

TOWNSHIP OF LOPATCONG
Special Meeting

May 23, 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 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, Mengucci and Horun.

Mayor Steinhardt asked for a motion to go into Executive Session. Motion by Councilman Mengucci, seconded by Councilman Baker. All in favor.

R 12-47

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND THE STATE OF NEW JERSEY
AUTHORIZING AN EXECUTIVE SESSION

WHEREAS, there are presently pending matters to be considered in Executive Session concerning possible matters listed:

Reassessment Program

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Lopatcong, County of Warren and the State of New Jersey that the Council is authorized to hold an Executive Session.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Township of Lopatcong will make said matters public within approximately 30 days of said meeting or until such a time as confidentiality of the matters is no longer required.

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 Wednesday, May 23, 2012.

Margaret B. Dilts, CMC

Council came out of Executive Session by motion of Councilman Mengucci, seconded by Council President Camporine. All in favor.

Resolution No. 12-48 – Township of Greenwich section of Strykers Road weight limit.

RESOLUTION 12-48

**RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY OBJECTING TO GREENWICH TOWNSHIP'S
ORDINANCE 2012-08.**

WHEREAS, Stryker's Road is a municipal road which stretches through the municipalities of Harmony, Lopatcong and Greenwich; and

WHEREAS, the portion of Stryker's Road which this Resolution refers to is between County Route 519 in Greenwich to State Highway Route 57 in Lopatcong; and

WHEREAS, the area of Stryker's Road in Lopatcong between State Highway Route 57 and the Greenwich municipal border is zoned industrial and is crossed by the Norfolk Southern Railroad line; and

WHEREAS, the area of Stryker's Road in Lopatcong south between State Highway Route 57 and the Greenwich municipal border currently consists of several industrial uses and some undeveloped farmland; and

WHEREAS, the area of Stryker's Road in Greenwich between the Lopatcong municipal border and County Route 517 is zoned Highway Business; and

WHEREAS, Greenwich Township has recently adopted Ordinance 2012-08 which prohibits vehicles over four tons from traveling on Stryker's Road in Greenwich Township; and

WHEREAS, Greenwich Township failed to send notice to the Township of Lopatcong prior to adoption of Ordinance 2012-08 as required by N.J.S.A. 39:4-8(a); and

WHEREAS, Lopatcong Township believes that Greenwich Township failed to send notice to the County of Warren prior to adoption of Ordinance 2012-08 as required by N.J.S.A. 39:4-8(a); and

WHEREAS, N.J.S.A. 39:4-8 requires Greenwich Township to obtain approval from the Commissioner of NJDOT for Ordinance 2012-08; and

WHEREAS, Stryker's Road is an inter-municipal and as such the Township of Lopatcong must approve of any restrictions to ensure that the restriction would not adversely affect the portion of Stryker's Road within Lopatcong; and

WHEREAS, Lopatcong Township strenuously objects to Greenwich Township's Ordinance 2012-08 as it is arbitrary and capricious and places an unfair burden on the properties within the Lopatcong Township Industrial zone located on Stryker's Road; and

WHEREAS, the alternative route suggested by Greenwich for vehicles over four tons leaving Stryker's Road in Lopatcong is not a viable alternative and is not supported by proper engineering studies; and

WHEREAS, a weight restriction on Stryker's Road places an undue traffic burden and negatively affects the flow of traffic on municipal, county and state highways in Lopatcong Township, including but not limited to, Stryker's Road, Third Street, Baltimore Street, Red School Lane, Roseberry Street, County Route 519 (which includes a culvert with a height restriction), State Highway Route 57, State Highway Route 22; and

WHEREAS, if Ordinance 2012-08 is approved vehicles travelling from Interstate 78 wishing to make deliveries at businesses on Stryker's Road in Lopatcong will turn onto County Route 519 in Greenwich because they will have no way of knowing that they are restricted from using Stryker's Road in Greenwich, and said vehicles will be unable to continue on County Route 519 because just north of Stryker's Road on Route 519 is a culvert with a height restriction and these vehicles will have no place to safely turn their vehicles around; and

WHEREAS, if Ordinance 2012-08 is approved vehicles travelling from Interstate 78 wishing to make deliveries at businesses on Stryker's Road in Lopatcong will also be unable to reach Stryker's Road via State Highway 57 because Route 57 can only be reached by Route 22 East and those vehicles will have difficulty navigating the jug handle at Third Street from Route 22 West to Route 22 East as it is not wide enough for large vehicles; and

WHEREAS, if Ordinance 2012-08 is approved vehicles leaving businesses on Stryker's Road in Lopatcong will be unable to reach Interstate 78 or State Highway 22 East because, to the east, County Route 519 has a culvert with a height restriction and, to the west, the Third Street jug handle is not safe for large vehicles; and

WHEREAS, the County of Warren recently undertook a rather lengthy and expensive repair of the bridge on Stryker's Road at the municipal boundary in order to accommodate vehicles weighing over four tons; and

WHEREAS, Greenwich has provided no legitimate reason for placing a weight restriction on a road located within its business zone.

NOW THEREFORE BE IT RESOLVED that the Township Council of the Township of Lopatcong strenuously objects to the Department of Transportation's approval of Greenwich Township's Ordinance 2012-08 for the following reasons:

1. The Ordinance is procedurally defective for failing to notice the Township of Lopatcong and the County of Warren pursuant to N.J.S.A. 39:4-8.
2. The Ordinance is not supported by proper documentation, specifically, a copy of the municipal engineer's certification, a statement of the reasons for the municipal engineer's decision, and detailed information as to the locations of streets, intersections, and signs affected by the ordinance.
3. The Ordinance is arbitrary and capricious and unfairly burden's properties located within Lopatcong Township's Industrial zone located on Stryker's Road.
4. The Ordinance places an undue traffic burden and negatively affects the flow of traffic on municipal, county and state highways in Lopatcong Township, including but not limited to, Stryker's Road, Third Street, Baltimore Street, Red School Lane, Roseberry Street, County Route 519 (which includes a culvert with a height restriction), State Highway Route 57, State Highway Route 22.
5. A weight restriction on Stryker's Road would be a waste of the taxpayer monies recently expended by Warren County to repair the bridge located at the Lopatcong-Greenwich boundary. This bridge was repaired for the express purpose of supporting large vehicles typical in the business/industrial zones in Lopatcong and Greenwich.
6. Greenwich has provided no legitimate reason for placing a weight restriction on a road located in a business zone.

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 is a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, May 23, 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, Horun, Council President Camporine and Mayor Steinhardt.
NAYS: None

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

