

**BOROUGH OF STOCKTON
BOROUGH COUNCIL**

**OFFICIAL MINUTES
APPROVED:**

**REGULAR MEETING
MARCH 8, 2021**

The March Regular Meeting of the Borough Council of the Borough of Stockton was called to order by Mayor Timothy Nemeth at 7:02 pm on March 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 and Mr. Nic Messina. Mr. Donald Vandegrift was absent for the roll call but arrived immediately after. Borough Attorney Michael Butler, Borough Planner Joanna Slagle and Borough Administrator/Clerk Michele Hovan were also present. There were 78 members of the public present (later grew to 99+).

Mayor Nemeth opened the meeting to the public. Mr. Dimitry Mazin, 6 North Main Street, announced that he developed a service to help folks find COVID-19 vaccinations. He directed attendees to text "COVID" to 912-361-6763 for instructions and assistance. Mayor Nemeth thanked him for developing this service. Mr. Juncosa said that his work was highly commendable. Mr. Vandegrift suggested that the information be posted on the Borough website.

Ms. Eileen Foley, 11 Bridge Street, asked why the format was changed to a webinar and said she did not like that she couldn't see who was in attendance or how many, and expressed concerns that attendees wouldn't be heard. Ms. Hovan explained that at the moment, 82 attendees in addition to 12 panelists and that she would update the count whenever asked. Ms. Hovan explained that due to the large number of attendees, the Borough is utilizing the webinar format for the sake of order, versus everyone scrolling through pages and pages of attendees. She said that with the evolution of Zoom functions, webinars have become the common format to utilize. She added that the webinar format prevents cross-talking and "zoombombing" and assured her that the Council would acknowledge "raised hands" so that everyone that wants to speak would have the opportunity. In response to a question raised by Ms. Foley, Ms. Hovan said that the chat feature was disabled and that permits the meeting to more closely resemble an in-person meeting.

Mr. John Kuiphoff, 21 Broad Street, asked how many attendees were currently on. Ms. Hovan replied that there were 85 attendees plus the panelists. Mr. Vandegrift noted that Mr. Kuiphoff is the creator of the Stockton seal.

Mr. Kenneth Kozuhowski, 72 South Main Street, said he was received messages from individuals that couldn't log on and requested the password. Mr. Juncosa explained how to log on and provided the password, adding that the information was also listed on the website. Ms. Hovan noted that the attendee could was current count.

Mr. Jim Gallagher, 58 South Main Street, said that the school board has been using the webinar format since April of 2020 and that many communities were too.

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

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Minutes – Ms. Hovan explained that some edits from the original version had been made and corresponded to all. The meeting minutes from February 8, 2021 Regular Meeting were approved on motion by Mr. Juncosa, seconded by Mr. Mann and carried.

Ordinance No. 21-01 – Second Reading/Public Hearing - Stormwater Management Ordinance (Replacement)

“AN ORDINANCE REPLACING ORDINANCE NO. 17-06, ENTITLED, “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 due to changes by the NJDEP, the current ordinance is being replaced in its entirety to meet the new requirements, adding that the threshold for minor developments and impervious coverage requested by Council is reflected as 1,750 square feet. Mr. Butler added that the Planning Board did review the Ordinance for consistency with the Master Plan.

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. Juncosa, seconded by Mr. Vandegrift and carried. Resolution No. 2021-31, as filed in the Borough Clerk's office and to adopt Ordinance No. 21-01, was adopted on motion by Mr. Mann, seconded by Mr. Messina and carried.

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

Ordinance No. 21-02 – Second Reading/Public Hearing- 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 the ordinance funds preliminary costs such as title search, survey, legal contracts, etc. and added that the building has not yet been acquired. In response to a question raised by Mr. Mann, Ms. Hovan said that a deed change wasn't required as part of the school district changes some years back. Mr. Butler added that the costs were normal real estate transaction costs.

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Ms. Hovan reported that the number of attendees was up to 93.

Mayor Nemeth opened the meeting to the public. Mr. Jim Gallagher, 58 South Main Street, inquired of the amount of the ordinance, to which Ms. Hovan replied. He added that he was in full support of the town taking ownership of the property.

Ms. Eleanor Miller, Phillips Mill, Solebury, said she was a resident for 27 years. She asked if the property was part of the Inn and the redevelopment. Mr. Butler replied the ordinance was funding necessary expenses as a matter of due diligence to accept the property donation.

Mr. Bill Brown, 19 Broad Street, requested that Council involve the public and establish a community-driven process regarding the site. Mr. Brown said it was important to clarify when action is expected in accordance with the Open Public Meetings Act. Mr. Juncosa said that Mr. Karl Darby revived a civic group and that maybe a group like that could be utilized for the school use discussion. Mr. Vandegrift asked if it was Mr. Juncosa's intent to have Council task the group formally to examine the building's options. After some discussion, Mr. Messina suggested that the group start right away and not wait until the Borough has title to the building. Mayor Nemeth suggested that the discussion continue, but that the meeting proceed with the other agenda items.

Mr. Lipsen said he was getting messages that people were having trouble accessing the meeting and asked that the passcode be repeated. Mr. Juncosa repeated the call-in instructions and passcode information.

Ms. Eileen Foley, 11 Bridge Street, asked who Mr. Vandegrift was referring to as the group. Mr. Juncosa explained that a civic committee was re-organized in recent years, and that it intended to address local issues. He said that they worked on the tree-lighting ceremony and the holiday light project. She also asked why the school was included in the Preliminary Investigation Report to Determine an Area in Need of Redevelopment (PIR). Ms. Hovan said she was unaware of an intended use and that was one reason for including it in the PIR but that the discussion on the PIR was later in the agenda.

Ms. Hovan announced that it appear as though the meeting maximum of 100 had been reached and that was likely the reason folks were having trouble logging on. Mr. Juncosa asked if anyone was logged in on more than one device to log off to enable more users. Mr. Lipsen asked if we could upgrade on the spot and Ms. Hovan said she was unaware how, and also that she was borrowing an account for the meeting. She added that the Planning Board was purchasing a Borough account that would accommodate up to 500 users and that payment for it was later on the agenda. **Mr. Lipsen asked Mr. Butler if it was a legal requirement that the meeting be adjourned if additional members of the public couldn't get in.** Mr. Butler suggested that the Borough continue with the regular business noting that it was expected that most attendees were there for discussion item (agenda item #10) relating to the PIR.

Discussion continued about a scenario in public versus online being similar for maxing out capacity. Ms. Foley suggested that the meeting be adjourned.

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Mr. Mike Nokar, 4 Broad Street, said that the civic committee was headed by Karl Darby mainly for the holiday lights. He said that Mr. Darby has been dedicating his time to Stockton for many years and that he did assemble the small group for the lights but it really wasn't intended for broader subject. He suggested another group be developed for that purpose.

Mr. Bill Brown asked for clarification if the attorney was recommending that the Borough Council proceed with business while some were locked out. He said that he thought the mandate of the sunshine law was to enable the public to attend and that in the past when meetings exceeded capacity they were adjourned to be held at the firehouse. Mr. Butler said that what he was recommending was that the Council proceed with the business items that were unlikely to be the reason that most members of the public were here to discuss. Mr. Brown said that risk of that assumption could be against the strict letter of the statute. Mr. Butler said that he understood that Mr. Brown might disagree with his opinion and could decide to accept or not. Mr. Brown said it was not an opinion but rather a suspicion or belief. Mr. Messina said that getting through necessary business was reasonable and if there was a point where people could not be heard then the Council should adjourn. Mr. Brown said that he suggested they were at that point because they don't know who wants to speak on what matter. Mr. Lipsen asked Mr. Butler what the Borough's liability was if it chose to proceed and what was the Council's role in the decision. Mr. Butler said, that as he said, he suspected that most members of the public were in attendance for the discussion later on in the agenda. Mr. Lipsen pressed for an answer regarding legal liability. Mr. Butler said that if action was taken and a member of the public believed there to be violation of the law, they could challenge it in court, and the action may have to be repeated. Mr. Brown said that there is a provision in the Open Public Meeting Act that would refer the matter to the Attorney General, who may wish to set down a marker in the age of Zoom meetings. Mr. Butler thanked Mr. Brown and said that the allowance of Zoom meetings was encouraged. Mr. Brown continued, adding that two options for relief for citizens under the Open Public Meetings Act - one to file for injunctive relief in Superior Court and the other to report violations to the Attorney General, who may investigate the matter and impose penalties. Mr. Vandegrift asked if the meeting could be switched to the Planning Board Zoom account and Ms. Hovan said that it wasn't purchased yet and that payment for it was on the claims list. Mayor Nemeth suggested that the meeting proceed for the regular business items and adjourn for before the discussion. Mr. Juncosa offered that public hearings on matters requiring public comment be tabled. Mr. Lipsen suggested that another meeting be scheduled prior to the next meeting for items that can't be heard. Discussion continued regarding ways to guard against there ever being another meeting that can't accommodate everyone that might attend.

Mayor Nemeth suggested the meeting proceed. Mr. Juncosa suggested that public hearings be carried but that the bills be paid. Mr. Vandegrift asked if there could be limits for residents and not those from other towns and he was advised there is not.

Mr. Lipsen asked if video of the vote could be posted on the website. Mr. Juncosa said that he thought the Borough website probably couldn't accommodate a large video but that the minutes would reflect the vote.

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There being no further discussion, the meeting was closed to the public on motion by Mr. Vandegrift, seconded by Mr. Messina and carried. **In response to a suggestion made by Mr. Lipsen,** additional discussion continued regarding if there would be an **another** meeting between this and the next regular meeting. On motion by Mr. Mann, seconded by Mr. Vandegrift and carried, the public hearing for Ordinance No. 21-02 was carried to the April 12 regular meeting.

Ordinance No. 21-03 – First Reading - Water Utility Capital Improvements

CAPITAL ORDINANCE TO AUTHORIZE CERTAIN SECTION 20 EXPENSES, INCLUDING ENGINEERING, TESTING AND PERMITTING EXPENSES RELATING CORROSION CONTROL UPGRADES TO THE STOCKTON WATER UTILITY, AND FOR THE PURCHASE AND INSTALLATION OF NEW OR REPLACEMENT EQUIPMENT AND MATERIALS FOR USE BY THE STOCKTON BOROUGH WATER UTILITY, BY AND FOR THE BOROUGH OF STOCKTON, IN THE COUNTY OF HUNTERDON, AND THE EXPENDITURE OF \$40,000.00 FROM THE WATER UTILITY CAPITAL IMPROVEMENT FUND FOR THE FINANCING THEREOF

Ms. Hovan read Ordinance No. 21-03 by title and explained that numerous upgrades were required to meet NJDEP mandates regarding corrosion control, that the Borough was working with a consultant and that hard and soft costs were included.

Resolution No. 2021-33, as filed in the Borough Clerk's office and to introduce Ordinance No. 21-03, was adopted on motion by Mr. Vandegrift, seconded by Mr. Mann and carried.

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

The following Resolution, as filed in the Borough Clerk's office and listed below was adopted on motion by Mr. Vandegrift, seconded by Mr. Mann and carried.

2021-34 Temporary Emergency Appropriations (budget transfers)

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

2021-30 Budget Transfers

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

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Absent: None
Abstain: None

Mr. Lipsen again requested a special meeting be scheduled prior to the April meeting. Mr. Juncosa agreed and discussion continued until Mayor Nemeth cited the lack of urgent need because there was no harm in carrying the ordinance to April.

Appointment – Planning Board

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

Class IV - Glenn Burrell - unexpired term to expire 12/31/2022

Alternate #1 – Joseph Martino - unexpired 2-year term to expire 12/31/2022

Mayor Nemeth announced the next meeting would be held on April 12, 2021, at 7pm, using the to-be-acquired and to-be-announced new Zoom account login.

On motion by Mr. Messina, seconded by Mr. Vandegrift and carried, the meeting was adjourned at 8:16pm.

Respectfully submitted,

Michele Hovan, RMC
Borough Administrator/Clerk