

TOWNSHIP OF LOPATCONG

February 9, 2012

The meeting of the Township Council was called to order at 4:00 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.

Old Business:

Ordinance No. 12-01 – Second reading and public hearing to Amend, Revise and Supplement Chapter 183, “Sewers,” Section 8, “Base and Use Charges,” to Revise the Use Charge. 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.

2012-01

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 Thursday, February 9, 2012 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.

AN ORDINANCE OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN, STATE OF NEW JERSEY TO AMEND, REVISE AND SUPPLEMENT CHAPTER 183, “SEWERS,” SECTION 8, “BASE AND USE CHARGES” OF THE CODE OF THE TOWNSHIP OF LOPATCONG TO REVISE THE USE CHARGE

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 on second 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

Ordinance No. 12-03 – Second reading and public hearing to Amend Salary Ordinance per 2010 Audit Recommendation. Motion to open for a public hearing by Councilman Mengucci, seconded by Councilman Curry. No comment from the public. Motion to close by Councilman Mengucci, seconded by Councilman Baker.

2012-03

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 Thursday, February 9, 2012 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.

AN ORDINANCE FIXING THE SALARIES, RETAINERS AND WAGE RATES OF
CERTAIN EMPLOYEES IN 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 on second reading. 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:

Ordinance No. 2012-04 – First reading to Amend Chapter 243 entitled “Zoning and Land Use” particularly Section 243-64 “Height Restrictions and Exceptions” to Amend the Maximum Height Requirement for Accessory Structures in the ROM District and 243-78 “Minimum and Maximum Requirements” to Amend the Minimum and Maximum Requirements” for the ROM District. This Ordinance is a recommendation of the Planning Board on Reexamination of the Master Plan.

ORDINANCE NO. 12 - 04

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 243-64 “HEIGHT RESTRICTIONS AND
EXCEPTIONS’ TO AMEND THE MAXIMUM HEIGHT REQUIREMENT FOR
ACCESSORY STRUCTURES IN THE ROM DISTRICT AND
243-78 “MINIMUM AND MAXIMUM REQUIREMENTS” TO AMEND
THE MINIMUM AND MAXIMUM REQUIREMENTS FOR THE ROM DISTRICT

WHEREAS, Chapter 243 “Zoning and Land Use” of the Code of the Township of Lopatcong contains minimum and maximum requirements for various zoning districts including the ROM (Research Office Manufacturing) Zone; and

WHEREAS, the Township decided to review the minimum and maximum requirements in the ROM Zone subsequent to its request to amend the Plan Conformance Petition with the Highlands Water Protection and Planning Council to include areas in the ROM District south of the Norfolk Southern Railroad Right-of-Way in a proposed industrial center; and

WHEREAS, the Township, based upon its review, believes that some of the minimum and maximum requirements in the ROM Zone need to be amended due to the proposed industrial center that is part of the Township’s amended petition for Highlands Plan Conformance;

NOW THEREFORE, BE IT ORDAINED BY the Council of the Township of Lopatcong, County of Warren and State of New Jersey that Chapter 243 “Zoning and Land Use Law”, Sections 64 and 78 be amended, revised, and supplemented as follows:

SECTION 1

Section 243-64A entitled “Height of Accessory Buildings and Structures” is hereby amended to read as follows:

- A. Height of Accessory Buildings and Structures. No accessory building or structure shall exceed a height of 20 feet except as follows:
1. On a farm, the height limitation for accessory buildings and structures shall be the same as for the principal building.
 2. On properties in the ROM District south of the Norfolk Southern Railroad Right-of-Way, a 40 foot height limitation applies for buildings and structures accessory to the permitted principal building on the property.

SECTION 2

The Schedule of Area, Lot, and Bulk Regulations which is referred to in Section 243-78 shall be amended with respect to the minimum and maximum requirements for the ROM Zone as follows:

			Maximum Coverage		Yards				Accessory Structures		Height	
District/Use	Minimum Lot Area	Minimum Lot Width ¹ (feet)	Building (Percent)	Lot ³ (Percent)	Front (feet)	One Side (feet)	Both Sides (feet)	Rear (feet)	Side (feet)	Rear (feet)	Feet	Stories
ROM Research Office and Manufacturing												
Farm	5 acres	300	10	----	50	40	100	80	40	40	35	2 1/2
ROM ²	5 acres	300	---	65	75	50	100	80	40	40	45	3

NOTES:

¹ On curves and cul-de-sacs, lot frontage may be reduced to not less than seventy-five percent (75%) of lot width, provided that lot width requirements are met at the setback line.

² Floor area ratio (FAR) is limited to a maximum of 25% except that the maximum allowable FAR for the ROM Zone located south of the Norfolk Southern R.R shall be 30%. The maximum allowable height for a principal building located in the ROM Zone south of the Norfolk Southern R.R. shall be 60 feet and 4 stories.

³ Increases of lot coverage may require conformance with the design and performance standards for stormwater management. Applicants for development should review Chapter 199, Stormwater Management, for applicability.

SECTION 3

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 4

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

SECTION 5

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 special meeting of the Council of the Township of Lopatcong held on February 9, 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 February 21, 2012 at 4 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 Ordinance on first reading. Motion by Councilman Mengucci, seconded by Councilman Baker. Roll call vote:
AYES: Councilmen Baker and Mengucci, Council President Camporine
NAYS: None
ABSTAIN: Mayor Steinhardt and Councilman Curry

Resolution No. 12-30 - Authorize refund overpayment on taxes for tax year 2012 on Block 120, Lot 1 in the amount of \$649.72.

R 12-30

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY AUTHORIZING TO REFUND OVERPAYMENT ON TAXES
FOR TAX YEAR 2012

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 an overpayment on tax payments as follows for the tax year 2012.

<u>Block & Lot</u>	<u>Name of Payee</u>	<u>Amount</u>
Block 120, Lot 1	Kast, William A.	\$649.72

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township 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 future 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, February 9, 2012.

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. 12-31 – Authorize correction of a County Appeal Judgment on Block 85.02, Lot 31 to correct the year from 2011 to 2010.

R 12-31

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY AUTHORIZING THE CORRECTION OF A COUNTY APPEAL
JUDGMENT

WHEREAS, the Assessor for Lopatcong Township, Warren County, New Jersey has informed the Mayor and the Council of a 2011 Added/Omitted Assessment Correction on Block 85.02, Lot 31; and

WHEREAS, the Assessor made previous correction to the appeal to property for 2010 and County Judgment did reflect 2010 but in error reflected 2011; and

WHEREAS, the following corrections to Appeal No. 15-11-060A should be made to 2010 not 2011 as stated in Judgment:

Block 85.02, Lot 31 559 Edward Street
 2010 Original Assessment 190,800 for 4 months prorated 63,300
 2010 Judgment Assessment 0 for 4 months

NOW, THEREFORE, BE IT RESOLVED that the Assessor and the Tax Collector of the Township of Lopatcong are hereby authorized to make the necessary corrections as listed.

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, February 9, 2012.

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. 12-32- Authorize the transfer of appropriations of the 2012 Lopatcong Township Municipal Appropriation Reserve Operating Budget during the first three months of the year in the amount of \$1,380.75.

R 12-32

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 expend an amount in excess of the respective items appropriated in the 2012 Lopatcong Township Municipal Appropriation Reserve Operating Budget.

NOW, THEREFORE, BE IT RESOLVED as per N.J.S.A. 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:		
1051822A	Planner	\$317.75	10510520A	Human Resources Education	\$263.00
10543020A	Electricity	\$1,063.00	10522020A	Employee Group Insurance	\$85.00
			10524020A	Police Dept. Expense	\$85.00
			10531020A	Bldgs. and Grounds Expense	\$317.75
			10534010A	Animal	\$630.00

				Control Services	
Total From:		\$1,380.75	TO:		\$1,380.75

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, February 9, 2012.

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. 12-33 – Statement of Consent for Submission of the Township of Lopatcong Wastewater Management Plan to the New Jersey Department of Environmental Protection Pursuant to N.J.A.C. 7:15-5-3.4(g)4.

R 12-33

STATEMENT OF CONSENT FOR SUBMISSION OF THE TOWNSHIP OF LOPATCONG
WASTEWATER MANAGEMENT PLAN TO THE NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION
PURSUANT TO N.J.A.C. 7:15-3.4(g)4

WHEREAS, N.J.A.C 7:15 provides that each county and municipality within the State of New Jersey shall be subject to a Wastewater Management Plan (“WMP”) adopted by the New Jersey Department of Environmental Protection (“Department”); and

WHEREAS, Township of Lopatcong is located in the Highlands Region with lands lying within both the Preservation Area and Planning Area as defined by Section 7 of the Highlands Water Protection and Planning Act (N.J.S.A. 13:20-1 et seq.); and

WHEREAS, on March 17, 2011, the Highlands Water Protection and Planning Council (“Highlands Council”) adopted Resolution No. 2011-11, conditionally approving the Petition for Plan Conformance of Township of Lopatcong with respect to the entire municipality, one condition of which is the development of a WMP for the entire municipality; and

WHEREAS, on January 19, 2012, the Highlands Council adopted Resolution No. 2012-3, amending approval of the Petition for Plan Conformance of Township of Lopatcong with respect to designation of the Lopatcong Township Highlands Center; and

WHEREAS, where a municipality has received approval of Plan Conformance for the entire municipality, the Department has determined that the Municipal WMP shall be developed in collaboration by the Highlands Council and the municipality subsequent to the date of the Highlands Council Resolution and the WMP shall be deemed consistent with Plan Conformance by the Highlands Council prior to submission to the Department for adoption; and

WHEREAS, the Highlands Council prepared the Draft Township of Lopatcong WMP (“Draft WMP”) in close collaboration with the Township of Lopatcong and the Highlands Council has deemed the Draft WMP consistent with Plan Conformance and the Regional Master Plan; and

WHEREAS, the Governing Body of the Township of Lopatcong, Warren County, State of New Jersey (“Governing Body”), has reviewed the Draft WMP.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body hereby consents to the submission of the Township of Lopatcong WMP to the Department for review and adoption pursuant to the provisions of N.J.A.C. 7:15.

BE IT FURTHER RESOLVED, that the Township of Lopatcong WMP shall be provided to the Warren County Planning Board and all other entities as required pursuant to N.J.A.C. 7:15-22 with statements of consent being sought from the County and the Sewerage agencies as required pursuant to N.J.A.C. 7:15-22(b).

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, February 9, 2012.

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 and Mengucci, Council President Camporine, Councilman Curry and Mayor Steinhardt.
NAYS: None

Public Comment: No comment from the public.

Mayor Steinhardt asked for a motion to adjourn the meeting. Motion by Councilman Mengucci, seconded by Councilman Baker. Roll call vote:
AYES: Councilmen Baker, Mengucci, Curry, Council President Camporine and Mayor Steinhardt.
NAYS: None

Respectfully submitted,

Margaret B. Dilts
Clerk/Administrator

Douglas J. Steinhardt
Mayor