

TOWNSHIP OF LOPATCONG
COUNCIL MEETING MINUTES

May 4, 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, and Mengucci. Also present were CFO Dobes, Attorney Campbell and Engineer Sterbenz.

Resolution No. 11-47 - was passed to hold an Executive Session to discuss letter of request from Psitos and Franklin Court fees.

Old Business:

Minutes: Mayor Steinhardt asked for a motion to adopt the minutes of April 6 and April 29, 2011. Motion by Councilman Mengucci, seconded by Councilman Baker. Roll call vote:

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

NAYS: None

2011 Municipal Budget – Mayor Steinhardt opened the floor for a public hearing on the budget. Motion by Councilman Mengucci, seconded by Councilman Baker. Resident Bruce Hall questioned the court fees. No further questions from the public. Motion to close the hearing by Councilman Mengucci, seconded by Councilman Baker.

Ordinance No. 11-02 – second reading and public hearing to amend Chapter 243 entitled “Zoning and Land Use” including Section 243-78.S and Section 243-83 relative to environmental constraints and critical areas preservation. Motion to open the floor for a public hearing by Councilman Mengucci, seconded by Councilman Baker. No comments from the public. Motion to close the public hearing by Councilman Mengucci, seconded by Councilman Baker.

2011-02

SECOND NOTICE OF AN ORDINANCE

NOTICE is hereby given that a regular meeting of the Township Council of the Township of Lopatcong, County of Warren and State of New Jersey, held on Wednesday, May 4, 2011 at the Municipal Building, 232 South Third Street, Phillipsburg, New Jersey, the following Ordinance was presented and passed on the final reading. The Ordinance was then ordered to be published according to law by title only.

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

Said Ordinance may be read and inspected at any time at the Office of the Municipal Clerk, Lopatcong Township Municipal Building, 232 S. Third Street, Phillipsburg, New Jersey.

Margaret B. Dilts, CMC

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

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

NAYS: None

Ordinance No. 11-03 – second reading and public hearing to Establish a CAP Bank. Motion to open the floor for a public hearing.

2011-03

SECOND NOTICE OF AN ORDINANCE

NOTICE is hereby given that a regular meeting of the Township Council of the Township of Lopatcong, County of Warren and State of New Jersey, held on Wednesday, May 4, 2011 at the Municipal Building, 232 South Third Street, Phillipsburg, New Jersey, the following Ordinance was presented and passed on the final reading. The Ordinance was then ordered to be published according to law by title only.

ORDINANCE OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN,
STATE OF NEW JERSEY TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK FOR CALENDAR
YEAR 2011 (N.J.S.A. 40A:4-45.14)

Said Ordinance may be read and inspected at any time at the Office of the Municipal Clerk, Lopatcong Township Municipal Building, 232 S. Third Street, Phillipsburg, New Jersey.

Margaret B. Dilts, CMC

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

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

NAYS: None

Ordinance No. 11-04 – Second reading and public hearing to amend Bond Ordinance No. 2010-01 to delete Section 7 in its entirety. Mayor Steinhardt opened the floor for a public hearing. Motion by Councilman Mengucci, seconded by Councilman Baker. No comments from the public. Mayor Steinhardt closed the public hearing. Motion by Councilman Mengucci, seconded by Councilman Baker.

ORDINANCE NO. 2011-04

**BOND ORDINANCE AMENDING BOND
ORDINANCE NUMBER 2010-01 FINALLY
ADOPTED BY THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF LOPATCONG, NEW JERSEY ON
MARCH 3, 2010**

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LOPATCONG, IN THE COUNTY OF WARREN, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The Bond Ordinance of the Township Council of the Township of Lopatcong, in the County of Warren, New Jersey (the "Township") entitled "BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$1,162,000 FOR THE INSTALLATION OF SOLAR PANELS AND RELATED EQUIPMENT AT VARIOUS MUNICIPAL BUILDINGS IN AND BY THE TOWNSHIP OF LOPATCONG, IN THE COUNTY OF WARREN, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$1,062,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION." finally adopted on March 3, 2010 is hereby incorporated by reference in its entirety.

Section 2. Section 7 of the Ordinance is hereby deleted in its entirety.

Section 3. The capital budget of the Council is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolutions in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 4. All other provisions of the Ordinance shall remain unchanged.

Section 5. This amendatory bond ordinance shall take effect twenty days after the first publication thereof after final adoption as provided by Local Bond Law.

BOND ORDINANCE STATEMENTS AND SUMMARIES

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Township of Lopatcong of New Jersey on May 4, 2011 and the 20 day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Clerk's office for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: Bond Ordinance Amending Bond Ordinance Number 2010-01 Finally Adopted By the Township Council of the Township Of Lopatcong, New Jersey on March 3, 2010

Purpose(s): Amend bond ordinance by deleting Section 7 thereof pertaining to use of grant moneys received.

Appropriation: \$1,162,000

Bonds/Notes Authorized: \$1,062,000

Grants (if any) Appropriated: None

Section 20 Costs: \$250,000

Useful Life: 15 years

M. Beth Dilts, CMC

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

Ordinance No. 11-05 – Second reading and public hearing to introduce Capital Ordinance to provide funding and acquisition of Bleachers at the Lopatcong Park, Various Road Renovations and Lighting Replacement at the Lopatcong Municipal Pool in the amount of \$50,000.00. Mayor Steinhardt opened the floor for a public hearing. Motion by Councilman Mengucci, seconded by Councilman Baker. Mr. Edward Krzman asked what part of the budget that cost would be charged to. He was informed that it would be a capital expense. No further comments from the public. Mayor

Steinhardt closed the public hearing. Motion by Councilman Baker, seconded by Councilman Mengucci.

2011-05

SECOND NOTICE OF ORDINANCE

NOTICE is hereby given that a regular meeting of the Township Council of the Township of Lopatcong, County of Warren and State of New Jersey, held on Wednesday, May 4, 2011 at the Municipal Building, 232 S. Third Street, Phillipsburg, New Jersey the following Ordinance was presented and passed on the final reading. The Ordinance was then ordered to be published according to law by title only.

A CAPITAL ORDINANCE TO PROVIDE FUNDING AND ACQUISITION OF BLEACHERS AT THE LOPATCONG PARK, VARIOUS ROAD RENOVATIONS AND LIGHTING REPLACEMENT AT THE LOPATCONG MUNICIPAL POOL IN THE AMOUNT OF \$50,000.00 OF THE CODE OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY

Said Ordinance may be read and inspected at any time at the Office of the Municipal Clerk, Lopatcong Township Municipal Building, 232 S. Third Street, Phillipsburg, New Jersey.

Margaret B. Dilts, CMC

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

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

NAYS: None

Governor Christie's Pension and Benefit Reform – Mayor Steinhardt asked Council for a motion to support Governor Christie's reforms. Motion by Councilman Mengucci, seconded by Council President Camporine. Roll call vote:

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

NAYS: Councilman Baker

Ordinance No. 11-06 – First reading to amend Chapter 73 entitled "Amusements & Amusement Devices", Article IV Games of Chance Fee Exemption, to establish fee for all applications for Bingo and Raffle Licenses. Mayor Steinhardt asked for a motion to table. Motion by Councilman Mengucci, seconded by Councilman Baker. Roll call vote:

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

NAYS: None

Appraisal Consultants Corporation Agreement – Mayor Steinhardt asked for a motion to approve Professional Services Agreement between the Township of Lopatcong, Township of Pohatcong and Richard Chaiken of Appraisal Consultants Corporation for services with regard to Tax A[appeal filed for Block 102, Lots 9.01 and 9.03. Motion by Councilman Mengucci, seconded by Council President Camporine. Roll call vote:

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

NAYS: None

Resolution 11-45 – End State Diversion of Municipal Revenues and Demand Compliance with State Laws.

R 11-45

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY SUPPORTING THE END TO STATE DIVERSION OF MUNICIPAL REVENUES AND DEMAND COMPLIANCE WITH STATE LAWS.

WHEREAS, there are two main formula-driven general municipal property tax relief programs currently on the books in our Garden State; and

WHEREAS, though often referred to as “State Aid” programs, these are actually revenue replacement programs intended to replace property tax relief funding that was, formerly, generated through taxes assessed and collected locally; and

WHEREAS, the first is the Energy Tax Receipts Property Tax Relief program – the direct descendant of the Public Utility Gross Receipts and Franchise Tax, which was a tax on regulated public utilities originally assessed and collected at the municipal level; and

WHEREAS, in the early 1980’s at the request and for the convenience of the tax paying utilities, the State became the collection agent for this assessment and the law that effected this change promised that the proceeds would be distributed back to the municipalities which provide service to utility facilities and from whence come utility profits; and

WHEREAS, the State of New Jersey never honored that commitment, immediately and annually diverting large and growing portions of the proceeds to its own general fund; and

WHEREAS, modernization and deregulation led to a major reform of utility taxes in the mid-nineties, which validated and supposedly capped the State’s annual portion of the tax proceeds; and

WHEREAS, that law also included a “poison pill,” which required the State to annually increase the municipal distribution of Energy Tax proceeds and to cap its skim; and it, further, provided that failure to honor that pledge would result in the forfeiture of the State’s authority to collect the tax; and

WHEREAS, around the same time, for its own convenience, the State decided to consolidate a number of previously discrete municipal property tax relief programs; and

WHEREAS, while some may see “no rhyme or reason” to the distribution of Consolidated Municipal Property Tax Receipts Aid (CMPTRA), each of its component parts was distributed according to state established formulas, and many of those parts were, like Energy Taxes, the lineal descendants of taxes that had once been assessed and collected at the municipal level; and

WHEREAS, among its many components, CMPTRA includes the Financial Business Tax, the Business Personal Property Tax Replacement, the Railroad Class II Property Tax, the Insurance Franchise Tax, the Corporation Business Tax on Banking Corporations and State PILOT payments that had been under-funded for many years prior to being folded into CMPTRA; and

WHEREAS, these are, or were, all municipal revenue replacement programs – not, properly speaking, State aid, in that they were not meant to make things better for municipal property taxpayers; they were only intended to keep things from getting worse; and

WHEREAS, in the late-nineties, a law was passed that required both the Energy Tax and CMPTRA distributions to be annually increased by the rate of inflation; and

WHEREAS, that law posed a special problem for future State budget makers, but, as those budget makers viewed the matter, the problem was not how to comply with the requirements; the problem was how to avoid compliance without invoking the Energy Tax “Poison Pill”; and

WHEREAS, State policy makers found a way to increase Energy Tax distributions by the rate of inflation for five straight years without providing municipalities with one new

dollar in property tax relief, which was done by annually reducing the CPMTRA distribution by the same amount that it increased the Energy Tax distribution; and

WHEREAS, thereafter the State strayed even farther from original legislative intent, when, in 2008 (SFY 2009) CMPTRA was reduced by about \$62 million more than the Energy Tax was increased and in 2009 (SFY 2010) the net loss equaled about \$32 million; and

WHEREAS, the State's Fiscal Year 2011 budget, in which the total distribution of CMPTRA and ETR was reduced by approximately 17 percent, or \$272 million from \$1.565 billion to \$1.293 billion, honoring neither the letter nor the spirit of applicable State laws.

NOW, THEREFORE, BE IT RESOLVED by the New Jersey State League of Municipalities, in conference assembled, that we demand an immediate end to the State's reliance on the municipal property tax relief revenues to balance its budget and address other priorities; and

BE IT FURTHER RESOLVED that we call on the Governor to introduce and the Legislature to adopt an FY 2012 State Budget that provides for full statutory distribution of Energy Tax and CMPTRA revenue replacement funding, and to continue to honor the letter and spirit of the applicable State statutes in all years thereafter; and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the members of the New Jersey General Assembly, the New Jersey State Senate, the Lieutenant Governor and the Governor of the State of New Jersey.

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, May 4, 2011.

Margaret B. Dilts, CMC

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

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

NAYS: None

Resolution No. 11-46 – Authorizing redemption of Tax Sale Certificate No. 10-13 on Block 124, Lot 4.

R 11-46

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE NO. 10-13 ON BLOCK 124, LOT 4

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on December 2, 2010, a lien was sold on Block 2, Lot 4, also known as 222 Powderhorn Drive for 2009 delinquent sewer taxes; and

WHEREAS, this lien known as Tax Sale Certificate No. 10-13 was sold to Daniel, LLC for 17%; and

WHEREAS, William E. Mandry Law Offices, Attorney for the property owners has satisfied the redemption amount on Certificate No. 10-13 in the amount of \$343.00.

NOW, THEREFORE, BE IT RESOLVED on this 4th day of May 2011 that the Chief Financial Officer is authorized to issue a check in the amount of \$343.00 for the redemption of Tax Sale Certificate No. 10-13 to:

Daniel, LLC
P.O. Box 92
Stewartsville, NJ 08886

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, May 4, 2011.

Margaret B. Dilts, CMC

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

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

NAYS: None

Garden State Fireworks Contract - Mayor Steinhardt asked for a motion to adopt this Resolution for the fireworks display for Community Day. Motion by Councilman Mengucci, seconded by Councilman Baker. Roll call vote:

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

NAYS: None

Strykers Fire No. 2 - Mayor Steinhardt asked for a motion to approve membership to Strykers Fire No. 2 for Stacey Davis. Motion by Councilman Mengucci, seconded by Councilman Baker. Roll call vote:

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

NAYS: None

Announcements – Community day is Saturday, June 18, 2011 from 1:00 pm to Dusk.

Council Reports:

Councilman Baker – No report.

Councilman Mengucci – No report.

Councilman Camporine – No report.

Mayor Steinhardt – Informed the public that the USDA awarded the Township \$3,000,000.00 in grant and low interest loans for the purpose of constructing a new pump station.

Reassessment – Mayor Steinhardt asked Council for a motion to approve a Reassessment of all properties in the Township. Motion by Councilman Mengucci, seconded by Councilman Baker. Roll call vote:

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

NAYS: None

Public Comment –

Diane Hall – New stop signs

Freeholder Jason Sarnoski – Report on the County.

Ernie Gallant – Reported that the school refinanced their bond saving \$1,169,000.00.

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

Respectfully submitted,

Margaret B. Dilts
Clerk/Administrator

Douglas J. Steinhardt
Mayor

