

TOWNSHIP OF LOPATCONG

July 6, 2011

The meeting of the Township Council was called to order at 7:30 pm by Council President Camporine. The meeting was held in the Municipal Building located at 232 S. Third Street, Phillipsburg, New Jersey 08865.

Council President Camporine stated “adequate notice of this meeting has been provided indicating the time and place of this 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: Council President Camporine, Councilmen Baker and Curry. Also present were CFO Dobes, Tax Collector Edinger, Attorney Campbell and Engineer Sterbenz.

Resolution 11-58 - was passed to hold an Executive Session to discuss the Migliore matter, sewer bills, health benefits waiver, Franklin Court matter and approve \$7,000.00 for borings for the Baltimore Street Pump Station Project.

Old Business:

Minutes – Approve the minutes of May 4, May 20, June 1 and June 8, 2011. Motion by Councilman Mengucci, seconded by Councilman Baker. Roll call vote:

AYES: Councilman Baker, Mengucci, Curry and Council President Camporine.

NAYS: None

ABSTAIN: Councilman Mengucci for June 1, 2011 and Councilman Curry for May 4 and 20, 2011.

Ordinance No. 11-06 – second reading and public hearing to amend Chapter 227 entitled “Vehicles and Traffic” to add Regulations pursuant to N.J.S.A. 39:5A-1 for the Private Roadway Systems within the Warren Heights North and Warren Heights South Residential Developments. Motion 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.

ORDINANCE 11-06

SECOND NOTICE OF AN ORDINANCE

NOTICE is hereby given that at a regular meeting of the Township Council of the Township of Lopatcong, County of Warren and State of New Jersey, held on Wednesday, July 6, 2011 at the Municipal Building, 232 S. Third Street, Phillipsburg, New Jersey, the following Ordinance as amended on second and final reading, after a hearing thereon was passed and then ordered to be published according to law by title only with the following amendments to the passage thereof.

ORDINANCE AMENDING CHAPTER 227 OF THE CODE OF THE TOWNSHIP OF LOPATCONG ENTITLED “VEHICLES AND TRAFFIC” TO ADD REGULATIONS PURSUANT TO N.J.S.A. 39:5A-1 FOR THE PRIVATE ROADWAY SYSTEMS WITHIN THE WARREN HEIGHTS NORTH AND WARREN HEIGHTS SOUTH RESIDENTIAL DEVELOPMENTS

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

Council President Camporine asked for a motion to adopt this Ordinance. Motion by

Councilman Mengucci, seconded by Councilman Baker. Roll call vote:
AYES: Councilmen Baker, Mengucci, Curry, and Council President Camporine.
NAYS: None

Ordinance No. 11-07 – second reading and public hearing to amend Chapter 243 entitled “Zoning and Land Use”, to add Asphalt and Concrete Manufacturing Facilities as a Conditional Use in the ROM Zone South of the Norfolk Southern Railroad Right-of-Way; Solar Photovoltaic Facilities as an Assessory Use Permitted in the ROM Zone and the HB Zone South of the Norfolk Southern Railroad Right-of-Way. Council President Camporine asked for a motion to open the floor for a public hearing. Motion by Councilman Mengucci, seconded by Councilman Baker. No comments were made from the public. Motion to close the public hearing by Councilman Mengucci, seconded by Councilman Baker.

Ordinance No. 11-07
Second Notice of an Ordinance

NOTICE is hereby given that at a regular meeting of the Township Council of the Township of Lopatcong, County of Warren and State of New Jersey, held on Wednesday, July 6, 2011 at the Municipal Building, 232 S. Third Street, Phillipsburg, New Jersey, the following Ordinance as amended on second and final reading, after a hearing thereon was passed and then ordered to be published according to law by title only with the following amendments to the passage thereof.

An Ordinance to Amend Chapter 243, “Zoning & Land Use”, to Add Asphalt and Concrete Manufacturing Facilities as a Conditional Use in the ROM Zone South of the Norfolk Southern Railroad Right-of Way; Solar-Photovoltaic Facilities as a Permitted Principal Use in the ROM Zone; and Solar-Photovoltaic Facilities as an Accessory Use Permitted in the ROM Zone and the HB Zone South of the Norfolk Southern Railroad Right-of-Way.

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

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

Ordinance No. 11-08 – second reading and public hearing to replace Chapter 123 entitled “Flood Damage Prevention” in its entirety with a new Chapter 123 entitled “Flood Damage Prevention”. Council President Camporine opened the floor for a public hearing. Motion by Councilman Mengucci, seconded by Councilman Curry. No comments were made from the public. Council President Camporine asked for a motion close the public hearing. Motion by Councilman Mengucci, seconded by Councilman Baker.

ORDINANCE NO. 11-08

SECOND NOTICE OF AN ORDINANCE

NOTICE is hereby given that at a regular meeting of the Township Council of the Township of Lopatcong, County of Warren and State of New Jersey, held on Wednesday, July 6, 2011 at the Municipal Building, 232 S. Third Street, Phillipsburg, New Jersey, the following Ordinance as amended on second and final reading, after a hearing thereon was

passed and then ordered to be published according to law by title only with the following amendments to the passage thereof.

ORDINANCE OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN,
STATE OF NEW JERSEY TO REPLACE CHAPTER 123 ENTITLED "FLOOD
DAMAGE PREVENTION" IN ITS ENTIRETY WITH A NEW CHAPTER 123
ENTITLED "FLOOD DAMAGE PREVENTION"

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

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

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

NAYS: None

Ordinance No. 11-09 – second reading and public hearing to amend Chapter 176 to regulate dealers of second hand goods within the Township. Council President Camporine opened the floor for a public hearing. Motion by Councilman Mengucci, seconded by Councilman Baker. No comments from the public. Council President Camporine asked to close the public hearing. Motion by Councilman Mengucci, seconded by Councilman Baker.

ORDINANCE NO. 11-09

SECOND NOTICE OF AN ORDINANCE

NOTICE is hereby given that at a regular meeting of the Township Council of the Township of Lopatcong, County of Warren and State of New Jersey, held on Wednesday, July 6, 2011 at the Municipal Building, 232 S. Third Street, Phillipsburg, New Jersey, the following Ordinance as amended on second and final reading, after a hearing thereon was passed and then ordered to be published according to law by title only with the following amendments to the passage thereof.

ORDINANCE OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN,
STATE OF NEW JERSEY TO AMEND, REVISE AND SUPPLEMENT CHAPTER
176 OF THE CODE OF THE TOWNSHIP OF LOPATCONG TO REGULATE
DEALERS OF SECONDHAND GOODS WITHIN THE TOWNSHIP

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

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

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

NAYS: None

Ordinance No. 11-10 – second reading and public hearing of Capital Ordinance to appropriate \$180,000 from the General Capital Fund and \$200,000 from the 2010/11 Dept. of Transportation Grants for the Reconstruction of a portion of Stelko Avenue and Edward Street in its entirety. Council President Camporine asked for a motion to open the floor for a public hearing. Motion by Councilman Mengucci, seconded by Councilman Baker. No comments were made from the public. Motion to close by Councilman Mengucci, seconded by Councilman Baker.

ORDINANCE NO. 2011-10

SECOND NOTICE OF AN ORDINANCE

NOTICE is hereby given that at a regular meeting of the Township Council of the Township of Lopatcong, County of Warren and State of New Jersey, held on Wednesday, July 6, 2011 at the Municipal Building, 232 S. Third Street, Phillipsburg, New Jersey, the following Ordinance as amended on second and final reading, after a hearing thereon was passed and then ordered to be published according to law by title only with the following amendments to the passage thereof.

A CAPITAL ORDINANCE TO APPROPRIATE \$180,000.00 FROM THE GENERAL CAPITAL FUND AND \$200,000 FROM THE 2010/2011 DEPT. OF TRANSPORTATION GRANTS FOR THE RECONSTRUCTION OF A PORTION OF STELKO AVENUE AND EDWARD STREET IN ITS ENTIRETY

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

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

Resolution No. 11-59 – adopt the Pension and Health Benefits reforms under Chapter 78, Public Law 2011 for all employees.

R 11-59

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING PENSION AND HEALTH BENEFITS REFORMS FOR ALL TOWNSHIP EMPLOYEES

WHEREAS, the Legislature of the State of New Jersey enacted Chapter 78, Public Law 2011 to reform the Pension and Health Benefits for all employees; and

WHEREAS, the Township of Lopatcong shall apply all reforms mandated by the State to all employees.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey support the Pension and Health Benefit reforms enacted by the State under Chapter 78, Public Law 2011.

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, July 6, 2011.

Margaret B. Dilts, CMC

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

Resolution No. 11-60- insert items of revenue and appropriations into 2011 budget.

R 11-60

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN
AND STATE OF NEW JERSEY REQUESTING APPROVAL OF INSERTION OF
ITEMS OF REVENUE AND APPROPRIATIONS INTO THE 2011 BUDGET N.J.S.A.
40A:4-87

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey requests the Director of the Division of Local Government Services to approve the insertion of the following item of revenue into the 2011 Municipal Budget from the State of New Jersey Department of Transportation Fiscal Year 2011 Municipal Aid Program for South First Street in the amount of \$140,000.00; and

BE IT FURTHER RESOLVED that the sum is hereby appropriated into the 2011 Municipal Budget under State of New Jersey Department of Transportation Fiscal Year 2011 Municipal Aid Program for South First Street in the amount of \$140,000.00.

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, July 6, 2011.

Margaret B. Dilts, CMC

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

Resolution No. 11-61 – insert items of revenue and appropriations into 2011 budget.

R 11-61

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN
AND STATE OF NEW JERSEY REQUESTING APPROVAL OF INSERTION OF
ITEMS OF REVENUE AND APPROPRIATIONS INTO THE 2011 BUDGET NJSA
40A:4-87

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of the following item

of revenue into the 2011 Municipal Budget from the State of New Jersey Hepatitis B Inoculation Program in the amount of \$2,175.00; and

BE IT FURTHER RESOLVED that the like sum is hereby appropriated into the 2011 Municipal Budget under State of New Jersey Hepatitis B Inoculation Program in the amount of \$2,175.00.

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, July 6, 2011.

Margaret B. Dilts, CMC

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

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

NAYS: None

Resolution No. 11-62 – insert items of revenue and appropriations into 2011 budget.

R 11-62

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY REQUESTING APPROVAL OF INSERTION OF ITEMS OF REVENUE AND APPROPRIATIONS INTO THE 2011 BUDGET NJSA 40A:4-87

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of the following item of revenue into the 2011 Municipal Budget from the Energy Efficiency and Conservation Block Grant Rebate Program in the amounts of \$4,662.68 for the Municipal Building, \$7,172.09 for the DPW Garage and \$5,807.76 for Fire Station No. 2; and

BE IT FURTHER RESOLVED that the like sum is hereby appropriated into the 2011 Municipal Budget under Energy Efficiency and Conservation Grant Rebate Program in the amounts of \$4,662.68 for the Municipal Building, \$7,172.09 for the DPW Garage and \$5,807.76 for Fire Station No. 2.

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, July 6, 2011.

Margaret B. Dilts, CMC

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

Resolution No. 11-63 - insert items of revenue and appropriations into 2011 budget.

R 11-63

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN
AND STATE OF NEW JERSEY REQUESTING APPROVAL OF INSERTION OF
ITEMS OF REVENUE AND APPROPRIATIONS INTO THE 2011 BUDGET NJSA
40A:4-87

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of the following item of revenue into the 2011 Municipal Budget from the State of New Jersey Solid Waste Administration FY 2011 Clean Communities Grant an additional amount of \$1,777.87, (amount appropriated in 2011 Budget is \$13,105.44 and received the amount of \$14,883.31); and

BE IT FURTHER RESOLVED that the like sum is hereby appropriated into the 2011 Municipal Budget under State of New Jersey Solid Waste Administration FY 2011 Clean Communities Grant an additional amount of \$1,777.87, (amount appropriated in 2011 Budget is \$13,105.44 and received the amount of \$14,883.31); and

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, July 6, 2011.

Margaret B. Dilts, CMC

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

Delaware Park Engine Co. No. 1 – Council President Camporine asked for a motion to approve membership for Stephen Hopkins. Motion by Councilman Mengucci, seconded by Councilman Baker. Roll call vote:
AYES: Councilmen Baker, Mengucci, Curry and Council President Camporine
NAYS: None

Mountain View Development and Contracting Co. – approve payment for work completed on Stelko Avenue with regard to sewer repair in the amount of \$16,657.28. Motion by Councilman Mengucci, seconded by Councilman Curry. Roll call vote:
AYES: Councilmen Baker, Mengucci, Curry and Council President Camporine.
NAYS: None

TopLine Construction Corporation – approve partial payment No. 1 in the amount of 121,702.86 for work completed on Edward Street and Stelko Avenue. Motion by Councilman Mengucci, seconded by Councilman Curry. Roll call vote:

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

NAYS: None

2010 Annual Audit – Council President Camporine asked for a motion to approve. Motion by Councilmen Mengucci, seconded by Councilman Curry. Roll call vote:

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

NAYS: None

Road Construction Agreement Larken Associates – Council President Camporine asked for a motion to approve an agreement with Larken Associates to provide payment of \$49,300.00 to the Township in lieu of performing the roadway improvements to South First Street. Motion by Councilman Mengucci, seconded by Councilman Baker. Roll call vote:

AYES:

NAYS:

Council Reports:

Councilman Baker – no report.

Councilman Mengucci – no report.

Councilman Curry – asked for a motion to recommend to the Board of Adjustment to excise a portion of a resolution making an additional requirement for relief in front of that Board. Motion by Councilman Curry, seconded by Councilman Mengucci. Roll call vote:

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

NAYS: None

Council President Camporine – asked Council for a motion to approve borings be taken at the pump station site in the amount of \$7,000.00. Motion by Councilman Mengucci, seconded by Councilman Baker. Roll call vote:

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

NAYS: None

Department Reports – Motion by Councilman Mengucci, seconded by Councilman Baker. Roll call vote:

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

NAYS: None

Payment of Bills - – Motion by Councilman Mengucci, seconded by Councilman Baker. Roll call vote:

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

NAYS: None

Audience Participation –

Bonnie Hayford – Stelko Avenue runoff. Engineer Sterbenz will address.

Council President Camporine asked for a motion to adjourn the meeting. Motion by Councilman Mengucci, seconded by Councilman Curry. All in favor.

Respectfully submitted,

Margaret B. Dilts
Clerk/Administrator

Douglas J. Steinhardt
Mayor

