Township of Lopatcong

OFFICE OF THE MAYOR
Douglas J. Steinhardt

July 28, 2004

Dear Lopatcong Resident:

This letter marks my ninth account of the State of the Township, since my first taking office in January 2000. One and one half years into my second term as Mayor, I am pleased to report that Lopatcong remains strong.

Over the past six months we resolved our several developer lawsuits, terminated three Department of Public Works employees, and are engaged in yet another lawsuit, this time to defend our rent control ordinance and the rights of several of our residents at the hands of an unscrupulous corporate landlord. While I am confident that Council's actions were necessary and appropriate in every instance, each issue deserves some explanation to better understand Council's motivations and the impetus for and outcome of our actions.

Beginning with the most recent, Council voted unanimously in May 2004 to suspend and then terminate the Township's three full time public works employees. Those three employees were with the Township for 24, 27 and 31 years respectively.

During the last round of Department of Public Works (DPW) labor negotiations and as part of their last collective bargaining agreement, our road crew (all members of the Teamsters labor union) demanded lifetime medical insurance for them and their families upon retirement as part of the bargaining process. If denied, they negotiated for a "reopener," the ability to reopen collective bargaining and demand other concessions in the event Council rejected their demand.

By the summer of 2003, Council had not yet agreed to the road crews' insurance demand. Consequently, the union exercised its right to reopen collective bargaining and demanded additional pay raises, retroactive to January 2002 (the beginning of the collective bargaining period), instead. When I met with Carl Meixsell, then municipal CFO, to review that proposal, we reviewed the DPW's overall compensation. It was at that time that we learned that these employees were going to earn almost $33,000.00 each in overtime for 2003.

232 S. Third Street, Morris Park, Phillipsburg, New Jersey 08865
(908) 859-3355 • Fax: (908) 213-1037

When I first took office in January 2000 the average overtime for that work year was approximately $25,000.00 per DPW employee. It then dropped to approximately $13,000.00 per DPW employee in 2001 and 2002. Consequently, when I reported back to Council in early 2004, that the DPW reported a nearly 2 ½ times increase in overtime in 2003, and weighing that against their demand for additional pay and benefits, Council elected unanimously to look into whether that demand was justified, and particularly, how the excessive overtime was accrued. However, after just one day of investigation we uncovered overtime and work irregularities that prompted us to continue that investigation for some seven weeks.

Based upon the results of that investigation Council elected to suspend and ultimately terminate those employees. Unfortunately, ongoing civil and criminal inquiries prevent me from expounding upon results. Suffice it to say, we do not believe there was one legitimate hour of overtime accumulated during those seven weeks. That is not to say, however, that I believe the DPW did not accumulate any legitimate overtime in the 4 ½ years the *Express-Times* reported those individuals collected some $100,000.00 each in overtime. In all those instances where they were called out to plow snow, remove fallen trees and limbs, clear roadways and make emergency repairs, the DPW was properly compensated. And while each of you may have an opinion as to what we as a Township may recover in light of these facts, the fact is that the law of damages limits us to that which we can prove.

I am confident that Council did what it felt was necessary and appropriate under the circumstances. I am hopeful that this soliloquy better explains our motivations and the impetus for our decisions.

In the wake of these terminations, every effort was made to insure the least disruption to all of us as residents. If you have any questions or concerns, please direct them to Beth Dilts, who was elevated to Clerk/Administrator earlier this year.

With an equally vigilant eye toward the public's pocketbook, Council voted in March 2004 to put an end to the five developer lawsuits then pending. In exchange for allowing the construction of 193 homes, 35 off Belview Road and 158 senior homes in Morris Park, Council prevented some 500 homes from being built.

In the case of Belview Road, Larken Associates, the developer, had demanded leave to build some 320 senior citizen homes. Once denied, it demanded an extension of our sewer service area to include its property. When Council denied that request, Larken sued.

Once zoned for 180 homes, then rezoned by Council for 120 units to comport with the existing neighborhood and subsequent planning board recommendations, Larken also sued over the zone change in Morris Park. It argued that the Township's decision amounted to an unconstitutional taking. We disagreed. When Council proposed to condemn those acres in Morris Park, Larken objected and statutorily mandated negotiations ensued. During the course of those negotiations, we received opinions from former Township attorney Scott Ferguson and current Township attorney Michael Lavery that we could not condemn that land merely to prevent its development; that that was not a "legitimate governmental purpose", the condemnation standard in New Jersey. That, coupled with a potential acquisition cost of more

than $10 million dollars, prompted Council to settle all of the suits. Larken withdrew all of its Complaints, including its challenge to our controversial "two bedroom" rule, in exchange for permission to build 158 senior homes in Morris Park and 35 single family homes on Belview Road. It marked the culmination of a long, complex and often arduous battle to protect our last remaining open tracts from development. Nonetheless, these were battles we had to fight.

In keeping with the lawsuit theme, and after countless, baseless threats, Salem Management, owner of Brakeley Garden Apartments, finally filed suit challenging the Township's decades old rent control ordinance. Although an early attempt by us to have the entire Complaint dismissed without even having to file an answer failed, Salem's appeal of the Court's decision compelling it to still pay out to its tenants the alleged wrongfully charged moneys likewise failed, and the appellate division rejected Salem's arguments. While the entire suit remains pending and we remain committed to defending our ordinance, Salem remains liable on the over charges, its Complaint notwithstanding.

Council voted in July to award a contract to Bob Viersma & Sons, Inc., for the development of recreation fields surrounding our municipal pool property. Construction should begin in August.

I would like to recognize Victor Camporine, our Council President, for his success in prompting legislation that permanently excludes parity aid from the tuition calculation saving Lopatcong taxpayers from 1998 to this point over $2,861,068.00 that would have otherwise been paid for our students to attend Phillipsburg High School.

In June 2004, the Township honored long time CFO Carl Meixsell, Deputy Clerk Doris Fowler, and Technical Assistant to the Construction Official Barbara Losagio, all of whom retired under the Township's Early Incentive Retirement Program. Best wishes to all of them in their retirement.

Please join me in welcoming the following individuals who were recently employed by the Township. CFO Mary E. Dobes, Deputy Clerk, Roberta A. Bedo, Acting Tax Collector, Rachel Edinger, Tax Clerk, Kathy Degan and maintenance worker, Joe Bichler. The new Tax Office is located inside the main lobby and is open between 9:00 a.m. and 3:00 p.m.

As always, my mid-year letter is being sent out with our tax bills, the purpose of which is to save the postage and envelope costs associated with an independent mailing. A review of your bill will reflect an increase over last year's taxes of twenty-one cents per hundred dollars. That increase is the result of a seventeen cent increase from the school board and a six cent increase from the county. Please note that your municipal taxes, that portion actually controlled and approved by this Council was actually reduced two cents. We will continue to strive to cut costs and reduce taxes at the municipal level, in an effort to lessen the impact of other outside influences.

Cole, Layer & Trumble is in the process of performing our Court ordered property assessment. Any questions should be directed to CLT at (908) 454-2794.

As I reported in January, the Township took title to the "Frank J. Kingfield Memorial Tennis Club". Earlier this summer, renovations to the courts were completed and I am happy to report that memberships are now available for a nominal fee the purpose of which is to help defray the cost of repair and maintenance. Please contact the Clerk's Office for a membership application, a copy of the rules and regulations and any other questions you may have.

Joseph Barcik, Ken McCarthy, Lorraine Parry, Mary Anne Sheridan and Doug Van Winkle were honored at this year's Volunteer Recognition Dinner. Much thanks and appreciation to them for their volunteer work.

On June 5th, Lopatcong Township celebrated its annual Community Day, capped off with our annual fireworks display. I cannot thank enough the vendors, exhibitors and volunteers who made the day a success. My sincere thanks and heartfelt appreciation to the Community Day Committee that brought it all together.

Fall cleanup is scheduled for Saturday, October 9th. Location sites for the cleanup are: Delaware Park Engine Co., Lopatcong Fire Co. #2 and the municipal pool parking lot. This year cleanup will start at 6:00 a.m. and run until 12:00 noon. For further information, call the Clerk's Office.

Thanks again to our emergency and fire personnel. Their commitment, contribution and dedication help ensure the health and safety of all of us. Please make the extra effort to do whatever you can to support their departments, as you never know when you too may be in need of their services.

Did you know that there are over 700 dogs licensed in the Township? Please be mindful of your neighbors, clean up after your pets, note that there is a leash law and remember to have your dog licensed.

You can visit our website, www.lopatcongtwp.com, for the latest announcements, our municipal code which includes the Township's ordinances, rules and regulations, and other information of community concern.

Council meets on the first Wednesday of every month, with every effort being made to start promptly at 7:30 p.m. I hope to see you there.

Finally, and as always, with kindest regards, I am,

Very truly yours,

Douglas J. Steinhardt
Mayor