

TOWNSHIP OF LOPATCONG

February 1, 2012

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 12-25- was passed to hold an Executive Session to discuss Franklin Court, redevelopment agreement, municipal bldg. boiler replacement (quotes for replacement), tree down on town-owned property, pump station generators (quotes for service), stormwater training.

Old Business:

Minutes – Mayor Steinhardt asked for a motion to approve the minutes of December 7, and 29, 2011 and January 4, 2012. 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 No. 2012-02 – Second reading and public hearing to Amend, Revise, and Supplement Chapter 227 entitled “Vehicles and Traffic,” including Section 11 “Stopping and Standing Prohibited During Certain Hours on Certain Streets” Relative to Venus Alley, Fortuna Alley, Chestnut Alley and Vine Alley and all alleys in Morris Park as shown on Tax Map Sheets 2.04 and 2.05. Mayor Steinhardt asked for a motion to open the hearing to the public. Motion by Councilman Mengucci, seconded by Councilman Curry. No comment from the public. Motion to close by Councilman Mengucci, seconded by Councilman Curry.

ORDINANCE 12-02

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, February 2, 2012 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 227 "VEHICLES AND TRAFFIC", INCLUDING SECTION 11 "STOPPING AND STANDING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS" RELATIVE TO VENUS ALLEY, FORTUNA ALLEY, CHESTNUT ALLEY, AND VINE ALLEY AND ALL ALLEYS IN MORRIS PARK AS SHOWN ON TAX MAP SHEETS 2.04 AND 2.05

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

New Business:

Resolution No. 2012-26 – Authorize refund of redemption monies to outside lienholder on Block 35, Lot 2.01 in the amount of \$17,905.10.

R 12-26

RESOLUTION 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 35, Lot 2.01, also known as 809 Lynda Road in Lopatcong Township for 2010 delinquent taxes and sewer; and

WHEREAS, this lien, known as Tax Sale Certificate No. 2011-003 was sold to US Bank Cust/Crestar Capital, LLC for a premium of \$4,900.00; and

WHEREAS, Millington Savings Bank Mortgage Company for property owners, has satisfied the redemption amount on Certificate No. 2011-003 in the amount of \$13,005.10.

NOW, THEREFORE, BE IT RESOLVED on this 1st day of February, 2012, that the Chief Financial Officer be authorized to issue a check in the amount of \$17,905.10 for the redemption of Tax Sale Certificate No. 2011-003 and Premium to:

US Bank Cust/Crestar Capital, LLC
50 S. 16th 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 Wednesday, February 1, 2012.

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

Resolution No. 12-27 – Authorize redemption of Tax Sale Certificate No. 10-05 on Block 99, Lot 374 C0731 in the amount of \$1,249.25.

R 12-27

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN
AND STATE OF NEW JERSEY AUTHORIZING REDEMPTION OF TAX SALE
CERTIFICATE NO. 10-05 ON BLOCK 99, LOT 374 C0731

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on December 2, 2010, a lien was sold on Block 99, Lot C0731 also known as 731 Brandywine Way for 2009 delinquent sewer taxes; and

WHEREAS, this lien known as Tax Sale Certificate No. 10-05 was sold to US Bank Cust for Pro Capital I, LLC for 7% interest; and

WHEREAS, Seterus Inc., Mortgage Company for property owners has satisfied the redemption amount on Certificate No. 10-05 in the amount of \$1,249.25.

NOW, THEREFORE, BE IT RESOLVED on this 1st day of February, 2012, that the Chief Financial Officer is authorized to issue a check in the amount of \$1,249.25 for the redemption of Tax Sale Certificate No. 10-05 to:

US Bank Cust for Pro Capital I, LLC
2 Liberty Place
50 South 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 Wednesday, February 1, 2012.

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

Resolution No. 12-28 – Reappoint Gary Woolf Emergency Management Coordinator and Pat Rivoli, Deputy Emergency Management Coordinator.

R 12-28

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN
AND STATE OF NEW JERSEY APPOINTING GARY WOOLF AS EMERGENCY
MANAGEMENT COORDINATOR AND PAT RIVOLI AS DEPUTY
MANAGEMENT COORDINATOR FOR THE TOWNSHIP OF LOPATCONG

WHEREAS, the Governing Body of the Township of Lopatcong has decided to appoint Gary Woolf as Emergency Management Coordinator and Pat Rivoli as Deputy Emergency Management Coordinator and representatives to the Local Emergency Preparedness Committee for the Township of Lopatcong, County of Warren and State of New Jersey; and

WHEREAS, the Governing Body of the Township of Lopatcong has agreed to make the appointment of Gary Woolf as Emergency Management Coordinator and Pat Rivoli as Deputy Emergency Management Coordinator and representatives to the Local Emergency Preparedness Committee for a three-year term ending December 31, 2014.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Township of Lopatcong has appointed Gary Woolf as the Emergency Management Coordinator and

Pat Rivoli as Deputy Emergency Management Coordinator and representatives to the Local Emergency Preparedness Committee for the Township of Lopatcong for a three-year term ending December 31, 2014.

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 Wednesday, February 1, 2012.

Margaret B. Dilts, RMC

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

Resolution No. 12-29 – Authorizing transfer of appropriations during the first three months of 2012 Operating Budget per NJSA 40A:4-59 in the amount of \$17,860.00.

R 12-29

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING THE TRANSFER OF APPROPRIATIONS OF THE 2012 LOPATCONG TOWNSHIP MUNICIPAL APPROPRIATION RESERVE OPERATING BUDGET DURING THE FIRST THREE MONTHS OF THE YEAR AS PER NJSA 40A:4-59

WHEREAS, it has become necessary to expand in excess of the respective items appropriated in the 2012 Lopatcong Township Municipal Appropriation Reserve Operating Budget.

NOW, THEREFORE, BE IT RESOLVED as per NJSA 40A:4-59 that the Mayor and Council of the Township of Lopatcong authorize the Chief Financial Officer to make the following appropriation transfers:

FROM:			TO:		
10519610 A	Bldg. Sub Code Inspector Salary	\$2,500.0 0	10510520A	Human Resource Education	\$200.00
10521520 A	WorkerCompensatio n Ins.	\$1,000.0 0	10512020A	Mun. Admin.Exp	\$365.00
10522020 A	Employee Grp. Ins.	\$2500.00	10516520A	Engineerin g Services	\$6,500.0 0
10524010 A	Police Dept. Salary	\$5935.00	10526420A	Fire Co.	\$690.00
10649010 A	Municipal Court Sly	\$3,500.0 0	10531020A	Bldgs. & Grds. Exp.	\$800.00
10547220 A	Social Security	\$1,000.0	105375095 A	Garbage & Trash Removal	\$260.00
10510120 A	Postage	\$265.00	10544020A	Telephone	\$2,285.0 0
10515520 A	Legal Services	\$600.00	10546020A	Gasoline	\$1,700.0
10519620 A	Bldg. SubCode Insp. Expenses	\$500.00	105430020 A	Electricity	\$4,500.0
10522520 A	Unemployment Ins.	\$60.00	10524020A	Pol. Dept. Expenses	\$500.00

			10522020A	Employee Group Ins.	\$60.00
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CERTIFICATION

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Margaret B. Dilts, RMC

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. 2012-05 – First reading to renew the Rent Control Ordinance for a three (3) year period.

2012-05

AN ORDINANCE TO REGULATE, CONTROL AND STABILIZE RENTS IN
CREATING A RENT LEVELING BOARD BY THE MAYOR AND TOWNSHIP
COUNCIL OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY

WHEREAS, the Mayor and Township Council of the Township of Lopatcong, County of Warren, New Jersey, had previously ordained an Ordinance on June 16, 1982 which was published on June 24, 1982 and thereafter was subsequently amended on December 15, 1982 and published on December 23, 1982; and

WHEREAS, the enabling Ordinance and amendment thereto expired three (3) years from the date of the final passage of the amended and supplemental Ordinance and was extended for an additional three (3) year period on April 20, 1988 and again extended three years on April 17, 1991 and again extended three (3) years on April 6, 1994 and again extended three (3) years on July 2, 1997 and again extended on three (3) years on June 4, 2000 and again extended three (3) years on April 2, 2003 and again extended three (3) years on April 5, 2006 and again extended three (3) years on February 4, 2009; and again extended for three (3) years on February 1, 2012.

WHEREAS, the Mayor and Council have reviewed the effect and benefits of the Rent Control Ordinance as it relates to the Township of Lopatcong and the citizens of Lopatcong Township and have decided to extend the original principal Rent Control Ordinance as well as all subsequent amendments and supplements thereto for another three (3) year period.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Lopatcong, County of Warren and State of New Jersey that the original and principal Rent Control Ordinance of the Township of Lopatcong as well as all subsequent amendments and supplements thereto shall be extended for an additional three (3) year period from the date of final passage and publication of this Ordinance.

This Ordinance shall take effect upon final passage and publication pursuant to law. (N.J.S.A. 40:69A-181(b)).

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

February 1, 2012, 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 March 7, 2012 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 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. 2012-06 – First reading to Amend, Revise, and Supplement Chapter 243 entitled “Zoning and Land Use” Particularly Section 243-78 “Minimum and Maximum Requirements” to include the Minimum and Maximum Requirements for Detached Single-Family Dwellings in the R-150 Residential Zone that are Served by Public Sewers.

ORDINANCE NO. 12 - 06

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” PARTICULARLY SECTION 243-78
“MINIMUM AND MAXIMUM REQUIREMENTS” TO INCLUDE
THE MINIMUM AND MAXIMUM REQUIREMENTS FOR DETACHED
SINGLE-FAMILY DWELLINGS IN THE R-150 RESIDENTIAL ZONE THAT
ARE SERVED BY PUBLIC SEWERS

WHEREAS, Chapter 243 “Zoning and Land Use” of the Code of the Township of Lopatcong contains a Schedule of Area, Lot and Bulk Regulations for particular uses in each zone in the Township; and

WHEREAS, Chapter 243 contains area, lot and bulk regulations for the R-150 Residential Zone in the Township; and

WHEREAS, the Schedule of Area, Lot and Bulk Regulations contains requirements for the development of detached single-family dwellings in the R-150 Residential Zone where no public sewers exist; and

WHEREAS, the Schedule of Area, Lot, and Bulk Regulations contain no requirements for the development of detached single-family dwellings in the R-150 Residential Zone where public sewer service is available; and

WHEREAS the Sacks Associates major subdivision was developed in the R-150 Residential Zone with public sewers, and

WHEREAS, the tax assessment maps for the Township indicates that lot sizes in the Sacks Associates development generally range from 30,000 – 40, 000 square feet; and

WHEREAS, such lot sizes are well below the minimum lot size for the R-150 Residential Zone where no public sewers are available at 1.5 acres; and

WHEREAS, the approved final plat for Section 2D of the Sacks Associates major subdivision contains a Zoning Schedule that indicates certain criteria, including a minimum required lot area of 30,000 square feet; and

WHEREAS, there appears to be an omission in the Zoning and Land Use Code relative to the minimum and maximum requirements for developments in the R-150 Residential Zone where public sewers exist in the Township;

NOW THEREFORE, BE IT ORDAINED BY the Council of the Township of Lopatcong, County of Warren and State of New Jersey that Attachment 2 in Chapter 243 entitled “Schedule of Area, Lot, and Bulk Regulations (Part 1)” be amended to include minimum and maximum requirements for areas in the R-150 Residential Zone where public sewer service is available as follows:

SECTION 1

The Schedule of Area, Lot, and Bulk Regulations which is referred to in Section 243-78 shall be amended to provide minimum and maximum requirements for detached single-family dwellings that are developed in the R-150 Residential Zone where public sewers are available as follows:

			Maximum Coverage		Yards				Accessory Structures		Height	
District/Use	Minimum Lot Area	Minimum Lot Width (feet)	Building (Percent)	Lot (Percent)	Front (feet)	One Side (feet)	Both Sides (feet)	Rear (feet)	Side (feet)	Rear (feet)	Feet	Stories
R-150 Residential												
Single Family without Public sewer	1 1/2 acres	150	10	20	50	35	75	80	20	20	35	2 1/2
Single Family with Public sewer	30,000 square feet	150	15	30	45	20	45	60	10	10	35	2 1/2
Farm	5 acres	300	10	----	50	40	100	80	40	40	35	2 1/2
Public buildings or facilities, schools, religious buildings, semipublic/nonprofit uses	5 acres	300	---	60	50	40	80	40	40	40	---	---

SECTION 2

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 off this Ordinance shall not be affected thereby.

SECTION 3

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

SECTION 4

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 February 1, 2012 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 March 7, 2012 at 7 p.m. or as soon thereafter as the Township Council may hear this Ordinance at the Municipal Building, 232 South Third Street, Phillipsburg, NJ 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 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

Strykers Fire Co. No. 2 – Approve application for Terrence Lawler. 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 Education Association – President Jennifer Larsen spoke to the public with regard to Teacher for the Day and Lopatcong University.

Consent Agenda:

The following matters were approved on Motion by Councilman Mengucci, seconded by Councilman Baker. Roll call vote:

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

NAYS: None

Professional Service Contract with the following:

Nisivoccia Consulting, LLC for Computer Services
Courter, Kobert & Cohen for Township Attorney and Labor Attorney
Scott Wilhelm, Esq., Public Defender
Dave Evans, Auditor, Nisivoccia and Company LLP

Council Reports:

Councilman Baker – No report

Councilman Mengucci – No report

Councilman Curry – No report

Council President Camporine – No Report

Mayor Steinhardt – Approve Engineer Sterbenz address Fox Farm Road Repairs. Motion by Councilman Mengucci, seconded by Councilman Curry. Roll call vote:

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

NAYS: None

Action Tree Service – Motion by Councilman Mengucci, seconded by Councilman Curry to removed tree on Reservoir Road in the amount of \$1,000.00.

Public Comment: No comments 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
Clerk/Administrator

Douglas J. Steinhardt
Mayor