

**MAYOR AND COUNCIL
REGULAR MEETING
April 22, 2025
7:00 P.M.**

CALL TO ORDER

SALUTE TO COLORS

Council President Riccardi 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 Riccardi – present

Councilman Romano – present

Councilman Simpson – present

Councilman Thornton – absent

Councilman Wachterhauser – present

Mayor Wronko – absent

CITIZEN'S TO BE HEARD

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

Jeff Jozowski stated he is here this evening to discuss the Fire Department ordinance 2025-03 which was passed by the council on March 25, 2025. Mr. Jozowski stated none of the fire department members were aware of this ordinance until it was passed. Mr. Jozowski stated he feels it is shameful that the Mayor and Council wrote something up which affects every fireman without any notice to the members. Councilwoman Kuncken stated the council did not write the ordinance; it came from the fire department. Councilman Wachterhauser stated the officers of the fire department were aware of the ordinance. Mr. Jozowski stated the members of Stanhope Hose Co. #1 knew nothing about it. Mr. Jozowski stated 15.3 of the ordinance states “the fire department shall be subject to direct control and oversight of the Stanhope Borough Council.” Mr. Jozowski asked what does the “Fire Department” refer to, is it firematics or the building? Councilman Wachterhauser stated “Fire Department” is for firematics. The Association controls the building, president and election of officers. Mr. Jozowski stated that it should have been spelled out differently. Mr. Jozowski stated in 15.4 “Any member of the Fire Department may be dismissed, suspended, or relieved from duty for not meeting the Fire Department rules and regulations...” which is something new to the members too. Councilwoman Kuncken stated the interior operation belongs to the Fire Department and the officers. The members elect the officers, who in turn speak on behalf of the members. Mr. Jozowski stated the members were not informed. Councilwoman Kuncken stated the council cannot answer as to why that happened. Mr. Jozowski stated with regard to personal protective equipment (PPE) there are members who do not have PPE. Councilwoman Kuncken asked why is that the case. Mr. Jozowski replied he will have to ask the Chief and his officers. Mr. Jozowski stated 15.8 Exempt Certificates references N.J.S.A. 40A:14-56. This is for an exempt fireman certificate, and he asked if this is from the Exempt Fireman's Association? Mr. Jozowski stated the fire department belongs to the New Jersey State Relief Association, which is N.J.A. 43:17-1 through 43:17-39. Mr. Jozowski had his exempt certificate with him which was issued in 2005, and it states Chapter 17 law of 1936 and 40:48-53. Mr. Jozowski stated he does not know where the number referenced in the ordinance came from. Next, “The Chief is limited to a maximum of four consecutive one-year terms, with eligibility for reappointment after a two-year break in service.” Mr. Jozowski asked why term limits have been

required. Councilwoman Kuncken informed Mr. Jozowski that he keeps asking why the council did this or why we did that. The council did not do any of this. This was all done within the fire department and was presented to the council. The council did not write any of the ordinance. Mr. Jozowski asked if he was wasting his time here then. Councilwoman Kuncken stated Mr. Jozowski is not wasting his time but the council did not write this. Councilman Riccardi confirmed that the ordinance came to the council at the recommendation of the officers of the fire department and they asked to have the ordinance updated. Someone in the audience stated that it was untrue, it did not come from the officers, it came from the Mayor of the town. Mr. Jozowski stated this is just going in a circle and he asked what the fire department members are going to be controlled by the Borough ordinance or by the department by-laws, because these are totally different. Councilman Wachterhauser stated the by-laws control the Association and the election of officers. The ordinance is for control of the firematic side. Councilman Wachterhauser stated it is his understanding that Mr. Jozowski is an exempt member and as such he does not participate for anything on the firematic side. Mr. Jozowski confirmed this and stated he has not had gear in probably ten years. Councilman Wachterhauser asked if the reason he is not participating on the firematic side is due to the lack of gear. Mr. Jozowski replied, "a little bit". Mr. Jozowski stated the ordinance takes away his voting rights, which he has earned throughout the years. The by-law book states he has voting rights and Mr. Jozowski asked which they are supposed to follow. Councilman Wachterhauser stated he will have to look into the issue. Councilman Riccardi suggested that all these concerns be written down and submitted to the governing body in order for all the questions to be addressed individually. Mr. Jozowski stated Section 15.17 Stipend and Volunteer Incentives includes clothing allowances and states incentives will be allocated on a tiered basis. What is the tiered basis? It is not explained here. Mr. Jozowski stated these are his concerns and he will write them down one by one and mail them to the Mayor and Council. Mr. Jozowski thanked the governing body for their time. The governing body thanked Mr. Jozowski.

Mike Ryan stated he is a member of the Stanhope Fire Department, and this ordinance came as a surprise to many of the members. The members understand that the Borough can do what they want with the firematic side of the fire department. However, there is concern that the firematic officers may have presented this in a way to the governing body as though it was from the entire fire department, and it was not. The ordinance does not follow the by-laws and the Chief from last year did not participate in any of this. Mr. Ryan stated the fire department members wanted the governing body to know this was presented by just a small group. Many of the members feel the ordinance is circumventing the by-laws. Mr. Ryan stated the concerns will all be written down and submitted to the governing body. It is up to the governing body as to what action to take if any.

Alex Wroblewski stated he is a member of the Stanhope Fire Department, and he too will write down his concerns and send them to the Mayor and Council. Over the years, he has learned that politics can get in the way of many things including growth, change and attempting to enact new rules for people that have followed the same rule book for forty plus years. Being a fireman is not about being popular or the center of attention. To be a fireman it takes integrity, grit, know how, being tired at work the next day, and it takes a special person to do the right thing especially when no one is watching. Mr. Wroblewski stated he wanted to make the council aware that 99% of the fire department members were not addressed or even at the minimum were made aware of what was changing. The current member and Mayor of the town took charge of the changes for the past ten months. Four officers were addressed in private, while one officer was not contacted about the changes and this was also noted on the record of the fire department's most recent monthly meeting. Mr. Wroblewski stated he does not appreciate the fly by night tactics, and he is of the opinion there is a conflict of interest with having the Mayor, who is a member of the Fire Department, also on a committee putting in a new ordinance. Mr. Wroblewski read section 15.3 regarding the fact that the fire department is subject to direct control and oversight of the Borough Council which has already been addressed by Mr. Jozowski. Mr. Wroblewski asked if the section which states "Any individual who is a resident of the Borough or resides within a contiguous municipality..." pertains to current members. If it does, the fire department will lose at least 5-6 members including the current Chief. The President and another member also reside out of town which is not contiguous to the Borough. Mr. Wroblewski read "Members who do not meet the Required Duty standards may participate in non-firematic activities as either Associate Members or Inactive Live Members. These members are permitted to attend meetings, participate in fundraisers, attend social events, and vote on non-firematic matters." Mr. Wroblewski asked what right does the Borough have to put in an ordinance that any member can vote without referring to the fire department by-laws. The ordinance does not state if this is for firematic or not, or buildings and grounds or not. Mr. Wroblewski read "Prospective members must apply to the fire company. Upon selection to membership, the individual shall be recognized as a member in good standing of the Fire Department." This seems to mean that just by joining the fire department a member would be in good standing right from the start. Mr. Wroblewski stated everything needs to be made

more clear and if the membership had been involved, these issues would have been addressed. The ordinance states the Chief is limited to a maximum of four consecutive one-year terms. Mr. Wroblewski stated this is a volunteer department and he asked what happens if they do not have someone that can be Chief, or what if someone needs to step down, or what if someone is put in the position and then is not capable of doing the job. The ordinance needs to be more specific. Mr. Wroblewski read "Any officer or firefighter shall be subject to removal for just cause upon charges brought by the Fire Chief or their designee..." Mr. Wroblewski asked what happens if someone does not get along with the Chief, what if they look at the Chief funny? Mr. Wroblewski stated the following part to that is that "Hearing may be conducted informally, and the formal rules of evidence need not apply." "The firefighter may return to active duty once they have successfully achieved the required standards, demonstrated minimum percentage for a period of three consecutive months..." Mr. Wroblewski stated this is a volunteer group and he asked what happens if he is put on night shift for his job and cannot respond. A lot of the calls take place at night. Mr. Wroblewski stated he is also a member of the Byram Fire Department. All of these issues should have been addressed by the membership but they were not notified. Mr. Wroblewski stated the ordinance states the Chief can appoint any other officers if there are any vacancies following the annual election. There is no mention of requirements and the way this is written states the Chief can elect anyone they want with complete disregard for the by-laws. Mr. Wroblewski stated the section for Duties of Firefighter keeps using the term required. This is a volunteer organization and people have family members to care for and they have other responsibilities which can prevent them from making it to calls. Mr. Wroblewski is of the opinion that using the term "required to show up" in an ordinance for a volunteer department is absurd. Mr. Wroblewski is also of the opinion that the department is slowly being run into the ground, not due to officers, but because of the climate we live in where no one wants to volunteer. Mr. Wroblewski stated he is 28 years old and there are a handful of 18-19 years olds volunteering. His father has been a member of the Stanhope Fire Department for 40 plus years. Mr. Wroblewski stated there are many members with children in his age range and they are joining fire departments in other towns. People are not going to come to Stanhope and others are going to leave. Mr. Wroblewski stated he owns two properties in town and he is ready to take the last roots he has planted in this town and move to somewhere else.

Mitch Ellicott, Stanhope Fire Chief, stated many things have been heard tonight. Chief Ellicott stated it was brought to their attention that the ordinance for the fire department was very very old and contained verbiage that should not have been in there. The Mayor, who is also a member of the fire department, went to a safety officers class at the academy and he did a lot of research on other towns and jurisdictions with regard to their fire department's rules, regulations and ordinances. The information was then presented to the officers. Some of the officers were present when the ordinance was introduced and all of the officers were present at the Mayor and Council meeting when the ordinance was adopted. Chief Ellicott stated there are some things in the ordinance that he does not agree with, however, as the saying goes, the needs of the many outweigh the needs of the few. Chief Ellicott stated when the by-laws for the department were being updated it took the fire department 18 months to get it done because of the constant revisions. People need to understand that there had to be some kind of a change and this was professionally done by the officers. There had to be a place to start from and that did not exist in the old ordinance. There is some confusion between the by-laws and the new ordinance but due to the way things were, it had to change. Chief Ellicott stated he has heard the governing body state before that the meetings were all posted and advertised. In government it is hard to please everyone. It is impossible to sit down with every single person and hammer out something, especially with something so old, and have everyone agree with it. Chief Ellicott stated he thought the members had been informed by the prior Chief and he was surprised that none of the members attended either of the council meetings. Chief Ellicott stated even though there are some things in the ordinance he does not agree with he did vote to adopt it.

Dave Badaloto, Assistant Chief, stated Gene Wronko approached the officers with regard to updating the fire department ordinance and they all met over several months and all the officers contributed to what is included in the ordinance. Ordinances from surrounding towns were reviewed and they incorporated what they had and the items that were discussed during the meetings. The ordinance is law and it supersedes the by-laws. The by-laws have to coincide with the ordinance. The ordinance overrules the by-laws. The majority of the complaints by the members is because they did not know. In any government entity, those in charge, create and develop policy all the time. People find out about the policy when the policy is done and adopted and then they are told here is the new policy to be followed. Nothing is different with the fire service. The officers met, developed the policy, it was voted on and it was implemented. In today's day and age, fires are burning hotter, faster and quicker. The idea of the ordinance is to have well trained people responding to the calls. If you do not show up to any training and then decide to show up that person is more of a liability than anyone else. Then the officers need to send someone

else in, who they know has attended the training, with someone that they haven't seen in five years, three years or two years, which is unfair. That is why the new ordinance has requirements, because there weren't any. The department is volunteer, but when someone signs up, they are committing to the organization that they are going to show up and put the time in. If there is a reason someone cannot be there for training or calls, that can be discussed with one of the officers. The officers agreed to add this to the ordinance and the council agreed which will hold people accountable.

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

MINUTES FOR APPROVAL

Council President Riccardi read aloud the list of minutes being presented for approval:

March 11, 2025	Work Session and Agenda Meeting
March 25, 2025	Business Meeting & Closed Session

On motion by Councilman Romano, seconded by Councilwoman Kuncken and carried by a majority voice vote, the minutes were approved. Councilman Wachterhauser abstained from the minutes of March 25, 2025.

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

Public Safety – Councilwoman Kuncken/Councilman Riccardi

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

Councilwoman Kuncken stated the Fire Department report for February states there were 6 calls answered. There were 5 mutual aid calls, 1 assist to the EMS, 2 drills, and 1 meeting. The total number of volunteer hours was 166. For the month of March the Fire Department reported there were 13 calls, 7 mutual aid calls, 6 drills, 2 meetings, 21 special details, 1 funeral and 2 parades. The total number of volunteer hours was 372.75.

Councilwoman Kuncken stated the Fire Marshal for the month of March reported that they responded to a large brush fire on March 1st and they followed up on two complaints they received from the Stanhope Fire Department. One was a fire alarm issue and the other was a fire code issue. Five inspections were conducted and they all passed.

Councilwoman Kuncken stated the Police Department for the month of March reported 93 motor vehicle stops. The total number of calls for the month was 258.

Councilwoman Kuncken stated the new Fire Department ordinance requires the Public Safety Committee to meet with the Fire Department once a quarter. A date for the meeting will be determined shortly. The meeting will most likely take place at the end of the month on drill night.

Finance & Administration – Councilman Romano/Councilman Thornton

Councilman Romano stated the tax collections for March totaled \$142,953.54. The year to date amount is \$3,372,094.71. Almost 97% of the first quarter taxes have been collected and 2.5% of the second quarter. The prior year delinquent amount is at 44% which is a little higher than last year.

Councilman Romano stated the water collections for the month of March were \$129,261.79. The year to date amount is \$183,719.31. The sewer collections for the month of March were \$174,256.95 and the year to date amount is \$246,007.74. The water and sewer collections are current and solvent.

Community Development – Councilman Wachterhauser/Councilman Simpson

Councilman Wachterhauser stated the Hometown Heroes Banners are being printed and they should be shipped during the second week of May. When they are available, Councilman

Wachterhauser stated he will drive to pick them up. The DPW will hang the banners along Main Street in time for the parade.

Councilman Wachterhauser stated a fund raiser will be held in May for the Stanhope Community Foundation. This will be a dine-to-donate event at a local restaurant.

Municipal Infrastructure – Councilman Thornton/Councilman Romano

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

Councilman Romano stated he had no report.

Information Technology – Councilman Riccardi/Councilman Wachterhauser

Councilman Riccardi stated a demonstration was conducted with DeskPro for the new correspondence ticketing system. The system will take some of the burden off of the office staff and it will allow us to track responses to various issues. The demonstration went well and now the finance and budgeting issues are taking place.

Boards/Commissions – Councilman Simpson/Councilwoman Kuncken

Councilman Simpson stated the Recreation Committee held the Easter Egg Hunt this past weekend which was very well attended. The Recreation Committee did a great job, as always, organizing the event. Councilman Simpson thanked Councilwoman Kuncken and the Fire Department for their help during the event.

Councilman Simpson stated he attended the April 10th Environmental Commission meeting and they discussed open space and some other items. The Clean Communities Day will be held on Sunday, April 27th. Participants will meet at the Valley Road School to receive their supplies and a brunch will be held afterwards at Bell's Mansion. Everyone that participates in the clean up is welcome to attend.

ENGINEER'S REPORT

Elm Street & Valley Road Parking Plan - Eric Keller, Borough Engineer, stated he was contacted by Administrator McNeilly regarding a request from the Board of Education asking if parking spaces could be marked out on Valley Road and Elm Street. The process would entail developing plans taking into consideration the existing driveways, setbacks from stop lines and intersecting streets and other constraints, such as fire hydrants, etc. The parking spaces would be 23 feet in length though if they are being paired up, we can save on space by having a common maneuvering area between the two spaces. An appropriate signage plan would also be required. Mr. Keller stated technical support would be provided to review the parking regulation ordinance for any modifications. The engineering cost estimate for this would be in the range of \$7,000 to \$8,500 for preparing the plans, arranging services for striping through the Morris County Cooperative and construction observations. For the first time in approximately twenty years, Denville Line Paving is not the designated vendor for striping through the co-op.

Councilman Riccardi asked Mr. Keller if he could estimate how many parking spaces this plan would amount to. There will not be as many cars parked if spaces are designated. Right now people are parking up against one another with very little space in between and without regard for driveways and fire hydrants. Councilwoman Kuncken stated she lives in the area and she sees and understands the parking issue. However, painting stripes will change the complexion of the residential neighborhood and she stated she does not know how the residents would feel. Mr. Keller confirmed it would look different. There are no residential streets in the Borough with striped parking spaces. When spaces are marked out, the area will look more urbanized. Councilman Romano stated in his opinion this will continue to create a problem rather than solve it. Councilwoman Kuncken stated she does not want to encourage community policing and giving tickets to residents, but maybe before we venture into something like this, tickets should be given for people to realize they cannot block driveways and mailboxes. Councilman Wachterhauser stated the police officers are in the area frequently and they do enforce the traffic regulations.

Main Street Milling & Resurfacing Local Aid Project – Mr. Keller stated this year there will be two road projects. The Main Street milling and resurfacing project will be done this year. NJ Natural Gas has finished the main gas line installation on Main Street and we have met with them and given them a deadline of June 30th to complete the installation of services. If that deadline is

not met, NJ Natural Gas will be responsible for paving the entire roadway. It is anticipated that the milling and resurfacing would occur in July or August. This has to be approved through Local Aid and a proposal for services must be submitted to the Mayor and Council. The paving would be done in conjunction with the Sunset/Ridge/Overhill project. The water main was replaced last year. NJ Natural Gas is wrapping up the gas main installation in that area. They were given a deadline of June 30th to install all the requested services. This is a Borough project and money has been budgeted for this. When the water main project was completed, there was EPA money left over. They did not want the funding returned and fortunately the work plan was written so that Phase I was for the water main installation and Phase II was for the paving work. There is \$45,000 which can be used for the paving. Mr. Keller stated he and Administrator McNeilly need to schedule a meeting with the EPA representative. Mr. Keller stated he will prepare a proposal.

Flood Damage Prevention Ordinance – Mr. Keller stated the Flood Damage Prevention Ordinance was initially reviewed in November 2024 for discussion at the November 26th Council meeting, but as the Borough Attorney was not present, it was not discussed. This is a model ordinance from the State which was developed by the NJDEP in consultation with FEMA for conformance with the National Flood Insurance Program (NFIP). A lot of what is being done in the State with regard to storm water is being driven by FEMA. This is to protect the State and the Borough under the National Flood Insurance Program. The NJDEP website states that this model ordinance should not be adopted by a community without obtaining the appropriate review and concurrence by the NFIP State Coordinator and the FEMA Regional Office. Upon Council consideration of the draft, Mr. Keller stated he will move forward with the review. Mr. Keller provided the governing body with a memo outlining his comments. The model ordinance sets minimum standards but if the municipality wants to set higher fines or penalties, that is permitted. Changes cannot be made to reduce them below the minimum. Mr. Keller stated as he understands it, Tom Pershouse is the Borough's Flood Plain Administrator. The establishment of flood hazard areas can be more restrictive but not less. Two years ago, the State increased the flood hazard limits by two feet. Whatever it was on Lake Musconetcong, the river and the tributaries that are regulated under the flood plain, those flood elevations are already two feet higher than what is mapped for the river. There are items in there about substantial improvement and substantial damage and options to prohibit enclosures or to permit them up to a certain limit. Mr. Keller stated the Borough does have to adopt the plan and he will proceed with contacting the Administrator.

Tannery Property – Mr. Keller stated he was asked by the Administrator to make a site visit at the Tannery Property, 20 Main Street. There were reports of alleged encroachment onto Borough property. The Borough's property wraps around three sides of the property with the Fire Department on the fourth side. Besides the fact this is Borough property, it is also a regulated area because the Musconetcong River has a 150 foot riparian zone, which restricts clearing of brush and other restrictions. The site inspection was done and a letter was prepared for the Administrator to review and he signed off on it. The letter was then emailed to the homeowner and sent by certified mail. The owner has until May 8th, which is one month, to address the encroachments. To date Mr. Keller stated he has not heard from the property owner. A site visit will be made after May 8th and the issue will be discussed with the Administrator to determine the next steps. The Borough property was surveyed in 2014 and property corners were set. Mr. Keller stated he could not locate the corners but he did not have the equipment used to locate them. If the corners need to be reestablished, that can be done.

COUNCIL DISCUSSION

Resolution Supporting Preservation of the Federal Tax Exemption of Municipal Bonds – Ursula Leo, Borough Attorney, stated the League of Municipalities is asking for a resolution of support for the preservation of the federal tax exemption of municipal bonds. If the governing body would like to adopt a resolution it would state from a municipal perspective, we would appreciate being able to save money.

Council President Riccardi called for a straw poll vote and asked the governing body if they were in favor of having a resolution prepared to support the preservation of the federal tax exemption of municipal bonds. The results were as follows: Councilwoman Kuncken – yes, Councilman Wachterhauser – yes, Councilman Riccardi – yes, Councilman Simpson – yes, Councilman Romano – yes.

Resolution Opposing Legislation that Would Preempt Local Planning and Permit Conversations of Certain Office Parks and Retail Centers to Mixed-Use Developments – Attorney Leo stated she does not think that the Borough has any office parks of the size sufficient to be affected by this. However, it is being brought to the governing body's attention in case this proposed legislation is

passed. If an office park becomes vacant and is of a certain size, 50,000 square feet, the approval to a mixed-use development would be automatic without a use variance approval process at the local Land Use Board. This particular circumstance may not affect the Borough. However, it is important to point out the fact that legislation might be passed which will bypass the local Land Use Board control. Attorney Leo stated the council may want to adopt a resolution to support local control.

Council President Riccardi called for a straw poll vote and asked the governing body if they were in favor of having a resolution prepared to oppose legislation that would preempt local planning and permit conversions of certain office parks and retail centers to mixed-use developments. The results were as follows: Councilwoman Kuncken – yes, Councilman Wachterhauser – yes, Councilman Riccardi – no, Councilman Simpson – yes, Councilman Romano – yes.

COAH - Councilman Wachterhauser asked if a discussion should take place regarding the updated COAH numbers provided by the Borough Planner. Attorney Leo stated the Fair Share Housing Counsel objected to the Borough's reduction to the DCA numbers. There was a formal settlement conference with the court which was unsuccessful. Bill Hamilton, Borough Planner, had discussions with the Planner at the Fair Share Housing Counsel as to what the numbers should be, which was reviewed parcel by parcel and after that it just became a numbers game. This did result in a significant reduction. The update since then, is that in other municipalities if a resolution could not be reached, the DCA number was used or the municipalities number was accepted, but there was no rhyme or reason as to how this was determined. Attorney Leo stated she is of the opinion that the number reached for the Borough's resolution is a good number. The next step is that Mr. Hamilton will prepare the Housing Element and Fair Share Plan for the Land Use Board and then it will come before the governing body for review. This needs to be completed by the end of June.

OLD BUSINESS

ORDINANCES

Ordinances for Public Hearing and Final Adoption

Council President Riccardi offered the following ordinances for Public Hearing and Final Adoption 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 Councilwoman Kuncken, seconded by Councilman Simpson and unanimously carried by the following roll call vote, the foregoing ordinance was adopted.

Council President Riccardi opened the meeting to the public for questions or comments on this ordinance only. Seeing no one from the public wishing to speak, Council President Riccardi 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 - yes

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

Council President Riccardi opened the meeting to the public for questions or comments on this ordinance only. Seeing no one from the public wishing to speak, Council President Riccardi 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 - yes

On motion by Councilman Simpson, seconded by Councilman Romano, and unanimously carried by voice vote, the Council President 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

. 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 Wachterhauser, seconded by Councilman Romano and unanimously carried by the following roll call vote, the foregoing ordinance was adopted.

Council President Riccardi opened the meeting to the public for questions or comments on this ordinance only. Seeing no one from the public wishing to speak, Council President Riccardi 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 - yes

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

Ordinance 2025-09

AN ORDINANCE OF BOROUGH OF STANHOPE, COUNTY OF SUSSEX, STATE OF NEW JERSEY, AMENDING THE BOROUGH CODE, INCLUDING THE ZONING MAP, REZONING BLOCK 11802, LOT 1 AS HIGH DENSITY RESIDENTIAL, AND AMENDING CHAPTER 100, “LAND DEVELOPMENT, ARTICLE XIV, ENTITLED “HIGH DENSITY RESIDENTIAL ZONES”, SECTIONS 100-89 , 100-90 AND 100-91.

WHEREAS, the governing body for the Borough of Stanhope wishes to amend its zoning map to rezone certain properties presently located in the Industrial Zone to High Density Residential; and

WHEREAS, the governing body wishes to amend Chapter 100 of its ordinances entitled “Land Development”, Article XIV to modify the principal and accessory uses and the required conditions in the High Density Residential Zone to, among other things, provide a realistic opportunity for affordable housing; and

WHEREAS, the governing body also wishes to amend Chapter 100 of its ordinances entitled “Land Development”, Article XVIII which imposes design standards for development in the Borough.

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

The Code of the Borough of Stanhope is hereby amended and supplemented, as follows:

Section 1. Chapter 100, Land Development, Article VII, Zoning Districts and Zoning Map is hereby amended and supplemented by designating Block 11802, Lot 1 to be zoned High Density Residential, and the Borough Zoning Map shall be so revised.

Section 2. Chapter 100, Zoning, Article XIV, High Density Residential Zones, is hereby amended by adding the following new subsections to Section 100-89 – Principal Use, as follows:

- C. Townhouse and condominium residential units as part of an inclusionary housing neighborhood provided no townhouse or condominium building contains more than 12 units and provided at least one affordable unit is constructed on site for every five market rate units.
- D. Stacked multifamily apartment residential units in buildings containing no more than 25 units.
- E. Conservation area, recreation and open space.

Section 3. Chapter 100, Zoning, Article XIV, High Density Residential Zones, is hereby amended by deleting existing Section 100-90.B and adopting a new subsection B to section 100-90 – Accessory Uses, as follows:

B. In addition to “Accessory Uses” permitted as defined by Section 100-3, the following accessory uses shall be permitted in the HR Zones:

- (1) Private garages
- (2) Off-street parking in accordance with RSIS
- (3) Patios and decks
- (4) Fences and walls
- (5) Signs
- (6) Trash Enclosures, Solid waste/Recycling areas
- (7) Stormwater management and other utilities
- (8) Hot Boxes if required by any utility authority

- (9) Monument Sign
- (10) Building-mounted signs for identification and emergency services
- (11) Recreational uses and residential amenities including, but not limited to common open spaces, walking paths, gazebos, tot lots, gardens, maintenance building(s).
- (12) Leasing/Maintenance office
- (13) Accessory buildings or structures required for maintenance and operations
- (14) Electronic vehicle charging stations
- (15) Stormwater management basins and associated structures
- (16) Accessory uses on the same lot and customarily incidental to a principal use.
- (17) Cluster mailboxes
- (18) Generator for apartment buildings

Section 4. Chapter 100, Zoning, Article XIV, High Density Residential Zones, subsection 100-91, A – Required conditions for Principal Buildings, is hereby amended by the addition of the following:

- (10) Minimum Distance Between Buildings (side to side) - 25 feet
- (11) Minimum Distance Between Buildings (rear to rear) - 50 feet
- (12) Minimum Distance Between Decks – 20 feet
- (13) Maximum Building Length - 180 feet
- (14) Minimum Townhouse facade offset– 2 feet between units
- (15) Minimum Apartment facade offset– At least 2 feet offset every 50’
- (16) Maximum Building Height - 45 feet
- (17) Maximum Stories - Three

Section 5. Chapter 100, Zoning, Article XIV, High Density Residential Zones, subsection 100-91- Required conditions, is hereby amended by adding a new Subpart C – Additional requirements, as follows:

C. Additional requirements.

- (1) Apartments and townhouses shall only be developed as an inclusionary residential development with a 20% set aside of units very low income, low- income and moderate income affordable units pursuant to the Fair Housing Act, the Council on Affordable Housing (COAH) Rules, the Uniform Housing Affordability Controls (UHAC) and any rules promulgated by any Department of New Jersey government, including the Department of Community Affairs (DCA).
- (2) The development shall provide a minimum of a ¼ acre cleared lawn area or areas for open play.
- (3) A fenced tot lot shall be provided as part of the overall development, to include:
 - a handicap accessible path to neighborhood sidewalks;
 - a pavilion for shade and outdoor seating with trash receptacles, *and*
 - a facility including at least 1,500 square feet enclosed by a fence with play features to support a range of activities for tots, children consisting of weather resistant play equipment which shall include climbing and sliding activities and which provides equipment for at least 3 additional activities such as swinging, spinning, balancing, jumping, hanging, creative play, crawling, hiding, rocking, rolling, bouncing, digging, sand and water play.

Play apparatus shall comply with all applicable government agency requirements for playground design and safety. Design and construction of playgrounds must conform to the requirements of Americans with Disabilities Act (ADA).
- (4) Sidewalks shall be provided on at least one side of all streets.
- (5) The driveway length between the garage door and the edge of pavement shall be:
 - at least 20 feet where no sidewalk exists, and
 - at least 26 feet between the garage door and edge of pavement when the sidewalk is proposed.
 - No more than a 12% slope.
- (6) More than one principal building or structure shall be permitted per lot.

Section 6. SEVERABILITY. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 7. NOTICE. The Borough Clerk is directed to give notice at least ten days prior to a hearing on the adoption of this ordinance to the Sussex County Planning Board and to all other municipalities and persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-62.1.

After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Land Use Board of the Borough of Stanhope for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Land Use Board is directed to make and transmit to the Borough Council within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 8. REPEALER. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 9. EFFECTIVE DATE. This Ordinance shall take effect immediately upon 1) adoption; 2) publication in accordance with the laws of the State of New Jersey; (3) filing of the final form of adopted ordinance by the Clerk with a) the Sussex County Planning Board pursuant to N.J.S.A. 40:55D-16.

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

Council President Riccardi opened the meeting to the public for questions or comments on this ordinance only. Seeing no one from the public wishing to speak, Council President Riccardi 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 - yes

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

PUBLIC HEARING AND ADOPTION OF THE 2025 MUNICIPAL BUDGET

Kathy Mantell, from Nisovoccia, stated that Ray Sarinelli, Borough Auditor, could not be here this evening so she offered to attend. Ms. Mantell stated she reviewed the Borough's budget and she sees stability and growth in catching up with municipal debt. There is a very modest tax increase, while making sure that the Borough lands on both feet. There is long range planning making sure that decisions are being made to sustain the Borough for a long period of time. The municipal tax rate is going up modestly at a 3% increase. The inflation over the past several years has been difficult and there is never a good time for an increase. Sometimes it is reactive. Ms. Mantell stated the governing body is doing a good job, the finances are strong and the Borough has a good team here.

Resolution 093-25

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF STANHOPE AUTHORIZING READING OF THE MUNICIPAL BUDGET BY TITLE

WHEREAS, N.J.S.40A:4-8 provides that the budget may be ready by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full Governing Body, provided that at least one (1) week prior to the date of public hearing a complete copy of the approved budget, as advertised, has been posted in the Municipal Building and copies have been made available by the Clerk to persons requesting them; and

WHEREAS, these conditions have been met;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Stanhope, County of Sussex, State of New Jersey, that the 2025 Municipal Budget shall be read by title at this Public Hearing for same.

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

Roll Call:

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

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

Resolution 094-25

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF STANHOPE ADOPTING THE 2025 MUNICIPAL
BUDGET**

BE IT RESOLVED by the Governing Body of the Borough of Stanhope, County of Sussex, that the budget herein before set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$5,718,464.40 for municipal purposes.

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

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

Roll Call:

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

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

NEW BUSINESS

RESOLUTIONS

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 095-25

**RESOLUTION AUTHORIZING 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 11501 Lot 2 Qualifier C0152, also known as 8152 Ashland Court, for 2023 delinquent sewer and water charges; and

WHEREAS, this lien which is known as Tax Sale Certificate #24-00020 was sold to Bala Partners, LLC at 0% interest and a Premium of \$600.00; and

WHEREAS, Corelogic, mortgagee, has effected a redemption of certificate #24-00020 in the amount of \$1,210.03; 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 #24-00020 and Interest	\$1,210.03
Premium Paid by Lienholder	600.00

Total From Current Fund:	\$1,210.03
Total From Tax Premium Account	600.00

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 Bala Partners, LLC is entitled to the redemption in the amount of \$1,810.03; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer be authorized to issue a check in the total amount of \$1,810.03 for the total redemption of certificate #24-00020 payable to Bala Partners, LLC, PO Box 303, Pottersville, NJ 07979; 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.

Resolution 096-25

**RESOLUTION AUTHORIZING 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 11701 Lot 9.01 QFARM, also known as Off Route 206, for 2023 delinquent property taxes; and

WHEREAS, this lien which is known as Tax Sale Certificate #24-00031 was sold to Exit 26 Enterprises, LLC at 0% interest and a Premium of \$100.00; and

WHEREAS, Stanhope Mountain Associates, property owner, has effected a redemption of certificate #24-00031 in the amount of \$310.52; 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 #24-00031 and Interest	\$310.52
Premium Paid by Lienholder	100.00
Total From Current Fund:	\$310.52
Total From Tax Premium Account	100.00

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 Exit 26 Enterprises, LLC is entitled to the redemption in the amount of \$410.52; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer be authorized to issue a check in the total amount of \$410.52 for the total redemption of certificate #24-00031 payable to Exit 26 Enterprises, LLC, 90 Waterloo Rd, Budd Lake, NJ 07828; 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.

Resolution 097-25

**RESOLUTION AUTHORIZING 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 11701 Lot 9.02 QFARM, also known as US Highway 206, for 2023 delinquent property taxes; and

WHEREAS, this lien which is known as Tax Sale Certificate #24-00032 was sold to Exit 26 Enterprises, LLC at 0% interest and a Premium of \$100.00; and

WHEREAS, Stanhope Mountain Associates, property owner, has effected a redemption of certificate #24-00032 in the amount of \$193.74; 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 #24-00032 and Interest	\$193.74
Premium Paid by Lienholder	100.00
Total From Current Fund:	\$193.74
Total From Tax Premium Account	100.00

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 Exit 26 Enterprises, LLC is entitled to the redemption in the amount of \$293.74; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer be authorized to issue a check in the total amount of \$293.74 for the total redemption of certificate #24-00032 payable to Exit 26 Enterprises, LLC, 90 Waterloo Rd, Budd Lake, NJ 07828; 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.

Resolution 098-25

**RESOLUTION AUTHORIZING 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 11701 Lot 11 QFARM, also known as US Highway 206, for 2023 delinquent property taxes; and

WHEREAS, this lien which is known as Tax Sale Certificate #24-00033 was sold to Exit 26 Enterprises, LLC at 0% interest and a Premium of \$100.00; and

WHEREAS, Stanhope Mountain Associates, property owner, has effected a redemption of certificate #24-00033 in the amount of \$339.71; 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 #24-00033 and Interest	\$339.71
Premium Paid by Lienholder	100.00
Total From Current Fund:	\$339.71
Total From Tax Premium Account	100.00

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 Exit 26 Enterprises, LLC is entitled to the redemption in the amount of \$439.71; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer be authorized to issue a check in the total amount of \$439.71 for the total redemption of certificate #24-00033 payable to Exit 26 Enterprises, LLC, 90 Waterloo Rd, Budd Lake, NJ 07828; 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.

Resolution 099-25

**RESOLUTION AUTHORIZING 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 11802 Lot 4 QFARM, also known as US Highway 206, for 2023 delinquent property taxes; and

WHEREAS, this lien which is known as Tax Sale Certificate #24-00035 was sold to Exit 26 Enterprises, LLC at 0% interest and a Premium of \$100.00; and

WHEREAS, Stanhope Mountain Associates, property owner, has effected a redemption of certificate #24-00035 in the amount of \$427.25; 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 #24-00035 and Interest	\$427.25
Premium Paid by Lienholder	100.00
Total From Current Fund:	\$427.25
Total From Tax Premium Account	100.00

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 Exit 26 Enterprises, LLC is entitled to the redemption in the amount of \$527.25; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer be authorized to issue a check in the total amount of \$527.25 for the total redemption of certificate #24-00035 payable to Exit 26 Enterprises, LLC, 90 Waterloo Rd, Budd Lake, NJ 07828; 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 Councilman Wachterhauser, 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 Riccardi – yes
Councilman Romano – yes

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

PAYMENT OF BILLS

Resolution 100-25

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 April 22, 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 Councilman Thornton and unanimously carried by the following roll call vote, the foregoing resolution was duly adopted.

Roll Call:

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

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

ATTORNEY REPORT

Attorney Ursula Leo stated she had no report this evening.

CITIZEN'S TO BE HEARD

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

Mitch Ellicott, Chief of Stanhope Hose Co. #1, stated, with regard to the proposed development for Sparta Road, he would like the developer to know he would like them to provide an emergency exit in the event that there is a potential hazard on Sparta Road which would allow people to exit the development on the road which goes down behind Lenape Valley High School and connects with the Valley Road School. There is an unimproved trail where forest fires have occurred in the past. It is a one lane road. Chief Ellicott stated he did voice his concern at the developer's presentation meeting but just wanted to reiterate his concern again. Council President Riccardi stated there will be many more conversations regarding the development in the future and at the Land Use Board. Councilman Wachterhauser stated there was also mention of an emergency lane which would provide access to the high school parking lot. Some of the property which goes through to the Valley Road School may not be public property. Chief Ellicott stated the railroad line may be coming through in the future and he just wants to make sure the residents are safe.

Mike Ryan, Treasurer Stanhope Fire Department, stated this issue may have already been resolved but he is mentioning it tonight just in case. The clothing allowance or the incentive pay for 2024 has not been received by the Fire Department as of a couple weeks ago. Mr. Ryan heard it was approved but the checks were not received. Councilwoman Kuncken asked if anyone has communicated with the CFO to determine if there is money in the budget. Councilman Romano

stated a purchase order is required in order to make the payment. Mr. Ryan thanked the council and stated he will see that the purchase order is submitted.

Dave Badaloto, Assistant Fire Chief, stated in response to Mr. Ryan's question, he has been in contact with the CFO and the purchase order has been issued. The bills list is processed twice a month. Mr. Badaloto stated he does not know when the payment is due to be processed. Ellen Horak, Borough Clerk, stated there is a purchase order on her desk for the Fire Department waiting for approval from the Borough Administrator. There were some questions that the CFO needed to clarify with the Administrator. As soon as he returns from vacation the purchase order will be processed.

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

ADJOURNMENT

On motion by Councilwoman Kuncken, seconded by Councilman Romano and unanimously carried by voice vote the meeting was adjourned at 8:05 P.M.

Approved:

Linda Chirip
Deputy Clerk for
Ellen Horak, RMC
Borough Clerk