

**BOROUGH OF STOCKTON
BOROUGH COUNCIL**

**OFFICIAL MINUTES
APPROVED:**

**REGULAR MEETING
FEBRUARY 8, 2021**

The February Regular Meeting of the Borough Council of the Borough of Stockton was called to order by Mayor Timothy Nemeth at 7:04 pm on February 8, 2021. The meeting was held online using Zoom technology due to the COVID-19 pandemic. Mayor Nemeth read the “Sunshine Statement” indicating the meeting was being held in accordance with the Open Public Meetings Act. Ms. Michele Hovan called the roll. The following members of Council were present: Ms. Rebecca Hendricks, Mr. Adam Juncosa, Mr. Aaron Lipsen, Mr. Michael Mann, Mr. Nic Messina and Mr. Donald Vandegrift. Borough Attorney Michael Butler, Borough Planner Joanna Slagle and Borough Administrator/Clerk Michele Hovan were also present. There were 29 members of the public present (later grew to 48).

Mayor Nemeth opened the meeting to the public. Ms. Eileen Foley, 11 Bridge Street, said that she believed the Stockton Inn would be discussed and was curious about decisions being made and it being declared a redevelopment zone. Mayor Nemeth said that the subject was on the agenda and that the item scheduled for discussion. Ms. Foley said that she didn’t have a copy of the agenda. Mr. Juncosa guided attendees how to access the agenda on the website. There being no questions or comments, the meeting was closed to the public on motion by Mr. Vandegrift, seconded by Mr. Juncosa and carried.

Discussion/Request – Stockton Inn Request for Preliminary Investigation to Determine an Area in Need of Redevelopment

Ms. Hovan explained that what was on the agenda was a request from the Stockton Inn for the Council to conduct a Preliminary Investigation Report to determine an Area in Need of Redevelopment. She explained that the report, commonly known as a PIR, is the step by which it is determined if subject properties meet the criteria set forth under the redevelopment law and that the report would be prepared by the Planning Board if Council decided to take that step. She added that the PIR is one of many steps along a redevelopment path, and that there are numerous opportunities for public hearings and public input in that process. Ms. Hovan stated that the potential buyer of the inn, via their attorney, previously presented a broad concept plan to the Council in December, and that there was no plan to discuss at this meeting, or to vote or act upon those ideas or that plan, and that the request tonight was regarding the PIR only. She added that when or if a PIR was decided to be tasked to the Planning Board, Council might want to consider including other properties as well that might be under-utilized. She added that the request by the potential buyer’s attorney included a request that any PIR, if authorized, include language that eminent domain not be included. Ms. Hovan said that it is common for eminent domain to be excluded in redevelopment talks if the desire is not to acquire properties but rather to assist in the development of them. Ms. Hovan asked Ms. Slagle to expand upon the subject of redevelopment. Ms. Slagle said there were nine steps along a redevelopment path, and that the PIR is step one. She said the PIR simply looks at the Housing and Redevelopment Law to see if the subject properties meet one or more of the six specific criteria set forth by statute. She said that if any of the parcels met the criteria, then the Council could decide if they wanted to proceed to the next step, and that if they didn’t, the conversation ends there. She said if the Council looked at a PIR option, it was a good idea to see if other parcels could be energized by the designation, they might want to be explored at the same time. She said that even if all the parcels or some of them qualify under the law, the Council could choose not to designate them and pursue a redevelopment plan.

**BOROUGH OF STOCKTON
BOROUGH COUNCIL**

**OFFICIAL MINUTES
APPROVED:**

**REGULAR MEETING
FEBRUARY 8, 2021**

She said that the first step of tasking the Planning Board to prepare the report was only step one. In response to a question raised by Mayor Nemeth, Ms. Hovan said that she had been in contact with the attorney, as did Ms. Slagle, and that he did post escrow fees to enable those talks. Ms. Hovan said that she asked Mr. Rich Mongelli to speak to the Council directly at this meeting if it was his intention to request that the Council task the Planning Board to prepare the PIR.

Mr. Mongelli thanked the governing body for the opportunity to discuss this step. He said that a collaborative effort between the governing body, Planning Board and the community to discuss the project. He then said that in the coming days, he would be reaching out to residents via letter and with a link to a video to introduce the concept. He said he anticipated many questions and much excitement about the project and that he wanted community input from the beginning. He then asked that the Council authorize Ms. Slagle to commence that work and that first step. Mr. Mongelli also noted that the Borough has a master plan of the park and would like it to be a part of the conversation in the PIR in that it could be part of the discussion. Ms. Hovan interrupted him to state that the outreach Mr. Mongelli spoke of is his with the community, not on behalf of the Borough in any way and that no plan has been filed. She said that the comments he is seeking should be directed to him and his client, not to the Borough at this stage. Mr. Mongelli agreed and said that his goal was to share the vision and that he agrees that the nothing has been sanctioned by the Borough in any way.

Ms. Hovan then suggested that Council consider other parcels if a PIR is to be requested. Ms. Slagle added that if a request to prepare the plan is made, a resolution would need to be adopted that would include specific block and lots to investigate.

Mr. Vandegrift asked if it was best to cast the net as wide as possible. Ms. Slagle said that a request for numerous lots could be investigated, and that later decisions about all or none or some would occur after the report is prepared, should the parcels qualify. She said that they may decide to pursue one and then another five years down the road, if ever, or never, and that there was no binding element about it. Mr. Juncosa asked, since the plan for the park was already prepared, if there would be an impact. Ms. Slagle said that the Borough has already put a lot of work into the park and its planning and the PIR would not negate any of that. She said that the PIR was only to explore the criteria, should the Borough decide to ever include it in a redevelopment plan. In response to a question raised by Mr. Vandegrift, Ms. Slagle said parcels under investigation could be owned by anyone.

Mr. Lipsen asked why redevelopment would be needed and we could not use existing zoning procedures. Ms. Hovan said that redevelopment is one tool to utilize and that in a situation where numerous variances would be required in order for the property to “breathe,” that redevelopment could enable the town and the developer to come to an understanding about a future use, essential establishing new criteria for the property (ies). She said it would be far more collaborative than possible under current zoning. She also said that in some cases there could be a tax benefit to the town and to the developer since the tax structure is 95% to the town (5% to the County) as opposed to the normal tax structure and that would give the municipality economic flexibility that isn’t otherwise available. She added that it wasn’t that traditional zoning wasn’t possible; rather that redevelopment grants the town greater input with design and uses though a collaborative

**BOROUGH OF STOCKTON
BOROUGH COUNCIL**

**OFFICIAL MINUTES
APPROVED:**

**REGULAR MEETING
FEBRUARY 8, 2021**

effort. Ms. Slagle said that if at any point, there was a disadvantage for the town to proceed, or a disagreement, the plan would fall apart. She added that the benefit isn't intended for the developer first, it's to the town.

Elaine Johnson, 3 Ferry Street, asked what is being discussed for the park and if it was for parking and that wasn't already in the plan for the park. Ms. Slagle said that Mr. Mongelli is asking that the park be included but that nothing in the PIR obligates the process to go further. As Ms. Johnson began to continue, Mr. Butler reminded her that the Council was not currently in public session, that the Council was having a discussion until a later point in the meeting when the public session is opened. Mr. Lipsen said since a resident asked, he would ask if the park would be used for parking and also about stop lights and other issues. Ms. Hovan said that there was no plan so there was no way to answer that. She said that if a redevelopment plan was pursued and it did include the park, then those discussion would occur during that process. She also said that the question of including the park was a pertinent one, and that perhaps one of the attorneys could explain that better. Mr. Butler asked Mr. Mongelli why he was requesting the park be included.

Mr. Mongelli said that he was familiar with the park master plan and wanted to be part of furthering the goals in it. He also said that his client was interested in pursuing grass parking for a couple dozen nights per year and said that his ideas and the goals of the master plan were not inconsistent, in concept. He added that the burden of engineering solutions was on his client and that he felt confident they could address parking and traffic issues as part of that process. He also said that improvements that are required as part of the application would be the responsibility of the applicant. Ms. Hovan asked Mr. Mongelli why it was necessary to include the park, since the park is such a significant element of the community, and that it would generate considerable interest and analysis, since if the Council so desired, there could be other ways to utilize the space by a separate agreement. Mr. Mongelli said that a separate agreement could function as well but that he was of the belief that the maximum benefits could be achieved if the property was include in the PIR and it was determined to meet the statutory criteria.

Mr. Mann asked if the intention was to install metal grids in the park to allow grass to grow through. Mr. Mongelli said that his engineers would work with the DRCC to enable drainage, etc. Mr. Messina said that the specifics of any plan is not under discussion. Ms. Slagle said that if a redevelopment plan is pursued, then those details would be worked out. Mr. Butler asked Mr. Mongelli exactly which lots were in discussion.

Mr. Mongelli said there were 5 lots that encompass the Stockton Inn. He described the lots and discussion ensued. Mayor Nemeth requested clarification about including the park given the investment that Borough has made into it. Ms. Slagle said that it was a policy decision, but that the Council could look at properties borough-wide in terms of options but that it really was a policy decision in the end. In response to a question by Mr. Juncosa, Mr. Butler confirmed that including the park or any parcel would not bind the Council in any way, that the PIR was only to explore if properties met the criteria. Along those lines, Mr. Butler asked if there were any other properties to consider. Mayor Nemeth suggested the Stockton School, given that it is on the agenda as a potential acquisition. Mr. Vandegrift suggested the lot across from Lukoil although

**BOROUGH OF STOCKTON
BOROUGH COUNCIL**

**OFFICIAL MINUTES
APPROVED:**

**REGULAR MEETING
FEBRUARY 8, 2021**

he said he did not know its legal status. Ms. Hovan said that the lot does not have site plan approval but that it could be included.

Mr. Lipsen motioned to table the request until we can be provided the list of block and lots and that Council consider other areas before making a decision. He also suggested that property owners be notified if their lots were to be included. Mr. Messina said that pursuing options was a positive step and that it wasn't doing anyone a disfavor. He said that it was an exploratory step only. Mr. Vandegrift said that he agreed, providing the lots were identified. Discussion followed regarding a resolution. Mr. Lipsen said that he would like an opportunity to look at the properties. Ms. Slagle added that the process has significant noticing requirement built into the law for a redevelopment process for the owners and the residents. Ms. Slagle said that whatever block/lots are identified would be evaluated individually. Mr. Juncosa asked if properties could be added later and if that was adding cost to the effort. Ms. Slagle said that the question is before the Council because of a request to a certain study area but that another PIR could always be done at any time. Mr. Lipsen said that he wasn't interested in delaying anyone's project, but that he felt it should be in writing before consideration. Mr. Lipsen said that he had a motion on the table to table action on the resolution. Mr. Butler asked for a second and there was none. Mr. Butler confirmed that the lots in discussion were: Block 8, Lots 7, 8, 9, 10, 17 (inn). Block 5, Lot 16 (park). Block 7, Lot 27 (school). On motion by Mr. Messina, seconded by Mr. Mann, the Council voted to move forward with tasking the Planning Board to conduct a Preliminary Investigation to Determine an Area of Redevelopment on the following parcels: Block 8, Lots 7, 8, 9, 10, 17, Block 5, Lot 16, Block 7, Lot 27 as a non-condemnation area. Mr. Juncosa asked that the floor be opened for public discussion and there was additional discussion about when to adopt the resolution. Following that discussion, Ms. Hovan called the roll:

Roll Call: Ayes: Hendricks, Juncosa, Mann, Messina, Vandegrift
 Nays: Lipsen
 Absent: None
 Abstain: None

Mr. Butler and Ms. Hovan said that the action would be memorialized and posted on the Borough website. In response to a request from Mr. Vandegrift, Ms. Slagle said that she would prepare a map of the areas for posting.

Mayor Nemeth opened the meeting to the public. Mr. Juncosa reminded the public of the "raise hand" feature. Ms. Lori King, said she lived in the surrounding area, but would not state her address and said she was holding space to keep the meeting open until others raised their hands. Ms. Sara Bizarro, 13 South Main Street, asked if the task was to clarify rules and Mr. Butler repeated that the report would examine the criteria. She asked if the rules could be posted on the website and Ms. Hovan said that she would add information to the website. Mr. Peter Walsh, 9 Ferry Street, asked what redevelopment in the park could mean. Mr. Butler said that at this stage it was unsure but that if it met the criteria, conversations could take place. Additional discussion ensued regarding the process. Ms. Slagle again described the intent of the report to explore the properties. Mr. Tom Sherman, 4 Ferry Street, said that he appreciated that the park entrance was stabilized but was shocked that a vote was taken before public comment. He said that the investigation was fine but that the process was lengthy and suggested that the Borough retain

**BOROUGH OF STOCKTON
BOROUGH COUNCIL**

**OFFICIAL MINUTES
APPROVED:**

**REGULAR MEETING
FEBRUARY 8, 2021**

outside counsel to guide them if they are unsure about the process. He suggested that an area of rehabilitation also be considered for the benefit of other business owners. He again suggested that the Council seek to learn more as the process continues. Mr. Messina objected to the suggestion that the Council did not understand the process. Ms. Hovan reminded all that the authorization to proceed with the investigation did not mean that they authorized a redevelopment plan, for which there are many stages and numerous opportunities for public comment. Ms. Slagle also confirmed the community planning element of any redevelopment process. Ms. Eileen Foley, 11 Bridge Street, asked if existing zoning is replaced and why regular zoning laws are not followed. Mr. Butler said that all the PIR does is investigate the parcels and that a redevelopment plan was not authorized. Ms. Slagle replied that if the parcels qualify, then a redevelopment plan could be pursued if that step was authorized, to determine appropriate standards under the law. Mr. Juncosa said that redevelopment could enable a project to proceed in a collaborative and holistic way and that the Stockton Inn as it is right now could never be built under the current zoning. In response to a question raised by Ms. Foley, Ms. Slagle confirmed that numerous community outreach sessions and opportunities for public comment if the process proceeds. Ms. Foley said that the existing zoning laws are in place for a reason and asked Council to consider that fact. Ms. Michelle Purcell, 7 Bridge Street, asked if there was a timeline to reference for the next steps. Ms. Hovan said that completion of one step would dictate if/when another would be scheduled. She said that for example, the PIR could take two months or six months and that when it came back, Council would have no predetermined timeline to act. Ms. Hovan and Ms. Slagle said that they would make a flow chart available on the website. Mr. Dimitry Mazin, 6 North Main Street, asked Ms. Slagle about the increase in public comment due to redevelopment. Ms. Slagle said that there are specific noticing and public comments mandated, but that it was likely that the Council would do more than meet the minimum standards in an attempt to solicit input.

There being no further questions or comments, the meeting was closed to the public on motion by Mr. Mann, seconded by Mr. Juncosa, and carried.

Discussion – Stockton School Acquisition/Next Steps

Ms. Hovan said that the Borough was likely to receive the property from the school district but that the transfer has not yet happened but that this might be considered a kickoff to the talks of what to do with the property. She said that later in the agenda was the introduction of an ordinance to fund certain early and known needs, such as a title search, survey, Phase I environmental survey, etc. Mr. Butler said the Borough needs to do its due diligence to acquiring the property but that everyone should think about future uses in the time ahead. Mr. Messina asked if there were any restrictions and Ms. Hovan said that the title search is needed first, and that in the absence of an originating deed, much is unknown at this stage. She also mentioned that the building is on the list of historic places and that the historic designation carries restrictions and responsibilities that aren't yet fully known. Discussion followed regarding leases, auctions, etc. Ms. Hovan said that any ideas would be welcome at any time in the time ahead.

**BOROUGH OF STOCKTON
BOROUGH COUNCIL**

**OFFICIAL MINUTES
APPROVED:**

**REGULAR MEETING
FEBRUARY 8, 2021**

Minutes:

The meeting Minutes for the January 11, 2021 Regular Meeting were approved on motion by Mr. Messina, seconded by Mr. Juncosa and carried.

Ordinance No. 21-01 – First Reading – Stormwater Management Ordinance (Replacement)

“AN ORDINANCE OF THE BOROUGH OF STOCKTON CONCERNING STORMWATER MANAGEMENT AND AMENDING THE STOCKTON BOROUGH LAND USE PROCEDURES BY THE ADDITION OF A NEW CHAPTER ENTITLED “STORMWATER MANAGEMENT,” ADOPTED BY THE STOCKTON BOROUGH COUNCIL ON NOVEMBER 27, 2006”

Ms. Hovan read Ordinance No. 21-01 by title and explained that because the NJDEP regulations were amended that the Borough’s ordinance was required to be as well. She said that the chapter was to be replaced in its entirety, and that the new threshold for the disturbance of impervious surface will be changed to 1750 square feet in accordance with prior discussions before requiring a stormwater management system.

Resolution No. 2021-27, as filed in the Borough Clerk’s office and to introduce Ordinance No. 21-01 was adopted on motion by Mr. Juncosa, seconded by Mr. Messina and carried, with a public hearing scheduled for March 8, 2021, at 7pm:

Roll Call: Ayes: Hendricks, Juncosa, Lipsen, Mann, Messina, Vandegrift
 Nays: None
 Absent: None
 Abstain: None

Ordinance No. 21-02 – First Reading – Capital - Stockton School Preliminary Expenses

“CAPITAL ORDINANCE TO AUTHORIZE CERTAIN ARCHITECTURAL, ENGINEERING AND LEGAL SERVICES, ALSO KNOWN AS SECTION 20 EXPENSES, IN CONJUNCTION WITH THE ACQUISITION OF THE STOCKTON SCHOOL, BY AND FOR THE BOROUGH OF STOCKTON, IN THE COUNTY OF HUNTERDON, AND THE EXPENDITURE OF \$15,000.00 FROM THE CAPITAL IMPROVEMENT FUND FOR THE FINANCING THEREOF”

Ms. Hovan read Ordinance No. 21-02 by title and explained that, as discussed earlier, some preliminary expenses are needed for the acquisition of the Stockton Inn, such as title search, environmental survey, asbestos tests, etc.

Resolution No. 2021-28, as filed in the Borough Clerk’s office and to introduce Ordinance No. 21-02 was adopted on motion by Mr. Juncosa, seconded by Mr. Vandegrift and carried, with a public hearing scheduled for March 8, 2021, at 7pm:

Roll Call: Ayes: Hendricks, Juncosa, Lipsen, Mann, Messina, Vandegrift
 Nays: None
 Absent: None

**BOROUGH OF STOCKTON
BOROUGH COUNCIL**

**OFFICIAL MINUTES
APPROVED:**

**REGULAR MEETING
FEBRUARY 8, 2021**

Abstain: None

Resolutions

The following Resolutions, as filed in the Borough Clerk's Office were approved on motion by Mr. Juncosa, seconded by Mr. Vandegrift, carried unanimously. Mayor Nemeth explained that the Delaware Township Police Agreement is a continuation of the existing arrangement for supplemental traffic services with the only change being the new 5-year term:

2021-29	Renewal of Shared Services Agreement with Delaware Township for Supplemental Traffic Enforcement Services (2020-2024)
2021-30	Budget Transfers

Roll Call: Ayes: Hendricks, Juncosa, Lipsen, Mann, Messina, Vandegrift
 Nays: None
 Absent: None
 Abstain: None

Claims for Payment – the claims for payment, as attached, were approved on motion by Mr. Juncosa, seconded by Mr. Messina and carried unanimously.

Roll Call: Ayes: Hendricks, Juncosa, Lipsen, Mann, Messina, Vandegrift
 Nays: None
 Absent: None
 Abstain: None

Appointment – Planning Board

Mayor Nemeth appointed the following individual to the Planning Board with consent from Council:

Glenn Burrell - Alternate #1 – Unexpired term to expire 12/31/2022

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. Juncosa and carried.

Mayor's Report/Council Liaison Reports – in response to a question raised by Mr. Vandegrift, Ms. Hovan said that she hasn't yet heard back from the County regarding the welcome signs and she said no but that she would follow up.

Mayor Nemeth announced that the next meeting would be held on March 8, 2021, 7 pm via Zoom.

Executive Resolution No. 2021-27 (NJS – 10:4-12b(7) Litigation- Water Billing

Mr. Vandegrift exited the meeting at 9:01pm due to his need to recuse himself from the issue.

**BOROUGH OF STOCKTON
BOROUGH COUNCIL**

**OFFICIAL MINUTES
APPROVED:**

**REGULAR MEETING
FEBRUARY 8, 2021**

Resolution No. 2021-27 to enter executive session and to adjourn at the session's conclusion was adopted on motion by Mr. Juncosa, seconded by Mr. Mann and carried unanimously. The meeting was finally adjourned at 9:15 pm on motion by Mr. Messina, seconded by Mr. Juncosa and carried.

Respectfully submitted,

Michele Hovan, RMC
Borough Administrator/Clerk