

**MAYOR AND COUNCIL
WORK SESSION AND
AGENDA MEETING MINUTES
June 9, 2026
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 public meeting has been made in accordance with P.L. 2025, c.72, N.J.S.A. 35:3-2, and the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq., inasmuch as a notice has been published on the Borough's official Internet website, www.stanhopenj.gov, which is accessible and available to the public free of charge. A direct hyperlink to legal notices published on the Borough's official Internet website is conspicuously placed on the website's homepage. Notice was also 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:

Councilman Riccardi – present
Councilman Romano – present
Councilman Simpson – present

Councilman Smith – present
Councilman Thornton – absent
Councilman Wachterhauser – present

Mayor Wronko – present

CLOSED SESSION

1. The general nature of the subject matter(s) to be discussed is as follows:

1 – Attorney-Client

2. It is anticipated at this time that the above stated subject matter(s) will be made public at the conclusion of each individual specified subject matter.
3. This resolution shall take effect immediately.

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

The Mayor and Council went into Closed Session at 7:03 P.M.

RETURN TO OPEN SESSION

At the conclusion of the Closed Session, the Mayor and Council reconvened the public meeting at 7:06 P.M. with all present.

ADMINISTRATOR'S REPORT

Family Fun Day – Administrator McNeilly stated the Recreation Committee has submitted a request to close Musconetcong Avenue at the park on Saturday, July 11th from 12:00pm to 4:00pm. The DPW will assist with getting the necessary gear out and the horses to block the road.

Mayor Wronko took a straw poll of the governing body members asking for approval to close Musconetcong Avenue on Saturday, July 11th, from 12:00pm to 4:00pm at Musconetcong Park. The results of the poll are as follows: Councilman Smith – yes; Councilman Wachterhauser – yes; Councilman Riccardi – yes; Councilman Simpson – yes; Councilman Romano – yes. Approval to close the road was granted.

Citizen Request – Administrator McNeilly stated a citizen from a neighboring town has requested that the State change the yield sign at Route 183 N onto Route 206 N to a stop sign. Administrator McNeilly stated he suggested that the resident contact Senator Space's office and his office sent them back to Stanhope. This request can only be made by the Stanhope Mayor and Council. Councilman Riccardi stated that retraining people to stop instead of yielding would cause problems and would cause a traffic backup. Councilman Wachterhauser stated a traffic study would have to be conducted and paid for. Councilman Simpson stated any backup that occurs at that location only lasts for approximately an hour a day between 4pm and 5pm. The governing body stated they are not interested in changing the yield sign to a stop sign.

New Street – Administrator McNeilly stated the bonding for the resurfacing project on New Street is on the June 23rd meeting agenda for first reading. This project missed our capital projects. Eric Keller, Borough Engineer, is starting the engineering ahead of the funding in order to make sure we are able to resurface by early fall.

FY2026 Assistance to Firefighters Grants (AFG) – Administrator McNeilly stated the Fire Department is currently working with Millennium Strategies to complete the grant request for the FY2026 Assistance to Firefighters Grant. This request is for air packs, bottles and PPE. The 2024 grant was unsuccessful, and the Borough has not received notification as yet for the 2025 grant application.

Main Street Crosswalks – Administrator McNeilly stated the new crosswalks were installed today on Main Street and they look great. Councilman Wachterhauser asked if there are any warranties in place for the crosswalks. Administrator McNeilly stated there is a performance bond and a maintenance bond in place.

NJ Natural Gas – Administrator McNeilly stated he and Jason Titsworth, DPW Superintendent, met with Jonathan from NJ Natural Gas to discuss pavement restoration. They are anticipating milling and paving during July and August. A pre-construction meeting with engineering will be scheduled for the first week in July. Administrator McNeilly stated the Borough has a 10,000-foot lane credit. Half of this will be used for Laura Court, Crestview Drive and Towpath Lane. The one-way section of Planeview Street will be paved along with King Street. All of Canfield Street and all of Laura Court will be paved. Summit Street will also be paved. Most roads will have single lanes paved. There are some roads with keyways where service was installed which will also be captured.

NJ Natural Gas – Administrator McNeilly stated he has reached out to NJ Natural Gas for a tentative schedule for finishing the Sparta Road section once the high school is out for the summer. Once the schedule is known, Nixle messages will be sent out. The work on Sparta Road will take a few weeks. This will complete the gas line installation on the Borough streets. It is unknown as to what, if anything, will be done in Highpoint or Stonegate. The number of road opening permits has decreased. The service installation permits are still being submitted.

Garage Sale - Councilman Riccardi asked Administrator McNeilly to post the QR code for the garage sale map in a Nixle message and on the website. Linda Chirip, Deputy Clerk, stated the QR code is already posted on the website. Councilman Riccardi stated there are currently 24 people signed up for the garage sale.

Ambulance Squad Signage – Councilman Wachterhauser thanked Administrator McNeilly for getting the signage installed for the Ambulance Squad.

Guardrail - Councilman Smith asked if any information has been received regarding the guardrail replacement on Brooklyn Road. Administrator McNeilly stated no date has been provided. Councilman Riccardi stated he sent an email to the County Commissioners regarding the guardrail. Councilman Romano stated the guardrail has been missing since December.

WORK SESSION

Private Trampolines (Regulations) – Ursula Leo, Borough Attorney, stated she researched the subject of regulating private trampolines as an accessory structure. Attorney Leo stated she was unable to find any other town that has an ordinance prohibiting trampolines. Trampolines can be prohibited in certain yards such as the side yard and setbacks can be required. Councilman Wachterhauser asked if residents that already own trampolines would be grandfathered in if an ordinance was adopted. Attorney Leo stated the wording can be such that anyone with an existing trampoline would have to prove that, which would be an enforcement nightmare. Trampolines can be considered an accessory structure but usually this refers to actual buildings. Councilman Smith stated would trampolines as accessory structures then lead to swing sets etc. Attorney Leo stated the ordinances she did see were always specific to things like a gazebo, grill etc. It seems that whenever a complaint was raised an ordinance was done for a specific item. Councilman Romano stated grandfathering trampolines would not solve the issue that is currently causing the reason for the request. Police Chief Johnson was asked for his input, and he stated trampolines would be completely out of the Police Department's jurisdiction. Councilman Smith asked if Stanhope really wants to be the only town in New Jersey with such a restriction. Mayor Wronko asked the governing body if they would want to adopt an ordinance or let it lie. Administrator McNeilly stated he is of the opinion that adopting such an ordinance would lead to other issues and stated that the easiest fix for the current issue between the neighbors would be to install a fence. Councilman Smith stated the trampoline could just be moved away from the property line. Administrator McNeilly stated the yards in that area are not flat and that may be why the problem trampoline is located where it is. Councilman Riccardi stated this is a neighbor dispute and the resident is trying to get the town to fix the problem and adopting an ordinance would look like the Borough is targeting the existing resident. The governing body decided not to proceed with a trampoline ordinance.

OLD BUSINESS

ORDINANCES

Ordinances for Public Hearing and Final Adoption

Mayor Wronko offered the following Ordinances for Public Hearing and Final Adoption which were read by title.

Ordinance 2026-10

AN ORDINANCE OF THE BOROUGH OF STANHOPE, SUSSEX COUNTY, NEW JERSEY AMENDING CHAPTER 95, "HOUSING STANDARDS" OF THE BOROUGH CODE, ADOPTING A NEW SECTION, 95-10, REGARDING REQUIREMENTS FOR INSPECTION OF LEAD-BASED PAINT IN CERTAIN RESIDENTIAL RENTAL DWELLINGS

WHEREAS, the Borough of Stanhope (the "Borough") Code includes Chapter 95, entitled "Housing Standards"; and

WHEREAS, pursuant to P.L. 2021, c.182, all municipalities are required to inspect every single-family, two-family, and multiple rental dwelling located within the Borough on a recurring basis and at tenant turnover for lead-based paint hazards; and

WHEREAS the Mayor and Council desire to amend the Borough Code to require inspections for lead-based paint in certain residential rental dwellings in order to conform with State law.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Stanhope, County of Sussex, State of New Jersey that:

Section 1. Chapter 95 of the Borough Code, entitled "Housing Standards" is hereby amended with the addition of Section 95-10, "Lead-Based Paint Inspections" as follows:

Section 95-10 Lead-Based Paint Inspections.

A. Required Initial Inspection.

The owner of every single-family, two-family, and/or multiple rental dwelling unit offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards as required by N.J.S.A. 52:27D-437.16, et seq., and upon tenant turnover.

The inspections required by this Ordinance shall be performed by a separate entity to be named by the Borough. Alternatively, in lieu of having the dwelling inspected by the Borough, the property owner may directly hire a private lead inspector certified by the New Jersey Department of Community Affairs to perform lead-based paint inspections in accordance with N.J.S.A. 52:27D-437.16 et seq., as may be amended from time to time.

B. Required Recurring Inspections. After the initial inspection required by Section 95-10A, the owner of such dwelling unit offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards every three (3) years, or at tenant turnover, whichever is earlier. However, an inspection upon tenant turnover shall not be required if the property owner has a valid lead-safe certification.

C. Statutory and Regulatory Requirements. Inspections for lead-based paint in rental dwelling units required by this Ordinance are governed by the standards and requirements set forth in N.J.S.A. 52:27D-437.1 et seq., and N.J.S.A. 55:13A-1 et seq., and the regulations promulgated by the New Jersey Department of Community Affairs, N.J.A.C. 5:28A, as any of the foregoing may be amended from time to time.

D. Exceptions. A dwelling unit in a single-family, two-family, or multiple rental dwelling shall not be subject to inspection and evaluation for the presence of lead-based paint hazards, if the unit:

1. Has been certified to be free of lead-based paint; or
2. Was constructed during or after 1978; or
3. Is in a multiple dwelling that has been registered with the Department of Community Affairs as a multiple dwelling for at least ten (10) years, either under the current or a previous owner, and has no outstanding lead violations from the most recent cyclical inspection performed on the multiple dwelling under the "Hotel and Multiple Dwelling Law", N.J.S.A. 55:13A-1, et seq.; or
4. Is a single-family or two-family seasonal dwelling which is rented for less than six (6) months duration each year by tenants that do not have consecutive lease renewals; or
5. Has a valid lead-safe certification.

E. Remediation. If lead-based paint hazards are identified, then the owner of the dwelling shall remediate the hazards through abatement or lead-based paint hazard control mechanisms in accordance with N.J.S.A. 52:27D-437.16(d), as amended. Upon the remediation of the lead-based paint hazard, the lead inspector shall conduct an additional inspection of the unit to certify that the hazard no longer exists.

F. Lead Safe. If no lead-based paint hazards are identified, then the lead inspector shall certify the dwelling as lead safe on a form prescribed by the Department of Community Affairs, which shall be valid for two (2) years.

G. Owner Obligations. In accordance with N.J.S.A. 52:27D-437.16(e), property owners shall:

1. Provide evidence of a valid lead-safe certification and the most recent tenant turnover to the Borough of Stanhope at the time of the cyclical inspection.
2. Provide evidence of a valid lead-safe certification to new tenants of the property at the time of tenant turnover and shall affix a copy of such certification as an exhibit to the tenant's lease.

3. Maintain a record of the lead-safe certification that shall include the name or names of the unit's tenant(s) if the inspection was conducted during a period of tenancy.

H. Fees

1. A Lead-Based Paint Inspection fee shall be paid for each lead-based paint inspection performed by the consultant appointed by the Borough of Stanhope. The fee shall be dedicated to the testing required by applicable law and this Ordinance and shall not be used for any other purpose. If the property owner directly hires a private lead evaluation contractor who is certified to provide lead paint inspection services by the New Jersey Department of Community Affairs to satisfy the requirements of this Ordinance, the Lead-Based Paint inspection fee shall not apply.
2. In a common interest community (including but not limited to condominium associations, homeowners associations, and/or cooperative) any inspection fee charged shall be the responsibility of the unit owner and not the community or association unless it is the owner of the dwelling.
3. As required by N.J.S.A. 52:27D-437.16(h), the owner shall also pay an additional \$20.00 fee per unit inspected by the Borough consultant for the purposes of the "Lead Hazard Control Assistance Act" (N.J.S.A. 52:27D-437.1 et seq.), unless the owner demonstrates that the New Jersey Department of Community Affairs has already assessed an additional \$20.00 inspection fee pursuant to the provisions of N.J.S.A. 52:27D-437.10. The fees collected pursuant to this subsection shall be deposited into the "Lead Hazard Control Assistance Fund" established pursuant to N.J.S.A. 52:27D-437.4.

I. Violations and Penalties. In accordance with N.J.S.A. 52:27D-437.19, the penalties for a violation of this Ordinance are as follows:

1. If a property owner has failed to conduct the required inspection or initiate any remediation efforts, the owner shall be given 30 days written notice to cure the violation.
2. If the property owner has not cured the violation after 30 days, the property owner shall be subject to a penalty not to exceed \$1,000.00 per week until the required inspection has been conducted or remediation efforts have been initiated.

Section 2. Severability. If any section, paragraph, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply on to the section, paragraph, clause, or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

Section 3. Repeal of Prior Ordinances. All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

Section 4. Effective Date. This ordinance shall take effect after final passage and publication as provided by law.

On motion by Councilman Romano, seconded by Councilman Riccardi and unanimously carried by 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. Seeing no one from the public wishing to speak, Mayor Wronko closed the public portion of the meeting.

Roll Call:

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

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

Ordinance 2026-11

AN ORDINANCE AMENDING CHAPTER 37 "POLICE DEPARTMENT", SECTION 37-13.C "QUASI-PUBLIC

**DUTY; FEES” OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF STANHOPE**

WHEREAS, the Borough Police Chief has requested a revision to the administrative fee charged related to outside use of Borough police officers, due to the increased costs of fuel and other Borough costs, and to be similar to the fees charged by neighboring municipalities; and

WHEREAS, the Mayor and Council desire to amend Chapter 37, “Police Department”, Section 37-13.C, “Quasi-public duty; fees” of the Revised General Ordinances of the Borough of Stanhope to increase the administrative fee to 25%.

NOW, THEREFORE, BE IT ORDAINED by the Stanhope Borough Council, County of Sussex, State of New Jersey, that Chapter 37, “Police Department”, Section 37-13.C, “Quasi-public duty; fees” of the Revised General Ordinances of the Borough of Stanhope is amended as follows:

SECTION 1

Section 37-13.C “Quasi-public duty; fees”, shall be deleted in its entirety and replaced with the following:

- C. Fees. Prior to the provisions of the request service, the requesting agency shall pay a fee to the Borough, for regular officers, in accordance with the rate established by the extant labor contract with the police union; and for special officers, the fee shall be twice the wage rate specified in the extant Salary Ordinance. A surcharge of 25% shall also be assessed for administrative costs incurred by the Borough. All fees shall be turned over to the Borough's Chief Financial Officer for proper disbursement.

SECTION 2

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

SECTION 3 - REPEALER

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

SECTION 4: EFFECTIVE DATE

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

On motion by Councilman Simpson, seconded by Councilman Wachterhauser and unanimously carried by 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. Seeing no one from the public wishing to speak, Mayor Wronko closed the public portion of the meeting.

Roll Call:

Councilman Riccardi – yes	Councilman Smith – yes
Councilman Romano – yes	Councilman Thornton – absent
Councilman Simpson – yes	Councilman Wachterhauser - yes

On motion by Councilman Romano, seconded by Councilman Smith, 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 June 23, 2026]

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

Ordinance 2026-12

**AN ORDINANCE OF THE BOROUGH OF
STANHOPE, SUSSEX COUNTY, ADOPTING CHAPTER
115, SALT STORAGE**

WHEREAS, the New Jersey Department of Environmental Protection (“NJDEP”) has recently amended Stormwater Management Regulations, N.J.A.C. 7:8-1.1, et. seq.; and

WHEREAS, the NJDEP promulgated a model Privately Owned Salt Storage ordinance to establish requirements for storage of salt and de-icing material on privately owned properties to prevent them from being exposed to stormwater; and

WHEREAS, the Borough desires to adopt an ordinance in compliance with the NJDEP regulations and model ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Stanhope, Sussex County, New Jersey, that a new Chapter 115, Salt Storage, shall be adopted as follows:

SECTION 1. A new Stanhope Code Chapter 115, Salt Storage, shall be adopted as follows:

Chapter 115 Salt Storage

115-1 Purpose.

The purpose of this Chapter is to prevent stored salt and other solid de-icing materials from being exposed to stormwater.

This Chapter establishes requirements for the storage of salt and other solid de-icing materials on properties not owned or operated by the municipality (privately-owned), including residences, in the Borough to protect the environment, public health, safety and welfare, and to prescribe penalties for failure to comply.

115-2 Definitions.

For the purpose of this Chapter, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- A. “De-icing materials” means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.
- B. “Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.
- C. “Storm drain inlet” means the point of entry into the storm sewer system.
- D. “Permanent structure” means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets the following specifications:

- 1. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
- 2. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
- 3. The structure shall be erected on an impermeable slab;

4. The structure cannot be open sided; and
 5. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.
- E. "Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- F. "Resident" means a person who resides on a residential property where de-icing material is stored.

115-3. De-icing Material Storage Requirements.

- A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:
1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
 2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;
 3. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;
 4. Loose materials shall be covered as follows:
 - a. The cover shall be waterproof, impermeable, and flexible;
 - b. The cover shall extend to the base of the pile(s);
 - c. The cover shall be free from holes or tears;
 - d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
 - e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.
 - (1) Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used
 5. Containers must be sealed when not in use; and
 6. The site shall be free of all de-icing materials between April 16th and October 14th
- B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 - April 15.
- C. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this Chapter are met. Inspection records shall be kept on site and made available to the municipality upon request.
1. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

115-4. Exemptions

Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements in Section III above. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

This Chapter does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

115-5 Enforcement.

This Chapter shall be enforced by the Code Enforcement Officer during the course of ordinary enforcement duties.

115-6 Violations and Penalties.

Any person(s) who is found to be in violation of the provisions of this Chapter shall have seventy-two (72) hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall result in daily fines not exceeding \$1,000 per day, or imprisonment for a term not exceeding 90 days or a period of community service not exceeding 90 days, or any combination thereof.

SECTION 2 - SEVERABILITY

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

SECTION 3 - REPEALER

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

SECTION 4 - EFFECTIVE DATE

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

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

Roll Call:

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

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

Ordinance 2026-13

AN ORDINANCE OF THE BOROUGH OF STANHOPE, SUSSEX COUNTY, NEW JERSEY ADOPTING A NEW CHAPTER 131, TREE REMOVAL-REPLACEMENT

WHEREAS, all municipalities with a Tier 1 MS4 stormwater permit are required to adopt and enforce an ordinance to control tree removal and replacement to reduce stormwater runoff and pollutants, and to promote infiltration of rainwater into the soil; and

WHEREAS, this Ordinance is drafted in accordance with the New Jersey Department of Environmental Protection-issued model ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Stanhope, Sussex County, New Jersey, that a new Chapter 131, Tree Removal-Replacement, shall be adopted as follows:

SECTION 1. A new Stanhope Code Chapter 131, Tree Removal-Replacement, shall be adopted as follows:

Chapter 131 - Tree Removal-Replacement

131-1 Purpose.

The purpose of this Chapter is to establish requirements for tree removal and replacement in the Borough of Stanhope to reduce soil erosion and pollutant runoff, promote infiltration of rainwater into the soil, and protect the environment, public health, safety, and welfare.

131-2 Definitions.

For the purpose of this Chapter, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The use of the word “shall” means the requirement is always mandatory and not merely directory.

- A. “Applicant” means any “person”, as defined below, who applies for approval to remove trees regulated under this ordinance.
- B. “Critical Root Radius (CRR)” – means the zone around the base of a tree where the majority of the root system is found. This zone is calculated by multiplying the diameter at breast height (DBH) of the tree by 1.5 feet. For example: a tree with a 6” DBH would have a CRR = 6”x1.5’ = 9’.
- C. “Diameter at Breast Height (DBH)” means the diameter of the trunk of a mature tree generally measured at a point four and a half feet above ground level from the uphill side of the tree. For species of trees where the main trunk divides below the 4 ½ foot height, the DBH shall be measured at the highest point before any division.
- D. “Hazard Tree” means a tree or limbs thereof that meet one or more of the criteria below. Trees that do not meet any of the criteria below and are proposed to be removed solely for development purposes are not hazard trees. [Municipalities may choose to require a Licensed Tree Expert to make all Hazard tree determination]
 - 1. Has an infectious disease or insect infestation;
 - 2. Is dead or dying;
 - 3. Obstructs the view of traffic signs or the free passage of pedestrians or vehicles, where pruning attempts have not been effective;
 - 4. Is causing obvious damage to structures (such as building foundations, sidewalks, etc.); or
 - 5. Is determined to be a threat to public health, safety, and/or welfare by a certified arborist or Licensed Tree Expert (LTE).
- E. “Person” means any individual, resident, corporation, utility, company, partnership, firm, or association.
- F. “Planting strip” means the part of a street right-of-way between the public right-of-way and the portion of the street reserved for vehicular traffic or between the abutting property line and the curb or traveled portion of the street, exclusive of any sidewalk.
- G. “Resident” means an individual who resides on the residential property or contractor hired by the individual who resides on the residential property where a tree(s) regulated by this ordinance is removed or proposed to be removed.
- H. “Street Tree” means a tree planted in the sidewalk, planting strip, and/or in the public right-of-way adjacent to (or specified distance from) the portion of the street reserved for vehicular traffic. This also includes trees planted in planting strips within the roadway right-of-way, i.e., islands, medians, pedestrian refuges.

- I. “Tree” means a woody perennial plant, typically having a single stem or trunk growing to a considerable height and bearing lateral branches at some distance from the ground.
- J. “Tree Caliper” means the diameter of the trunk of a young tree, measured six (6) inches from the soil line. For young trees whose caliper exceeds four (4) inches, the measurement is taken twelve (12) inches above the soil line.
- K. “Tree removal” means to kill or to cause irreparable damage that leads to the decline and/or death of a tree. This includes, but is not limited to, excessive pruning, application of substances that are toxic to the tree, over-mulching or improper mulching, and improper grading and/or soil compaction within the critical root radius around the base of the tree that leads to the decline and/or death of a tree. Removal does not include responsible pruning and maintenance of a tree, or the application of treatments intended to manage invasive species.

131-3 Regulated Activities.

- A. Application Process:
 - 1. Any person planning to remove a street tree, as defined as Tree removal, with DBH of 2.5” or more or any non-street tree with DBH of 6” or more on their property shall submit a Tree Removal Application to the Zoning Officer. No tree shall be removed until municipal officials have reviewed and approved the removal. An application fee of \$25 shall be paid.
- B. Tree Replacement Requirements
 - 1. Any person who removes one or more street tree(s) with a DBH of 2.5” or more, unless exempt under Section IV, shall be subject to the requirements of the Tree Replacement Requirements Table below.
 - 2. Any person, who removes one or more tree(s), as defined as Tree removal, with a DBH of 6” or more, unless otherwise exempt, shall be subject to the requirements of the Tree Replacement Requirements Table.

Replacement tree(s) shall:

- 1. Be replaced in kind with a tree that has an equal or greater DBH than tree removed or meet the Tree Replacement Criteria in the table below;
- 2. Be planted within twelve (12) months of the date of removal of the original tree(s) or at an alternative date specified by the municipality;
- 3. Be monitored by the applicant for a period of two (2) years to ensure their survival and shall be replaced as needed within twelve (12) months; and
- 4. Shall not be planted in temporary containers or pots, as these do not count towards tree replacement requirements.

Tree Replacement Requirements Table:

Categor y	Tree Removed (DBH)	Tree Replacement Criteria (See Appendix A)
1	DBH of 2.5” (for street trees) or 6” (for non-street trees) to 12.99”	Replant 1 tree with a minimum tree caliper of 1.5” for each tree removed
2	DBH of 13” to 22.99”	Replant 2 trees with minimum tree caliper of 1.5” for each tree removed
3	DBH of 23” to 32.99”	Replant 3 trees with minimum tree caliper of 1.5” for each tree removed

- | | | |
|---|-----------------------|---|
| 4 | DBH of 33” or greater | Replant 4 trees with minimum tree caliper of 1.5” for each tree removed |
|---|-----------------------|---|

C. Replacement Alternatives:

1. If the municipality determines that some or all required replacement trees cannot be planted on the property where the tree removal activity occurred, as proven by photos or a written submission by a NJ license tree expert or arborist, then the applicant shall do one of the following:
 - a. Plant replacement trees in a separate area(s) approved by the municipality.
 - b. Pay a fee of one hundred (\$100) dollars per tree removed. This fee shall be placed into a fund dedicated to tree planting and continued maintenance of the trees.

131-4 Exemptions.

All persons shall comply with the tree replacement standard outlined above, except in the cases detailed below. Proper justification shall be provided, in writing, to the municipality by all persons claiming an exemption as proven by photos or a written submission by a NJ license tree expert or arborist:

- A. Residents who remove less than four (4) trees per acre that fall into category 1, 2, or 3 of the Tree Replacement Requirements Table within a five-year period. [The number of trees removed is a rolling count across a five-year period. For example, if 3 trees from category 1 are removed in July 2023, the ‘count’ resets to zero in July 2028. However, if 1 tree from category 1 is removed in July 2023 and another in July of 2025 the first tree will come off the count in July 2028 and the second in July 2030.]
- B. Tree farms in active operation, nurseries, fruit orchards, and garden centers;
- C. Properties used for the practice of silviculture under an approved forest stewardship or woodland management plan that is active and on file with the municipality;
- D. Any trees removed as part of a municipal or state decommissioning plan. This exemption only includes trees planted as part of the construction and predetermined to be removed in the decommissioning plan.
- E. Any trees removed pursuant to a New Jersey Department of Environmental Protection (NJDEP) or U.S. Environmental Protection Agency (EPA) approved environmental clean-up, or NJDEP approved habitat enhancement plan;
- F. Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife; and
- G. Hazard trees may be removed with no fee or replacement requirement.

131-5 Enforcement.

This Chapter shall be enforced by the Code Enforcement Officer during the course of ordinary enforcement duties.

131-6 Violations and Penalties.

Any person(s) who is found to be in violation of the provisions of this Chapter shall have seventy-two (72) hours to complete corrective action. Repeat violations and/or failure to complete corrective action shall result in daily fines not exceeding \$1,000 per day, or imprisonment for a term not exceeding 90 days or a period of community service not exceeding 90 days, or any combination thereof.

SECTION 2 - SEVERABILITY

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

SECTION 3 - REPEALER

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

SECTION 4- EFFECTIVE DATE

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

Councilman Smith asked if section 131-3A should be 2.5 inches or feet? Administrator McNeilly confirmed inches is correct.

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

Roll Call:

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

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

RESOLUTIONS

Attorney Leo asked to have Resolution 089-26, which was carried from the last meeting, Authorizing Execution of Final Consent Order, adopted this evening as amended.

Resolution 089-26

RESOLUTION AUTHORIZING EXECUTION OF FINAL CONSENT ORDER

WHEREAS, the Borough of Stanhope filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the “Program”) and a declaratory judgment action on January 30, 2025; and

WHEREAS, the Borough filed its 4th Round Housing Element and Fair Share Plan (HEFSP) on June 30, 2025; and

WHEREAS, an order was entered by the Court on May 5, 2025, granting compliance; and

WHEREAS, FSHC has proposed a Final Order, revised by the Borough attorney, attached hereto as Exhibit “A” in order to resolve all the Borough’s Fair Share Obligations for the Fourth Round; and

WHEREAS, the proposed consent order is consistent with the Borough’s HEFSP; and

WHEREAS, it is in the best interests of the Borough to execute the proposed Final Order.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Stanhope that the Borough Attorney is hereby authorized to execute and deliver the proposed Final Order on behalf of the Borough.

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

Roll Call:

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

CONSENT AGENDA (All items listed on the Consent Agenda are considered routine by the Borough Council and were enacted by one motion of the Borough Council with no separate discussion.)

Resolution 097-26

**RESOLUTION AUTHORIZING DISCHARGE
OF ORDER FOR 5 RIDGE ROAD**

WHEREAS, the Borough of Stanhope previously filed an Order, on June 6, 2018, for demolition and debris removal due to the danger to health and safety of the building located at 5 Ridge Road, Block No. 11004, Lot 2, in Stanhope Borough; and

WHEREAS, since that time, a new owner has purchased and improved the property sufficient to vacate the order for demolition; and

WHEREAS, this vacation of the order of demolition in no way prohibits the Borough from enforcing the Borough Code and other relevant laws and regulations, should such be necessary in the future.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stanhope, County of Sussex, State of New Jersey, that a Discharge of Order for the property at 5 Ridge Road, Block 11004, Lot 2 be issued; and

BE IT FURTHER RESOLVED, that the Discharge of Order is to be filed in the Sussex County Clerk's Office.

Resolution 098-26

**AUTHORIZING AN AGREEMENT WITH
POLICEAPP.COM**

WHEREAS, the Borough of Stanhope Police Department would like to enter into a Service Agreement with Policeapp.com ("Agreement") to utilize their services related to web-based police job recruitment, police job postings and police applicant processing, as set forth in the Agreement dated June 8, 2026, for a three (3) year June 8, 2029 term; and

WHEREAS, Policeapp.com is paid for services based upon charges paid by applicants who have applied to Stanhope's posting on the Policeapp.com website.

NOW THEREFORE IT BE RESOLVED by the Mayor and Council of the Borough of Stanhope, that the Police Chief is hereby authorized to enter into an agreement with Policeapp.com to utilize their services for job recruitment, at no cost to the Borough.

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

Roll Call:

Councilman Riccardi – yes
Councilman Romano – yes
Councilman Simpson – yes

Councilman Smith – yes
Councilman Thornton – absent
Councilman Wachterhauser – yes

PAYMENT OF BILLS

Resolution 099-26

**RESOLUTION OF THE MAYOR AND COUNCIL OF
THE BOROUGH OF STANHOPE AUTHORIZING
PAYMENT OF BILLS**

WHEREAS, the Chief Finance Officer has certified that funds are available in the proper account; and

WHEREAS, the Chief Finance Officer has approved payment upon certification from the Borough Department Heads that the goods and/or services have been rendered to the Borough;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stanhope that the current bills list, dated June 9, 2026, and on file and available for public

inspection in the Office of the Chief Finance Officer and approved by the Chief Finance Officer for payment, be paid.

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

Roll Call:

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

AGENDA ITEMS

All items listed on the Agenda for June 23, 2026, 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.

Lead Paint Ordinance – Administrator McNeilly asked Attorney Leo if the company that will be providing the lead paint inspections can be engaged to start the process, now that the ordinance has been adopted. Attorney Leo confirmed this. Administrator McNeilly stated he will forward the proposal to Attorney Leo to have a resolution prepared for the June 23rd meeting.

ADJOURNMENT

On motion by Councilman Wachterhauser, seconded by Councilman Riccardi and unanimously carried by voice vote the meeting was adjourned at 7:25 P.M.

Approved:

Linda Chirip
Deputy Clerk