

TOWNSHIP OF LOPATCONG
COUNCIL MEETING MINUTES

March 2, 2011

The Council Meeting of the Lopatcong Township Council was called to order at 7:30 pm by Mayor Steinhardt. The meeting was held in the Municipal Building located at 232 S. Third St., Phillipsburg, New Jersey 08865.

Mayor Steinhardt stated “adequate notice of this meeting has been provided indicating the time and place of the meeting in accordance with Chapter 231 of the Public Laws of 1975 by advertising a Notice in The Star Gazette and The Express-Times and by posting a copy on the bulletin board in the Municipal Building.”

A prayer was offered followed by the Oath of Allegiance.

Present: Mayor Steinhardt, Council President Camporine, Councilmen Baker, Mengucci, and Curry. Also present were CFO Dobes, Attorney Campbell and Engineer Sterbenz.

Resolution No. 11-33 - was passed to hold an Executive Session to discuss Highlands, set the rates for the pool/pavilion/recreation programs for this season, purchase of sound system equipment for pool dances, rent out pool to HCY for Championships, land use ordinance, baseball field maintenance costs, road turnover request from Warren Heights.

Old Business:

Minutes – Approve the minutes of February 2, 2011. Motion by Councilman Mengucci, seconded by Councilman Baker. Roll call vote:

AYES: Councilmen Mengucci, Curry, Council President Camporine and Mayor Steinhardt.

NAYS: None

ABSTAIN: Councilman Baker

New Business:

Warren County Technical School PTA – Mayor Steinhardt asked for a motion to donate an individual pool pass. Motion by Councilman Mengucci, seconded by Councilman Curry. Roll call vote:

AYES: Councilmen Mengucci, Curry, Council President Camporine and Mayor Steinhardt.

NAYS: Councilman Baker

Delaware Park Engine Co. No. 1 – Approve membership for Jon Nikischer, II. Motion by Councilman Mengucci, seconded by Councilman Baker. Roll call vote:

AYES: Councilmen Baker, Mengucci, Curry, Council President Camporine and Mayor Steinhardt.

NAYS: None

Resolution No. 11-34 – Authorize refund of duplicate tax payment.

R 11-34

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF
WARREN AND STATE OF NEW JERSEY AUTHORIZING TO REFUND
DUPLICATE TAX PAYMENTS FOR TAX YEAR 2011

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey that warrants be drawn to the property owners listed below in the designated amounts representing tax payments due to refinance as follows for the tax year 2011.

Block 49, Lot 7

204 Brakeley Avenue
\$1067.47

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey have approved the refunds made rather than applying these payments to the 2011 property taxes due.

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, March 2, 2011.

Margaret B. Dilts, CMC

Mayor Steinhardt asked for a motion to adopt this Resolution. Motion by Councilman Mengucci, seconded by Councilman Curry. Roll call vote:

AYES: Councilmen Baker, Mengucci, Curry, Council President Camporine and Mayor Steinhardt.

NAYS: None

Resolution No. 11-35 – Redemption of Tax Sale Certificate No. 10-03 on Block 68, Lot 11 in the amount of \$333.22.

R 11-35

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE NO. 10-03 ON BLOCK 68, LOT 11

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on December 2, 2010, a lien was sold on Block 68, Lot 11 also known as 119 South Second Street for 2009 delinquent sewer taxes; and

WHEREAS, this lien known as Tax Sale Certificate No. 10-03 was sold to US Bank Cust for Pro Capital I, LLC for 9% interest; and

WHEREAS, CoreLogic on behalf of Chase Home Finance Mortgage Company for property owners has satisfied the redemption amount on Certificate No. 10-03 in the amount of \$333.22.

NOW, THEREFORE, BE IT RESOLVED on this 2nd day of February 2011 that the Chief Financial Officer is authorized to issue a check in the amount of \$333.22 for the redemption of Tax Sale Certificate No. 10-03 to:

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, March 2, 2011.

Margaret B. Dilts, CMC

Mayor Steinhardt asked for a motion to adopt this Resolution. Motion by Councilman Mengucci, seconded by Councilman Curry. Roll call vote:

AYES: Councilmen Baker, Mengucci, Curry, Council President Camporine and Mayor Steinhardt.

NAYS: None

Resolution No. 11-36 – Transfer appropriations during first three months of 2011.

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN
 AND STATE OF NEW JERSEY AUTHORIZING THE TRANSFER OF
 APPROPRIATIONS WITHIN THE 2011 APPROPRIATION RESERVE OPERATING
 BUDGET DURING THE FIRST THREE MONTHS OF THE YEAR AS PER NJSA
 40A:4-57

FROM:		TO:	
10510220	Computer Services	\$176.47	10529120 Senior Citizen Center OE
10510320	Code Book Update	\$34.46	
10510520	Human Resource Education	\$5.05	
10511010	Mayor and Council S & W	\$0.88	
10512010	Municipal Administration S & W	\$634.04	
10512020	Municipal Administration OE	\$317.89	
10513010	Financial Administration S & W	\$10.23	
10513020	Financial Administration OE	\$50.46	
10514520	Revenue Administration OE	\$260.31	
10515010	Tax Assessment S & W	\$345.66	
10515320	Tax Assessor OE	\$158.74	
10515510	Legal Services S & W	\$0.08	
10515520	Legal Services OE	\$76.71	
10515620	Engineering Services OE	\$156.29	
10518220	Planner	\$27.10	
10518320	Planning Board OE	\$13.26	
10518520	Zoning Board of Adjustment OE	\$29.26	
10519520	Construction Official OE	\$112.15	
10519610	Building Sub-Code Inspector S & W	\$17.31	
10519720	Electrical Sub-Code OE	\$5.82	
10519820	Fire Inspector OE	\$453.01	
10520010	Zoning Officer S & W	\$0.34	
10521020	Liability Insurance	\$6.25	
10521520	Workers Compensation Insurance	\$53.13	
10522020	Employee Group Insurance	\$3.81	
10522520	Unemployment Insurance	\$37.39	
10524010	Police Department S & W	\$825.91	
10524020	Police Department OE	\$414.60	
10525210	Emergency Management S & W	\$1.16	
10525220	Emergency Management OE	\$75.68	
10529010	Road Maintenance S & W	\$696.55	
	TOTAL FROM:	\$5,000.00	TOTAL TO: \$5,000.00
1069012A	Morris Park Road Improvements	\$115,291.25	10529020A Road Maintenance \$34,342.95
			10529020A Road Maintenance \$26,459.23
			10515520A Legal Serv. OE \$13,385.39
			10518320A Planning Brd. OE \$250.00
			10515520A Legal Serv. OE \$3,300.00
			10515320A Tax Assess. Misc. \$600.00
			10512020A Municipal Admin OE\$4,090.00
			10512020A Municipal Admin OE\$1,526.25
			10512020A Municipal Admin OE\$1,074.40
			10518220A Planner \$225.00

10516520A	Engineering Serv.	\$7,290.95
10515520A	Legal Serv. OE	\$5,811.69
10515520A	Legal Serv. OE	\$13,385.39
10518320A	Planning Board Misc	\$250.00
10515520	Legal Serv. OE	\$3,300.00
TOTAL		\$115,291.25

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Council at a meeting held on Wednesday, March 2, 2011.

Margaret B. Dilts, CMC

Mayor Steinhardt asked for a motion to adopt this Resolution. Motion by Councilman Mengucci, seconded by Councilman Curry. Roll call vote:

AYES: Councilmen Baker, Mengucci, Curry, Council President Camporine and Mayor Steinhardt.

NAYS: None

Resolution No. 11-37 – Waive interest charged on 2010 assessment for Block 116.04, Lot 1.

R 11-37

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING THE CORRECTION OF A 2010 ASSESSMENT

WHEREAS, the Assessor for Lopatcong Township, Warren County, New Jersey has informed the Mayor and Council of a 2010 Assessment Correction on Block 116.04, Lot 1; and

WHEREAS, resident filed a State Tax Appeal and then cancelled State Appeal and accepted County Judgment. Assessor made correction to property during 2010 but Tax Collector did not change file for 2010 until 2011.

NOW THEREFORE, BE IT RESOLVED that the Tax Collector of the Township of Lopatcong is hereby authorized to make the necessary corrections as listed above and waive interest.

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, March 2, 2011.

Margaret B. Dilts, CMC

Mayor Steinhardt asked for a motion to adopt this Resolution. Motion by Councilman Mengucci, seconded by Councilman Curry. Roll call vote:

AYES: Councilmen Baker, Mengucci, Curry, Council President Camporine and Mayor Steinhardt.

NAYS: None

Ordinance No. 2011-01 – First Reading to authorize the lease of property known as Block 2, Lot 30.01 in accordance with N.J.S.A. 40A:12-14 for the operation of wireless communications tower.

ORDINANCE NO. 2011-01

AN ORDINANCE OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN, STATE OF NEW JERSEY AUTHORIZING THE LEASE OF CERTAIN PROPERTY OWNED BY THE TOWNSHIP AND NOT REQUIRED FOR PUBLIC PURPOSES AND MORE COMMONLY KNOWN AS A PORTION OF BLOCK 2, LOT 30.01.

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-14 authorizes the lease by municipalities of any real property, capital improvements or personal property or interests therein, not needed for public use to the highest bidder by open public sale at auction or by submission of sealed bids after the required newspaper advertisements; and

WHEREAS, the Township of Lopatcong is the owner of certain real property situated on St. George Avenue known as a portion of Block 2, Lot 30.01; and

WHEREAS, said property is not needed for public use, and the Township Council has determined that it is in the best interest of the Township to lease the property for the Construction and Operation of a Wireless Communications Monopole and Related Facilities; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of Lopatcong, County of Warren, State of New Jersey, that:

1. The property known as a portion of Block 2, Lot 30.01 shall be offered for lease to the highest bidder by submission of sealed bids, pursuant to N.J.S.A. 40A:12-14. Said bids shall be opened on March 24, 2011 at 2:00 p.m. at the Municipal Building, 232 South Third Street, Phillipsburg, New Jersey.

2. The said property shall be leased subject to the following terms and conditions:

(a) The lease shall be made by submission of sealed bids, after legal advertisement of this Ordinance, and shall be to highest bidder.

(b) The said property shall be leased for not less than \$18,000.00 per year.

(c) All bidders are deemed to have read all bidding documents and agree to comply with same.

(d) The successful bidder will be required to execute the Lease Agreement and Construction Cost Sharing Agreement contained in the bidding specifications.

Effective Date.

This Ordinance shall take effect upon final passage and publication as provided by law.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Township of Lopatcong held on March 2, 2011, at 7:00 PM and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Council to be held on April 6, 2011, at 7:00 PM, or as soon thereafter as the Township Council may hear this Ordinance at the Municipal Building, 232 South Third Street, Phillipsburg, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Margaret B. Dilts, CMC

Mayor Steinhardt asked for a motion to adopt this Ordinance on first reading. Motion by Councilman Mengucci, seconded by Councilman Baker. Roll call vote:
AYES: Councilmen Baker, Mengucci, Curry, Council President Camporine and Mayor Steinhardt.
NAYS: None

APS Contractors – Mayor Steinhardt asked Council for authorization for final payment to APS Contractors for work completed on the Solar Project in the amount of \$32,565.00 subject to Engineer Sterbenz punch list. Motion by Councilman Mengucci, seconded by Councilman Baker. Roll call vote:
AYES: Councilmen Baker, Mengucci, Curry, Council President Camporine and Mayor Steinhardt.
NAYS: None

QC Laboratories – Mayor Steinhardt requested Council approve the contract for pool water testing with QC Laboratories at a rate of \$31.00 per test. Motion by Councilman Mengucci, seconded by Councilman Baker. Roll call vote:
AYES: Councilmen Baker, Mengucci, Curry, Council President Camporine and Mayor Steinhardt.
NAYS: None

Council Reports:

Councilman Baker – No report.

Councilman Mengucci – No report.

Councilman Curry – Requested Council approve a contract with HCY for rental of the pool for Championships on July 30, 2011 from 6 am to 3 pm at a rate of \$1750.00 plus cleanup fee. Motion by Councilman Mengucci, seconded by Councilman Baker. Roll call vote:
AYES: Councilmen Baker, Mengucci, Curry, Council President Camporine and Mayor Steinhardt.

NAYS: None

Ordinance 2011-02 – First Reading to amend Chapter 243 entitled Zoning and Land Use”, including Section 243-78.1 and Section 243-83.

ORDINANCE NO. 2011 – 02

**ORDINANCE OF THE TOWNSHIP OF LOPATCONG,
COUNTY OF WARREN, STATE OF NEW JERSEY,
TO AMEND AND REVISE CHAPTER 243 ENTITLED “ZONING AND LAND
USE” INCLUDING SECTION 243-78.1 AND SECTION 243-83**

WHEREAS, Chapter 243 entitled “Zoning and Land Use” of the Code of the Township of Lopatcong contains provisions relative to environmental constraints and critical areas preservation; and

WHEREAS, there is a need to amend these sections to consolidate provisions relative to environmental constraints and critical areas preservation and eliminate outdated density adjustment factors in Section 243-83 of the Code;

NOW THEREFORE BE IT ORDAINED by the Council of the Township of Lopatcong, County of Warren, State of New Jersey that Chapter 243 entitled “Zoning and Land Use”, Sections 78.1 and 83 are amended and revised as follows:

Section 1

Section 243-78.1 shall be amended as follows:

- A. Environmental coverage limitations. No environmentally constrained area, as hereinafter defined, shall contain any structure or impervious coverage except for driveways and roads and associated drainage structures and utility improvements, both public and private, such as electric, telephone, cable, water, sanitary sewer, and storm sewer lines. Farming, grazing, plant nurseries, horticulture, forestry, wild crop harvestry, recreation uses, hunting, fishing, or the like, are also permitted in environmentally constrained areas if permitted in the zoning district and not precluded by outside review agencies. Where driveways, roads, or utilities are permitted in environmentally constrained areas by the Township, the improvements shall be designed to minimize intrusion into and impacts to the environmentally constrained areas.

Section 2

Section 243-78.1B(1) shall be amended to add a new subsection (e) as follows:

- (e) Shallow Depth to Bedrock Areas – All areas composed of soils having four (4) feet or less depth to bedrock as indicated in the Soil Survey of Warren County, New Jersey, published by the United States Department of Agriculture, Soil Conservation Service, as amended and supplemented.

Section 3

Section 243-78.1B(3) of the Code is hereby deleted in its entirety.

Section 4

Section 243-83 of the Code entitled “Critical Area Calculation” is hereby deleted in its entirety.

Section 5

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 6:

Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 7:

Effective Date. This Ordinance shall take effect upon final passage and publication as provided by law.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Township of Lopatcong held on March 2, 2011 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Council to be held on May 4, 2011 at 7 p.m. or as soon thereafter as the Township Council may hear this Ordinance at the Municipal Building, 232 S. Third Street, Phillipsburg, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Margaret B. Dilts, CMC

Mayor Steinhardt asked for a motion to adopt this Ordinance on first reading. Motion by Councilman Mengucci, seconded by Councilman Baker. Roll call vote:

AYES: Councilmen Baker, Mengucci, Curry, Council President Camporine.

NAYS: None

ABSTAIN: Mayor Steinhardt

Lopatcong Park – Councilman Curry asked for a motion to have the baseball field finished at a cost of \$900.00. Motion by Councilman Mengucci, seconded by Councilman Baker. Roll call vote:

AYES: Councilmen Baker, Mengucci, Curry, Council President Camporine and Mayor Steinhardt.

NAYS: None

Lopatcong Pavilion/Pool Memberships/Recreation Program Fees – Clerk Dilts asked for a \$25 increase in Pool memberships, non-profit fees be increased to the resident's fee for pavilion rentals and Recreation Program fees to be \$225 per each individual. Motion by Councilman Mengucci, seconded by Councilman Baker. Roll call vote:

AYES: Councilmen Baker, Mengucci, Curry, Council President Camporine and Mayor Steinhardt.

NAYS: None

Council President Camporine – No report.

Public Comment:

Resident complained about the trash in the wooded area along Brakeley Avenue. Mayor Steinhardt asked Clerk Dilts contact Larken to clean up this area.

Mayor Steinhardt asked for a motion to adjourn the meeting. Motion by Councilman Baker, seconded by Councilman Mengucci. All in favor.

Respectfully submitted,

Margaret B. Dilts
Clerk/Administrator

Douglas J. Steinhardt
Mayor