



## **STOCKTON BOROUGH COUNCIL REGULAR MEETING MINUTES**

Date: December 16, 2024 – 7:00 P.M.

Held through Zoom

---

Mayor Aaron Lipsen called the regular meeting of the Stockton Borough Council to order on December 16, 2024, at 7:00 P.M. Mayor Lipsen announced that this meeting is called pursuant to the provisions of the Open Public Meetings Act. Notice of this meeting was transmitted to the Hunterdon County Democrat and the Trenton Times, was posted on the Borough Website, posted on the door at the Municipal Building and filed with the Borough Clerk.

### **PLEDGE OF ALLEGIANCE**

Mayor Lipsen led those in attendance in the pledge to the nation's flag.

### **ROLL CALL**

Present: Councilperson William Brown, Councilperson Fisher, Councilperson Peter Folz, Councilperson Ken Kozuhowski, Council President Michael Mann, Mayor Aaron Lipsen, Borough Attorney Lisa Maddox and Borough Clerk, Laurie A. Courter

### **EXECUTIVE SESSION**

A motion by Hunt, seconded by Kozuhowski to approve a Resolution to enter into executive session. Mayor Lipsen asked the public at this time to leave the meeting and are welcomed to log back on after the session.

### **RESOLUTION TO ENTER INTO EXECUTIVE SESSION**

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this governing body is of the opinion that such circumstances presently exist,

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

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
  - Matters falling within the attorney-client privilege – cannabis ordinance
3. The discussion is anticipated to take approximately 30 minutes. Action may be taken.

4. It is intended at this time that the above-stated subject matter will be made public when the matter has been resolved.

5. This resolution shall take effect immediately.

A motion by and seconded by to exit the executive session was unanimously approved by voice vote.

The council was in Executive Session until 7:30 PM.

Mayor Lipsen gave a few minutes before resuming the meeting to give the public a chance to log back in.

**PROCLAMATION:**

**Mayor Lipsen read the following proclamations into record:**

***PROCLAMATION  
NO. 2024-1***

***WHEREAS***, Rita T. Piratsky was born on December 26, 1934; and

***WHEREAS***, Rita T. Piratsky has been one of Stockton Borough's most beloved residents for nearly sixty years; and

***WHEREAS***, Rita T. Piratsky served as a secretary for Stockton Borough; and

***WHEREAS***, Rita T. Piratsky has always put the greater good of the community ahead of personal considerations and obligations; and

***WHEREAS***, Rita T. Piratsky has been a dedicated poll worker for elections in Stockton Borough for many years; and

***WHEREAS***, Rita T. Piratsky has been an active and tireless member of the Stockton Fire Company Auxiliary for decades, being known as "the person to call" whenever the Fire Company or community groups have needed assistance and support; and

***WHEREAS***, Stockton Borough and our surrounding communities have been enriched by the many decades of community service and volunteer work of Rita T. Piratsky.

***NOW, THEREFORE, BE IT HEREBY PROCLAIMED***, by Mayor Aaron Lipsen and the entire Borough of Stockton Council, that we honor the long life and selfless community service of Rita T. Piratsky on the occasion of her 90<sup>th</sup> birthday on December 26, 2024, and encourage all citizens to offer their sincere best wishes for her continued good health and happiness.

***PROCLAIMED AND SIGNED this the 16<sup>th</sup> day of December 2024.***

**PROCLAMATION  
NO. 2024-2**

**WHEREAS**, the Stockton Fire Company was formed by the citizen volunteers of Stockton Borough in February of 1908 and incorporated on May 7, 1908; and

**WHEREAS**, to aid and assist the Stockton Fire Company, the Auxiliary was formed by volunteers in 1937; and

**WHEREAS**, the Stockton First Aid Squad was formed in 1958 and served Stockton Borough and the surrounding communities for over 56 years; and

**WHEREAS**, for over a century, the Stockton Fire Company has fought significant fires, performed countless rescues on the Delaware River, and provided rescue operations and public safety during devastating floods and other natural disasters; and

**WHEREAS**, the Stockton Fire Company has been the lead agency in multiple post-flood recovery efforts by pumping water out of basements, sweeping and washing Borough streets, and acting as public safety officers; and

**WHEREAS**, the Stockton Fire Company has hosted moving Memorial Day Observance ceremonies for many years, providing a venue for the community to honor its citizens and friends who gave all in service to their country; and

**WHEREAS**, the Stockton Fire Company has been the heart of Stockton Borough, offering much more than just fire protection, and has been a source of unending community spirit, activities, meals, and support for residents of the Borough and the surrounding communities; and

**WHEREAS**, the Stockton Fire Company and its dedicated volunteers – many of whom have continued their families' multi-generational legacies with the Company – have faithfully, honorably, and selflessly protected and served the welfare of the citizens of Stockton Borough and the surrounding communities for over 116 years; and

**WHEREAS**, Chief Richard Hendricks and the members of the Stockton Fire Company are commended for their foresight and stewardship in entering into a partnership with the Sergeantsville Volunteer Fire Company to strengthen the emergency services in the area; and

**WHEREAS**, on January 1, 2025, the Stockton Fire Company will officially merge with the Sergeantsville Volunteer Fire Company to create the Delaware Township Fire Company and enter into a new era of local history.

**NOW, THEREFORE, BE IT HEREBY PROCLAIMED**, by Mayor Aaron Lipsen and the entire Borough of Stockton Council, that we salute the true heroes of the Stockton Fire Company, past and present, and express our deepest gratitude and respect to them for their courage, compassion, and dedication, and that

**May 7<sup>th</sup> of Each Year be Declared “Stockton Fire Company Day”**

***BE IT FURTHER PROCLAIMED***, that the Mayor and Stockton Borough Council hereby encourage all citizens to recognize the Stockton Fire Company’s extraordinary service and continuing contributions to our community.

***PROCLAIMED AND SIGNED this the 16<sup>th</sup> day of December 2024.***

***PROCLAMATION  
NO. 2024-3***

***WHEREAS***, Kenneth M. Kozubowski served our great country honorably for eight years as a soldier in the United States Army; and

***WHEREAS***, Kenneth M. Kozubowski has served the greater community as a New Hope Borough police officer since 2001; and

***WHEREAS***, Kenneth M. Kozubowski has lived in Stockton Borough since 1999 and, along with his beloved wife, Lisa Vanselous Kozubowski, raised their two daughters, in Stockton Borough; and

***WHEREAS***, Kenneth M. Kozubowski has represented the citizens of Stockton Borough as an elected member of the Borough Council since January of 2022; and

***WHEREAS***, Councilperson Kozubowski has participated actively in Borough events and committee meetings, and he has faithfully attended and made significant contributions to Borough Council meetings even when they have interfered with family obligations, his sleep before his overnight shifts, and Eagles games.

***WHEREAS***, through the performance of his duties and responsibilities as a member of the Borough Council, Councilperson Kozubowski has made excellent and constructive contributions to municipal government in our Borough, particularly through his expertise in the areas of public safety and in assisting with the Stockton Fire Company’s transition to the Delaware Township Fire Company; and

***WHEREAS***, Councilperson Kozubowski has consistently displayed a respect for citizens’ concerns; a calm voice of reason throughout deliberations and discussions; and a desire to protect the small-town, historic character of the Borough of Stockton; and

***WHEREAS***, Councilperson Kozubowski has dedicated himself to a life of service to his country and community; and

***WHEREAS***, on December 31, 2024, Councilperson Kenneth M. Kozubowski will complete his elected public

*service tenure.*

***NOW, THEREFORE, BE IT HEREBY PROCLAIMED,*** by Mayor Aaron Lipsen and the entire Borough of Stockton Council, that we express our deep gratitude to Councilperson Kenneth M. Kozubowski for his distinguished service to our community.

***PROCLAIMED AND SIGNED this the 16<sup>th</sup> day of December 2024.***

Kozuhowski thanked Mayor Lipsen for the recognition.

### **APPROVAL OF MINUTES**

Motion made by Brown and seconded by Hunt to approve the following minutes; all were in favor.

Regular and Executive:  
November 18, 2024

### **CORRESPONDENCE**

Mayor Lipsen noted the following correspondence:

Eileen Foley- Email- Re: Proposed ordinance related to the cannabis dispensary in Stockton.

Stephen Giocondo-Letter-Re: Proposed Cannabis Ordinance

Borough Planner - Fair Share Housing

Planner Slagle noted that in January there will be some resolutions that the borough will need to make and send to DCA according to the fourth-round regulations.

Kathy Brown-Email-Re: Proposed Cannabis Ordinance

Planning Board-Ordinance 2024-12

### **OLD BUSINESS**

Rt. 29 speed limit petition and pedestrian and traffic safety

Mayor Lipsen announced that the DOT has taken our petition into consideration and was looking to lower the speed limit along longer portion of Route 29. They will be looking for assistance from us. We're also going to look for more traffic calming measures. They're looking favorably toward adding some stop signs at the Rt. 29 and 523 intersection but we need to make sure that the engineering review is comprehensive before those are put into place.

At this point in the meeting, Mayor Lipsen recused himself from the chair.

Status of NJOEM Program for RL/SRL Properties

Attorney Maddox made a statement regarding the program and reiterated what was stated at the last meeting by the representative. FEMA is rolling out a new program in coordination with the State OEM. Ms. Maddox stated that it basically offers the ability of financial help to these particular property owners to raise their buildings.

Ms. Maddox explained that it is completely a voluntary program. So, property owners who are eligible will be receiving communication directly from the State OEM in the coming weeks.

Hunt added that the FEMA representative at the last meeting did confirm, and that there are programs to help people with deferring the cost of rentals during the process in raising your house.

Brown added that this is being funded by FEMA, its purpose is to reduce claims against national flood insurance program by elevating structures. In some cases, substantial financial aid is picked up. This will be managed by Frenchtown Borough. They will be working with a consultant they pick to work with FEMA to get through the process and work with property owners.

Mayor Lipsen retook chair at this time in the meeting.

### **NEW BUSINESS**

Set and advertise Date for Re-Organization: January 6, 2025.

Mayor Lipsen stated that Ms. Courter will advertise the meeting.

#### Tree Replacement List

Attorney Maddox explained the tree replacement ordinance and stated that in the ordinance the borough is to provide a list of replacement trees and types. At this time the borough does not have a list and stated that the council should consider putting a list together for when applications come in and where this applies. Ms. Maddox stated that Delaware Township uses a list from Native Plants Society of New Jersey.

#### Motion

Motion made by Mann and seconded by Folz to use the same list that was recommended by Attorney Maddox from the Native Plants Society of New Jersey. All were in favor.

#### Approval of Stockton EOP

Mayor Lipsen stated that the plan was distributed to the council to review. Last-minute adjustments can be made. Stated that this is a confidential document that is not public. Waiting to hear from the County for any last-minute adjustments.

#### Motion

Motion made by Hunt and seconded by Folz to approve the Emergency Operations Plan (EOP).

Roll call: Brown, Fisher, Folz, Hunt, Kozuhowski, and Mann.

Ayes: 6

Nays: 0

Motion passes.

#### Drones

Mayor Lipsen announced that he posted on the website a link from the Department of Homeland Security concerning the recent drone sightings. Stated that he attended a zoom webinar, but there is not a lot of clarity on what is going on. So far the conclusion is that they do not present a danger, but they are continuing to investigate.

**OFFICE OF EMERGENCY MANAGEMENT REPORT**

Mayor Lipsen gave the November OEM report:

Mayor Lipsen stated that before he gives the report he thanked the emergency management team. Stated that they have been doing great work and putting in great time commitments for us.

November OEM Report:

They attended the County OEM meeting as well as the active shooter presentation hosted by Raritan Township. They received certification. Working with everyone to update the emergency operation plan. They are also continuing to promote Register Ready. Mayor Lipsen added that he and Hunt attended the Hunterdon County Local Emergency Management Planning committee meeting as well as the drone meeting.

**OPEN PUBLIC COMMENT – PRIVILEGE OF THE FLOOR**

Mayor Lipsen opened the floor to public comments and stated that this is going to be open comment. There's going to be a public hearing on cannabis. So, if it's not related to cannabis, Mayor Lipsen asked the public to hold their comments until that time.

Hearing no public comment, Mayor Lipsen closed the floor to public comment.

Mayor Lipsen and Councilperson Fisher at this time recused themselves and Council President Hunt presided over the meeting.

**ORDINANCES 2ns reading public hearing.**

Council President Hunt briefly explained that this ordinance is to permit Class 5 Cannabis businesses in Stockton. Hunt asked Attorney Maddox to explain further the circumstances surrounding the ordinance.

Attorney Maddox explained the circumstances regarding the public hearing tonight that stemmed from several OPRA requests for documents pertaining to the previous cannabis ordinance with Stockton opting out. An investigation was conducted, and it was discovered that there was no proof that the introduction or adoption of the ordinance had ever been published in the official newspapers of the borough. The failure to publish notice of an ordinance as required by statute is fatal to the validity of that ordinance. As a result, the 2021 opt out ordinance is void today.

Municipalities had to enact their opt out ordinance no later than August of 2021. If they did not do so, then, under the same law, cannabis retail businesses are automatically permitted as conditional uses in a municipality's zone where retail is permitted. This means that right now in the borough cannabis retail is permitted as a conditional use in the CR zone. The borough cannot again opt out until 2026. Ms. Maddox explained that because cannabis retail is allowed as conditional use under the MLUL, the best way to protect the borough's interests is to enact an ordinance that imposes reasonable conditions on this use in the CR zone, as well as an ordinance which imposes licensing and other important regulatory controls on cannabis retail businesses. If the town does not adopt an ordinance tonight, then there will be no land use control over retail cannabis specifically in the CR zone. This ordinance simply opens the door to the possibility that a business can operate in the borough. Lengthy discussions of buffers ensued.

Motion made by Mann and seconded by Kozuhowski to open the public hearing of Ordinance 2024-12; all were in favor.

Public hearing comment:

Hugh Giordano, 57 Argyle Street, Blackwood, NJ

Stated that he is a union representative of the United Food and Commercial Workers Union which is an official labor union and stated his support for the ordinance. Spoke briefly the benefits of these types of jobs to employees of which can be residents of the borough and to the local economy.

Eileen Foley thanked Ms. Maddox for the explanation and stated that it really leaves the borough in a position with no argument. Asked why the ordinance hasn't included the limit of number of cannabis dispensaries allowed in the town. Inquired about parts of the ordinance working with the police department, but Stockton doesn't have one. Inquired about retailers having a plan concerning interior capacity. Planner Slagle explained the point-of-sale aspects of applicants, whereas to avoid over capacity there are time slots that are allowed for customers to come to the business. This is something that will be addressed with the Planning Board. Ms. Foley inquired about why parks were not included in the ordinance. Stated that the Prallsville Mill and DNR canal should have been included. Discussion regarding the canal and parks ensued.

Steve Giocondo asked what would happen if this ordinance was put on hold next year. Council President Hunt explained that there are really no limits on where and how many licenses could be issued without this ordinance. If there's an application completed, application submitted to the planning board, by one or several, we'd be wide open to no controls for a critical length of time. In this business actors can act very fast to take advantage of an opportunity. Attorney Maddox elaborated in length the circumstances of not passing the ordinance tonight.

Hearing no further public comment, motion made by Kozuhowski and seconded by Mann to close the public hearing for Ordinance 24-12, all were in favor.

Motion made by Kozuhowski and seconded by Mann to adopt Ordinance 24-12

Discussions:

Kozuhowski thanked the professionals and everyone that put effort into this. This is a fair and reasonable means to exercise a control over the potential cannabis industry in Stockton and keeping our town safe and unique. Kozuhowski stated he is in favor of this ordinance as it stands now and appreciates all the hard work everyone put into it.

Brown expressed his support for the ordinance. Moving forward and being clear, Brown stated that they want to encourage competition and want the best deal for the town.



Roll call: Brown, Fisher, Folz, Hunt, Kozuhowski, and Mann.

Ayes: 6

Nays: 0

Motion passes.

**ORDINANCE NO. 2024-12**

**AN ORDINANCE OF THE BOROUGH OF STOCKTON,  
COUNTY OF HUNTERDON, NEW JERSEY,  
PERMITTING CLASS 5 CANNABIS RETAILERS IN  
THE COMMERCIAL RESIDENTIAL (CR) ZONE AND  
REGULATING CLASS 5 CANNABIS RETAILERS**

**WHEREAS**, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), codified at N.J.S.A. 24:6I-31 et seq., which legalizes the recreational use of cannabis by adults twenty-one years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

**WHEREAS**, the Act established six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributor license, for businesses involved in transporting cannabis plants in bulk from one licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license, for locations at which cannabis items and related supplies are sold to consumers; and

- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer; and

**WHEREAS**, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location, manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

**WHEREAS**, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

**WHEREAS**, section 31b of the Act also stipulates, however, that any municipal prohibition must be adopted within 180 days of the effective date of the Act (i.e., by August 22, 2021); and

**WHEREAS**, pursuant to section 31b of the Act, the failure to do adopt a municipal prohibition shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones, subject to a municipality’s regulation of any the following, consistent with N.J.A.C. 17:30-5.1: the numerical limit of cannabis businesses; the location, manner and times of operation; limitations on operation of a cannabis business premises within a certain distance to the closest church, synagogue, temple, or other place of religious worship,

and/or from the closest school, playground, park or child daycare facility; municipal licensing requirements; and procedures for issuance of local support; and

**WHEREAS**, at the conclusion of the initial and any subsequent five-year period following a failure to enact a local prohibiting ordinance, the municipality shall again have 180 days to adopt an ordinance prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

**WHEREAS**, in 2021, the Mayor and Council of the Borough of Stockton adopted a policy “opting out” of all forms of cannabis businesses in the Borough through Ordinance 2021-04 introduced by Council on April 12, 2021 and then approved by Council on May 10, 2021; and

**WHEREAS**, the Borough Council has recently discovered that there were procedural irregularities surrounding the introduction and adoption of Ordinance 2021-04; and

**WHEREAS**, also since 2021, the Borough has continued to monitor the Act and its impacts on New Jersey municipalities; and

**WHEREAS**, at this time, it is in the Borough’s best interest to set forth reasonable regulations permitting cannabis retail as a conditional use in the Borough’s commercial or retail zones, which consists of the Commercial Residential (CR) Zone; and

**WHEREAS**, pursuant to section 31 of the Act, it is incumbent on the Borough to establish conditional use standards for the operation of retail cannabis in the CR Zone that protect the public interest and are consistent with the Act and Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), and also, pursuant to N.J.A.C. 17:30-5.1, to regulate: the numerical limit of cannabis businesses; location, manner and times of operation; limitations on operation of a cannabis business within a certain distance to the closest church, synagogue, temple, or other place of religious worship, and/or from the closest school, playground, park or child daycare facility; municipal licensing

requirements; and procedures for issuance of local support for such cannabis retailers within the Borough.

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

**1. Preamble incorporated.** The preamble to this ordinance is hereby incorporated as if fully restated herein.

**2. Amendment to Article 2, “Definitions,” of the “Borough of Stockton Zoning Ordinance of 1975,” as amended.** Article 2, “Definitions,” of the “Borough of Stockton Zoning Ordinance of 1975,” as amended, shall be and is hereby further amended to add the following new term and definition:

**2.60 CANNABIS (AND OTHER TERMS DEFINED UNDER THE CANNABIS REGULATORY, ENFORCEMENT ASSISTANCE, AND MARKETPLACE MODERNIZATION ACT)**

As used in the ordinances of the Borough of Stockton, the term cannabis and all terms related to personal use cannabis shall have the same meaning as ascribed to those terms in the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, and specifically section 3 thereof (N.J.S.A. 24:6I-33), and the regulations promulgated by the Cannabis Regulatory Commission, N.J.A.C. 17:30-1.1 et seq., as may be amended from time to time.

**3. General prohibition on all classes of cannabis businesses, except class 5 cannabis retailers.** Pursuant to section 31b of the Act, all class 1 cannabis cultivators, class 2 cannabis manufacturers, class 3 cannabis wholesalers, class 4 cannabis distributors, and class 6 cannabis delivery services, as said terms are defined in section 3 of the Act (N.J.S.A. 24:6I-31, as may be amended from time to time) are hereby prohibited from operating anywhere in the Borough, except for the delivery of cannabis items and related supplies within the Borough by a cannabis delivery service otherwise licensed outside the Borough.

**4. Cannabis retailer permitted as conditional use only in Commercial Residential (CR) Zone.** Class 5 cannabis retailers shall only be permitted as a conditional use in the Commercial Residential (CR) Zone created by ordinance adopted on January 27, 1986. To this end, Article 11A of the “Borough of Stockton Zoning Ordinance of 1975,” as amended, is hereby further amended to add a new section thereto which shall and does hereby read as follows:

**Sec. 11.01-12A. Cannabis Retailers.**

1. Class 5 cannabis retailers, as said term is defined in section 3 of P.L. 2021, c. 16 (N.J.S.A. 24:6I-33), and the regulations promulgated by the Cannabis Regulatory Commission, N.J.A.C. 17:30-1.1 et seq., shall be permitted as conditional uses, and shall be subject to the following:
  - a. The premises operated by the cannabis retailer shall conform to all zoning requirements applicable to uses in the Commercial Retail (CR) Zone, as well as the general requirements set forth in the “Borough of Stockton Zoning Ordinance of 1975,” as amended, unless otherwise specifically provided under this section.
  - b. A cannabis business premises shall be located at least 200 feet from a school, municipal park, municipal playground, licensed child care center, registered family day care provider, or church, synagogue, temple, or other place dedicated to religious worship, or comply with a greater distance buffer therefrom as may be required by State or Federal Law. As used in this section:
    1. “Licensed child care center” shall mean a child care center licensed pursuant to N.J.S.A. 30:5B-1 et seq.
    2. “Registered family day care provider” shall mean a family day care provider registered pursuant to N.J.S.A. 30:5B-16 et seq.
  - c. A cannabis retailer located adjacent to properties currently used or zoned for residential purposes shall provide a minimum landscaped buffer in accordance with section 4.13 of the “Borough of Stockton Zoning Ordinance of 1975,” as amended. A solid fence 6-feet in height may be incorporated into the buffer, provided the fence is located interior to the required buffer. In no event may a buffer be less than 20 feet wide. A buffer that consists of landscaped plantings and a solid fence may be required by the Planning Board.
  - d. The operating hours of a cannabis retailer shall be between 9:00 a.m. and 7:00 p.m. Mondays through Saturdays, and between 12:00 p.m. and 5:00 p.m. on Sundays. It shall be unlawful for any cannabis retailer to sell or

dispense cannabis or cannabis products at any time other than between these hours. All deliveries of cannabis items to and from the cannabis retailer shall also be between these hours of operation.

- e. A cannabis retailer shall provide a loading zone to securely load and unload cannabis items, or, in the alternative, a plan to securely load and unload cannabis items into the licensed premises.
- f. A cannabis retailer shall comply with N.J.S.A. 17:30-14.3, as may be amended, with regard to maximum amounts of cannabis sold in a single transaction. In addition, the amount of cannabis on the premises and under the control of the retailer shall not exceed the amount permitted by the license issued by the State, and all cannabis offered for sale shall be packaged and labeled as required by N.J.A.C. 17:30-16.2 and 16.3, as may be amended.
- g. A cannabis retailer shall be accessible directly from a right-of-way through a separate entrance independent from any other retail ingress. Access shall not be through common entrances with other uses. Said retailer shall only have one primary public access point, which shall be directly adjacent to the right-of-way or parking area of the building.
- h. A cannabis retailer shall be secured against unauthorized access to the premises or the retailer's electronic systems, theft and diversion of cannabis, in accordance with State statutes and regulations, including but limited to N.J.A.C. 17:30-9.10, as may be amended. In addition, the retailer shall have an around-the-clock security (burglar) alarm and video surveillance system, 365 days a year; and shall have licensed security personnel onsite within the facility at all times during operating hours. The surveillance system shall include cameras monitoring all entrances along with the interior and exterior of the premises.
- i. A cannabis retailer shall coordinate with the police department(s) responsible for public safety in the Borough, and ensure that the police have full access to the video surveillance system upon reasonable request to access same.
- j. Video surveillance tapes and digital pictures shall be retained a minimum of 60 days or pursuant to State and Federal law, whichever is greater.
- k. No cannabis product shall be visible from a public sidewalk, public street or right-of-way or any other public place.
- l. All cannabis products shall be stored securely on the interior of the establishment and in a permanent structure. A cannabis retailer's interior

shall provide a secure location for storage of products with minimum products in any customer service area.

- m. Cannabis consumption areas are strictly prohibited anywhere on the premises. Use or consumption of cannabis or cannabis products in any manner shall not be permitted on the property on which cannabis retailer is located, whether in the building, on its grounds or in parking lots.
- n. All cannabis retailers shall be enclosed in heated/air-conditioned permanent structures, and shall no portion of a cannabis establishment shall be outdoors, or in any movable trailer, vehicle, kiosk, etc.
- o. Outside generators and other mechanical equipment used for any kind of power supply, cooling or ventilation shall be enclosed and have appropriate baffles, mufflers, and/or other noise reduction systems to mitigate noise pollution.
- p. A cannabis retailer's signage shall comply with Article 7 of the "Borough of Stockton Zoning Ordinance of 1975," as amended. In addition, signs shall be limited to location identification/name of business; shall not promote consumption of any cannabis product; and shall not include artistic or photographic renderings of cannabis plants or paraphernalia. Signage (exterior and interior) shall conspicuously advise that consumption on the licensed premises is strictly prohibited. Lighting for signs may include cove, gooseneck, halo or building mounted fixtures. Back-lit "sign box" signs are not permitted. Illumination should be accomplished through external lighting trained on the face or faces of the sign. Neon-lighted or neon-colored signage is prohibited. Only permanent signs are permitted.
- q. A cannabis retailer shall prevent and eliminate any conditions on the site that constitute a nuisance, including but not limited to: preventing odors from escaping the interior of the facility; maintaining the exterior of the facility and immediately adjacent sidewalk and public right of way free of litter, debris, and trash; and properly storing and disposing of all waste generated on the site in accordance with applicable law and regulation.
- r. A cannabis retailer shall not provide for a drive-through facility.
- s. No customers or other persons shall be permitted to congregate outside of a cannabis retailer or wait in line to access the cannabis retailer. The retailer shall have a plan in place if interior capacity is exceeded, i.e., numbers are given and customers wait in their vehicles until called.

**5. Regulations of the local approval and licensing of cannabis retailers.**

The following regulations are enacted for purposes of regulating cannabis retailers permitted in the Borough and establishing standards for local approval and licensing of same, and as follows:

**CANNABIS RETAILER REGULATIONS**

**§1 GENERAL PROVISIONS.**

**§1.1 Authority; Purpose.**

- a. These Cannabis Retailer Regulations (“Regulations”) are enacted in accordance with the provisions of the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (P.L. 2021, c. 16) (the “Act”), and the regulations promulgated by the Cannabis Regulatory Commission (“CRC”), N.J.A.C. 17:30-1.1 et seq.
- b. The purpose of these Regulations is to regulate the establishment and operation of cannabis retailers and cannabis establishments in the Borough of Stockton and to specify the conditions and limitations applicable thereto.

**§1.2 Definitions.**

For the purpose of these Regulations, words and phrases herein shall have the meanings set forth in the Act and regulations promulgated by the CRC, N.J.A.C. 17:30-1.1 et seq., as may be amended from time to time.

**§1.3 Applicable laws.**

- a. All applications for local support, all municipal approvals issued and all proceedings under these Regulations shall be in accordance with the Act, regulations referred to in section 1.1 above, and all other applicable laws of the State of New Jersey.
- b. The provisions and standards set forth in these Regulations are subject to the enabling authority of the State of New Jersey, by and through the CRC, and are subject to compliance with all statutes and/or regulations promulgated and adopted by the State of New Jersey or its agencies.
- c. If any provision of these Regulations is inconsistent with the statutes and/or regulations of the State of New Jersey or its agencies, the State statutes and/or regulations shall prevail.

**§2 STATE AND MUNICIPAL LICENSES AND APPROVALS REQUIRED.**



**§2.1 Licenses required.**

No cannabis retailer shall operate in the Borough without the receipt of a state permit or license and full regulatory oversight of the cannabis business by the CRC or other state licensing authority and final issuance of a license by the Borough in accordance with the provisions of these Regulations.

**§2.2 Maximum quantity of municipal licenses authorized.**

Only the following marketplace classes of cannabis establishments shall be allowed to operate in the Borough, subject to the maximum quantity limitations and requirements set forth herein, and all other classes shall be prohibited:

Class 5 Cannabis Retailer	Up to one license
---------------------------	-------------------

**§2.3 Applications for local support; issuance of resolution(s) of local support.**

- a. Any person seeking to operate as a cannabis retailer in the Borough shall submit an application to the Borough for local support, pursuant to the Act, and specifically N.J.S.A. 24:6I-45(c) and N.J.A.C. 17:30–5.1(g).
- b. The premises on which the cannabis retailer seeks to operate shall not be within the 200-foot buffer established within Section 4 of this ordinance (entitled “Cannabis retailer permitted as conditional use only in Commercial Residential (CR) Zone”).
- b. Applications shall be solicited and submitted in accordance with the following:
  1. Within 90 days of the effective date of this ordinance, and thereafter within 90 days of the availability of any new or existing license, the Borough shall issue a request for applications from applicants seeking to operate any permitted cannabis establishment in the Borough. The request for applications shall comply with this ordinance, and shall describe the minimum requirements for submitting an application, including specifying all information and documents required to be submitted, and the Borough’s evaluation criteria and scoring to be utilized.
  2. All responses to the request for applications shall be on standardized application forms issued by the Clerk’s office, and shall include the following information and documents to be deemed complete:

- a. Nonrefundable application fee, in accordance with section 3.1 below.
- b. Annual license fee, in accordance with section 3.1 below, which shall be refunded in the event the applicant is not issued a State license.
- c. A letter from the Borough zoning officer stating the proposed location of the requestor's cannabis establishment will conform to the Borough's zoning requirements for cannabis retailers. Note that the Borough zoning officer shall have ten business days from receipt of a request for the letter to issue said letter. This letter shall not excuse the applicant, if successful, from obtaining all necessary Planning Board approvals.
- d. Proof that the applicant has or will have lawful possession of the premises proposed for the cannabis business, which proof may consist of: a deed, a lease, a real estate contract contingent upon successful licensing, or a binding letter of intent by the owner of the premises indicating an intent to lease the premises to the applicant contingent upon successful licensing.
- e. Affidavit and documentary proof of compliance with all State and local laws regarding affirmative action, anti-discrimination and fair employment practices. The applicant shall also certify under oath that said applicant shall not discriminate based on race, color, religion (creed), gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation, or military status, in any of its activities or operations.
- f. Affidavit or other documentary proof that any person proposed to have an ownership interest in the license is in compliance with any State requirement related criminal background, and shall not have had any cannabis license or permit revoked for a violation affecting public safety in the State of New Jersey or a subdivision thereof within the preceding five (5) years.
- g. A narrative describing how the applicant intends to comply with the Borough's conditional use and licensing requirements.

- 
- h. Information and documents specifically to demonstrate the applicant's responsibility, financial capability and sustainability, community benefits, local hiring process, promotion of diverse ownership structures and environmental sustainability.
  - i. Any other information and documents required for submission that may be identified in the request for applications.
3. Applicants may identify portions of their application materials that are confidential; notwithstanding the applicant's specification of any application material as confidential, the Borough shall be required to fully comply with the provisions of the New Jersey Open Public Records Act, N.J.S.A. 47:1A-1 et seq.
- c. The request for applications shall be advertised on the Borough's official website, and such other print or online publications as may be desirable by the Borough, and set forth the date and time by which all applications must be submitted. Prior to the submittal date, the request for applications may be amended by the Borough by advertising same on the Borough's official website (and in any other print or online publications originally advertised).
  - d. Only applications that are submitted on time and which are complete shall be evaluated. If any application is submitted after the time for submission or is missing any mandatory documents or information, then the application shall not be considered for evaluation.
  - e. Timely and complete applications shall be reviewed by an evaluation committee nominated by the Mayor, with the advice and consent of the Borough Council, consisting of at least three Borough officers, consultants or employees, and scored based upon the evaluation criteria identified in the request for applications.
    - 1. The evaluation criteria shall include, but not necessarily be limited to, consideration of an applicant's responsibility, financial capability and sustainability, community benefits, local hiring process, promotion of diverse ownership structures and environmental sustainability.
    - 2. The request for applications shall identify the points attributable to each evaluation criteria and the minimum score which an application must achieve before further consideration by the Borough Council.

3. Applications that satisfy the minimum score shall be referred by the evaluation committee to the Borough Council for final consideration of issuance of a “resolution of local support.” The Borough Council may invite such applicants to present their plan to the Borough Council at a public meeting prior to making a decision on whether, and to whom, to issue a resolution of local support. The Borough Council shall take final action within 120 days of the application submission deadline. Nothing herein shall obligate the Borough to issue a resolution of local support.
- f. If issued, a resolution of local support shall entitle the recipient applicant to pursue a State permit or license in the appropriate classification for up to one year, which time period may be extended in the Borough Council’s discretion for additional terms of six-months each for good cause. No license to operate shall issue until the applicant has received a State permit or license and satisfied other prerequisites of municipal licensure. If the recipient of a resolution of local support has not received a State permit or license within one year from issuance, unless extended by the Borough Council as set forth herein, then the Borough shall issue a new request for applications and evaluate all applicants for licensure under the above standards.
- g. Final approval from the Borough Council will be in the form of a local business license being issued pursuant to section 2.4 below.
- h. At no time shall the resolutions of local support issued by the Borough for which a State permit or license is pending exceed the quantity of available licenses in the Borough for the type of cannabis establishment sought.

#### **§2.4 Municipal licensing.**

- a. A license to operate a cannabis business shall be granted by the Borough Council only when the applicant who has received a resolution of local support has:
  1. Received a state permit or license authorizing the operation of the cannabis business in the Borough by the CRC or other state licensing authority;
  2. Received conditional use and site plan approval from the Stockton Borough Planning Board;
  3. Complied with all elements of its concept plan;
  4. Complied with any other applicable Borough ordinance; and

5. Paid the annual registration (license) fee required by section 3.1 below.
- b. Except as otherwise provided immediately below, each municipal license shall be effective from January 1 until December 31 and shall be annually renewed upon the submission of an application and renewal fee provided all conditions and requirements of applicable State law and this ordinance are met. The Borough may, at its discretion, adjust the renewal date of the municipal approval to correlate with an applicant’s State licensing and renewal schedule.
    1. A new license shall be effective upon its issuance. If issued after January 1, then the license shall be in effect for its initial term until December 31 of the following calendar year.
  - c. Amendments to a letter of support or municipal license shall be permitted only to the extent otherwise authorized by the Act and CRC regulations. Such amendments shall be subject to the Borough Council’s approval, which shall not be unreasonably withheld, and also compliance with the provisions of all other applicable laws, regulations and ordinances, including but not limited to this ordinance and the “Borough of Stockton Zoning Ordinance of 1975,” as amended.

**§3 MUNICIPAL FEES.**

**§3.1 Application fee; annual licensing fee.**

- a. The application and annual fees for cannabis licenses in the Borough shall be as follows:

<u>Class of License</u>	<u>Application Fee</u> <u>(nonrefundable)</u>	<u>Annual Registration</u> <u>(License) Fee</u>
Class 5 Cannabis Retailer	\$5,000.00	\$10,000.00*

\* Following the first year a license is issued under this ordinance, the annual license fee shall automatically increase by the “Index Rate” as defined by N.J.S.A. 40A:11-2(38) and published by the New Jersey Department of Community Affairs on its website quarterly. The fee for each subsequent year shall be computed as of September 30 of the year before the annual license fee is due. The Borough shall confirm the applicable fee for the following January 1 to December 31 period on its website no later than October 31 of the prior year.

- b. The annual license fee shall be paid on or before January 1 and shall cover the time period from January 1 until December 31, except for the first year a license is issued, as more specifically set forth in section 2.4b.1 above.
- c. Licenses issued pursuant to this ordinance shall be personal to the licensee and shall not be transferable.

**§4 ENFORCEMENT, VIOLATIONS AND PENALTIES.**

**§4.1 Compliance with applicable laws, regulations, ordinances and approvals.**

Any person issued a license to operate a retail cannabis establishment pursuant to the authority granted under this ordinance shall fully comply with all relevant laws, regulations, ordinances and approvals granted under this ordinance.

**§4.2 Suspension, revocation or non-renewal of license.**

Any suspension, revocation or non-renewal of a CRC-issued license or permit for the operation of any cannabis business, or any adjudication of felony criminal guilt by the cannabis business or any of its principals, shall constitute an automatic revocation of a local license issued pursuant to this ordinance, at which time the operation shall immediately cease. A criminal conviction voids and prohibits any future reinstatement of a local license.

**§4.3 Violations and penalties.**

Any violation of the terms of this ordinance, of any condition of the license, or of any State, or local law, regulation or provision of any other Borough ordinance may result in the Borough Council's revocation of a license authorized under this ordinance, and may further subject the licensee to any applicable penalties, including but not limited to the general penalties set forth in Ordinance 24-09, "An Ordinance of the Borough of Stockton Establishing General Penalties and Fines for Violating Ordinances of the Borough of Stockton," as may be amended.

**§4.4 Enforcement.**

- a. The provisions of this ordinance shall be enforced by the New Jersey State Police or any other organization duly authorized to provide law enforcement services to the Borough, Borough zoning officer, Borough construction official and/or Borough health officer as appropriate based on the nature of the violation.
- b. Subject to the requirements and limitations of State law, the officers identified above shall have the reasonable right to inspect the premises of

any licensed cannabis establishment in the Borough during its regular hours of operation to ensure compliance with this and other applicable ordinances.

## **§5 LOCAL CANNABIS TRANSFER AND USER TAX.**

### **§5.1 Purpose.**

The purpose of this section of the Regulations is to implement the provisions of the Act, set forth at N.J.S.A. 40:48I-1, which authorize a municipality to impose transfer and user taxes on cannabis establishments.

### **§5.2 Definitions.**

All terms herein shall be defined as set forth in section 3 of the Act, as may be amended from time to time.

### **§5.3 Cannabis transfer tax.**

- a. All cannabis establishments operating in the Borough shall be subject to the following transfer tax on the sale of cannabis or cannabis related items:

Class 5 cannabis retailers: Two percent (2%) of the receipts from each sale of cannabis or cannabis items by (1) one cannabis establishment to another cannabis establishment and (2) a cannabis retailer to retail consumers.

- b. The transfer tax imposed pursuant to this section shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity with regard to cannabis, including but not limited any tax that may be required under the “Sales and Use Tax Act,” N.J.S.A. 54:32B-1 et seq.
- c. The transfer tax shall be collected or paid, and remitted to the Borough by the cannabis establishment purchasing or receiving the cannabis or cannabis item or selling the cannabis or cannabis item to a retail consumer. The transfer tax shall be stated, charged and shown separately on any sales slip, invoice, receipt or other statement or memorandum of the price paid or payable or equivalent value of the transfer for the cannabis or cannabis item.

### **§5.4 Cannabis user tax.**

- a. Any concurrent license holder operating more than one cannabis business shall be subject to a two percent (2%) user tax. The user tax shall be imposed on the value of each transfer or use of cannabis or cannabis items not otherwise subject to the transfer tax imposed pursuant to this ordinance, from the license holder's establishment that is located in the Borough to any

of the other license holder's establishments, whether located in the Borough or in another municipality.

- b. The user tax shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity with regard to cannabis, including but not limited any tax that may be required under the "Sales and Use Tax Act," N.J.S.A. 54:32B-1 et seq.
- c. The user tax shall be stated, charged and shown separately on any sales slip, invoice, receipt or other statement or memorandum of the price paid or payable or equivalent value of the transfer for the cannabis or cannabis item.

**§5.5 Collection of cannabis transfer and user tax.**

In accordance with the provisions of the Act:

- a. Every cannabis establishment required to collect the transfer and user taxes imposed by this ordinance shall be personally liable for the transfer and user tax imposed, collected, or required by this ordinance and the Act.
- b. Any cannabis establishment collecting a transfer tax or user tax shall have the same right with respect to collecting the tax from another cannabis establishment or the consumer as if the tax was a part of the sale and payable at the same time, or with respect to non-payment of the transfer tax or user tax by the cannabis establishment or consumer, as if the tax was part of the purchase price of the cannabis or cannabis item (or equivalent value of the transfer of the cannabis or cannabis item), and payable at the same time, provided that the Borough's Chief Financial Officer is joined as a party in any action or proceeding brought to collect the transfer tax or user tax.
- c. No cannabis establishment required to collect the transfer and user taxes imposed by this ordinance shall advertise or hold out to any person or to the public in general, in any manner, directly or indirectly, that the transfer tax or user tax will not be separately charged and stated to another cannabis establishment or the consumer or that the transfer tax or user tax will be refunded to the cannabis establishment or the consumer.

**§5.6 Remittance of cannabis taxes; delinquencies.**

- a. All revenues collected from the transfer tax and user tax imposed pursuant to this ordinance shall be remitted to the Borough's Chief Financial Officer on a quarterly basis.
- b. The Chief Financial Officer, or said officer's designee, shall enforce the payment of delinquent taxes or transfer fees imposed by this ordinance in the same manner as provided for municipal real property taxes.



- c. In the event that the transfer tax or user tax imposed by this ordinance is not paid as and when due by a cannabis establishment, the unpaid balance, and any interest accruing thereon, shall be a lien on the parcel of real property comprising the cannabis establishment's premises in the same manner as all other unpaid Borough taxes, fees, or other charges. The lien shall be superior and paramount to the interest in the parcel of any owner, lessee, tenant, mortgagee, or other person, except the lien of Borough taxes, and shall be on a parity with and deemed equal to the Borough lien on the parcel for unpaid property taxes due and owing in the same year.
- d. The Borough shall file in the office of its tax collector a statement showing the amount and due date of the unpaid balance of cannabis taxes and identifying the lot and block number of the parcel of real property that comprises the delinquent cannabis establishment's premises. The lien shall be enforced as a municipal lien in the same manner as all other municipal liens are enforced.
- e. No licensed cannabis establishment operating in the Borough shall be permitted to renew a license issued pursuant to this ordinance should any transfer or user tax imposed hereunder be delinquent.

#### **§5.7 Administration.**

- a. The Chief Financial Officer, or said officer's designee, is charged with the administration and enforcement of the provisions of this section, and is empowered to prescribe, adopt, promulgate and enforce rules and regulations relating to any matter pertaining to its proper administration and enforcement, including provisions for the reexamination and corrections of declarations and returns, and of payments alleged or found to be incorrect, or as to which an overpayment is claimed or found to have occurred, and to prescribe forms necessary for the administration of this section. Should a cannabis establishment fail or refuse to provide reasonably sufficient information to the Chief Financial Officer, or said officer's designee, to determine the amount of tax due, the Chief Financial Officer, or said officer's designee, may use information provided to the Chief Financial Officer, or said officer's designee, from other sources (i.e., the CRC or Department of Treasury) to determine the amount of tax liability.
- b. The cannabis establishment shall send a statement by mail or electronically to the Borough on or before the last day of each annual quarter or such other term as required by the State. The statement must contain an account of the amount of personal use cannabis or personal use cannabis items sold or transferred to consumers and/or cannabis establishments during the preceding quarter, setting out:

1. The total number of sources, including fractional ounces, sold or transferred;
  2. The quantity of personal use cannabis and cannabis items sold or transferred;
  3. If to a cannabis establishment, the cannabis establishment's licensing information;
  4. Such other information as may be necessary for the Borough to determine and verify the tax or fee due to the Borough.
- c. The cannabis retailer shall pay quarterly, or at such term set by the Borough, all taxes or fees, computed at the rates prescribed in this section, on the respective total quantities of the personal use cannabis sold or transferred during the preceding quarter or applicable period. The quarterly return shall be filed and the tax paid on or before the 15th day of the month to cover the preceding quarter. Failure to file the quarterly tax return and pay the applicable taxes on or before the 15th day of the month shall constitute a violation of this ordinance. The Chief Financial Officer, or said officer's designee, is hereby authorized to examine the books, papers, and records of any taxpayer to verify the accuracy of any declaration or return or, if no declaration or return was filed, to ascertain the tax due. Every taxpayer is hereby directed and required to give to the Chief Financial Officer, or to said officer's designee, the means, facilities and opportunity for such examinations and investigations as are hereby authorized. Such information will be made available within three days of being requested.

**6. Referral to Planning Board.** Following introduction and prior to adoption, the Clerk shall cause a copy of this ordinance to be referred to the Stockton Borough Planning Board for review pursuant to N.J.S.A. 40:55D-26.

**7. Repealer.** All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed.

**8. Severability.** If any section, paragraph, subsection, clause or provision of this ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall be valid and enforceable.

**9. Effective Date.** This ordinance shall take effect twenty days from the date of its adoption and upon filing with the Hunterdon County Planning Board, as required pursuant to N.J.S.A. 40:69A-181 and N.J.S.A. 40:55D-16.

Mayor Lipsen took the chair at this time.

**RESOLUTIONS**

Motion made by Hunt and seconded by Brown to approve Resolution 24-88.

Roll call: Brown, Fisher, Folz, Hunt, Kozuhowski, and Mann.

Ayes: 6

Nays: 0

Motion passes.

**RESOLUTION 24-88  
BUDGET TRANSFERS**

NO. 2024-88

ADOPTED: December 16, 2024

WHEREAS, N.J.S.A. 40A:4-58 allows for the transference of funds between current year appropriations, should it be deemed necessary, in the last two months of the fiscal year; and

WHEREAS, due to several appropriations having insufficient balances to meet demands for the remainder of the fiscal year, it has been deemed necessary to make several transfers at this time.

NOW, THEREFORE, BE IT RESOLVED, in accordance with the provisions of N.J.S.A. 40A:4-58, that the Chief Financial Officer is hereby authorized to make the transfers listed below:

**CURRENT**

From: Amount	To: Amount		
BUILDING & GROUNDS	4,800.00	LEGAL	2,000.00
	Clerk S&W 2,800.00		
Total	4,800.00	TOTAL	4,800.00

**WATER/SEWER UTILITY**

From: Amount	To: Amount		
WATER/SEWER O/E	4,000.00	WATER/SEWER S&W	4,000.00
Total	4,000.00	TOTAL	4,000.00

Motion made by Mann and seconded by Hunt to approve Resolution 24-89.

Brown thanked and commended Bob Ent on his work and invaluable help with this.

Roll call: Brown, Fisher, Folz, Hunt, Kozuhowski, and Mann.

Ayes: 6

Nays: 0

Motion passes.

**Stockton Borough Council  
Resolution #24- 89**

**AWARDING CONTRACT FOR NEW EMERGENCY GENERATOR  
FOR SEWER SYSTEM TO FOLEY, INC. UNDER STATE APPROVED  
COOPERATIVE PRICING SYSTEM #65MCECCPS ADMINISTERED BY  
THE EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY**

**WHEREAS**, the Borough of Stockton requires the purchase and installation of a new emergency generator for its sewer system; and

**WHEREAS**, the Borough has researched available goods and services from qualified vendors that would serve its needs, and has determined that the sought-after goods and services may be procured through New Jersey State Approved Cooperative Pricing System #65MCECCPS, administered by the Educational Services Commission of New Jersey (“ESCNJ”), pursuant to N.J.S.A. 40A:11-11; and

**WHEREAS**, ESCNJ has entered into a Cooperative Pricing Agreement with Foley, Inc., referred to as Bid Number #ESCNJ 22/23-46 (“Generator Equipment and Maintenance”), which is made available to local units through the above-referenced Cooperative Pricing System; and

**WHEREAS**, consistent with the ESCNJ Cooperative Pricing Agreement, Foley, Inc. submitted a proposal dated October 9, 2024, to the Borough to provide the goods and services for a sum not to exceed \$137,430.00; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-10 et seq., the Borough is a member of ESCNJ’s Cooperative Pricing System and is authorized to purchase goods and services without public bidding thereunder; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available for this purpose, as set forth in the attached certification.

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

1. The foregoing “Whereas” clauses are hereby incorporated as if fully restated.
2. A contract for the procurement and installation of an emergency generator for the Borough’s sewer system is hereby awarded to Foley, Inc. without public bidding as permitted by law, for the total not to exceed contract amount of \$137,430.00, as more fully set forth in the End User Agreement between the parties.

3. The Mayor and Clerk are hereby authorized and directed to execute the End User Agreement with Foley, Inc. in accordance with this Resolution.

Motion made by Kozuhowski and seconded by Mann to approve Resolution 24-90.

Discussion:

Kozuhowski stated he would like to add that this is a very key thing in regard to having local enforcement here. Having roadways protected is one of the biggest things in his tenure and added that noticing that if we have a strong enforcement arm the word will get out, and people will start to slow down.

Roll call: Brown, Fisher, Folz, Hunt, Kozuhowski, and Mann.

Ayes: 6

Nays: 0

Motion passes.

**Stockton Borough Council  
Resolution #24- 90  
AUTHORIZING EXTENSION OF SHARED SERVICES AGREEMENT  
WITH THE TOWNSHIP OF DELAWARE  
FOR THE PROVISION OF POLICE SERVICES  
PURSUANT TO N.J.S.A. 40A:65-1 et seq.**

**WHEREAS**, the “Uniform Shared Services and Consolidation Act,” N.J.S.A. 40A:65-1 through 40A:65-35 (the “Act”), authorizes local units of this State to enter into contracts with each other for the joint provision within their several jurisdictions of any service which any party to the agreement is empowered to render within its own jurisdiction; and

**WHEREAS**, the Borough of Stockton and Township of Delaware executed a Shared Police Services Agreement for the provision of supplementary traffic enforcement services to Stockton in effect from January 1, 2020 until December 31, 2024; and

**WHEREAS**, the Shared Police Services Agreement enables the parties to extend same for additional one (1) year terms; and

**WHEREAS**, at this time the Parties wish to extend the Shared Police Services Agreement for an additional term, from January 1, 2025 until December 31, 2025, subject to the same terms and conditions set forth in said Agreement.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Stockton, County of Hunterdon, State of New Jersey that the Shared Police Services Agreement between the Borough and Township of Delaware for the provision of supplementary traffic enforcement services to Stockton pursuant to N.J.S.A. 40A:65-1 et seq. is hereby extended for an additional one year term, from January 1, 2025 until December 31, 2025, consistent with the foregoing “Whereas” clauses.

**BE IT FURTHER RESOLVED** that the Shared Police Services Agreement, resolution, and other pertinent documents shall remain on file in the office of the Municipal Clerk.

**PAYMENT OF BILLS AND VOUCHERS**

Motion made by Folz and seconded by Hunt to approve Resolution 24-87.

Roll call: Brown, Fisher, Folz, Hunt, Kozuhowski, and Mann.

Ayes: 6

Nays: 0

Motion passes.

**Stockton Borough Council  
Resolution 2024-87**

**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 **\$109,138.01**

**MAYORS REPORT, BOROUGH COUNCIL COMMENTS & COMMITTEE REPORTS**

Mayor Lipsen stated that he would like to read a message from Chief Rick Hendricks related to the proclamation:

On behalf of the Stockton Fire Company. He would like to thank the Borough Council and the citizens of Stockton and the citizens of Delaware township for their support. For the last 116 years the fire service has been evolving over these hundreds of years and progressing for the betterment of fire service and betterment of the communities that it serves. On January 1<sup>st</sup>, 2025, the Stockton Fire Company and the Sergeantsville Volunteer Fire Company will merge into the Delaware Township Fire Company. Many of the members, including him, will be charter members of this new organization. They look forward to serving the community moving forward.

Mayor Lipsen thanked Chief Hendricks and the other firefighters as well as the auxiliary members that helped the community.

#### Committee Reports

##### Community Outreach:

Mann reported that they had a nice tree lighting and thanked Todd Ellis at Starving Artist for hosting and helping make it a successful event.

Mayor Lipsen thanked the Fire Company for hosting cookies, and tea afterward. Also thanked the volunteers who helped decorate and committee for putting up our holiday lights.

##### Mayors' report:

Mayor Lipsen thanked the Borough professionals, and in particular, the engineer for helping in getting two grants this month. The borough received an NJDOT grant for over \$140,000 for the repaving and resurfacing of Bridge Street and Railroad Avenues. Mayor Lipsen stated that we are going to have to find out if that's going to be enough to actually do the job. There may be a way that we can go back to get more funds. Mayor Lipsen added that he wasn't involved in this one, but wanted to thank the engineering company and our engineer Adam, for helping prepare the application for the open space grant from the county for the recreational grant, which Stockton was awarded and also received funding for the parking improvements in the Stockton Borough Playground Park.

#### **OPEN PUBLIC COMMENT FOR ITEMS ON THE AGENDA**

Mayor Lipsen opened the floor to public comment.

Eileen Foley reiterated her comments earlier and urge the council to carefully craft and protect its historic sites in regard to the cannabis ordinance. Stated that she hopes that steps are being taken that its located and designed to minimize impact on the local community and the parks. Asked to revisit the ordinance to add a few other things.

Hearing no other members of the public speak up, Mayor Lipsen closed the floor to public comment.

#### **ACTION ON ITEMS FROM EXECUTIVE SESSION**

**No action is being taken.**

#### **NEXT MEETING**

January 6, 2025

#### **ADJOURNMENT**

Before adjourning the meeting Mayor Lipsen turned the meeting chair over to Councilperson Kozuhowski.

Kozuhowski thanked the mayor and stated that first and foremost he would like to say that he is humbled by the kind words Mayor Lipsen said earlier with the proclamation, added that it was not

expected, and caught him off guard. Secondly, he stated that he would like to thank the residents of Stockton borough for the opportunity to allow him to serve them and stated that even though he will not be officially on the ballot or your councilperson, his door is always open. If anybody would like, feel free to give him a call. Kozuhowski added that he would share a cup of coffee or maybe go down to the Stockton Inn and grab a cocktail. It's been a fun ride and appreciates the trust and everything you guys did.

At this time Kozuhowski called for a motion to adjourn.

Motion made by Hunt and seconded by Kozuhowski, to adjourn the meeting, all were in favor.

The meeting adjourned at 8:23 PM.

*Laurie A. Courter*

---

Laurie A. Courter, Borough Clerk