

**BOROUGH OF NETCONG  
MAYOR AND COUNCIL MEETING  
MARCH 14, 2024**

MINUTES OF THE MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF NETCONG HELD MARCH 14, 2024 AT THE NETCONG MUNICIPAL BUILDING, 23 MAPLE AVENUE, NETCONG, NEW JERSEY COMMENCING AT 7:30 PM.

The meeting was called to order by Mayor Still at 7:30 PM.

**PLEDGE OF ALLEGIANCE**

**STATEMENT OF OPEN PUBLIC MEETINGS ACT**

The Borough Clerk read the following statement:  
Adequate notice of this meeting as defined by the Open Public Meetings Act has been provided by:

1. Posting a notice of said meeting in the space provided for  
Such announcements at the Borough Hall on January 5, 2024.
2. Publishing a notice in the Daily Record, the official newspaper  
of the Borough of Netcong on January 10, 2024 and emailing a  
copy to the Star Ledger on January 5, 2024.

**ROLL CALL**

Those in attendance this evening were Councilman Albensi, Councilman Hathaway, Councilman Laureys, Councilman Morton, Councilman Nametko, Councilman Sylvester and Mayor Still. Also present was Mr. Blakeslee, Borough Administrator and Mrs. Eckert, Borough Clerk

**APPROVAL OF MINUTES**

None presented.

**PUBLIC PORTION OF MEETING**

Mr. Andrew Mansbach and Mr. Joaquin Cajiao, 120 Allen Street, reported a water issue coming down the hill from their property. They put in French drains and sump pumps. However, recently, they are having water again. They feel something has changed. He gave details on the water issues to their property. The mayor stated we have had many more major storms than normal. They are requesting the borough engineer come to assess the situation. They brought pictures for the record to show the issue. Councilman Sylvester stated the water does pool at 108 Allen St. Councilman Sylvester stated this area was originally a baseball field. He gave further detail on this issue. Mr. Mansbach gave further detail on this issue. Councilman Nametko stated there were at least 2

contractors on Koclas Dr. putting in French drains as well. Councilman Sylvester stated this is similar to what is going on with Mr. Rush's home. Something has changed in this area. There was discussion on whether the storm drains are working properly. It was decided that is not the issue. The mayor stated the borough will look into this issue. They thanked the Council for their time.

A Motion to Close the Meeting to the Public was made by Councilman Nametko and seconded by Councilman Hathaway.  
Roll: 6 Yes

### **PRESENTATION**

Mr. Dave Vozza, Vozza Agency  
General Insurance and Volunteer Coverage Matters

Mr. Vozza stepped forward to give his power point presentation. He described his staff that works with the borough. He also provided details on the Joint Insurance Fund of which the borough is a member. He then discussed the coverage for borough volunteers. He explained if a volunteer has an accident while on a borough call, the volunteer's insurance will come first, then the JIF will provide up to \$2500.00 toward the volunteer's deductible. Councilman Sylvester had a question about the use of a personal vehicle on a call. Mr. Vozza explained the details of this. Councilman Sylvester had further questions on this issue. He feels a volunteer who gives of their time should not have to pay for an accident that happened while on a call. Mr. Vozza explained the insurance is only for emergency services, not other volunteers. Mr. Vozza stated there is some risk involved when doing volunteer work. Councilman Hathaway asked if other municipalities have this concern. He also asked if there is a work around for this. Mr. Vozza stated there is not at this time. There was discussion among the Council and administrator on this issue. It was considered to have a self-insured line item in the budget to cover these types of costs. Councilman Sylvester's concern is that the volunteer's insurance company will raise the rates for several years to cover the costs of the claim. Councilman Sylvester does not like the answer to this. Mr. Vozza stated he will look into this, but at this time he is not aware of a solution. Councilman Sylvester feels once the personal vehicle is on a call that vehicle is now a town vehicle. Mr. Vozza suggested this be introduced to the JIF. Mr. Vozza explained the extra coverage provided for emergency volunteers. He also gave detail on workers compensation coverage. There are also accidental death benefits. He gave details on disability insurance as well. He gave a listing of all people and events that are covered under this insurance. There were no further questions from the Council on the insurance coverage. The Council thanked Mr. Vozza for his time.

### **PUBLIC HEARING ON THE SID COST ESTIMATE**

No public came forward. A Motion to close the public hearing was made by Councilman Nametko and seconded by Councilman Sylvester.  
Roll Call: 5 Yes      No: Councilman Laureys

Councilman Laureys commented on this issue. He detailed his reasons for not agreeing with the SID. He has been opposing this issue for 10 years. He feels we need to represent the people for what they want, not what the Council wants. He is requesting another survey to see if the business members want the SID. Councilman Sylvester asked if the charter of that organization allows them to disband themselves. It was stated they can if they want to. Councilman Hathaway had a response to Councilman Laureys comments. He described some of the benefits the SID provides to the residents of the borough provided by the businesses included in the SID. Councilman Laureys gave his rebuttal to Councilman Hathaway's comments. Councilman Nametko stated he was at the meeting of the businesses at the Knights of Columbus and the vote was a clear win for the SID. The mayor called for order for and the time to move on.

**Resolution #2024-46** - Resolution to Approve the 2024 Cost Estimate for the Borough's Special Improvement District.

A Motion to approve resolution #2024-46 was made by Councilman Nametko and seconded by Councilman Hathaway.  
Roll Call: 5 Yes      No: Councilman Laureys

### **ORDINANCE ADOPTIONS**

1.      **Ordinance 2024-4-** AN ORDINANCE TO AMEND CHAPTER 157 "FIRE PREVENTION" OF THE CODE OF THE BOROUGH OF NETCONG.

A Motion to Read Ordinance 2024-4 - by Title Only on Second Reading and a Hearing Held Thereon by Councilman Sylvester and seconded by Councilman Albensi.  
Roll Call: 6 Yes

Mrs. Michelle Franci Ruocco, 39-41 Main Street/75-77 Main Street, wanted to make a statement regarding the NCP. The Council advised her that this should be discussed later during the general public session.

A Motion to Close Public Hearing was made by Councilman Nametko and seconded by Councilman Sylvester.  
Roll Call: 6 Yes

A Motion to Adopt Ordinance #2024-4 was made by Councilman Sylvester and seconded by Councilman Albensi.  
Roll Call: 6 Yes

2.      **Ordinance 2024-5-** AN ORDINANCE TO AMEND CHAPTER 238 "SEWERS" OF THE CODE OF THE BOROUGH OF NETCONG AND REGULATING GREASE TRAP MAINTENANCE

A Motion to Read Ordinance 2024-5 - by Title Only on Second Reading and a Hearing Held Thereon was made by Councilman Albensi and seconded by Councilman Hathaway.

Roll Call: 6 Yes

A Motion to Close Public Hearing was made by Councilman Albensi and seconded by Councilman Hathaway.

Roll Call: 6 Yes

A Motion to Adopt Ordinance #2024-5 was made by Councilman Albensi and seconded by Councilman Hathaway.

Roll Call: 6 Yes

3. **Ordinance 2024-6-** AN ORDINANCE AMENDING CHAPTER 246 OF THE CODE OF THE BOROUGH OF NETCONG AND ESTABLISHING TREE REMOVAL AND REPLACEMENT REQUIREMENTS

Motion to Read Ordinance 2024-6 - by Title Only on Second Reading and a Hearing Held Thereon was made by Councilman Sylvester and seconded by Councilman Hathaway.  
Roll Call: 6 Yes

A Motion to Close Public Hearing was made by Councilman Hathaway and seconded by Councilman Albensi.

Roll Call: 6 Yes

Councilman Laureys made a comment on this ordinance. He is opposed to these state mandates.

A Motion to Adopt Ordinance #2024-6 was made by Councilman Sylvester and seconded by Councilman Hathaway.

Roll Call: 6 Yes

4. **Ordinance 2024-7-** AN ORDINANCE AUTHORIZING THE POLICE CHIEF TO EXECUTE AN APPLICATION FOR A CHARITABLE SOLICITATION PERMIT FOR AMERICAN LEGION AMBULANCE CORP OF STANHOPE/NETCONG'S "COIN DROP" ON JUNE 7<sup>TH</sup>, JUNE 8<sup>TH</sup> 2024 AND ON SEPTEMBER 20<sup>TH</sup>, AND SEPTEMBER 21<sup>ST</sup> 2024 AT THE INTERSECTIONS OF ALLEN STREET AND LEDGEWOOD AVENUE AND MAIN STREET AND ROUTE 46 IN THE BOROUGH OF NETCONG, COUNTY OF MORRIS, STATE OF NEW JERSEY

A Motion to Read Ordinance 2024-7 - by Title Only on Second Reading and a Hearing Held Thereon was made by Councilman Sylvester and seconded by Councilman Laureys.  
Roll Call: 6 Yes

A Motion to Close Public Hearing was made by Councilman Nametko and seconded by Councilman Albensi.

Roll Call: 6 Yes

A Motion to Adopt Bond Ordinance #2024-7 was made by Councilman Albensi and seconded by Councilman Laureys.  
Roll Call: 6 Yes

### **CORRESPONDENCE**

None presented.

### **BOROUGH ADMINISTRATOR REPORT**

The Borough Administrator had nothing additional to add to his report.

### **COMMITTEE REPORTS**

Finance & Insurance:                      J. Nametko                      J. Sylvester

Councilman Nametko read the finance report. There was a finance committee meeting and the budget will be introduced next month.

For the month of February 2023, the Borough had a total income in the amount of \$2,505,006.46 as compared to \$1,989,754.94

For the month of February 2024:

Miscellaneous Revenue Not Anticipated (MRNA):

In 2024 the Borough received \$16,015.75 compared to \$7,209.65 in 2023.

Other Licenses/Borough Clerk's Fees:

The Borough received \$34,586.83 in 2024 compared to \$28,710.33 in 2023.

State Aid:

There was no state aid in either 2023 or 2024.

Grants in Aid:

There was \$129,353.32 received in Grants in Aid for 2024 and \$4,268.93 in 2023.

Taxes Collected:

The Borough collected \$2,290,623.23 in 2024 compared to \$1,933,841.59 in 2023.

Water and Sewer Utility:

The Borough collected \$20,522.40 in 2024 compared to \$15,454.44 in 2023.

Solid Waste Utility:

There was \$13,904.93 collected this past month.

Total Current Fund Year to Date:

The total Current Fund Income Year to date for 2024 is \$2,994,736.87 as opposed to \$2,887,826.90 in 2023.

Total Water and Sewer Utility to Date:

The total Water and Sewer Utility Income Year to date for 2024 is \$ 76,420.57 as opposed to \$70,336.06 collected in 2023.

Total Solid Waste Utility to Date:

The Solid Waste Utility collected Year to date is \$68,126.95.

Economic Development:      R. Hathaway      J. Nametko

- Councilman Hathaway reported that they will be considering the financial agreement for the St. Michaels project tonight.
- There is nothing new with Shop Rite at this time. There was brief discussion on this project among the Council.
- Rock Solid will go to the planning board at the next meeting.

Public Safety:      J. Sylvester      T. Laureys  
(Police, Fire, Rescue)

Councilman Sylvester read the fire department, fire prevention, police and ambulance reports. The Police had an unusual number of domestic calls.

Ambulance Corps

Total Calls: 83

Total Patients: 64

Total Hospital Trips: 48

Miles Traveled: 1533

Hours Volunteered 312 hrs. 11 min.

Netcong Fire Department for the month of January, 2024

Total Calls: 11

General Alarms: 5

Mutual Aid: 6

Total Members: 28

Time Volunteered: 111 Hours 39 Minutes

Drills: 4

Total Members: 34

Time Volunteered: 147 Hours 30 Minutes

Administrative Details: 6

Total Members: 41

Time Volunteered: 92 Hours 30 Minutes

Monthly Total:

41 Members

351 Hours 39 Minutes

Netcong Fire Prevention

Total Inspections: 52

Total Violations: 68

Permits Issued: 3

Penalties Issued: 5

Penalty Money Collected: \$824

Admin: 1

Police Department

Traffic Enforce/Stop: 105

Building/Property check: 103

Administrative Duties: 84

Total calls for service: January- 424

February: 715

Dept. of Public

Works & Utilities:

J. Albensi

R. Hathaway

Councilman Albensi provided information regarding DiRenzo Park Playground. He thanked the DPW for their work on demolishing the old playground. He asked Mr. Hess to come forward to give a report on Well #1. Mr. Hess gave detail on the issues with the well and the steps taken to improve its function. He has been in contact with our engineer and hydro geologist to work on this issue. The Council thanked Mr. Hess.

**Road Department:** Patched pot holes around town.... Started cleaning and inspecting storm drains.... Continued Christmas tree pick up

**Water Department:** Performed February water meter readings.... Performed multiple mark out requests. Installed new water service at 1 Olive St

**Sewer Department:** Cleared sewer back up at CSS on Love Lane

**Buildings & Grounds:** Started Direnzo Park playground removal

Recreation:

T. Morton

J. Albensi

- Councilman Morton reported that the Recreation Committee held the ST. Patrick Pancake breakfast which went "very well."
- New playground equipment has arrived today
- The Easter Egg hunt has been moved to Sunday; March 24 due to an issue with the Netcong School schedule.

Public Services:

T. Laureys

T. Morton

(Human Services

Recycling & Solid

Waste Disposal

Councilman Laureys read the Dial A Ride and Recycle reports.

Dial a Ride: February

- Days of Service: 20
- Miles: 1028
- # of Stops: 70
- Nutrition for one person: 11
- Food Shopping: 42
- # of Meals on Wheels: 10
- Medical Appointments: 42
- Other Appointments: 26
- People Using Service: 30
- Cancells: 11
- Denials: 0
- Units: 179
- Hours: 85

#### Recycling Report:

- For the month of February there was 62.61 tons of Garbage picked up in town. That includes 31 Bulk items that were also picked up during the month.
- There was a total of 6.49 tons of recycling removed from the recycling center.
- We had approximately 22 tons of recycling picked up from residents.

#### **OLD BUSINESS**

None presented.

#### **NEW BUSINESS**

##### 1. Stefano Polo- Cannabis Dispensary – Route 206

Mr. Polo, 49 Church St., stepped up to notify the Council he would like to open up a second cannabis dispensary. His proposal is to split the building on Rt. 206 so half of the building would be a food establishment and the other half the cannabis dispensary. Councilman Sylvester asked if this property is included in the cannabis zoning ordinance. He is not happy that this area is included in this ordinance. There was discussion among the Council on the locations allowed in this zone. Councilman Hathaway stated there are 12 conditions needed for this dispensary. Mr. Polo explained he contacted the state on the issue of this dispensary being established next to a food service location. Councilman Hathaway stated this should be reviewed by the zoning ordinance. Mr. Blakeslee stated his interpretation of the current ordinance does not allow this type of operation. There was further discussion among the Council on this issue. The mayor asked Mr. Blakeslee to produce a report regarding this discussion. Mr. Polo stated he is only requesting a small shop. There was further discussion among the Council on this issue.

#### **PRIVILEGE OF THE FLOOR TO THE COUNCIL**

The Council President had nothing to report at this time.

Councilman Nametko commented on the flooding in town.

### **MAYOR'S COMMENTS**

Mayor Still thanked Councilman Albensi and Councilman Morton for talking with Assemblyman Inganamort at the pancake breakfast.

### **RESOLUTIONS**

1.     **Resolution 2024-47-** To Redeem Tax Sale Certificate 23-00002

A Motion was made by Councilman Sylvester and seconded by Councilman Albensi to approve this resolution.

Roll Call: 6 Yes

2.     **Resolution 2024 – 48 -**To Appoint Dominic R. Hink as Probationary Police Officer for the Borough of Netcong Police Department

A Motion was made by Councilman Sylvester and seconded by Councilman Albensi to approve this resolution.

Roll Call: 6 Yes

3.     **Resolution 2024 - 49 –** To Appoint Therese dePierro, as Part Time Tax Assessor.

A Motion was made by Councilman Sylvester and seconded by Councilman Albensi to approve this resolution.

Roll Call: 6 Yes

4.     **Resolution 2024 - 50 -** A Resolution Awarding the Bid for The Drenzo Park Playground Floor and Installation to Z-Tech Contracting

A Motion was made by Councilman Sylvester and seconded by Councilman Albensi to approve this resolution.

Roll Call: 6 Yes

5.     **Resolution 2024-51 -** A Resolution Authorizing the Award of a Professional Services Agreement for Auction Marketing Services to Max Spann R.E. & Auction Co.

A Motion was made by Councilman Sylvester and seconded by Councilman Albensi to approve this resolution.

Roll Call: 6 Yes

## **ORDINANCE INTRODUCTIONS**

**1. Ordinance 2024-8-** AN ORDINANCE AUTHORIZING THE CHIEF OF POLICE TO EXECUTE AN APPLICATION FOR A CHARITABLE SOLICITATION PERMIT FOR NETCONG VOLUNTEER FIRE COMPANY NO. 1's "COIN DROP" ON MEMORIAL DAY WEEKEND AND COLUMBUS DAY WEEKEND AT THE INTERSECTIONS OF ALLEN STREET AND LEDGEWOOD AVENUE AND MAIN STREET AND ROUTE 46 AND ROUTE 183 IN THE BOROUGH OF NETCONG, COUNTY OF MORRIS, STATE OF NEW JERSEY

A Motion to Introduce Ordinance #2024-08- and Read by Title Only was made by Councilman Laureys and seconded by Councilman Albensi.  
Roll Call: 6 Yes

A Motion to Pass Ordinance #2024-08- on First Reading was made by Councilman Laureys and seconded by Councilman Albensi.  
Roll Call: 6 Yes

**2. Ordinance 2024-9-** AN ORDINANCE TO AMEND CHAPTER 54 "POLICE DEPARTMENT" OF THE CODE OF THE BOROUGH OF NETCONG AMENDING PROCEDURES FOR HIRING AND PROMOTIONS IN THE POLICE DEPARTMENT

A Motion to Introduce Ordinance #2024-09- and Read by Title Only was made by Councilman Morton and was seconded by Councilman Albensi.  
Roll Call: 6 Yes

A Motion to Pass Ordinance #2024-09- on First Reading was made by Councilman Sylvester and seconded by Councilman Hathaway.  
Roll Call: 6 Yes

**3. Bond Ordinance 2024-10-** BOND ORDINANCE TO AMEND SECTION 8 OF THE BOND ORDINANCE (ORD. NO. 2023-4) ENTITLED: "BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF A NEW PUMPER FIRE ENGINE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF NETCONG, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$900,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS," ADOPTED MARCH 9, 2023.

A Motion to Introduce Ordinance #2024-10 and Read by Title Only was made by Councilman Nametko and seconded by Councilman Hathaway.  
Roll Call: 6 Yes

A Motion to Pass Bond Ordinance #2024-10- on First Reading was made by Councilman Sylvester and seconded by Councilman Nametko.  
Roll Call: 6 Yes

**4. Ordinance 2024-11-** ORDINANCE OF THE BOROUGH OF NETCONG, COUNTY OF MORRIS AND STATE OF NEW JERSEY AUTHORIZING AND APPROVING A FINANCIAL AGREEMENT BETWEEN THE BOROUGH OF NETCONG AND MOUNTAIN VIEW AT NETCONG URBAN RENEWAL LLC, FOR PROPERTY DESIGNATED ON THE MUNICIPAL TAX MAP AS BLOCK 26, LOT 6 AND A PORTION OF BLOCK 26, LOT 10, COMMONLY KNOWN AS 10 CHURCH STREET, PURSUANT TO THE LONG-TERM TAX EXEMPTION LAW FOUND AT N.J.S.A. 40A:20-1 et seq.

A Motion to Introduce Ordinance #2024-11- and Read by Title Only was made by Councilman Hathaway and seconded by Councilman Nametko.  
Roll Call: 4 Yes      No: Councilmen Laureys, Morton and Sylvester

Motion to Pass Ordinance #2024-11- on First Reading was made by Councilman Nametko and seconded by Councilman Hathaway.  
Roll Call: 4 Yes      No: Councilmen Laureys, Morton and Sylvester

**5. Ordinance 2024-12-** AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN PROPERTY OWNED BY THE BOROUGH OF NETCONG, MORRIS COUNTY, NEW JERSEY, NOT REQUIRED FOR PUBLIC PURPOSES PURSUANT TO N.J.S.A. 40A:12-13, ET SEQ.

A Motion to Introduce Ordinance #2024-12- and Read by Title Only was made by Councilman Laureys and seconded by Councilman Morton.  
Roll Call: 6 Yes

A Motion to Pass Ordinance #2024-12- on First Reading was made by Councilman Albensi and seconded by Councilman Hathaway.  
Roll Call: 6 Yes

### **REPORTS**

A Motion to Incorporate All Reports into the Minutes was made by Councilman Albensi and seconded by Councilman Nametko.  
Roll Call: 6 Yes

### **BILLS**

A Motion to Pay All Bills When Funds are Available was made by Councilman Nametko and seconded by Councilman Laureys.

Roll Call: 6 Yes

### ***PUBLIC PORTION OF MEETING***

Mrs. Michele Franci Ruocco, 39-41 Main St., is a trustee of the NCP. It is not the NCP of 10 years ago. It is vitally important because they are the bridge between the business and the community. They are trying to encourage the public to come to the monthly NCP meetings. She explained it is not socialist it is democratic. There are many changes going on in the borough, the public does not understand what is happening. She gave further detail on all the good things the NCP does. She is concerned about residents who are spreading misinformation on social media. She would love to sit down with Councilman Laureys to discuss these issues. Councilman Laureys thanked her for her time. He gave comments as a rebuttal. He is requesting the NCP do another survey at this time. Mrs. Franci Ruocco repeated her offer to get together with people in opposition of the NCP and thanked the Council for their time.

A Motion to Close the Meeting to the Public was made by Councilman Sylvester and seconded by Councilman Albensi.

Roll Call: 6 Yes

### **CLOSED SESSION**

None this evening.

### **ADJOURNMENT**

A Motion to Adjourn the Meeting was made by Councilman Hathaway and seconded by Councilman Albensi at 9:02PM. It was passed with a unanimous voice vote.

Respectfully Submitted,

\_\_\_\_\_  
Cynthia Eckert, Borough Clerk

**ORDINANCE NO. 2024-4**

**AN ORDINANCE TO AMEND CHAPTER 157 "FIRE PREVENTION" OF THE CODE  
OF THE BOROUGH OF NETCONG.**

**BE IT ORDAINED**, by the Borough Council of the Borough of Netcong, in the County of Morris, and State of New Jersey, as follows:

**SECTION 1.** Chapter 157 of the Revised General Ordinances of the Borough of Netcong, Article I, "Fire Prevention" is hereby amended by the inclusion of new Section 157-8 which shall be entitled "Certificate of Smoke Alarm, Carbon Monoxide Alarm, and Portable Fire Extinguisher Compliance" and shall read, in its entirety, as follows:

§ 157-8 Certificate of Smoke Alarm, Carbon Monoxide Alarm, and Portable Fire Extinguisher Compliance

Certificates Required. Before any one- and two-family or attached single family structure (Use Group R-3, R-4, or R-5), or portion thereof, that is sold, leased, or otherwise made subject to a change of occupancy for residential purposes shall have a certificate of smoke alarm, carbon monoxide alarm, and portable fire extinguisher compliance (CSACMAPFEC) obtained by the owner prior to said change of occupancy in accordance with N.J.A.C. 5:70-2.3 which evidences compliance with N.J.A.C. 5:70-4.19.

**A. Fire and Life Safety Systems Within Residential Premises.** The following requirements shall be applicable to and satisfied by applicants for a CSACMAPFEC prior to the issuance of a certificate of compliance.

1. Smoke alarms. Smoke alarms shall be maintained in accordance with NFPA 72, their listing, and manufacturer specifications. Smoke alarms shall be located as specified in N.J.A.C. 5:70-4.19. Smoke alarms located and maintained in accordance with approvals contingent with a certificate of occupancy issued in accordance with the State Uniform Construction Code Act that concurrently satisfy the requirements of N.J.A.C. 5:70-4.19 shall also satisfy this section.

2. Carbon monoxide alarms. Carbon monoxide alarms shall be maintained in accordance with NFPA 720, their listing, and manufacturer specifications. Carbon monoxide alarms shall be located as specified in N.J.A.C. 5:70-4.19. Carbon monoxide alarms located and maintained in accordance with approvals contingent with a certificate of occupancy issued in accordance with the State Uniform Construction Code Act that concurrently satisfy the requirements of N.J.A.C. 5:70-4.19 shall also satisfy this section.

3. Portable fire extinguishers. A portable fire extinguisher shall be installed and maintained in accordance with N.J.A.C. 5:70-4.19(e).

4. Fire alarm systems. Residential premises that contain installed fire alarm systems as defined in the Uniform Construction Code may be required to submit

documentation of testing and maintenance evidencing that the system is maintained in good working order prior to the issuance of a CSACMAPFEC. The Fire Official and his/her designee shall assure such documentation meets or exceeds the criteria contained within NFPA 72. Fire alarm systems may only be substituted for requirements of N.J.A.C. 5:70-4.19 when installed in accordance with the State Uniform Construction Code Act and when received a proper certificate of approval or been installed prior to the receipt of a certificate of occupancy.

- B. **Certificate of Compliance.** In the case of a change of occupancy of any Use Group R-3, R-4, or R-5 building or portion thereof subject to the requirements of Subsection 157-8A of this section, no owner shall sell, lease or otherwise permit occupancy for residential purposes of that building without first obtaining a certificate evidencing compliance with this section. Where a certificate of occupancy is required under the land development chapter or other General Ordinances of the Borough, it shall not be issued prior to the time the owner obtains the certificate of compliance.
- C. **Inspections.** The Fire Official of the Bureau of Fire Prevention and duly appointed Inspectors are hereby empowered to conduct the necessary inspections and to issue certificates of compliance as contemplated herein.
- D. **Fees.** A fee of \$65 shall be paid by the owner prior to each inspection provided the inspection is requested at least ten (10) days prior to the change of occupancy or ownership. If the inspection is requested within 10 days of the change of occupancy or ownership, a fee of \$125 shall be paid. If the inspection is requested within four days of the change of occupancy or ownership, a fee of \$150 shall be paid.

**SECTION 2.** Chapter 157 of the Revised General Ordinances of the Borough of Netcong, "Fire Prevention", Section 157-10, "Enforcement, Violations, and Penalties" is hereby amended to read, in its entirety, as follows:

**§ 157-10 Enforcement; violations and penalties.**

- A. **Authority to enforce.** The Netcong Borough Bureau of Fire Prevention shall be the enforcing agency of this chapter.
- B. **Violations.** Each violation shall constitute a separate and distinct offense independent of the violation of any other section. Each day of violation shall constitute an additional, separate, and distinct offense.
- C. **Penalties.** Penalties will be enforced as per N.J.A.C. 5:70-2 unless otherwise noted below.

(1) Violation of § 157-3, Non-life-hazard use inspection fees. Any person violating

any of the provisions of this section shall, for each offense, be subject to a fine of double the amount of the applicable non-life-hazard use inspection fee.

(2) Violation of § 157-6, Fire alarm systems. Any person violating any provisions of § 157-13B and C shall, for each offense, be subject to a fine of not less than \$1,000. Any person violating any of the provisions of § 157-13D shall, for each offense, be subject to a fine of not less than \$100.

(3) Violation of § 157-7, Open burning . Any person violating any of the provisions of this section shall, for each offense, be subject to a fine of not less than \$1,000.

(4) Violation of § 157-8, Certificate of Smoke Alarm, Carbon Monoxide Alarm, and Portable Fire Extinguisher Compliance. Any person violating any of the provisions of this section shall, for each offense, be subject to a fine of not less than \$500.

D. Appeals. Pursuant to the Uniform Fire Safety Act, any person aggrieved by any order of the local enforcement agency shall have the right to appeal within 15 days to the Construction Board of Appeals of the County of Morris.

**SECTION 3.** This Ordinance may be renumbered for codification purposes.

**SECTION 4.** All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

**SECTION 5.** In the event that any section, part or provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

**SECTION 6.** This Ordinance shall take effect upon final passage and publication as required by law.

NOTICE IS HEREBY GIVEN, that the foregoing Ordinance was introduced in writing at a meeting of the Borough Council of the Borough of Netcong, County of Morris and State of New Jersey, held on the 8<sup>th</sup> day of February, 2024, introduced and read by title and passed on the first reading and that the said Governing Body will further consider the same for second reading and final passage thereon at a meeting to be held on the 14th date of March 2024 at 7:30 p.m., prevailing time, at the Municipal Building in said Borough, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens in interest shall have an opportunity to be heard concerning same.

**ATTEST:**

\_\_\_\_\_  
Cynthia Eckert, Borough Clerk

By: \_\_\_\_\_

Elmer Still, Mayor

**ORDINANCE NO. 2024-5**

**AN ORDINANCE TO AMEND CHAPTER 238 "SEWERS" OF THE CODE OF THE  
BOROUGH OF NETCONG AND REGULATING GREASE TRAP MAINTENANCE**

**BE IT ORDAINED**, by the Borough Council of the Borough of Netcong, in the County of Morris, and State of New Jersey, as follows:

**SECTION 1.** Chapter 238 of the Revised General Ordinances of the Borough of Netcong, Sewers, Section 238-5, "Use of Sewers", shall be amended by the inclusion of a new subsection I. which shall read, in its entirety, as follows:

**I. Grease Trap Maintenance.**

1. Definitions. As used in this section, the following terms shall have the meanings indicated:

**FOG (FAT, OIL, GREASE)**

Liquid waste that contains animal or vegetable fat, oil and grease originating as a by-product of cooking or food preparation processes, including food scraps, meat fats, lard, sauces, cooking oil, butter and margarine, that may impair the operation of the sanitary sewer system.

**GREASE TRAP**

Shall be given its normal definition in the retail food industry. A device used to collect oil and grease at the entrance of the wastewater pipe system and preventing the oil and grease from traveling through the wastewater pipe system and preventing the oil and grease from traveling through the wastewater pipes into the wastewater system of the Borough. A grease trap must be installed in such a manner as to facilitate easy inspection and cleaning.

**RETAIL FOOD ESTABLISHMENT**

Shall be given its normal definition in the industry. A retail food establishment includes all retail businesses which process and/or serve food and food products and is also defined by Chapter 24 of the Retail Food Code of New Jersey.

2. Maintenance of grease traps.

- (a) Retail food establishment operators shall maintain all grease traps to assure proper operation and efficiency. Maintenance of grease traps shall include the complete removal of all contents, including floating materials, wastewater, bottom sludge, and solids. The decanting or discharging of removed waste back into the trap from which it was removed or any other grease trap, for the purpose of reducing the volume to be disposed, is prohibited. Grease traps must be maintained to ensure that they are never allowed to reach more than  $\frac{3}{4}$  of their capacity. The grease trap must be cleaned completely at a minimum of every three months, or more frequently as needed to prevent carryover of FOGs into the sanitary sewer system. The traps are to be cleaned by a professional service at a minimum biannually and a report from the company of any issues or overall condition of the grease trap must be submitted to the Borough Administrator and Superintendent of Public Works.

- (b) The waste material from the grease trap must be discarded in accordance with applicable state, county, and local regulations. Retail food establishment operators shall be

responsible, after cleaning the grease trap, to have the contents of the grease trap removed by a private waste hauler firm hired by the food establishment. In no way shall the waste material removed from the grease trap be returned to any private or public portion of the Borough's sanitary sewer system

(c) Maintenance log; records retention.

(i) The retail food establishment shall insure that a grease trap maintenance log is maintained on premises for inspection by the Health Officer or designee. Such log shall be maintained conspicuously on a wall in the vicinity of the service area. The maintenance log shall be maintained for 24 months from the maintenance date, noting the name of the waste hauler, address, phone number, date waste was removed and volume (in gallons) that was removed from the premises.

(ii) No retail food establishment will be issued a renewal license to operate within the Borough without presenting a copy of an updated maintenance log to the Health Department with the license application, except those establishments which sell packaged goods and/or do not produce products that require a grease trap.

**SECTION 2.** This Ordinance may be renumbered for codification purposes.

**SECTION 3.** All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

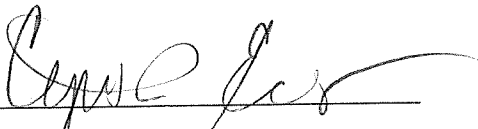
**SECTION 4.** In the event that any section, part or provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.


**SECTION 5.** This Ordinance shall take effect upon final passage and publication as required by law.

NOTICE IS HEREBY GIVEN, that the foregoing Ordinance was introduced in writing at a meeting of the Borough Council of the Borough of Netcong, County of Morris and State of New Jersey, held on the 8th day of February 2024, introduced and read by title and passed on the first reading and that the said Governing Body will further consider the same for second reading and final passage thereon at a meeting to be held on the 14th date of March 2024 at 7:30 p.m., prevailing time, at the Municipal Building in said Borough, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens in interest shall have an opportunity to be heard concerning same.

**BOROUGH OF  
NETCONG COUNTY  
OF MORRIS STATE OF  
NEW JERSEY**

**ATTEST:**

  
Cynthia Eckert, Borough Clerk

By:   
Elmer Still, Mayor

**BOROUGH OF NETCONG**

**ORDINANCE NO. 2024 - 6**

**AN ORDINANCE AMENDING CHAPTER 246 OF THE CODE OF THE  
BOROUGH OF NETCONG AND ESTABLISHING TREE REMOVAL  
AND REPLACEMENT REQUIREMENTS**

**BE IT ORDAINED** by the Borough Council of the Borough of Netcong, in the County of Morris and State of New Jersey, as follows:

**Section 1.** Chapter 246, "Stormwater Control", of the Revised General Ordinances of the Borough of Netcong, shall be amended by the inclusion of new Article III "Tree Removal and Replacement" which shall read, in its entirety, as follows:

**ARTICLE III**

**TREE REMOVAL AND REPLACEMENT**

**246-19. Purpose**

The purpose of this Article is to establish requirements for tree removal and replacement in the Borough of Netcong in order to comply with the NJDEP Tier A MS4 permit renewal requirements established by the State of New Jersey.

**246-20. 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  $CRR = 6'' \times 1.5' = 9'$ .

- C. "Diameter at Breast Height (DBH)" means the diameter of the trunk of a mature 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.);
  5. Is determined to be a threat to public health, safety, and/or welfare by a licensed Landscape Architect, certified arborist, Licensed Tree Expert (LTE) or Licensed Tree Care Operator (LTCO).
- E. "Person" means any individual, resident, corporation, utility, company, partnership, firm, or association.
- F. "Planting strip" mean the area within the public right-of-way between the abutting property line and the curb or edge of pavement, 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 within the public right-of-way. This also includes trees planted within shade tree easements.
- 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" 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.

## **246-21. Regulated Activities**

### **A. Application Process**

1. Any person planning to remove a street tree with DBH of 2.5" or more or any non-street tree with DBH of 6" or more on their property which is not exempted from the requirements of this ordinance shall submit a Tree Removal Application to the Zoning Officer of the Borough. No tree shall be removed, unless exempted under Section 246-22 until municipal officials have reviewed and approved the removal.
2. For larger scale clearing projects over 5,000 square feet, the applicant shall submit a tree survey as part of the application to determine number, sizes, and exemptions of trees.
3. Applicants will be subject to a \$25 application fee.

### **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 246-22, shall be subject to the requirements of the Tree Replacement Requirements Table below.
2. Any person who removes one or more tree(s), unless exempt under Section 246-22, as defined as Tree removal, with a DBH of 6", shall be subject to the requirements of the Tree Replacement Requirements Table.

The species type and diversity of replacement trees shall be in accordance with a list of approved trees and planting requirements kept on file in the Public Works Department

Replacement tree(s) shall:

1. Be replaced in kind with a tree that meets the Tree Replacement Criteria in the table below;
2. Be planted within twelve (12) months of the date of removal of the original tree(s) or at an alternative date specified by the municipality;
3. The applicant shall post a bond for a period of two (2) years to ensure their survival and shall be replaced as needed within twelve (12) months; and

4. Shall not be planted in temporary containers or pots, as these do not count towards tree replacement requirements.

**Tree Replacement Requirements Table:**

<b>Category</b>	<b>Tree Removed (DBH)</b>	<b>Tree Replacement Criteria (See Appendix A)</b>
1	DBH of 2.5" (for street trees) or 6" (for non-street trees) to 12.99"	Replant 1 tree with a minimum tree caliper of 1.5" for each tree removed
2	DBH of 13" to 22.99"	Replant 2 trees with minimum tree calipers of 1.5" for each tree removed
3	DBH of 23" to 32.99"	Replant 3 trees with minimum tree calipers of 1.5" for each tree removed
4	DBH of 33" or greater	Replant 4 trees with minimum tree calipers of 1.5" for each tree removed

**C. Replacement Alternatives:**

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 municipality.
- b. Pay a fee of per tree removed in accordance with the formula established and on file with the Borough Administrator. This fee shall be placed into a fund dedicated to tree planting and continued maintenance of the trees.

**246-22. Exemptions:**

All persons shall comply with the tree replacement standard outlined above, except in the cases detailed below. Proper justification shall be provided, when requested by the Borough, in writing, by all persons claiming an exemption:

- A. The removal of one tree that falls into category 1, 2, or 3 of the Tree Replacement Requirements Table from a single lot within a two-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 municipality;
- 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;
- G. Hazard trees may be removed with no fee or replacement requirement.

**246-23 Enforcement:**

This ordinance shall be enforced by the Department of Public Works during the course of ordinary enforcement duties.

**246-24 Violations and Penalties**

Any person who violates or who fails or refuses to comply with the provisions of this article shall be subject to a fine of not less than \$50 nor more than \$1,000 and/or any other

penalty that is consistent with Chapter 74, Violations and Penalties, of the Municipal Code for each offense.

**Section 2.** If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.


**Section 3.** All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.


**Section 4.** This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

NOTICE IS HEREBY GIVEN, that the foregoing Ordinance was introduced in writing at a meeting of the Borough Council of the Borough of Netcong, County of Morris and State of New Jersey, held on the 8<sup>th</sup> day of February, 2024, introduced and read by title and passed on the first reading and that the said Governing Body will further consider the same for second reading and final passage thereon at a meeting to be held on the 14<sup>th</sup> day of March, 2024 at 7:30 p.m., prevailing time, at the Municipal Building in said Borough, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens in interest shall have an opportunity to be heard concerning same.

**BOROUGH OF NETCONG  
COUNTY OF MORRIS  
STATE OF NEW JERSEY**

**ATTEST:**

  
Cynthia Eckert, Borough Clerk

By:   
Elmer Still, Mayor

**Ordinance 2024-7**

**AN ORDINANCE AUTHORIZING THE POLICE CHIEF TO EXECUTE AN APPLICATION FOR A CHARITABLE SOLICITATION PERMIT FOR AMERICAN LEGION AMBULANCE CORP OF STANHOPE/NETCONG'S "COIN DROP" ON JUNE 7<sup>TH</sup>, JUNE 8<sup>TH</sup> 2024 AND ON SEPTEMBER 20<sup>TH</sup>, AND SEPTEMBER 21<sup>ST</sup> 2024 AT THE INTERSECTIONS OF ALLEN STREET AND LEDGEWOOD AVENUE AND MAIN STREET AND ROUTE 46 IN THE BOROUGH OF NETCONG, COUNTY OF MORRIS, STATE OF NEW JERSEY**

**WHEREAS**, the members of American Legion Ambulance Corp of Stanhope/ Netcong wish to hold their annual "Coin Drop" on June 7<sup>th</sup>, June 8<sup>th</sup> 2024, with rain dates of June 21<sup>st</sup>, June 22<sup>nd</sup>, 2024 and on September 20<sup>th</sup>, and September 21<sup>st</sup>, 2024, with rain dates of September 27<sup>th</sup>, September 28<sup>th</sup>, 2024 at the intersections of Allen Street and Ledgewood Avenue and Main Street and Rt. 46 in the Borough of Netcong; and

**WHEREAS**, N.J.S.A. 39:4-60 requires charitable organizations to obtain municipal approval before soliciting contributions within a municipal roadway; and

**WHEREAS**, charitable organizations are also required to obtain a Charitable Solicitation permit from the New Jersey Department of Transportation (hereinafter, "NJDOT"); and

**WHEREAS**, the NJDOT application must be accompanied by a certified copy of a municipal ordinance approving the solicitation and authorizing the appropriate municipal official to execute the application on behalf of the municipality; and

**WHEREAS**, the Borough's Chief of Police has reviewed the Ambulance Corp's solicitation plan and has found same to be acceptable and in accordance with the NJDOT's guidelines; and

**WHEREAS**, the Borough Council wishes to approve the Ambulance Corp's request in accordance with the procedures established in N.J.S.A. 39:4-60.

**NOW, THEREFORE, BE IT ORDAINED**, by the Borough Council of the Borough of Netcong, in the County of Morris, and State of New Jersey, as follows:

**SECTION 1.** The Borough of Netcong hereby approves the American Legion Ambulance Corp of Stanhope/Netcong's request to hold a "Coin Drop" at the intersection of Allen Street and Ledgewood Avenue. The dates and times approved for said solicitation are as follows: Friday, June 7<sup>th</sup> 2024, between the

hours of 2:30 p.m. to 7:00 p.m.; Saturday, June 8<sup>th</sup>, 2024, between the hours of 9:00 a.m. to 3:30 p.m. with rain dates of June 23<sup>rd</sup>, June 24<sup>th</sup>, 2024 and on Friday, September 20<sup>th</sup>, 2024 between the hours of 2:30 p.m. to 7:00 p.m.; Saturday, September 21<sup>st</sup>, 2024, between the hours of 9:00 a.m. to 3:30 p.m. with rain dates of September 27<sup>th</sup> and September 28<sup>th</sup> 2024.

**SECTION 2.** The approval authorized herein is subject to and expressly conditioned upon the following:

- a. The Ambulance Corp's compliance with all rules, regulations and guidelines promulgated by the NJDOT for charitable solicitations, including, but not limited to, the posting of any and all necessary warning signs; and
- b. The approval of the Morris County Board of Chosen Freeholders and the NJDOT.

**SECTION 3.** The Chief of Police is hereby authorized and directed to execute the application for a Charitable Solicitation Permit for American Legion Ambulance Corp of Stanhope/Netcong's "Coin Drop," provided the above-stated conditions are met. The Netcong Borough Police Department shall be responsible for supervising the solicitation and enforcing the terms of the Charitable Solicitation Permit issued by the NJDOT.


**SECTION 4.** All ordinances of the Borough of Netcong, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

**SECTION 5.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 6.** This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

**BOROUGH OF NETCONG  
COUNTY OF MORRIS  
STATE OF NEW JERSEY**

**ATTEST:**

  
Cynthia Eckert, Borough Clerk

Introduced: 2/8/24

Adopted: 3/14/24

By: 

Elmer Still, Mayor

**RESOLUTION 2024-47  
TO REDEEM TAX SALE CERTIFICATE 23-00002**

**WHEREAS**, the Borough of Netcong held a Municipal Tax Sale on November 15, 2023;  
and

**WHEREAS**, Block 19 Lot 23, assessed to Joseph & Nancy Henriquez was listed on the tax sale in the amount of \$1024.36 and was sold to ProCap8 FBO Firsttrust Bank; and

**WHEREAS**, the bank holding the mortgage on the property wishes to redeem this lien in the amount of \$2,065.54; and

**WHEREAS**, the bank holding the mortgage for the property has provided payment to the Borough with bank check number 1100479759 in the amount of \$2,065.54 for the redemption of the above-referenced tax sale certificate; and

**WHEREAS**, the redemption was calculated to March 14, 2024; and

**WHEREAS**, there was a premium paid in the amount of \$1,000.00, and

**WHEREAS**, the purchaser at the tax sale is entitled to payment with interest calculated to the date funds are authorized and delivered to them.

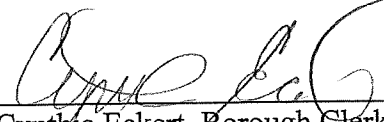
**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Netcong in the County of Morris and State of New Jersey that the Finance Assistant is hereby authorized to disburse \$3,065.54 to the order of ProCap8/Firsttrust Bank, PO. Box 774, Fort Washington PA 19034-0774 in accordance with the redemption of the above-referenced Tax Sale Certificate.

**BOROUGH OF NETCONG**

By:   
Elmer Still, Mayor

**CERTIFICATION**

I, Cynthia Eckert, Clerk of the Borough of Netcong, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Borough at a meeting held on March 14, 2024.

  
Cynthia Eckert, Borough Clerk

**Resolution #2024-48**

**BE IT RESOLVED**, by the Borough Council of the Borough of Netcong, in the County of Morris and State of New Jersey, that the following appointment is hereby made:

1. Dominic R. Hink as Probationary Patrolman of the Netcong Police Department, effective immediately, pending appropriate drug screening.
2. Patrolman Hinks shall be paid a salary of \$59,008, in recognition of his previous two years of law enforcement experience.
3. This resolution shall take effect immediately.

**BOROUGH OF NETCONG**

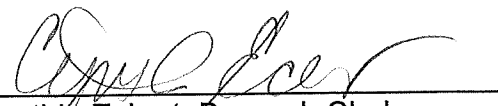
By: 

Elmer Still, Mayor

Dated:

**CERTIFICATION**

I, Cynthia Eckert, Clerk of the Borough of Netcong, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Borough at a meeting held on March 14, 2024.

  
Cynthia Eckert, Borough Clerk

## RESOLUTION #2024-49


**BE IT RESOLVED**, by the Borough Council of the Borough of Netcong, in the County of Morris and State of New Jersey as follows:

1. The following appointment is hereby made:

Therese dePierro, CTA as Part Time Tax Assessor effective April 1, 2024 at a salary of \$14,651.00 per year, payable semi-monthly.

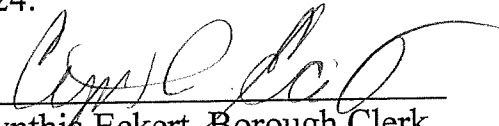
2. This resolution shall take effect immediately.

BOROUGH OF NETCONG

By:   
Elmer Still, Mayor

Dated:

I, Cynthia Eckert, Clerk of the Borough of Netcong, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Borough of Netcong at a meeting held March 14, 2024.

  
Cynthia Eckert, Borough Clerk

**A RESOLUTION AWARDING THE BID FOR THE DIRENZO PARK PLAYGROUND  
FLOOR AND INSTALLATION TO Z-TECH CONTRACTING**

**WHEREAS**, the Borough of Netcong solicited bids for the installation of Playground Equipment and Pour-in-Place Rubber Flooring; and

**WHEREAS**, on February 21, 2024, the Borough received four bids for the performance of said work; and

**WHEREAS**, Z-Tech Contracting LLC submitted the lowest bid within the project budget for \$145,628.00; and


**WHEREAS**, the Borough Administrator and DPW Superintendent has recommended that the Borough Council award the contract to Z-Tech Contracting LLC; and

**WHEREAS**, the Borough's Chief Financial Officer has certified that funds are available for this purpose.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Netcong, in the County of Morris, and State of New Jersey, as follows:

1. The contract to install new playground equipment and rubberized flooring is hereby awarded to Z-Tech Contracting LLC, 1207 US Highway 22, Mountainside, NJ 07092, not to exceed \$145,628.00 and in accordance with the terms and conditions of the bid submitted on February 21, 2024 and on file in the Office of the Borough Clerk
2. The Borough Administrator is hereby authorized and directed to execute said contract on behalf of the Borough.
3. This Resolution shall take effect immediately.

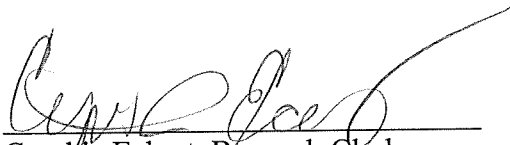
**BOROUGH OF NETCONG**

By   
Elmer Still, Mayor

Dated:

**CERTIFICATION**

I, Cynthia Eckert, Clerk of the Borough of Netcong, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Borough at a meeting held on March 14, 2024.

  
Cynthia Eckert, Borough Clerk

**A RESOLUTION AUTHORIZING THE AWARD OF  
A PROFESSIONAL SERVICES AGREEMENT FOR  
AUCTION MARKETING SERVICES TO  
MAX SPANN R.E. & AUCTION CO.**

**WHEREAS**, there exists a need for auction marketing services to be rendered to the Borough for the sale of excess real property; and

**WHEREAS**, the Borough has determined to award this contract as a professional service without obtaining competitive bids or quotations and the contract amount is under the threshold amount for compliance with the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, the Borough wishes to accept the Proposal for Professional Services submitted by Max Spann R.E. & Auction Co. dated February 13, 2024 to perform said services for a 10 % commission payable by the successful bidder as a buyer's premium; and


**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of a contract for "professional services" without competitive bid and the contract itself must be made available for public inspection.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Netcong, in the County of Morris and State of New Jersey, as follows:

1. The Borough of Netcong hereby awards and authorizes the Mayor and Borough Clerk to execute an agreement with Max Spann R.E. & Auction Co. for professional auction marketing services to be rendered to the Borough, for a 10% commission to paid by the successful bidder as a premium.
2. This contract is awarded without competitive bidding as a professional service in accordance with the provisions of the Local Public Contracts Law because said services are performed by a person authorized by law to practice a recognized profession.

3. The Business Disclosure Entity Certification and the Determination of Value associated with this contract shall be placed on file with this resolution.
4. Notice of this action shall be published once in the Borough's official newspaper as required by law.
5. This Resolution shall take effect immediately.

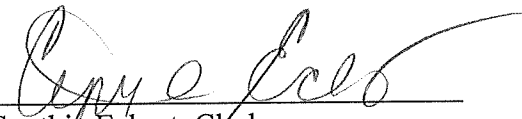
**BOROUGH OF NETCONG**

By:   
Elmer Still, Mayor

Dated:

**CERTIFICATION**

I, Cynthia Eckert, Clerk of the Borough of Netcong, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Borough at a meeting held on March 14, 2024.

  
Cynthia Eckert, Clerk

**Ordinance 2024-8**

**AN ORDINANCE AUTHORIZING THE CHIEF OF POLICE TO EXECUTE AN APPLICATION FOR A CHARITABLE SOLICITATION PERMIT FOR NETCONG VOLUNTEER FIRE COMPANY NO. 1's "COIN DROP" ON MEMORIAL DAY WEEKEND AND COLUMBUS DAY WEEKEND AT THE INTERSECTIONS OF ALLEN STREET AND LEDGEWOOD AVENUE AND MAIN STREET AND ROUTE 46 AND ROUTE 183 IN THE BOROUGH OF NETCONG, COUNTY OF MORRIS, STATE OF NEW JERSEY**

**WHEREAS**, the members of Netcong Volunteer Fire Company No. 1 wish to hold their annual "Coin Drop" on Memorial Day and Columbus Day weekend at the intersections of Allen Street and Ledgewood Avenue and Main Street and Route 46 and Route 183 in the Borough of Netcong; and

**WHEREAS**, N.J.S.A. 39:4-60 requires charitable organizations to obtain municipal approval before soliciting contributions within municipal roadway; and

**WHEREAS**, charitable organizations are also required to obtain a Charitable Solicitation permit from the New Jersey Department of Transportation (hereinafter, "NJDOT"); and

**WHEREAS**, the NJDOT application must be accompanied by a certified copy of a municipal ordinance approving the solicitation and authorizing the appropriate municipal official to execute the application on behalf of the municipality; and

**WHEREAS**, the Borough's Chief of Police has reviewed the Fire Company's solicitation plan and has found same to be acceptable and in accordance with the NJDOT's guidelines; and

**WHEREAS**, the Borough Council wishes to approve the Fire Company's request in accordance with the procedures established in N.J.S.A. 39:4-60.

**NOW, THEREFORE, BE IT ORDAINED**, by the Borough Council of the Borough of Netcong, in the County of Morris, and State of New Jersey, as follows:

**SECTION 1.** The Borough of Netcong hereby approves Netcong Volunteer Fire Company No. 1's request to hold a "Coin Drop" on Memorial Day weekend at the intersections of Allen Street and Ledgewood Avenue and Main Street and Route 46 and Route 183. The dates and times approved for said solicitation are as follows: Friday, May 24, 2024, between the hours of 3:00 p.m.

to 8:00 p.m.; Saturday, May 25, 2024, between the hours of 8:00 a.m. to 4:00 p.m.; and Sunday, May 26, 2024, between the hours of 8:00 a.m. to 2:00 p.m. and Columbus Day weekend Friday, October 11, 2024, between the hours of 3:00 p.m. to 8:00 p.m.; Saturday, October 12, 2024, between the hours of 8:00 a.m. to 4:00 p.m.; and Sunday, October 13, 2024, between the hours of 8:00 a.m. to 2:00 p.m.

**SECTION 2.** The approval authorized herein is subject to and expressly conditioned upon the following:

- a. The Fire Company's compliance with all rules, regulations and guidelines promulgated by the NJDOT for charitable solicitations, including, but not limited to, the posting of any and all necessary warning signs; and
- b. The approval of the Morris County Board of Chosen Freeholders and the NJDOT.

**SECTION 3.** The Chief of Police is hereby authorized and directed to execute the application for a Charitable Solicitation Permit for Netcong Volunteer Fire Company No. 1's "Coin Drop," provided the above-stated conditions are met. The Netcong Borough Police Department shall be responsible for supervising the solicitation and enforcing the terms of the Charitable Solicitation Permit issued by the NJDOT.

**SECTION 4.** All ordinances of the Borough of Netcong, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

**SECTION 5.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 6.** This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

**BOROUGH OF NETCONG  
COUNTY OF MORRIS  
STATE OF NEW JERSEY**

**ATTEST:**

By: \_\_\_\_\_  
Elmer Still, Mayor

\_\_\_\_\_  
Cynthia Eckert, Borough Clerk

Introduced: 3/14/24

Adopted:

**AN ORDINANCE TO AMEND CHAPTER 54 "POLICE DEPARTMENT"  
OF THE CODE OF THE BOROUGH OF NETCONG AMENDING  
PROCEDURES FOR HIRING AND PROMOTIONS IN THE POLICE  
DEPARTMENT**

**BE IT ORDAINED**, by the Borough Council of the Borough of Netcong, in the County of Morris, and State of New Jersey, as follows:

**SECTION 1.** Chapter 54 of the Code of the Borough of Netcong, Section 54-4 Requisites for Appointment to Department, shall be amended and shall read, in its entirety, as follows:

**§ 54-4. Requisites for appointment to Department.**

**A. Membership requirements.**

(1) No person shall be appointed a member of the Police Department unless the person:

- (a) Is a citizen of the United States;
- (b) Is sound in body and of good health sufficient to satisfy the Board of Trustees of the Police and Fireman's Retirement System of New Jersey as to his or her eligibility for membership in the retirement system;
- (c) Is able to read, write and speak the English language well and intelligently;
- (d) Is of good moral character and has not been convicted of any criminal offense involving moral turpitude;
- (e) Has been a resident of the State of New Jersey for at least six months prior to the date of appointment;
- (f) Has completed and filed with the Borough a written application, under oath, on a form to be furnished by the Borough;
- (g) Has a valid New Jersey driver's license prior to the date of appointment;
- (h) Applicant must have one of the following prior to the date of appointment.

[1] Has earned at least an associate degree or has attained a minimum of 60 college credits from an accredited college or university.

[2] Honorable discharge from the United States Military, after serving a minimum of two full years of continuous active duty.

[3] Has completed two years of prior NJ law enforcement experience.

(i) Has successfully passed a medical and psychological examination.

- B. No person shall be given a permanent appointment as a member of the Police Department unless such person has first served a probationary or temporary term of office for a period of one year and has successfully completed a police training course at a school approved and authorized by the Police Training Commission in the Department of Law and Public Safety of the State of New Jersey, pursuant to the provisions of Chapter 56 of the Laws of 1961. A probationary or temporary appointment may exceed one year for those persons enrolled in a police training course scheduled to end subsequent to the one-year limit set forth above. In no case shall an extension granted for attendance at a police training course exceed six months. Employment by the Borough shall automatically terminate upon the completion of the probationary period unless the probationary officer is appointed by the mayor and confirmed by the Borough Council as a permanent member of the Department.
- C. Each member of the Police Department shall, before entering upon the performance of his or her duties, take and subscribe an oath to support the Constitution of the United States and the Constitution of the State of New Jersey, to bear true faith and allegiance to the same and to the governments established in the United States and in this state and to faithfully, impartially and justly perform all of the duties of his or her office.

## **SECTION 2.** Chapter 54 of the Code of the Borough of Netcong, Section 54-5

Promotions, shall be amended and shall read, in its entirety, as follows:

### **§ 54-5. Promotions.**

- A. Promotion policy. Promotion denotes vertical movement in the organization hierarchy, from one rank classification to another. Validity of the promotional process can only be accomplished through clear and concise procedures. A promotional process has been developed to identify employees who possess the ability to assume greater responsibilities combined with the necessary skills and knowledge to perform competently at a higher organizational level. This policy is established for the positions of Sergeant, Lieutenant and Chief of Police, as those positions may be established from time to time by the Borough Council pursuant to § 54-1 of this chapter.
- B. Eligibility. The following criteria shall be used to determine eligibility for promotion to the ranks of Sergeant, Lieutenant and Chief of Police, provided said ranks are established by the Borough Council:
- (1) All candidates seeking promotion to the rank of Sergeant must have a minimum of three years' experience (including probation) as a Police Training Commission certified police officer. All candidates must have an associate's degree or attained a minimum of 60

college credits from an accredited college or university, or at least 24 months of active-duty military service or two years prior law enforcement experience to be eligible for promotion.

- (2) All candidates seeking promotion to the rank of Lieutenant must have a minimum of eight years' experience as a Police Training Commission certified police officer, two years of which shall be as a superior officer. All candidates must have an associate's degree plus 30 credits or attained a minimum of 90 college credits from an accredited college or university to be eligible for said promotion.
  - (3) All candidates seeking promotion to the rank of Chief of Police must have a minimum of 10 years' experience as a Police Training Commission certified police officer, two years of which shall be as a superior officer. All candidates must have a Bachelor of Arts degree from an accredited college or university to be eligible for said promotion.
  - (4) A potential candidate's years of service and/or years in present rank for eligibility purposes must be met as of the date the notice of the promotional process is posted pursuant to Subsections C, J and K below. There shall be no exception to this requirement.
  - (5) All promotions shall be made from the membership of the Netcong Borough Police Department, provided that the candidate meets the eligibility requirements of this section and successfully completes the promotional process as contained herein.
- C. Promotional process, Sergeants. At least 30 days prior to the date of the commencement of the promotional process for the rank of Sergeant, a notice shall be posted at the Police Department that will set forth the following:
- (1) The position or positions available through promotion.
- D. Sergeant – NJ Chiefs of Police Written Exam and personal interview. Once a candidate receives a passing grade of 70% or higher. He or she has the option to use that score for future sergeant promotions or to take the exam again in an effort to improve their grade.
- (1) The Chief of Police, or in the absence of a Chief, the Borough Administrator, shall provide the candidates with a scheduled date for the written exam at least 90 days prior to the exam. The personal interview date at least 14 days prior to the interview. Failure to attend the personal interview shall result in a candidate's disqualification from the promotional process.
  - (2) A Police Promotional Committee consisting of the Police Chief, Mayor, Borough Administrator and two members of the Borough Council designated by it (hereinafter collectively referred to as the "Committee") shall conduct the personal interview.
  - (3) The personal interview will be based mainly on a candidate's past performance and evaluations and shall represent 50% of a candidate's overall score in the promotional process. The information to be viewed during the interview will come from each candidate's personnel file. Each candidate shall be given the opportunity to make a

personal statement if he/she chooses to do so. Each Committee member shall grade each candidate based on the candidate's interview. The maximum attainable score for the interview shall be 100%. The candidate's overall score for the interview shall be the average of the combined scores of each Committee member. Factors to be considered by the Committee in scoring the candidate's interview shall be:

(a) Performance/leadership skill.

(b) Educational background.

(c) Training.

(d) Supervisory experience.

(e) Attitude:

[1] Use of sick time.

[2] Efforts in supporting Department goals and objectives.

[3] Handling Department equipment.

[4] Rapport with fellow employees and the public.

(f) Appearance and demeanor.

(4) Letters concerning a potential candidate received between the day the notice of a promotional examination is posted and the conclusion of the promotional examination shall not be considered for the posted examination.

(5) The overall score of each candidate shall be calculated as follows:

Personal interview

#### E. Seniority.

(1) Seniority will be assessed as the final stage of the promotional process for candidates for the ranks of Lieutenant and Sergeant.

(2) Seniority shall be worth 1/2 of a percentage point (based on 100%) for every year of service with the Netcong Borough Police Department up to a maximum of 10%.

(3) Seniority shall be determined by the number of years of service completed as of the date the notice of the promotional examination is posted.

#### F. Final overall score.

(1) Candidate's score on the personal interview.

- (2) Seniority is worth 1/2 of a percentage point (based on 100%) for every year of service completed with the Netcong Borough Police Department up to a maximum of 10%.
- (3) In order to assess the overall score for promotion, add the overall score received by a candidate, plus seniority.
- (4) Once the overall scores are calculated, The Police Chief will provide the mayor with their candidate recommendation. The candidate chosen may be appointed by the mayor, subject to satisfactory physical and psychological examinations and confirmation by the Borough Council. In the event that the mayor deems the chosen candidate not to be the best qualified because of the results received from the individual's psychological and/or physical examinations, the mayor must submit all concerns in writing and justify his/her appointment to the Borough Council.

G. Summary.

- (1) Upon completion of the examination process, each candidate for the rank of sergeant will be provided with the testing results in a written review form which will include his or her:
  - (a) NJ Chiefs of Police Association written test score.
  - (b) Personal interview score.
  - (c) Seniority.
  - (d) Overall ranking.
- (2) The Chief of Police, or in the absence of a Chief, the Borough Administrator, or his or her designee, shall be responsible for all examination phases of the promotional process.

H. Physical/psychological examination. Prior to submitting the name of the highest-scoring candidate to the Borough Council for confirmation, said candidate shall undergo physical and psychological examinations by physicians designated by the Borough at the Borough's expense.

I. Examination eligibility list.

- (1) Candidates who successfully complete the promotional examination process but do not receive a promotion at the conclusion of the process may be placed on a promotional list for the same rank for which the candidates were examined.
- (2) The list will be active for three years from the date of final results being published. A candidate on the list may be recommended for promotion to the appropriate rank without further examination within the three-year period.

- (3) The establishment of the list will be made upon recommendation of the Chief of Police, or in the absence of the Chief, the Borough Administrator, to the Mayor and Borough Council and the adoption of a resolution by the Borough Council establishing the list.

J. Promotion process, Lieutenant. At least 30 days prior to the date of the commencement of the promotional process for Lieutenant, the Police Promotional Committee shall notify all eligible candidates in writing of the pending promotion. Eligibility shall be determined based upon the criteria established in § 54-5B (3).

- (1) Interested candidates shall notify the Borough Administrator in writing within 15 days of notification of the pending appointment of their intent to be considered for the promotion to the rank of Lieutenant.

- (2) The Borough Administrator shall notify the candidates of their personal interview date in writing at least seven days prior to their personal interview.

- (3) The Police Promotional Committee shall conduct the personal interviews. Each candidate shall be given the opportunity to make a personal statement if he/she chooses to do so. Each Committee member shall grade each candidate based on the candidate's interview. The maximum attainable score shall be 100%. The candidate's overall score for the interview shall be the average of the combined scores of each committee member. Factors to be considered by the Committee in scoring the candidate's interview shall be:

- (a) Performance/leadership skill.

- (b) Educational background.

- (c) Training.

- (d) Supervisory experience.

- (e) Attitude.

- [1] Use of sick time.

- [2] Efforts in supporting Department goals and objectives.

- [3] Handling Department equipment.

- [4] Rapport with fellow employees and the public.

- (f) Appearance and demeanor.

- (4) Once the overall scores are calculated, The Police Chief will provide the mayor with his or her candidate recommendation. The candidate chosen may be appointed by the mayor, subject to satisfactory physical and psychological examinations and confirmation by the Borough Council. In the event that the mayor deems the chosen candidate not to be the best qualified because of the results received from the individual's psychological and/or

physical examinations, the mayor must submit all concerns in writing and justify his/her appointment to the Borough Council.

K. Promotion process, Chief of Police. At least 30 days prior to the date of the commencement of the promotional process for Chief, the Police Promotional Committee shall notify all eligible candidates in writing of the pending promotion. Eligibility shall be determined based upon the criteria established in § 54-5B (3).

(1) Interested candidates shall notify the Borough Administrator in writing within 15 days of notification of the pending appointment of their intent to be considered for the promotion to the rank of Chief.

(2) The Borough Administrator shall notify the candidates of their personal interview date in writing at least seven days prior to their personal interview.

(3) The Police Promotional Committee shall conduct the personal interviews. Each candidate shall be given the opportunity to make a personal statement if he/she chooses to do so. Each Committee member shall grade each candidate based on the candidate's interview. The maximum attainable score shall be 100%. The candidate's overall score for the interview shall be the average of the combined scores of each committee member. Factors to be considered by the Committee in scoring the candidate's interview shall be:

- (a) Performance/leadership skill.
- (b) Educational background.

(c) Training.

(d) Supervisory experience.

(e) Attitude.

[1] Use of sick time.

[2] Efforts in supporting Department goals and objectives.

[3] Handling Department equipment.

[4] Rapport with fellow employees and the public.

(f) Appearance and demeanor.

(4) The candidate receiving the highest overall final score may be appointed by the mayor, subject to a satisfactory physical examination and confirmation by the Borough Council. In the event that the mayor deems the individual with the highest score not to be the best qualified because of the results received from the individual's physical examination, the mayor must submit all concerns in writing and justify his/her appointment to the Borough Council.

**SECTION 3.** This Ordinance may be renumbered for codification purposes.

**SECTION 4.** All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

**SECTION 5.** In the event that any section, part or provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

**SECTION 6.** This Ordinance shall take effect upon final passage and publication as required by law.

NOTICE IS HEREBY GIVEN, that the foregoing Ordinance was introduced in writing at a meeting of the Borough Council of the Borough of Netcong, County of Morris and State of New Jersey, held on the 14th day of March, 2024, introduced and read by title and passed on the first reading and that the said Governing Body will further consider the same for second reading and final passage thereon at a meeting to be held on the 11<sup>th</sup> day of March, 2024, at 7:30 p.m., prevailing time, at the Municipal Building in said Borough, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens in interest shall have an opportunity to be heard concerning same.

**BOROUGH OF NETCONG  
COUNTY OF MORRIS  
STATE OF NEW JERSEY**

By: \_\_\_\_\_  
Elmer Still, Mayor

**ATTEST:**

\_\_\_\_\_  
Cynthia Eckert, Borough Clerk

Introduced: 3/14/24

BOND ORDINANCE 2024-10

BOND ORDINANCE TO AMEND SECTION 8 OF THE BOND ORDINANCE (ORD. NO. 2023-4) ENTITLED: "BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF A NEW PUMPER FIRE ENGINE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF NETCONG, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$900,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS," ADOPTED MARCH 9, 2023.

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BE IT ORDAINED by the Borough Council of the Borough of Netcong, in the County of Morris, State of New Jersey, as follows:

Section 1. Section 8 of Ordinance No. 2023-4 entitled:

"BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF A NEW PUMPER FIRE ENGINE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF NETCONG, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$900,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS"

adopted by the Borough Council of the Borough of Netcong, in the County of Morris, New Jersey (the "Borough") on March 9, 2023 is hereby amended to increase the period of usefulness of the purpose authorized from ten years to twenty years, and shall hereafter read as follows:

"Section 8. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of twenty years computed from the date of said bonds."

Section 2. The capital budget is hereby amended to conform with the provisions of this amendatory bond ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Borough Clerk and is available for public inspection.

Section 3. This ordinance shall take effect twenty days after the first publication thereof after final passage.

**BOROUGH OF NETCONG  
COUNTY OF MORRIS  
STATE OF NEW JERSEY**

By: \_\_\_\_\_  
Elmer Still, Mayor

**ATTEST:**

\_\_\_\_\_  
Cynthia Eckert, Borough Clerk

Introduced: 3/14/24  
Adopted:

ORDINANCE NO. 2024-11

ORDINANCE OF THE BOROUGH OF NETCONG, COUNTY OF MORRIS AND STATE OF NEW JERSEY AUTHORIZING AND APPROVING A FINANCIAL AGREEMENT BETWEEN THE BOROUGH OF NETCONG AND MOUNTAIN VIEW AT NETCONG URBAN RENEWAL LLC, FOR PROPERTY DESIGNATED ON THE MUNICIPAL TAX MAP AS BLOCK 26, LOT 6 AND A PORTION OF BLOCK 26, LOT 10, COMMONLY KNOWN AS 10 CHURCH STREET, PURSUANT TO THE LONG-TERM TAX EXEMPTION LAW FOUND AT N.J.S.A. 40A:20-1 *et seq.*

WHEREAS, the Borough of Netcong ("Borough") is a municipal entity organized and existing under the laws of the State of New Jersey and located in the County of Morris; and

WHEREAS, pursuant to the provisions of the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the "Redevelopment Law"), specifically including *N.J.S.A. 40A:12A-6(a)*, the Borough Council of the Borough (the "Governing Body") adopted a resolution on the recommendation of the Borough Planning Board designating Block 26, Lot 6 and a portion of Block 26, Lot 10 as reflected on the Tax Map of the Borough (the "Property") as an area in need of redevelopment as such term is defined in the Redevelopment Law; and

WHEREAS, pursuant to such designation by ordinance adopted February 2, 2024, the Governing Body adopted a redevelopment plan for the Property (hereinafter referred to as "Redevelopment Plan"); and

WHEREAS, the Borough has heretofore designated the Governing Body as the "Redevelopment Entity" (as such term is defined in the Redevelopment Law) for the purpose of implementing the Redevelopment Plan; and

WHEREAS, by resolution, the Governing Body appointed MOUNTAIN VIEW AT NETCONG URBAN RENEWAL LLC (the "Entity") as the redeveloper of the Property; and

WHEREAS, the Redevelopment Plan consists of 64-unit market rental townhome units and 12 affordable age restricted rental units with associated improvements and amenities (the "Redevelopment Project"); and

WHEREAS, the Entity has or will purchase the Property and construct, or cause to be constructed, the Redevelopment Project; and

WHEREAS, the Long-Term Tax Exemption Law of New Jersey, *N.J.S.A. 40A:20-1 et seq.* ("Long Term Tax Exemption Law") permits a municipality to enter into a financial agreement exempting real property from tax assessment and accepting payments in lieu of taxes where the property is qualified; and

WHEREAS, in accordance with the Long-Term Tax Exemption Law, the entity has submitted a written application ("Application") to the Mayor for approval of a tax exemption for the improvements to be constructed as part of the Redevelopment Project ("Improvements"); and

WHEREAS, the Mayor, together with the Borough's Economic Development Committee and the Borough's professionals, reviewed the Application and have recommended to the Governing Body that it be approved; and

WHEREAS, the Governing Body has heretofore determined, *inter alia*, that the Redevelopment Project would not have been constructed without a tax exemption for the Improvements; and

WHEREAS, the Governing Body has reviewed the Application and finds that the benefits of the Redevelopment Project outweigh the costs as follows:

- A. Total real estate tax revenue for the Tax Years 2023 received by the Borough from those parcels of property upon which the Redevelopment project is anticipated to be constructed was approximately \$35,521.00.
- B. The development and construction of the Redevelopment Project, including infrastructure improvements, and as set forth in the Redevelopment Agreement will be beneficial to the overall community and will achieve the goals and objectives of the Redevelopment Plan, including the revitalization of the Redevelopment Area. The Redevelopment Project will improve the quality of life for the community and serve as a catalyst for further private investment in areas surrounding the Redevelopment Area and will enhance the economic development of the Borough.
- C. It is anticipated that the Redevelopment Project will create a substantial number of full-time construction jobs over the course of the Redevelopment Project, as well as other job opportunities after the completion of same.
- D. Pursuant to the Financial Agreement (hereinafter defined), the Redevelopment Project is projected to generate revenue for the Borough well in excess of the revenue generated by the existing ad valorem taxes received in Tax Year 2023. The Borough's authorized officers and employees have determined that the benefits to the Borough as a result of the Redevelopment Project and Financial Agreement substantially outweigh the costs to the Borough resulting from the long-term tax exemption granted herein.

WHEREAS, as part of its Application for tax exemption, the Entity has submitted a form of Financial Agreement ("Financial Agreement") providing for payments in lieu of taxes, a copy of which is attached to this Ordinance as Exhibit "A" which includes exhibits and schedules attached to the Financial Agreement; and

WHEREAS, the Governing Body has heretofore determined that exemption from taxation of the Improvements pursuant to the Financial Agreement and receipt by the Borough of annual service charges in lieu of taxes allows maximum redevelopment of the Property and is, therefore, in the best interest of the Borough and is in accordance with the provisions of the Long Term Tax Exemption Law and the public purposes pursuant to which the redevelopment has been undertaken; and

WHEREAS, the Governing Body now deems it to be in the best interest of the Borough to adopt an Ordinance authorizing the Borough to enter into the Financial Agreement with the Entity on the terms and conditions stated in the Financial Agreement attached to this Ordinance and as further set forth herein, including *inter alia* the granting of a tax exemption:

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Netcong, County of Morris, and State of New Jersey, that the Borough will enter into a Financial

Agreement with the Entity on the terms and conditions stated in the Financial Agreement attached to this Ordinance as Exhibit "A" and as further set forth herein:

1. The Governing Body makes such determinations and findings by virtue of and pursuant to and in conformity with the Long-Term Tax Exemption Law.
2. The development of the Redevelopment Project is hereby approved for the grant of a tax exemption under the Long-Term Tax Exemption Law by virtue of, pursuant to and in conformity with the provisions of the same.
3. The Financial Agreement and all exhibits and schedules thereto are hereby authorized and approved.
4. The Improvements shall be exempt from real property taxation and in lieu of real property taxes; the Entity shall make payments to the Borough of an annual service charge during the term and under the provisions set forth in the Financial Agreement.
5. Upon adoption of this Ordinance and execution of the Financial Agreement, a certified copy of this Ordinance and the Financial Agreement shall be transmitted to the Borough Tax Assessor and the Chief Financial Officer of the County of Morris and Morris County Counsel.

BE IT FURTHER ORDAINED that the Mayor of the Borough of Netcong is hereby authorized to execute the Financial Agreement and any additional documents as are necessary to implement and carry out the intent of this Ordinance and the Financial Agreement.

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon adoption and publication according to law.

NOTICE IS HEREBY GIVEN, that the foregoing Ordinance was introduced in writing at a meeting of the Borough Council of the Borough of Netcong, County of Morris and State of New Jersey, held on the 14th day of March, 2024, introduced and read by title and passed on the first reading and that the said Governing Body will further consider the same for second reading and final passage thereon at a meeting to be held on the 11th day of April, 2024, at 7:30 p.m., prevailing time, at the Municipal Building in said Borough, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens in interest shall have an opportunity to be heard concerning same.

**BOROUGH OF NETCONG  
COUNTY OF MORRIS  
STATE OF NEW JERSEY**

**ATTEST:**

By: \_\_\_\_\_  
Elmer Still, Mayor

\_\_\_\_\_  
Cynthia Eckert, Borough Clerk

Introduced: 3/14/24  
Adopted:

**AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN PROPERTY OWNED BY THE BOROUGH OF NETCONG, MORRIS COUNTY, NEW JERSEY, NOT REQUIRED FOR PUBLIC PURPOSES PURSUANT TO N.J.S.A. 40A:12-13, ET SEQ.**

**WHEREAS**, the Local Lands and Buildings Law, N.J.S.A. 40A:12-13, et seq., authorizes the sale by municipalities of any real property, capital improvements or personal property, or interests therein, not needed for public use by sale in the manner provided by law; and

**WHEREAS**, the Borough of Netcong is the owner of certain real property not needed for public use, and the Borough Council has determined that it is in the best interest of the Borough to sell the property in accordance with the terms and conditions set forth in this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Netcong, in the County of Morris and State of New Jersey, as follows:

**SECTION 1.**

1. The following property shall be offered for sale, pursuant to N.J.S.A. 40A:12-13(a) by open public sale to the highest bidder by auction to start Monday, April 29, 2024, at 9:00AM and end Tuesday, April 30, 2024, at 1:00PM or as may be adjourned, by Max Spann Real Estate & Auction, Co.:

BLOCK 26, LOTS 15.01 & 15.02 as depicted and described on a filed map entitled "PRELIMINARY AND FINAL MAJOR SUBDIVISION TAX BLOCK 26 LOT 10.03 & TAX BLOCK 22 LOT 15 BOROUGH OF NETCONG MORRIS COUNTY, NEW JERSEY" recorded with the Morris County Clerk on May 18, 2023, at MAP-OR Book 9, Page 129 and being 35,659+/- square feet in size.

2. The public sale shall take place on the internet on the bidding platform of Max Spann Real Estate & Auction, Co. as advertised, provided the sale is not cancelled.

3. The property sold shall be subject to the following restrictions:

- i. The property being sold consists of both Lots 15.01 & 15.02 and shall be sold as one sale unit to the successful bidder. The Lots shall not be sold separately.
- ii. The successful bidder shall be required as a condition of sale to improve to municipal standards the dedicated right-of-way depicted on the filed map as Terrace Street for the entirety of the property's frontage along same and prior to the receipt of a Certificate of Occupancy for any structures to be built on the property.
- iii. No representations of any kind are made by the Borough of Netcong as to the condition of the property, said property is being sold in its present condition "as is".
- iv. The property may only be developed for single-family dwellings.
- v. The Borough reserves the right to reject all bids where the highest bid is not accepted.
- vi. To abide by appropriate zoning, subdivision, health and building regulations and codes and stipulations that this sale will not be used as grounds to support any variance from or realization of said regulations.
- vii. That the purchase price shall not be used before any County Board of Taxation, Tax Court of New Jersey, or in any Court of this State as grounds to support a challenge of the existing assessment of the subject property, nor shall the purchase price be used as a comparable sale to challenge assessments with regard to other properties.

3. The sale is made subject to such state of facts as an accurate survey may disclose, existing tenancies, rights of persons in possession, easements, conditions, covenants and restrictions and any other encumbrances of title which the Borough Council may impose on any parcel at the time of the sale, including but not limited to restrictions on the use to be made of such real property, capital improvements of personal property and any conditions of sale as to buildings or structures, or as to the type, size or other specifications of buildings or structures to be constructed thereon, or as to the demolition, repair or reconstruction of buildings or structures, and the time within such conditions shall be operative, or any other conditions of sale in like manner to the same extent as by any other vendor.

4. The sale is made subject to all applicable laws and ordinances of the State of New Jersey and the Borough of Netcong.

5. That should the title to the property prove to be unmarketable for any reason, the liability of the Borough shall be limited to the repayment to the purchaser of the amount of deposit and any portion of the purchase price paid and shall not extend to any further costs, expenses, damages or claims. Notice of any alleged defect in title or claim of un-marketability must be served on the Borough Clerk, by the purchaser, in writing no later than thirty (30) days after the sale is approved by the Borough Council, failure upon the part of the purchaser to give written notice within said time shall be deemed conclusive proof that the purchaser accepts the title in its present condition.

6. All bidders at the time of sale must present a certified check, money wire or money order in the amount of \$10,000 payable to themselves (to be endorsed to the escrow holder or its designee if successful). In addition, the successful bidder shall submit a personal check or money order for the balance of the deposit of 10% of the minimum bid plus Buyer's Premium at the conclusion of the auction and shall execute an Agreement of Sale. Said Agreement of Sale shall be binding upon the high bidder until such time that the municipal council either 1) does not accept the bid in which case bidders deposit will be returned, or, 2) accepts the bid whereupon the municipality shall execute the Agreement of Sale and both parties shall be held bound by the terms and conditions contained therein. The balance of the purchase price shall be paid at closing which shall occur not later than 45 days following the acceptance of the bid by the Borough. The purchaser shall be entitled to possession immediately following closing of title.

7. At closing of title, purchaser shall also pay a buyer's premium in the amount of ten (10%) percent of the bid amount to Auctioneer to conduct the sale and pay at the time of closing: the balance of the purchase price, the cost of preparation of all legal documents, including any special property description., the cost of recording Deeds and agree that Deeds shall be recorded on behalf of the purchaser by the Borough Attorney, pay prorated real estate taxes for the balance of the current year as of the date of closing.

8. All conveyances by the Borough of Netcong shall be made by Bargain and Sale Deed with Covenants Against Grantor's Acts.

9. The Borough of Netcong reserves the right to waive any and all defects and informalities in any bid and to accept or reject any and all bids at the public sale and to not award to the highest bidder. No bid shall be considered finally accepted until passage of a resolution by the Borough Council of the Borough of Netcong.

10. Acceptable bids shall be confirmed by resolution of the Borough Council no later than the first regular meeting of the Borough Council following the date of such sale.

11. That no employee, agent or officer of the Borough of Netcong has any authority to waive, modify or amend any of the conditions of sale.

12. The Borough reserves the right to withdraw the offer of sale and reject any and all bids.

13. In the event the successful bidder fails to close on the property, the bidder shall forfeit the ten percent (10%) deposit

14. Parties interested in submitting bids and who require additional information should contact:

Ralph Blakeslee, Borough Administrator  
Borough of Netcong  
23 Maple Avenue, Netcong, New Jersey 07857

**SECTION 2.** If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

**SECTION 3.** All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION 4.**

This Ordinance shall take effect after final passage and publication in the manner provided by law.

**NOTICE IS HEREBY GIVEN**, that the foregoing Ordinance was introduced in writing at a meeting of the Mayor and Borough Council of the Borough of Netcong, County of Morris and State of New Jersey, held on the 14th day of March , 2024, introduced and read by title and passed on the first reading and that the said Governing Body will further consider the same for second reading and final passage thereon at a meeting to be held on the 11th day of April, 2024, at 7:30 p.m. , prevailing time, at the Municipal Building in said Borough, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens in interest shall have an opportunity to be heard concerning same.

INTRODUCED: 3/14/24

ADOPTED:

**BOROUGH OF NETCONG  
COUNTY OF MORRIS  
STATE OF NEW JERSEY**

**ATTEST:**

By: \_\_\_\_\_  
Elmer Still, Mayor

\_\_\_\_\_  
Cynthia Eckert, Borough Clerk

**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 Mayor and Council of the Borough of Netcong in the County of Morris, 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 Mayor and Council of the Borough of Netcong hereby determines that a 1% increase in the budget for said year, amounting to \$37,880.77 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS**, the Mayor and Council of the Borough of Netcong 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 Mayor and Council of the Borough of Netcong in the County of Morris, 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 Netcong shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$132,582.70 and that the CY 2024 municipal budget for the Borough of Netcong 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: 4/11/24

ADOPTED:

**BOROUGH OF NETCONG**  
**COUNTY OF MORRIS**  
**STATE OF NEW JERSEY**

**ATTEST:**

By: \_\_\_\_\_  
Elmer Still, Mayor

\_\_\_\_\_  
Cynthia Eckert, Borough Clerk