

TOWNSHIP OF LOPATCONG

December 29, 2011

The meeting of the 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 Street, Phillipsburg, New Jersey 08865.

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

Resolution 11-100- was passed to hold an Executive Session to discuss sewer matter with Engineer Pryor, Harmony Court Agreement, Franklin Court update, Contract with Sterling, DiSanto and Associates for consulting services with regard to data center, I-R Tract Redevelopment Agreement and Fire Company No. 2 building repairs.

Old Business:

Ordinance No. 2011-17 – Second reading and public hearing to Authorize Special Emergency Appropriation Pursuant to N.J.S.A. 40A:4-53 for the Purpose of Preparation and Execution to Cover Expenses Related to Contractual Obligations for Reassessment Services and Other Related Costs as a Component to Complete a Program of Reassessment of Real Property. Motion to open the floor for a public hearing by Councilman Mengucci, seconded by Councilman Curry. No comments from the public. Motion to close public hearing by Councilman Mengucci, seconded by Councilman Curry.

ORDINANCE NO. 2011-17

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 Thursday, December 29, 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 FOR THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING SPECIAL EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-53 FOR THE PURPOSE OF PREPARATION AND EXECUTION TO COVER EXPENSES RELATED TO CONTRACTUAL OBLIGATIONS FOR REASSESSMENT SERVICES AND OTHER RELATED COSTS AS A COMPONENT TO COMPLETE A PROGRAM OF REASSESSMENT OF REAL PROPERTY

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 Curry. Roll call vote:
AYES: Councilmen Baker, Mengucci, Curry, Council President Camporine and Mayor Steinhardt.
NAYS: None

Ordinance No. 2011-18 – Second reading and public hearing to Authorize Special Emergency Appropriation Pursuant to N.J.S.A. 40A:4-54 for the Purpose of Covering Expenses Related to Hurricane Irene and Tropical Storm Lee in the amount of \$200,000. Motion to open the floor for a public hearing by Councilman Mengucci, seconded by Councilman Curry. No comments from the public. Motion to close public hearing by Councilman Mengucci, seconded by Councilman Curry.

ORDINANCE NO. 2011-18

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 Thursday, December 29, 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 FOR THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING SPECIAL EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-54 FOR THE PURPOSE OF COVERING EXPENSES RELATED TO HURRICANE IRENE AND TROPICAL STORM LEE IN THE AMOUNT OF \$200,000

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 Curry. Roll call vote:
AYES: Councilmen Baker, Mengucci, Curry, Council President Camporine and Mayor Steinhardt.
NAYS: None

Ordinance No. 2011-19 – Second reading and public hearing to Petition the Highlands Council for Plan Conformance for the Planning Area. Motion to open the floor for a public hearing by Councilman Mengucci, seconded by Councilman Curry. No comments from the public. Motion to close public hearing by Councilman Mengucci, seconded by Councilman Curry.

ORDINANCE NO. 2011-19

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 Thursday, December 29, 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 PETITION THE HIGHLANDS COUNCIL FOR PLAN CONFORMANCE FOR THE PLANNING AREA

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 Curry. Roll call vote:
AYES: Councilmen Baker, Mengucci, Curry, Council President Camporine and Mayor Steinhardt.
NAYS: None

The following Resolutions were moved by Consent Agenda. 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. 11-101 – Authorize refund of duplicate tax payment for 2011 tax year on Block 115.07, Lot 18C0312.

R 11-101

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 duplicate tax payments as follows for the tax year 2011.

<u>Block & Lot</u>	<u>Name of Payee/Mortgage</u>	<u>Amount</u>
115.07 18C0312	Silverman,Greg/Jansen, Jennifer Wells Fargo Home Mortgage 1 Home Campus MAC X2302-045 Des Moines, IA 50328	\$4,837.21

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 2012 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 Thursday, December 29, 2011.

Margaret B. Dilts, CMC

Resolution No. 11-102 – Authorize refund of duplicate tax payment for 2011 tax year on Block 93.02, Lot 6 in the amount of \$223.34.

R 11-102

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 duplicate tax payments as follows for the tax year 2011.

<u>Block & Lot</u>	<u>Name of Payee</u>	<u>Amount</u>
Block 93.02, Lot 6	Turner, Michael & Pamela	\$223.34

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 2012 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 Thursday, December 29, 2011.

Margaret B. Dilts, CMC

Resolution No. 11-103 – Authorize redemption of Tax Sale Certificate No. 2011-013 in the amount of \$21,166.04 on Block 113, Lot 7.

R 11-103

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING REFUND OF REDEMPTION MONIES TO OUTSIDE LIENHOLDER OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on October 21, 2011, a lien was sold on Block 113, Lot 7, also known as 33 Dryden Terrace in Lopatcong Township for 2010 delinquent taxes; and

WHEREAS, this lien known as Tax Sale Certificate No. 2011-013 was sold to US Bank Cust/Crestar Capital, LLC for a premium of \$5,900.00; and

WHEREAS, Atlantic Title & Settlement Services, LLC, title company for the property owners has satisfied the redemption amount on Certificate No. 2011-013 in the amount of \$15,266.04.

NOW, THEREFORE, BE IT RESOLVED on this 29th day of December 2011 that the Chief Financial Officer be authorized to issue a check in the amount of \$21,166.04 for the redemption of Tax Sale Certificate No. 2011-013 and Premium to:

US Bank Cust
Crestar Capital LLC
50 S. 16th St., Suite 1950
Philadelphia, PA 19102

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 Thursday, December 29, 2011.

Margaret B. Dilts, CMC

Resolution No. 11-104 – Authorize redemption of Tax Sale Certificate No. 2011-015 in the amount of \$323.05 on Block 125, Lot 4.

R 11-104

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN
AND STATE OF NEW JERSEY AUTHORIZING REDEMPTION OF TAX SALE
CERTIFICATE NO. 2011-015 ON BLOCK 125, LOT 4

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on October 21, 2011 a lien was sold on Block 125, Lot 4 also known as 6 Wordsworth Lane for 2010 delinquent sewer taxes; and

WHEREAS, this lien known as Tax Sale Certificate No. 2011-015 was sold to Arthur Frustaci for 18% interest; and

WHEREAS, JP Morgan Chase Bank, NA Mortgage Company for property owners has satisfied the redemption amount on Certificate No. 2011-015 in the amount of \$323.05.

NOW, THEREFORE, BE IT RESOLVED, on this 29th day of December, 2011 that the Chief Financial Officer is authorized to issue a check in the amount of \$323.05 for the redemption of Tax Sale Certificate No. 2011-015 to:

Arthur Frustaci
1178 Fifth Avenue
Phillipsburg, NJ 08865

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 Thursday, December 29, 2011.

Margaret B. Dilts, CMC

Resolution No. 2011-105 – Authorize refund of redemption monies to outside lienholder in the amount of \$14,717.59.

R 11-105

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN
AND STATE OF NEW JERSEY AUTHORIZING REFUND OF REDEMPTION
MONIES TO OUTSIDE LIENHOLDER

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on October 21, 2011, a lien was sold on Block 99, Lot 57 C0274 also known as 274 Bald Eagle Drive in Lopatcong Township for 2010 delinquent taxes; and

WHEREAS, this lien known as Tax Sale Certificate No. 2011-012 was sold to US Bank Cust/Crestar Capital LLC for a premium of \$4,000.00; and

WHEREAS, Vericrest Financial Mortgage Company for property owners has satisfied the redemption amount on Certificate No. 2011-012 in the amount of \$10,717.59.

NOW, THEREFORE, BE IT RESOLVED on this 29th day of December 2011 that the Chief Financial Officer be authorized to issue a check in the amount of \$14,717.59 for the redemption of Tax Sale Certificate No. 2011-012 and Premium to:

US Bank/Crestar Capital
50 S 16th Street, Suite 1950
Philadelphia, PA 19102

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 Thursday, December 29, 2011.

Margaret B. Dilts, CMC

Safe and Secure Communities Grant – Mayor Steinhardt asked for a motion to approve this grant in the amount of \$23,275.00. Motion by Councilman Mengucci, seconded by Councilman Baker. Roll call vote:

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

NAYS: None

New Business:

Resolution No. 11-106 – Authorize transfer of appropriations of the 2011 Budget during the last two months of the year as per N.J.S.A. 40A:4-58 in the amount of \$23,275.00.

R 11-106

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN
AND STATE OF NEW JERSEY AUTHORIZING THE TRANSFER OF
APPROPRIATIONS OF THE 2011 OPERATING BUDGET DURING THE LAST
TWO MONTHS OF THE YEAR AS PER NJSA 40A:4-58

WHEREAS, it has become necessary to expend an amount in excess of the respective items appropriated in the 2011 Lopatcong Township Municipal and Sewer Operating Budgets.

NOW, THEREFORE, BE IT RESOLVED as per N.J.S.A. 40A:4-58 that the Mayor and Council of the Township of Lopatcong authorize the Chief Financial Officer to make the following appropriation transfers:

FROM:			TO:		
7650110	Sewer Operating Salaries S & W	\$20,000.00	7650120	Sewer Operating Other Expenses	\$20,000.00
7654021	Sewer Operating Social Security	\$200.00	7650110	Sewer Operating Salaries	\$200.00
10544920	Municipal Operating Water Expense	\$750.00	10546020	Municipal Operating Gasoline Expense	\$750.00
10510220	Municipal Operating Computer Expense	\$525.00	10512010	Municipal Administration Salaries	\$525.00
10512020	Municipal Administration Expenses	\$1,700.00	10512010	Municipal Administration Salaries	\$1,700.00
10515320	Municipal Tax Assessor Exp.	\$100.00	10515010	Municipal Tax Assessor Sal.	\$100.00
Total		\$23,275.00	Total		\$23,275.00

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 Thursday, December 29, 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, Curry, Council President Camporine and Mayor Steinhardt.

NAYS: None

Statewide Indemnity and Trust Agreement – Authorize execution of Risk Management Consultant’s Agreement. Council President Camporine asked for a motion to approve the execution of the Risk Management Consultant’s Agreement. Councilman Mengucci made the motion and Councilman Baker seconded it. Roll call vote:

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

NAYS: None

ABSTAIN: Mayor Steinhardt

Resolution 11-107 – Risk Management Consultant.

R 11-107

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN
AND STATE OF NEW JERSEY APPOINTING RISK MANAGEMENT
CONSULTANT

WHEREAS, the Township of Lopatcong has joined the Statewide Insurance Fund a joint insurance fund as defined in N.J.S.A. 40A:10-36 et seq; and

WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant as those positions are defined in the Bylaws if requested to do so by the “Fund”; and

WHEREAS, the “Fund” has requested its members to appoint individuals or entities to that position.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Township of Lopatcong, County of Warren and State of New Jersey as follows:

1. The Township of Lopatcong hereby appoints Randy May its local Risk Management Consultant.
2. The Township of Lopatcong and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant’s Agreement for the year 2011 in the form attached hereto.

TOWNSHIP OF LOPATCONG

ATTEST:

Douglas J. Steinhardt
Mayor

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 the Reorganization Meeting held on Thursday, December 29, 2011.

Margaret B. Dilts, CMC

Council President Camporine asked for a motion to adopt this Resolution. Councilman Curry made the motion and Councilman Mengucci seconded it. Roll call vote:
AYES: Councilmen Baker, Curry, Mengucci and Council President Camporine
NAYS: None
ABSTAIN: Mayor Steinhardt

Resolution No. 11-108 – Appoint Fund Commissioner.

R 11-108

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN
AND STATE OF NEW JERSEY APPOINTING FUND COMMISSIONER FOR 2011

WHEREAS, the Township of Lopatcong (hereinafter “Local Unit”) is a member of the Statewide Insurance Fund (Hereinafter “Fund”), a joint insurance fund as defined in N.J.S.A. 40A:10-36 et seq.; and

WHEREAS, the Fund’s Bylaws require participating members to appoint a Fund Commissioner.

NOW, THEREFORE, BE IT RESOLVED by the governing body of that William W. Baker, Sr., is hereby appointed as the Fund Commissioner for the Local Unit; and

BE IT FURTHER RESOLVED that Beth Dilts is hereby appointed as the alternate fund Commissioner for the Local Unit; and

BE IT FURTHER RESOLVED that the Local Unit’s Fund Commissioner is authorized and directed to execute all such documents as required by the Fund.

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 the Reorganization Meeting held on Thursday, December 29, 2011.

Margaret B. Dilts, CMC

Council President Camporine asked for a motion to approve this Resolution. Councilman Mengucci made the motion and Councilman Curry seconded it. Roll call vote:
AYES: Councilmen Baker, Mengucci, Curry and Council President Camporine.
NAYS: None
ABSTAIN: Mayor Steinhardt

Council Reports:

Councilman Baker – No report.

Councilman Mengucci – No report.

Councilman Curry – No report.

Council President Camporine – No report.

Mayor Steinhardt – Consideration to hire consultant Russell Sterling for commercial assessments.

Resolution No. 11-109 – Assessments of commercial properties.

RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT TO RUSSELL STERLING TO ASSIST IN ASSESSMENTS OF
COMMERCIAL BUSINESS WITHIN THE TOWNSHIP

WHEREAS, the Township of Lopatcong has a need to acquire legal services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisition will not exceed \$10,500; and

WHEREAS, the anticipated term of this contract is one year and may be extended as approved by the Governing body; and

WHEREAS, a contract between Russell Sterling and the Township was reviewed and approved on December 29, 2011, indicating he will assist in assessments in connection with commercial business within the Township; and

WHEREAS, as per N.J.S.A. 40A:4-57, NJACS:34-5.1 Chief Financial Officer Betty Dobes does hereby certify funds are available and encumbered.

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 special meeting held on Thursday, December 29, 2011.

Margaret B. Dilts, CMC

Council President Camporine asked for a motion to approve this Resolution. Councilman Mengucci made the motion and Councilman Curry seconded it. Roll call vote:

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

NAYS: None

Department Reports – Mayor Steinhardt asked for a motion to approve all Department Reports. Motion by Councilman Mengucci, seconded by Councilman Curry. Roll call vote:

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

NAYS: None

Payment of Bills - Mayor Steinhardt asked for a motion to approve payment of bills. Motion by Councilman Mengucci, seconded by Councilman Curry. Roll call vote:

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

NAYS: None

Audience Participation – No one was present from the public.

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

Respectfully submitted,

Margaret B. Dilts

Douglas J. Steinhardt

Clerk/Administrator

Mayor