



*Updated 4/15/24

STOCKTON BOROUGH COUNCIL
Regular Meeting Agenda
April 15, 2024- 7:00 pm
Meeting being held virtually: Zoom

Join Zoom Meeting

<https://us02web.zoom.us/j/6886846289?omn=87361355397>

Meeting ID: 688 684 6289

Phone: 1- 646-558-8656

- 1. CALL TO ORDER AND STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT:** This meeting is called pursuant to the provisions of the Open Public Meetings Act. Adequate notice of this meeting has been provided by a notice to the Hunterdon County Democrat and The Trenton Times, posted on the Borough Website, on the window of Borough Hall, and filed with the Borough Clerk as required by law.
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
Brown, Fisher, Folz, Hunt, Kozuhowski, Mann, Lipsen
- 4. PROCLAMATION:** None
- 5. APPROVAL OF MINUTES**
- 6. CORRESPONDENCE**
Marc Guttelman/Dave Pasicznyk -Safety of Pedestrians on Church Street
Joanna Slagle, PP/AICP -Parking Memorandum
*Resident Complaint (*added 4/15*)
- 7. OLD BUSINESS**
Water Meters
- 8. NEW BUSINESS**
 - **Resignation of Michelle Trivigno tax assessor**
 - **Lawn and Property Maintenance RFP 2024**
 - ***Flood Policy Renewal (*added 4/15*)**
- 9. OPEN PUBLIC COMMENT:**
Any person desiring to address the Borough Council during periods designated for public comment shall first seek recognition by the mayor, or presiding officer, and upon recognition shall state their name and address. All comments shall be addressed to the mayor, or presiding officer. Comment will be limited to 5 minutes per comment.

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10. ORDINANCES 1st Reading: None

ORDINANCES-2nd Reading Public Hearing/Adoption

- 24-02 Tree Removal-Replacement Ordinance
- 24-04 Stormwater Control Ordinance
- 24-05 CAP Ordinance

11. RESOLUTIONS

- 24-42 Payment of bills and claims
- 24-43 Administrative Assistant
- 24-44 Resolution of support for NJDOT Rt. 29 UECA
- 24-45-OEM Appointment
- 24-46 Salary
- 24-47 Budget

12. MAYOR'S REPORT, BOROUGH COUNCIL COMMENTS, & COMMITTEE REPORTS

13. OPEN PUBLIC COMMENT

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14. EXECUTIVE SESSION

- N.J.S.A. 10:4-12b.(7) Contract negotiations in connection with Stockton School parking lot
- Contractual-Shared Service

15. POTENTIAL ACTIONS ON ITEMS FROM EXECUTIVE SESSION

16. NEXT MEETING – May 20, 2024

17. ADJOURNMENT

Ordinance # 24-02

Tree Removal-Replacement Ordinance

SECTION I. Purpose:

An ordinance to establish requirements for tree removal and replacement in the Borough of Stockton to reduce soil erosion and pollutant runoff, promote infiltration of rainwater into the soil, and protect the environment, public health, safety and welfare.

SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this ordinance 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 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.
 - 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,

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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 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" or "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.

SECTION III. Regulated Activities:

A. Application Process:

1. Any person planning to remove a street tree with DBH of 2.5" or more, or any other tree with DBH of 6" or more on private property, shall submit a Tree Removal Application to the Borough Zoning Officer. No tree shall be removed until municipal officials have reviewed and approved the removal.
2. Applicants shall pay an application fee of \$20.00 or \$10.00 per tree, whichever is higher.

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 any other tree(s) with a DBH of 6" or more

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per acre, unless otherwise exempt under Section IV, shall be subject to the requirements of the Tree Replacement Requirements Table below.

3. The species type and diversity of replacement trees shall be in accordance with a list of the types of permitted trees created by the Borough and maintained in the office of the Borough Clerk, which may be updated as necessary from time to time.
4. Replacement tree(s) shall:
 - a. 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;
 - b. Be planted within twelve (12) months of the date of removal of the original tree(s) or at an alternative date specified by the Borough;
 - c. 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
 - d. Not be planted in temporary containers or pots, as these do not count towards tree replacement requirements.

Tree Replacement Requirements Table:

Category	Tree Removed (DBH)	Tree Replacement Criteria	Replacement Fee
1	DBH of 2.5" (for street trees) or 6" to 12.99" (for other trees)	Replant 1 tree in with minimum caliper of 1.5" for each tree removed	\$250
2	DBH of 13" to 22.99"	Replant 2 trees with minimum caliper of 1.5" for each tree removed	\$500
3	DBH of 23" to 32.99"	Replant 3 trees with minimum caliper of 1.5" for each tree removed	\$750
4	DBH of 33" or greater	Replant 4 trees with minimum caliper of 1.5" for each tree removed	\$1,000

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, then the applicant shall do one of the following:
 - a. Plant replacement trees in a separate area(s) approved by the Borough.
 - b. Pay a fee in accordance with the above Table for each tree removed. This fee shall be placed into a fund dedicated to tree planting and continued maintenance of trees.

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SECTION IV. Exemptions:

Except as specifically provided below, all persons shall comply with the permit and fee requirement and tree replacement standard outlined above. While the following categories are exempt from the requirements above, the person removing the trees shall submit sufficient documentary evidence (such as photographs or written advice from an arborist or LTE) demonstrating the exemption prior to the tree removal:

- 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;
- 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 Borough;
- 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.

SECTION V. Enforcement:

This ordinance shall be enforced by the Zoning Officer or said officer's designee, during the course of ordinary enforcement duties.

SECTION VI. Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a minimum fine of \$50 and maximum fine of \$1,000 per violation.

SECTION VII. Severability:

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase, and finding or holding of any such portion of this ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this ordinance.

SECTION VIII. Effective Date:

This ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

BOROUGH OF STOCKTON

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COUNTY OF HUNTERDON, STATE OF NEW JERSEY

ORDINANCE NO. 24-04

AN ORDINANCE REGULATING STORMWATER CONTROL IN THE BOROUGH OF STOCKTON AND REPLACING ORDINANCE NO. 21-01 ADOPTED ON MARCH 2, 2021

WHEREAS, by Ordinance No. 21-01, the Borough Council of the Borough of Stockton adopted new stormwater management regulations; and

WHEREAS, the County of Hunterdon has recently notified the Borough that Ordinance No. 21-01 was never formally approved by the County Planning Board, as required by N.J.A.C. 7:8-4.4; and

WHEREAS, coincidentally in July 2023, the New Jersey Department of Environmental Protection published a simplified Model Stormwater Control Ordinance to assist municipalities in revising their municipal stormwater control ordinances to reflect amendments to the Stormwater Management rules at N.J.A.C. 7:8; and

WHEREAS, based on the foregoing, the Borough Council seeks to adopt a new ordinance for purposes of stormwater control and to ensure its full compliance with the current requirements of N.J.A.C. 7:8, as may be amended.

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

Section I. Scope and Purpose.

A. Policy Statement

Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for green infrastructure, water quality, quantity, and groundwater recharge.

B. Purpose

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for “major development” and “minor development,” as defined below in Section II.

C. Applicability

1. This ordinance shall be applicable to the following major developments:

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- i. Non-residential major developments and redevelopment projects; and
 - ii. Aspects of residential major developments and redevelopment projects that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21 et seq.
2. This ordinance shall also be applicable to all major developments undertaken by the Borough of Stockton.
3. Applicability of this ordinance to major developments shall comply with last amended N.J.A.C. 7:8-1.6, incorporated herein by reference.
4. This ordinance shall be applicable to minor developments as defined in Section II below.

D. Compatibility with Other Permit and Ordinance Requirements

Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

Section II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this ordinance clearly demonstrates a different meaning. When not inconsistent 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. The definitions used in this ordinance shall be the same as the last amended Stormwater Management Rules at N.J.A.C. 7:8-1.2, incorporated herein by reference.

“Exempt development” means any development that creates an increase of less than 1,750 square feet of impervious area and disturbs less than 2,500 square feet of land. Further, an exempt development shall not meet the definition of “minor development.”

“Minor development” means any development that results in the creation of an increase of 1,750 square feet or more of impervious area or one that disturbs more than 2,500 square

feet of land. Further, a minor development shall not meet the definition of “major development” in N.J.A.C. 7:8-1.2.

Section III. Design and Performance Standards for Stormwater Management Measures:

- A. Exempt Developments. Any project meeting the definition of “exempt development” shall be exempt from the provisions of this ordinance.
- B. Minor Developments. Any project meeting the definition of “minor development” shall be designed to include the following stormwater management measures:
 - 1. Water Quality. Soil erosion and sediment control measures shall be installed in accordance with the “Standards for Soil Erosion and Sediment Control in New Jersey,” as may be amended from time to time.
 - 2. Rate/Volume Control. Seepage pits or other infiltration measures shall be provided with a capacity of three (3") inches of runoff for each square foot of new impervious area. Stone used in the infiltration devices shall be two and one-half (2 1/2") inches clean stone and design void ratio of 33% shall be used. The infiltration measures shall be designed with an overflow to the surface which shall be stabilized and directed to an existing stormwater conveyance system or in a manner to keep the overflow on the developed property to the greatest extent feasible. If the new impervious surface is not roof area, an equivalent area of existing roof may be directed to the infiltration system. This shall be permitted where the existing roof is not already directed to infiltration devices.
- C. Major Developments. Design and performance standards for stormwater management measures for major development are intended to minimize the adverse impact of stormwater runoff on water quality and water quantity and loss of groundwater recharge in receiving water bodies. Design and performance standards for stormwater management measures shall comply with last amended N.J.A.C. 7:8-5, incorporated herein by reference.

Section IV. Solids and Floatable Materials Control Standards:

- A. Site design features identified under Section III above, or alternative designs in accordance with Section III above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, “solid and floatable materials” means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section IV.A.2 below.
 - 1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
 - ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches
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across the smallest dimension. Note that the Residential Site Improvement Standards at N.J.A.C. 5:21 include requirements for bicycle safe grates.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

iii. For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

2. The standard in IV.A.1. above does not apply:

i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;

ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;

iii. Where flows from the water quality design storm as specified in the last amended Stormwater Management rules at N.J.A.C. 7:8 et seq. are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

a. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or

b. A bar screen having a bar spacing of 0.5 inches.

Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).

iv. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or

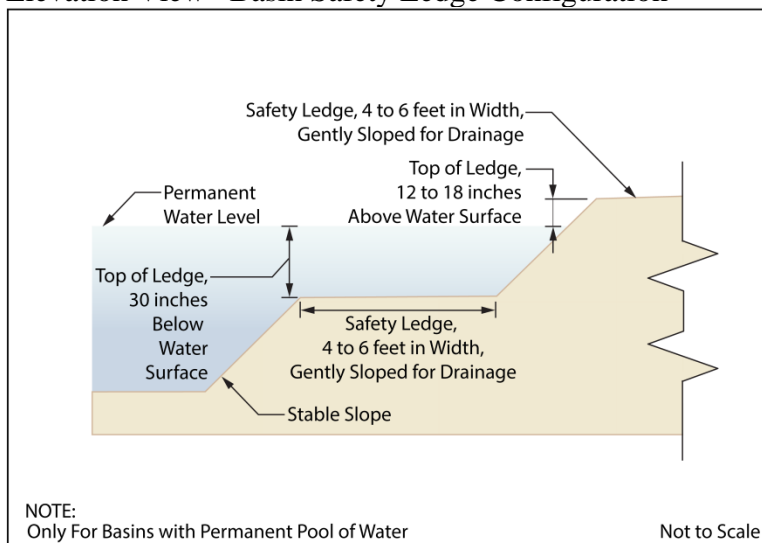
- v. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

Section V. Safety Standards for Stormwater Management Basins:

A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This section applies to any new stormwater management basin. Safety standards for stormwater management measures shall comply with last amended N.J.A.C. 7:8-6, incorporated herein by reference.

B. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



Section VI. Requirements for a Site Development Stormwater Plan:

A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section VI.C below as part of the submission of the application for approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit three copies of the materials listed in the checklist for site development stormwater plans in accordance with Section VI.C of this ordinance.

B. Site Development Stormwater Plan Approval

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The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

C. Submission of Site Development Stormwater Plan

The following information shall be required:

1. Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

2. Environmental Site Analysis

A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

3. Project Description and Site Plans

A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Section III is being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater

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quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

- i. Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
- ii. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

6. Calculations

- i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section III of this ordinance.
- ii. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section VII.

8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in Section VI.C.1 through VI.C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

Section VII. Maintenance and Repair:

A. Applicability

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Projects subject to review as in Section I.C of this ordinance shall comply with the requirements of Section VII.B and VII.C.

B. General Maintenance

1. Maintenance for stormwater management measures shall comply with last amended N.J.A.C. 7:8-5.8, incorporated herein by reference.
2. The following requirements of N.J.A.C. 7:8-5.8 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department:
 - i. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation; and
 - ii. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
3. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.

C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

Section VIII. Penalties:

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- A. Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to the following penalties:
1. A fine a fine not exceeding \$1,000; imprisonment for a period not to exceed 90 days; or performance of community service for a period not exceeding 90 days.
 2. In cases of continuing violations, each day that such violation continues shall be deemed a separate offense.
 3. Any complaint to impose such penalty may be filed in municipal court on behalf of the state by the municipal engineer, the zoning officer, any municipal police officer or any interested party.
- B. Any person who is convicted of violating this ordinance or any other rule, regulation, or order promulgated pursuant to this ordinance within one year of the date of a previous violation of the same provision shall be deemed and treated as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not exceed the maximum fine fixed above and shall be calculated separately from the fine imposed by the violation of the provision.

Section IX. Severability:

Each section, subsection, sentence, clause and phrase of this ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this ordinance.

Section X. Effective Date:

This ordinance shall be in full force and effect from and after its adoption, publication as required by law and filing with the County of Hunterdon.

Section XI. Repeal:

All ordinances and resolutions or parts thereof inconsistent with this ordinance are hereby repealed.

ORDINANCE 24-05
CALENDAR YEAR 2024
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO
ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Stockton in the County of Hunterdon finds it advisable and necessary to increase its CY 2024 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$5,354.65 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Stockton, in the County of Hunterdon, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2024 budget year, the final appropriations of the Borough of Stockton shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$5,354.65, and that the CY 2024 municipal budget for the Borough of Stockton be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Introduced: April 15, 2024

Public Hearing/Adoption: May 20, 2024



**Stockton Borough Council
Resolution #24-42**

Authorizing Payment of Municipal Obligations

WHEREAS, the Mayor and Council of the Borough of Stockton find and declare that certain municipal obligations have come due and are now payable; and

WHEREAS, the Mayor and Council of the Borough of Stockton further find and declare that said obligations have been itemized on the annexed schedules, which are hereby attached and deemed part of this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Stockton, County of Hunterdon, State of New Jersey does hereby authorize payment of said municipal obligations, in accordance with the recommendations of the Chief Financial Officer and the Treasurer in the amount of \$ **316,961.18**.

RESOLUTION 2024-43

**RESOLUTION APPOINTING RICHARD FALLON ADMINISTRATIVE ASSISTANT FOR
THE BOROUGH OF STOCKTON HUNTERDON COUNTY, STATE OF NEW JERSEY**

WHEREAS, there is a need to appoint an Administrative Assistant to assist with office duties within the offices at Borough Hall; and

NOW, THEREFORE BE IT RESOLVED, by the Borough of Stockton Governing Body appoint Richard Fallon as an administrative assistant at the rate of \$18 per hour, not to exceed 12 hours weekly with evening office hours.

**Stockton Borough Council
Resolution #24- 44**

Authorizing Execution of Two Utility Engineering and Construction Agreements (UECAs) and Amendments to UECAs (Amendments) between the Borough of Stockton and State of New Jersey in Connection with the Borough's Water and Sanitary Sewer Systems and State's Route 29 Alexauken Creek Road Project

WHEREAS, the Commissioner of Transportation, acting for and in the name of the State of New Jersey ("State"), is about to undertake the design and construction of improvements to Route 29, Alexauken Creek Road to Washington Street (in Lambertville City, West Amwell Township, Delaware Township, Stockton Borough, Kingwood Township and Frenchtown Borough, Hunterdon County) (the "Project"); and

WHEREAS, the Project may require the construction of new, and/or the protection, relocation and/or adjustment of facilities of Stockton Borough (the "Borough"), and specifically portions of the Borough's Water and Sanitary Sewer Systems (the "Systems"); and

WHEREAS, the Borough is not obligated by State law or agreement to relocate the facilities of its own Systems at its own expense for this type of Project; and

WHEREAS, the State has submitted two UECAs to the Borough for the work under the Project to be done by the State's contractor, and for the Borough's execution, which UECAs are intended to memorialize the parties' understandings as to their respective responsibilities and rights in connection with the Project, and which UECAs are identified as follows:

1. Borough of Stockton (Water) UECA-8-Rt 29 Alexauken Creek Rd-158030
UPC Code: 158030 Contract ID No.: 23-12007;
2. Borough of Stockton (Sewer) UECA-9-Rt 29 Alexauken Creek Rd-158030
UPC Code: 158030 Contract ID No.: 23-12008; and

WHEREAS, the State has determined that federal financial assistance or grants have been or will be expended in the design and construction of this Project; and

WHEREAS, before execution and continuation of the work under the Project and two UECAs, the State requires that an Amendment to each of the UECAs (for both Water and Sewer) be executed to set forth the requirements for procurements based on federal financial assistance; and

WHEREAS, the Borough supports the Project and seeks to facilitate its construction by executing the two UECAs (Water and Sewer) and two Amendments to the UECAs, which also provide for the reimbursement to the Borough for its engineering costs (estimated \$5,000 for Water and Sewer each) in connection with the Project.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Stockton, County of Hunterdon, State of New Jersey, as follows:

Please note, items listed on the agenda may change prior to the meeting.

1. The Mayor and Clerk are hereby authorized and directed to execute the following, as appropriate, in connection with the recitals above and in furtherance of the design and construction of the Route 29, Alexauken Creek Rd to Washington St located in Lambertville City, West Amwell Township, Delaware Township, Stockton Borough, Kingwood Township, and Frenchtown Borough, Hunterdon County, Project:

- a. UECA between Borough of Stockton (Water) and State for UECA-8-Rt 29 Alexauken Creek Rd-158030 UPC Code: 158030 Contract ID No.: 23-12007.
- b. Amendment (with exhibits) to UECA between Borough of Stockton (Water) and State for UECA-8-Rt 29 Alexauken Creek Rd-158030 UPC Code: 158030 Contract ID No.: 23-12007.
- c. Vendor Identification Verification form (Water).
- d. "Buy America Commitment Letter" (Water).
- e. UECA between Borough of Stockton (Sewer) UECA-9-Rt 29 Alexauken Creek Rd-158030 UPC Code: 158030 Contract ID No.: 23-12008.
- f. Amendment (with exhibits) to UECA between Borough of Stockton (Sewer) and State for UECA-9-Rt 29 Alexauken Creek Rd-158030 UPC Code: 158030 Contract ID No.: 23-12008.
- g. Vendor Identification Verification form (Sewer).
- h. "Buy America Commitment Letter" (Sewer).

2. Upon execution, the Clerk shall transmit three originals of each of the foregoing to the State.

RESOLUTION 2024-45
STOCKTON BOROUGH
A RESOLUTION APPOINTING A MUNICIPAL EMERGENCY
MANAGEMENT COORDINATOR AND DEPUTY EMERGENCY
MANAGEMENT COORDINATOR

WHEREAS, the State of New Jersey Office of Emergency Management requires each municipality to appoint an “Emergency Management Coordinator” pursuant to N.J.S.A. App. A9-40.1 and Directive Number 102 Issued by the State Office of Emergency Management March 15, 1990; and

WHEREAS, the Municipal Emergency Management Coordinator, Office of Emergency Management for the Borough shall serve a term of three years, and

WHEREAS, the Municipal Emergency Management Coordinator is responsible for the planning, activating, coordinating and the conduct of Emergency Management operations with the municipality; and

WHEREAS, it is the intention of the Mayor and Borough Council of the Borough of Stockton to comply with the requirements set forth under provision N.J.S.A. App. A:9-40.1 of the State Disaster Control Act and Directive Number 102;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF STOCKTON THAT Patrick Eckard is hereby appointed as the Emergency Management Coordinator, Sharon Eckard, as Deputy Emergency Management Coordinator for a term expiring December 31, 2026.

RESOLUTION 24-46
BOROUGH OF STOCKTON
SALARY RESOLUTION

BE IT RESOLVED by the Borough Council of the Borough of Stockton that the below salaries, wages or compensation shall be paid to the officers and employees of the Borough of Stockton for the year 2024, effective January 1, 2024:

Mayor	\$	2,231.07
Council Member		1,541.49
Borough Clerk		23,690.00
Deputy Borough Clerk		12,500.00
Tax Assessor		6,961.27
Tax Collector		11,172.34
Utility Collector		4,243.60
QPA		3,090.00
Special Projects Coordinator		26.00/hr
Zoning Officer/Flood Plain Adm.		7,941.30
Construction Office Control Person		2,409.88
Land Use Secretary		5,150.00
Magistrate		2,867.61
Prosecutor		2,295.17
Public Defender		655.76
Animal Control Officer		1,024.77
Water/Sewer Director/Operator		30.90/hr
Water/Sewer Assistant Operator		12,360.00
Water/Sewer Supervisor		7,173.36
Meter Reader		1,722.73
Shared Service Agreement:		
Chief Financial Officer		29,500.00

Please note, items listed on the agenda may change prior to the meeting.

2024 Municipal Budget

RESOLUTION 2024-47

2024 Dedicated	SEWER	Utility Budget	
Summary of Revenues	Anticipated		
	2024		2023
1. Surplus			15,850.00
2. Miscellaneous Revenues			283,140.00
3. Deficit (General Budget)			
Total Revenues			298,990.00
Summary of Appropriations	2024 Budget		Final 2023 Budget
1. Operating Expenses: Salaries & Wages			24,378.00
Other Expenses			214,225.00
2. Capital Improvements			45,000.00
3. Debt Service			13,522.00
4. Deferred Charges & Other Appropriations			1,865.00

Please note, items listed on the agenda may change prior to the meeting.

5. Surplus (General Budget)			
Total Appropriations			298,990.00
Total Number of Employees			

of the **BOROUGH** of **STOCKTON** County of
HUNTERDON for the fiscal year 2024.

Revenue and Appropriations Summaries

Summary of Revenues	Anticipated	
	2024	2023
1. Surplus	152,625.00	225,027.44
2. Total Miscellaneous Revenues	292,230.21	184,954.34
3. Receipts from Delinquent Taxes	15,000.00	20,000.00
4. a) Local Tax for Municipal Purposes	549,589.11	528,272.40
b) Addition to Local School District Tax		
c) Minimum Library Tax		
Tot Amt to be Rsd by Taxes for Sup of Muni Bnd	549,589.11	528,272.40
Total General Revenues	1,009,444.32	958,254.18
Summary of Appropriations	2024 Budget	Final 2023 Budget
1. Operating Expenses: Salaries & Wages	138,395.00	109,691.00
Other Expenses	539,181.32	530,319.18
2. Deferred Charges & Other Appropriations	34,193.00	35,449.00
3. Capital Improvements	43,000.00	30,000.00
4. Debt Service (Include for School Purposes)	119,675.00	117,795.00
5. Reserve for Uncollected Taxes #	135,000.00	135,000.00
Total General Appropriations	1,009,444.32	958,254.18
Total Number of Employees		
2024 Dedicated WATER Utility Budget		
Summary of Revenues	Anticipated	

Please note, items listed on the agenda may change prior to the meeting.

	2024	2023
1. Surplus		9,378.00
2. Miscellaneous Revenues		116,180.00
3. Deficit (General Budget)		
Total Revenues		125,558.00
Summary of Appropriations		
	2024 Budget	Final 2023 Budget
1. Operating Expenses: Salaries & Wages		24,378.00
Other Expenses		81,089.00
2. Capital Improvements		
3. Debt Service		18,226.00
4. Deferred Charges & Other Appropriations		1,865.00
5. Surplus (General Budget)		
Total Appropriations		125,558.00
Total Number of Employees		
2024 Dedicated WATER/SEWER Utility Budget		
Summary of Revenues	Anticipated	
	2024	2023
1. Surplus	130,000.00	
2. Miscellaneous Revenues	396,390.78	
3. Deficit (General Budget)		
Total Revenues	526,390.78	
Summary of Appropriations		
	2024 Budget	Final 2023 Budget
1. Operating Expenses: Salaries & Wages	53,000.00	
Other Expenses	304,918.78	
2. Capital Improvements	150,000.00	
3. Debt Service	14,372.00	

Please note, items listed on the agenda may change prior to the meeting.

4. Deferred Charges & Other Appropriations		4,100.00			
5. Surplus (General Budget)					
Total Appropriations		526,390.78			
Total Number of Employees					
Balance of Outstanding Debt					
		General		WATER	SEWER
Interest		36,045.35			
Principal		677,970.25			
Outstanding Balance		714,015.60			
Balance of Outstanding Debt					
		WATER/SEWER			
Interest		7,708.04			
Principal		157,307.00			
Outstanding Balance		165,015.04			

Notice is hereby given that the budget and tax resolution was approved by the Council Members of the Borough of Stockton, County of Hunterdon on April 15, 2024.

A hearing on the budget and tax resolution will be held at the Stockton Fire Company or via ZOOM on May 20, 2024 at 7:00 PM at which time and place objections to the Budget and Tax resolution for the year 2024 may be presented by taxpayers or other interested parties.

Copies of the budget are available in the office of the borough clerk at the municipal building 2 Main Street Stockton, NJ 08559, 609-397-0070 during the hours of Mon&THurs evenings 4:30-6:30pm and Friday 9am-11am.