall be established and replenished upon request for administrative and professional fees and costs relating to the application and oversight during the term.

I. Each application will be considered by the governing body at a publicly noticed meeting, and a resolution shall be adopted approving or disapproving of the license applied for.

J. Applicants granted a local cannabis retail license shall pay a non-refundable annual fee of \$10,000.00 prior to any license being issued, with such payment to be made to the Borough Clerk by January 1 of each calendar year, or within ten (10) days of the date the license is

granted by the Borough Council. Should the required annual fee not be paid, a license shall not be issued, and any prior license issued shall become null and void.

K. Applicants shall be required to comply with all municipal cannabis tax requirements, pursuant to Borough Code Chapter 123.

L. All local cannabis retail establishment licenses shall be non-transferrable.

M. All local cannabis retail establishments shall be subject to unannounced inspections by a designated representative of the Borough. Access shall be permitted to the designated representative.

SECTION TWO. Any article, section, paragraph, subsection, clause, or other provision of the Revised General Ordinance of the Borough of Stanhope inconsistent with the provisions of this Ordinance is hereby repealed to the extent of such inconsistency.

SECTION THREE. If any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

SECTION FOUR. This Ordinance shall take effect upon its passage and publication and filing with the Sussex County Planning Board, and as otherwise provided for by law.

On motion by Councilman Riccardi, seconded by Councilman Simpson 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 – absent
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.

Ordinance 2025-07

“ORDINANCE OF THE BOROUGH OF STANHOPE, IN THE COUNTY OF SUSSEX, NEW JERSEY, PERMITTING CANNABIS RETAILERS WITHIN THE BOROUGH, ADDING DEFINITIONS TO SECTION 100-3 OF THE BOROUGH CODE, DELETING SECTION 10-52.1 OF THE BOROUGH CODE, AND ADOPTING NEW SECTIONS 100-117.1(F), PERMITTING CANNABIS RETAILERS AS A CONDITIONAL USE WITHIN THE HIGHWAY COMMERCIAL ZONES IN THE BOROUGH”

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;

- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from one licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer; and

WHEREAS, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, Stanhope Borough adopted Code Section 100-52.1 on July 13, 2021, prohibiting cannabis businesses within the Borough; and

WHEREAS, Stanhope Borough included a referendum question on the November 2024 General Election Ballot seeking public input as to whether retail cannabis businesses should be allowed in the Borough of Stanhope; and

WHEREAS, the voters in the November 2024 General Election voted in favor of allowing retail cannabis businesses as a permitted use within the Borough; and

WHEREAS, the Stanhope Borough Council has determined that it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Borough of Stanhope’s residents and members of the public who visit, travel, or conduct business in the Borough of Stanhope, to amend the Borough’s zoning regulations to permit cannabis retailers within the geographic boundaries of the Borough of Stanhope as a conditional use and subject to the requirements of New Jersey state statutes or administrative code regulations, as may be adopted and amended, including those of the Cannabis Regulatory Commission, and only if such cannabis establishment has first obtained a municipal cannabis license, pursuant to Borough Code Chapter 68.

NOW THEREFORE, BE IT ORDAINED, by the Stanhope Borough Council, in the County of Sussex, State of New Jersey, as follows:

SECTION ONE. The General Ordinance of the Borough of Stanhope is amended by adopting new definitions to Code Section 100-3, “Definitions”, as follows:

CANNABIS

All parts of the cannabis plant, whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable, manufactured in accordance with P.L. 2016, c. 16, for use in cannabis products as set forth in the Act.

CANNABIS RETAILER

Any licensed business or entity that is involved in the sale of cannabis items and related supplies that are sold to consumers. This person or entity shall hold a Class 5 cannabis retailer license.

GIFTING

Any individual, cannabis business or license holder providing free samples of marijuana or cannabis items, either independent of or in connection with the sale of other goods and/or services, from any commercial structure or movable vehicle or trailer.

SECTION TWO. The General Ordinance of the Borough of Stanhope is amended by deleting Section 100-52.1 of the Code, “Cannabis”, which prohibited all classes of cannabis establishments or cannabis distributors or cannabis delivery services, except for the delivery of cannabis items and related supplies by a delivery service, with the Borough of Stanhope

SECTION THREE. The General Ordinance of the Borough of Stanhope is amended by adopting a new subsection (F). Cannabis Retailers, of Code Section 100-117.1, “Conditional Uses”, as follows:

F. **Cannabis Retailers** may be permitted as a conditional use in accordance with the following conditions, below.

1. Cannabis retailers are subject to the requirements of New Jersey state statutes and/or administrative code regulations, as may be adopted and amended, including those of the Cannabis Regulatory Commission. All cannabis businesses shall first obtain a license from the Stanhope Borough Council, in accordance with Stanhope Borough Code Chapter 68 prior to making application for conditional use approval.
2. There shall be a maximum of two (2) total cannabis retailers within Stanhope Borough. Licensing requirements are set forth in Borough Code Chapter 68.
0. A cannabis retail business shall be permitted as a conditional use only within the Highway Commercial Zones in Stanhope Borough, and only at those locations with direct access to a County or State road. No cannabis retailers or delivery service shall be located on the same lot as any residential use or any residentially-zoned property. Facilities shall be at least 500 feet door-to-door, from a school or state-licensed child-care or day-care facility, which distance shall be measured via the shortest natural path. All cannabis retailers and delivery service buildings shall be located at least 50 feet from the nearest dwelling unit located on a neighboring lot, which distance shall be measured from the corners of each building that are closest to each other. Cannabis retailers and cannabis delivery businesses shall be separate and distinct from growing operations.
0. All cannabis retailers shall be fully indoors and enclosed in heated/air-conditioned permanent buildings, not trailers, outdoors, moveable kiosks, carts, sheds, tents, etc.
0. Signs shall be limited to one location identification/name of business sign. Signage shall not promote consumption of any cannabis products. A “No Loitering” sign shall be posted on the outside of the building.
0. When seeking site plan approval, the applicant shall submit a safety and security plan and emergency services access plan. The Borough Police Department shall review and approve of all security plans.
0. Any cannabis retailer shall only have one primary public access point, which shall be directly adjacent to the right-of-way or parking area of the building. Access should not be through common entrances with other uses.
0. Hours of operation shall be limited generally to daytime and early evening hours from 9:00 a.m. to 8:00 p.m.
0. The applicant shall provide a secure location for storage of products with minimum products in any customer service area.

0. People shall not be permitted to congregate, loiter or wait in line to access the cannabis retailer or delivery service. The facility shall have a plan in place if interior capacity is exceeded, i.e., numbers are given and customers wait in their vehicles until called.
0. Curbside and drive-through sales prohibited. There shall be no curbside retail sales or drive-through sales of cannabis permitted in Stanhope Borough.
0. No products shall be permitted to be consumed on site. “No Smoking” signs shall be posted inside and outside the building.
0. All cannabis retail businesses shall be in compliance with all applicable New Jersey State requirements, licenses and permits. All cannabis growing, production and manufacturing operations shall operate in compliance with State and local noise laws and regulations.
0. Gifting prohibited. Under no circumstance shall any cannabis business or cannabis retailer engage in gifting cannabis or marijuana as defined herein. Any commercial business, individual, cannabis business or cannabis license holder found in violation of this provision shall be subject to punishment including fines and/or imprisonment as set forth within the Borough Code, and possible criminal prosecution.

SECTION FOUR. The General Ordinance of the Borough of Stanhope is amended by adding a new Section 100-101 to Article XVI, Highway Commercial Zones, to allow for cannabis retail businesses as a conditional use in the _ Highway Commercial Zones, as follows:

100-101 Cannabis retailers as permitted conditional uses

Cannabis retailers are a permitted conditional use, subject to and in accordance with all conditional use requirements set forth in Code Section 100-117.1(F), with a license in accordance with Code Chapter 68, and in accordance with all other State and Borough requirements.

SECTION FIVE. Any article, section, paragraph, subsection, clause, or other provision of the Revised General Ordinance of the Borough of Stanhope inconsistent with the provisions of this Ordinance is hereby repealed to the extent of such inconsistency.

SECTION SIX. If any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

SECTION SEVEN. This Ordinance shall take effect upon its passage and publication and filing with the Sussex County Planning Board, and as otherwise provided for by law.

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

Administrator McNeilly stated this ordinance has to be sent to the Land Use Board for review and advice. The Land Use Board will meet in April and their comments should be back to the Mayor and Council in order to have the ordinance on the April 22nd meeting agenda for the public hearing and adoption. Councilman Wachterhauser asked if the signage requirements have been addressed. Administrator McNeilly stated this is the ordinance which was reviewed with Attorney Leo. Councilman Wachterhauser stated the verbiage is not as robust as those that Wharton and Hackettstown have adopted. Administrator McNeilly stated the ordinance provides the Land Use Board with a considerable amount of power to determine what can and cannot be permitted. Attorney Leo, during that prior discussion, advised that the wording not be such as to not burden one business over another. This allows all businesses to be handled in the same manner. This is what was agreed to at the work session meeting between the governing body and the attorney. Mayor Wronko stated the Land Use Board will have the ability to make determinations. Councilwoman Kuncken stated the Land Use Board will do a very thorough job when this issue comes before them.

Roll Call:

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

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

Ordinance 2025-08

**“ORDINANCE ADOPTING A NEW CHAPTER 123
ENTITLED "TAXATION OF CANNABIS RETAILER" OF
THE CODE OF THE BOROUGH OF STANHOPE”**

WHEREAS, the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, N.J.S.A. 24:6I-31 et seq., allows municipalities to enact by ordinance a method by which the local government may collect the local cannabis tax and to whom the local holder of any authorized cannabis license is to pay said tax; and

WHEREAS, the Borough has determined that it is in the best interests of the Borough of Stanhope to allow for the collection of a cannabis tax within the Borough of Stanhope.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Stanhope, County of Sussex and State of New Jersey, that the following be adopted as part of the Revised General Ordinances of the Borough of Stanhope, Chapter 123 entitled "Taxation of Cannabis Retailer."

Section 1. A new Chapter 123, "Taxation of Cannabis Retailer " is hereby added to the Revised General Ordinances of the Borough of Stanhope, as follows:

Chapter 123 Taxation of Cannabis Retailer

a. Purpose.

It is the purpose of this Chapter to implement the provisions of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, N.J.S.A. 24:6I-31 et seq., which authorizes the governing body of a municipality to adopt an ordinance imposing a tax at a uniform percentage rate not to exceed two percent (2%) of the receipts from each sale by a cannabis retailer, which shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity upon the cannabis establishment.

b. Definitions.

Unless otherwise defined herein, as used herein, the Borough adopts by reference the terms and definitions established by Section 40 of Public Law 2021- 16 (N.J.S.A. 24: 6I- 33).

c. Tax Established.

1. There is hereby established a local cannabis transfer tax in the Borough of Stanhope which shall be fixed at a uniform percentage rate of two percent (2%) of the receipts from each sale by a cannabis retailer in the Borough of Stanhope.

2. In addition to the tax established in paragraph A of this section, a user tax, at the equivalent transfer tax rates, is hereby established on any concurrent license holder, as permitted by N.J.S.A. 24: 6I- 46, operating more than one cannabis establishment. The user tax shall be imposed on the value of each transfer or use of cannabis or cannabis items not otherwise subject to the transfer tax imposed pursuant to paragraph A of this subsection, from the license holder's establishment that is located in Stanhope to any of the other license holder's establishments, whether located in this Borough or another municipality.

d. Tax in addition to other taxes or fees.

The cannabis transfer tax shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity upon a cannabis establishment.

e. Collection.

1. The transfer tax or user tax imposed by this Chapter shall be paid and remitted to the Borough of Stanhope by the cannabis retailer selling the cannabis item to consumers. The transfer tax or user tax shall be stated, charged, and shown separately on any sales slip, invoice, receipt, or other statement or memorandum of the price paid or payable, or equivalent value of the transfer, for the cannabis or cannabis item.
2. Every cannabis establishment required to collect a transfer tax or user tax imposed by ordinance pursuant to this section shall be personally liable for the transfer tax or user tax imposed, collected, or required to be collected under this section. Any cannabis establishment shall have the same right with respect to collecting the transfer tax or user tax from another cannabis establishment or the consumer as if the transfer tax or user tax was a part of the sale and payable at the same time, or with respect to non-payment of the transfer tax or user tax by the cannabis establishment or consumer, as if the transfer tax or user tax was a part of the purchase price of the cannabis or cannabis item, or equivalent value of the transfer of the cannabis or cannabis item, and payable at the same time; provided, however, that the Chief Financial Officer of Stanhope Borough shall be joined as a party in any action or proceeding brought to collect the transfer tax or user tax.
3. No cannabis establishment required to collect a transfer tax or user tax imposed by this section shall advertise or hold out to any person or to the public in general, in any manner, directly or indirectly, that the transfer tax or user tax will not be separately charged and stated to another cannabis establishment or the consumer, or that the transfer tax or user tax will be refunded to the cannabis establishment or the consumer.
4. All revenues collected from a transfer tax or user tax imposed by ordinance pursuant to this section shall be remitted to the Stanhope Borough Chief Financial Officer on a quarterly basis payable for the prior three (3) months activities and due at the same time as quarterly dates for the collection of property taxes. The revenues due on February 1 of each year shall include all transfer taxes or user taxes collected for the prior year months of October, November and December. The revenues due on May 1 of each year shall include all transfer taxes and user taxes collected for the immediate prior months of January, February and March. The revenues due on August 1 of each year shall include all transfer taxes and user taxes collected for the immediate prior months of April, May and June. The revenues due on November 1 of each year shall include all transfer taxes and user taxes collected for the immediate prior months of July, August and September.

f. Payment; vendor violations and penalties.

1. The Chief Financial Officer shall collect and administer any transfer tax or user tax imposed to this section.
2. The municipality shall enforce the payment of delinquent taxes or transfer fees imposed pursuant to this section in the same manner as provided for municipal real property taxes.
3. In the event that the transfer tax or user tax imposed by this section is not paid as and when due by a cannabis establishment, the unpaid balance, and any interest accruing thereon, shall be a lien on the parcel of real property comprising the cannabis establishment' s premises in the same manner as all other unpaid municipal taxes, fees, or other charges. The lien shall be superior and paramount to the interest in the parcel of any owner, lessee, tenant, mortgagee, or other person, except the lien of municipal taxes, and shall be on a parity with and deemed equal to the municipal lien on the parcel for unpaid property taxes due and owing in the same year.
4. A municipality shall file in the office of its tax collector a statement showing the amount and due date of the unpaid balance and identifying the lot and block number of the parcel of real property that comprises the delinquent cannabis establishment' s premises. The lien shall be enforced as a municipal lien in the same manner as all other municipal liens are enforced.

g. Suspension/revocation of license.

1. Any cannabis establishment that has not made the required tax payment or has not provided the required financial documents within ten (10) days of the due date shall have their municipal

license suspended. The Chief Financial Officer shall immediately report any delinquencies to the Borough Clerk, Borough Council, and Manager once such payment is ten (10) days late.

2. Any cannabis establishment that remains on suspension for more than sixty (60) days and/or has its municipal cannabis license suspended more than two (2) times during any calendar year shall have its license revoked and shall not be considered for renewal of a municipal cannabis license.

SECTION TWO. Any article, section, paragraph, subsection, clause, or other provision of the Revised General Ordinance of the Borough of Stanhope inconsistent with the provisions of this Ordinance is hereby repealed to the extent of such inconsistency.

SECTION THREE. If any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

SECTION FOUR. This Ordinance shall take effect upon its passage and publication and filing with the Sussex County Planning Board, and as otherwise provided for by law.

On motion by Councilman Romano, seconded by Councilman Riccardi 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 – absent
Councilman Romano – yes	Councilman Wachterhauser – yes

Administrator McNeilly stated all three ordinances, as stated, will be on the April 22nd agenda for adoption.

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

RESOLUTIONS

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

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 075-25 **Governor’s Council on Substance Use Disorder Fiscal Grant Cycle October 2020-June 2026**

WHEREAS, the Governor’s Council on Substance Use Disorder (GCSUD) established the Municipal Alliances for the Prevention of Substance Use Disorder in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent substance use disorder in communities throughout New Jersey.

WHEREAS, The Borough Council of the Borough of Stanhope, County of Sussex, State of New Jersey recognizes that substance use disorder is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent substance use disorder in our community; and,

WHEREAS, the Borough Council has applied for funding to the Governor’s Council on Substance Use Disorder through the County of Sussex;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Stanhope, County of Sussex, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of a strategic plan for the Lenape Valley Municipal Alliance grant for fiscal year 2026 in the amount of:

GCSUD GRANT FUND	\$ 3918.00
Cash Match	\$ 979.50
In-Kind	\$ 2938.50

The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Resolution 076-25

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF STANHOPE GRANTING APPROVAL TO THE AMERICAN LEGION, MUSCONETCONG POST 278 TO CONDUCT A PARADE ON MEMORIAL DAY, MONDAY, MAY 26, 2025

WHEREAS, the Borough of Stanhope received a request from the American Legion, Musconetcong Post 278 to conduct their annual Memorial Day Parade through the Borough of Stanhope; and

WHEREAS, said parade is scheduled for Monday, May 26, 2025 to begin at the College Road School in Netcong and end at the American Legion, Musconetcong Post 278 on Route 183 in Stanhope.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stanhope, County of Sussex, State of New Jersey, hereby grants approval to the American Legion, Musconetcong Post 278 to hold a parade on Memorial Day, Monday, May 26, 2025 to begin at the College Road School in Netcong and end at the American Legion, Musconetcong Post 278 on Route 183 in Stanhope.

Resolution 077-25

RESOLUTION AUTHORIZING THE REFUND OF REDEMPTION MONIES TO OUTSIDE LIEN HOLDER

WHEREAS, at the Municipal Tax Sale held on October 30, 2024, a lien was sold on Block 10610 Lot 14, also known as 124 Brooklyn Road, for 2023 delinquent sewer and water charges; and

WHEREAS, this lien which is known as Tax Sale Certificate #24-00004 was sold to Pro Cap 8 FBO Firsttrust Bank at 0% interest and a Premium of \$500.00; and

WHEREAS, Dovenmuehle Mortgage, Inc., mortgagee, has effected a redemption of certificate #24-00004 in the amount of \$1,259.68; and

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

Redemption Amount: Outside Lien #24-00004 and Interest	\$1,259.68
Premium Paid by Lienholder	500.00
Total From Current Fund:	\$1,259.68
Total From Tax Premium Account	500.00

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Stanhope, County of Sussex, State of New Jersey that the Governing Body acknowledges that Pro Cap 8 FBO Firsttrust Bank is entitled to the redemption in the total amount of \$1,759.68; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer be authorized to issue a check in the total amount of \$1,759.68 for the total redemption of certificate #24-00004 payable to Pro Cap 8 FBO Firsttrust Bank, PO Box 774, Fort Washington, PA 19034; and

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

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

PAYMENT OF BILLS

Resolution 078-25

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 March 11, 2025, 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 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 – absent
Councilman Romano – yes	Councilman Wachterhauser – yes

AGENDA ITEMS

All items listed on the Agenda for March 25, 2025, 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 Councilman Riccardi and unanimously carried by voice vote the meeting was adjourned at 7:49 P.M.

Approved:

Linda Chirip
Deputy Clerk