

**BOROUGH OF STOCKTON
BOROUGH COUNCIL**

**OFFICIAL MINUTES
APPROVED: 3/9/15**

**REGULAR MEETING
FEBRUARY 9, 2015**

A Regular Meeting of the Borough Council of the Borough of Stockton was called to order by Mayor Timothy Nemeth at 7:03 pm on February 9, 2015. The following members of the Borough Council were present: Mr. Tony Grecco, Mr. Aaron Lipsen, Mr. Nic Messina, Mrs. Kate Steffanelli and Mr. Donald Vandegrift. Borough Attorney Michael Butler and Borough Administrator/Clerk Michele Hovan were also present. There were two members of the public present.

Mayor Nemeth read the "Sunshine Statement" indicating the meeting was being held in accordance with the Open Public Meetings Act and led the flag salute. Mayor Nemeth opened the meeting to the public. There being no questions or comments, the meeting was closed to the public on motion by Mrs. Steffanelli, seconded Mr. Messina and carried.

Oath of Office – the Oath of Office was administered to Adam Juncosa by Mr. Butler for the Borough Council member unexpired term to expire November 3, 2015. Mr. Juncosa took his place at the dais.

Minutes – the minutes of the January 12, 2015 regular meeting were approved on motion by Mr. Vandegrift, seconded by Mrs. Steffanelli, with Mr. Juncosa abstaining due to his ineligibility.

Ordinance No.15-01 – Second Reading/Public Hearing

“CAPITAL ORDINANCE TO AUTHORIZE THE PURCHASE AND INSTALLATION OF NEW OR REPLACEMENT EQUIPMENT AND MATERIALS FOR USE BY THE STOCKTON BOROUGH SEWER UTILITY, BY AND FOR THE BOROUGH OF STOCKTON, IN THE COUNTY OF HUNTERDON, AND THE EXPENDITURE OF \$10,000.00 FROM THE SEWER UTILITY CAPITAL IMPROVEMENT FUND FOR THE FINANCING THEREOF”

Ms. Hovan read Ordinance No. 15-01 by title and explained that the ordinance would fund emergency repairs at 65 South Main Street, as reported by Sewer Operator. Mayor Nemeth opened the meeting to the public. There being no questions or comments, the meeting was closed to the public on motion by Mr. Messina, seconded by Mr. Vandegrift and carried.

Resolution No. 2015-33, as filed in the Borough Clerk’s office and to adopt Ordinance No. 15-01, was adopted on motion by Mr. Vandegrift, seconded by Mr. Messina and carried.

Roll Call: Ayes: Grecco, Juncosa, Lipsen, Messina, Steffanelli, Vandegrift
 Nays: None
 Absent: None
 Abstain: None

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Ordinance No. 15-02 – Water Rate Ordinance – First Reading

“AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "AN ORDINANCE PRESCRIBING CHARGES, RENTALS, RULES AND REGULATION FOR THE MUNICIPAL WATER SYSTEM FOR THE BOROUGH OF STOCKTON, COUNTY OF HUNTERDON, STATE OF NEW JERSEY”

Ms. Hovan read Ordinance No. 15-02 by title and explained that she and CFO Diane McDaniel were working to keep the increase as low as possible and that due to rising costs over time the 5% proposed increase was recommended. Ms. Hovan reminded all that this would be the first increase since 2008 and that the sewer fees were adjusted by 5% as well in the ensuing ordinance. Ms. Hovan said that the only change in recent years was the change in bill numbers and timing but that the fees did not rise. Ms. Hovan also said that as written, the adjustment would not commence until April 1. Resolution No. 2015-34, as filed in the Borough Clerk’s office and to introduce Ordinance No. 15-02, was adopted on motion by Mr. Vandegrift, seconded by Mr. Grecco and carried.

Roll Call: Ayes: Grecco, Juncosa, Lipsen, Messina, Steffanelli, Vandegrift
 Nays: None
 Absent: None
 Abstain: None

Ordinance No. 15-03 – Sewer Rate Ordinance – First Reading

“AN ORDINANCE AMENDING ORDINANCE NO. 04-08 ENTITLED, "AN ORDINANCE ESTABLISHING SEWER CHARGES AND RENTALS FOR THE USE OF THE SANITARY SEWER SYSTEM OF THE BOROUGH OF STOCKTON" ADOPTED BY THE STOCKTON BOROUGH COUNCIL ON MAY 12, 2008”

Ms. Hovan read Ordinance No. 15-03 by title. Resolution No. 2015-35, as filed in the Borough Clerk’s office and to introduce Ordinance No. 15-03, was adopted on motion by Mr. Vandegrift, seconded by Mr. Messina and carried.

Roll Call: Ayes: Grecco, Juncosa, Lipsen, Messina, Steffanelli, Vandegrift
 Nays: None
 Absent: None
 Abstain: None

Resolution No. 2015-36 as filed in the Borough Clerk’s office and to authorize Budget Appropriation Transfers, was adopted on motion by Mr. Messina, seconded by Mr. Vandegrift and carried.

Roll Call: Ayes: Grecco, Juncosa, Lipsen, Messina, Steffanelli, Vandegrift
 Nays: None
 Absent: None
 Abstain: None

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Claims for Payment – Mr. Lipsen and Mrs. Steffanelli discussed a desire to bid building cleaning services in the future and led a brief discussion regarding snow plowing services. The Claims for Payment, as attached, were approved on motion by Mr. Messina, seconded by Mr. Vandegrift and carried.

Roll Call: Ayes: Grecco, Juncosa, Lipsen, Messina, Steffanelli, Vandegrift
 Nays: None
 Absent: None
 Abstain: None

Discussion/Update – Length of Service Appreciation Program (LOSAP) Clarification/Local Government Ethics Law

Ms. Hovan reported that following the last meeting, additional information was collected to resolve the LOSAP issue where overpayments were mistakenly made. Ms. Hovan provided extracts of the governing statute which sets forth the regulations for contributions made to eligible members. Ms. Hovan said that the Borough was bound to the voter-approved contribution only and that she would be sending a letter to members explaining the error and the need to have the intermediary adjust the contributions to only the \$400 maximum as approved by the voter referendum. Ms. Hovan also explained that an increase could be implemented by ordinance or by another referendum. An extended discussion ensued. Mr. Grecco and Mrs. Steffanelli commented that they didn't notice the increase on the quarterly statements and Mr. Lipsen said he felt it was unfair for the fire department members to have to return funds for a mistake not of their own doing. Mr. Butler reminded Mr. Grecco and Mrs. Steffanelli of the ethics requirements to engage in discussion when the compensation was for them as members or beneficiaries and he carried the discussion into the next regarding the Local Government Ethics Law. Mr. Butler said that he asked that the law be provided to Council members and he provided an overview of it and that every town seems to struggle with the issue. General discussion followed as to when one should participate or be recused from discussion and voting. Mr. Butler added that although there may be times when a recusal is necessary, the governing body member could participate as a member of the public. Mr. Butler said that the law itself was broad but that whenever there are separate direct or indirect interests involved, a governing body member should recuse themselves to remove the appearance of a conflict. Mrs. Steffanelli asked if Mr. Butler would always be in attendance to counsel members and were always welcome to contact him at any time with any questions on the ethics law or on other matters. In response to an enforcement question raised by Mayor Nemeth, Mr. Butler said that fines for offenses could be levied by the Local Finance Board and that actions could be deemed null and void if challenged when a conflict was present.

Council Liaison Reports

Mr. Lipsen said that the Parks and Recreation and Building and Grounds committee met to discuss priorities. Mr. Lipsen said there were recent issues with the snow plowing work, specifically on Mill Street and on Ferry Street. Mr. Lipsen said that his end of Ferry wasn't plowed and that he had to dig out the bank. Mr. Vandegrift said there were minor issues on Wilson Drive that may be best corrected going forward with marking poles.

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Mr. Lipsen provided Council members with a written report on the Parks and Recreation and Buildings and Grounds meeting and reviewed its contents in detail. Mr. Lipsen suggested park clean up dates for 4/11, 4/12, 4/19, 5/9, 5/16 and 5/17 and listed tasks to be accomplished. Mr. Lipsen provided a proposed “action” list for 2015 with a budget estimate of \$8,000 to contract for tree work, mulch, fill sink hole, replace playground equipment and create a laminated town flyer. Listed under items to be considered with the full Council were: vision for park, public meeting to discuss playground future, brush clearing, parking gravel, memorial bench for Mr. Esposito and outreach to the canal commission for additional parking on their property. For buildings and grounds, Mr. Lipsen discussed Bridge Street Gardens, various improvements to Borough Hall and other items, such as new file cabinets, playground security, building cleaning estimates, town handyperson, outreach to Chamber of Commerce and website publicity to be decided in consultation with the full Council. Mr. Lipsen said that the zoning officer was using his personal computer for Borough business and that he requested a laptop from the Borough. Ms. Hovan said that the zoning officer never mentioned that need to her. Ms. Hovan also stated that most employees work off-site and therefore utilize their own equipment, often. Mr. Messina that he wouldn’t support the purchase of new laptop for the zoning officer unless there was a more compelling reason offered. Mr. Vandegrift suggested that everyone take the committee report home and review for additional comment.

Mayor Nemeth announced the next meeting would be held on March 9, 2015. There being no further discussion, the meeting was adjourned at 8:37 pm on motion by Mr. Vandegrift seconded by Mr. Messina and carried.

Respectfully submitted,

Michele Hovan, RMC
Borough Clerk