

TOWNSHIP OF LOPATCONG

July 5, 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: Councilmen Baker, Mengucci, Horun, Council President Camporine and Mayor Steinhardt. Also present were CFO Dobes, Attorney Lavery and Engineer Sterbenz.

Resolution 12-58 - was passed to hold an Executive Session to discuss the Reassessment Program, COAH Community Hope Project, Lopatcong Corner Associates Tax Appeal and Unistar Sewer matter.

Old Business:

Minutes – Mayor Steinhardt asked for a motion to approve the minutes of June 6, 2012. Motion by Councilman Mengucci, seconded by Councilman Baker. Roll call vote:

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

NAYS: None

ABSTAIN: Mayor Steinhardt

Ordinance No. 2012-11 – Second reading and public hearing of an Ordinance to Amend and Restate Ordinance No. 2007-09 to provide Funding for South First Street Improvement in the amount of \$22,932.50. Mayor Steinhardt opened the public hearing. Motion by Councilman Mengucci, seconded by Councilman Baker. No questions from the public. Motion to close public hearing by Councilman Mengucci, seconded by Councilman Baker.

2012-11

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, July 5, 2012 at the Municipal Building, 232 S. Third Street, Phillipsburg, New Jersey, the following Ordinance was presented on 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 AMENDING AND RESTATING ORDINANCE 2007-09 TO PROVIDE FUNDING FOR SOUTH 1ST STREET IMPROVEMENTS FOR THE TOWNSHIP OF LOPATCONG AND APPROPRIATING \$22,932.50 FOR SUCH PURPOSE.

Said Ordinance may be read and inspected at any time at the Office of the Municipal Clerk Monday through Friday from 9:00 am to 5:00 pm at the 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, Horun, Council President Camporine and Mayor Steinhardt.

NAYS: None

New Business:

Resolution No. 12-59 – Approve 2011 Audit Report and execute Group Affidavit acknowledging review.

R 12-59

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY CERTIFYING THE ANNUAL AUDIT FOR 2011

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2011 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6 and a copy has been received by each member of the Governing Body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of the certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, a failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27bB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Township of Lopatcong, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of the Resolution and the required affidavit to said Board to show evidence of said compliance.

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, July 5, 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

Aqua New Jersey – Requests release of Performance Guarantees on solar project. Engineer Sterbenz Report dated July 3, 2012 outlines those conditions to be met before release of Performance Guarantees. Councilman Mengucci made the motion to approve based on Engineer Sterbenz Report, seconded by Councilman Baker. Roll call vote:

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

NAYS: None

PBA Contract Local 56 – Councilman Mengucci made a motion to table due to outstanding issues with the contract, seconded by Councilman Baker. Roll call vote:

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

NAYS: None

Resolution No. 12-60 – Employee Salary increase.

R 12-60

RESOLUTION TO ESTABLISH PAY RATES FOR MUNICIPAL EMPLOYEES FOR THE YEAR 2012

WHEREAS, the Township of Lopatcong, County of Warren and State of New Jersey has adopted its salary ordinance for the year 2012 at a meeting of Council on the 5th day of July 2012; and

NOW, THEREFORE, BE IT RESOLVED that the following pay rates will be used during 2012 to compensate municipal employees:

TOWNSHIP CLERK	\$125,008.08
TOWNSHIP ADMINISTRATOR	\$15,600.00
DEPUTY MUNICIPAL CLERK	\$40,846.62
MAYOR	\$5,230.00
COUNCILPERSON	\$2,960.00
CHIEF FINANCIAL OFFICER	\$61,523.30
TAX ASSESSOR	\$74,490.87
ASSESSOR CLERK	\$30.16/Hr.
TAX COLLECTOR	\$54,080.00
TOWNSHIP ENGINEER (retainer)	\$1,700/Month
ELECTION BOARD CLERK	\$1,396.14
CUSTODIAN MUNICIPAL BUILDING & PUBLIC PROPERTY	\$17.15/Hr.
PLANNING BOARD SECRETARY	\$12,070.66
BOARD OF ADJUSTMENT SECRETARY	\$5,835.23
PLANNING BOARD ATTORNEY	\$250.00 per meeting
PLANNING BOARD PLANNER	\$200.00 per meeting
ZONING BOARD ATTORNEY	\$250.00 per meeting
RENT LEVELING BOARD	\$4,274.44
RECYCLING COORDINATOR	\$2,000.00
MUNICIPAL COURT JUDGE	\$30,876.39
MUNICIPAL PROSECUTOR	\$19,759.96
PUBLIC DEFENDER	\$200.00 Maximum per case
MUNICIPAL COURT ADMINISTRATOR	\$50,508.56
COURT CLERK	\$13,520.00
MUNICIPAL COURT ATTENDANT	\$28.12/Hr.
HARMONY TOWNSHIP MUNICIPAL COURT JUDGE	\$8,041.74
HARMONY TOWNSHIP MUNICIPAL COURT PROSECUTOR	\$6,240.00
CONSTRUCTION CODE & BUILDING SUBCODE OFFICIAL	\$61,386.21
PLUMBING SUBCODE OFFICIAL	\$30.00
FIRE SUBCODE OFFICIAL	\$31.20
SMOKE DETECTOR INSPECTOR	\$-0-
FIRE PREVENTION INSPECTOR	\$-0-
ELECTRICAL INSPECTOR	\$31.49/Hr.
ZONING OFFICIAL	\$9,907.73
FIRE INSPECTOR OFFICIAL	\$-0-

EMERGENCY MANAGEMENT OFFICIAL	\$1,982.07
DEPUTY EMERGENCY MANAGEMENT OFFICIAL	\$1,297.92
TECHNICAL ASSISTANT TO CONSTRUCTION OFFICIAL	\$24,120.22
RECREATION ATTENDANT	\$7.25/Hr.
ANIMAL CONTROL REGISTRAR	\$1,167.04
ANIMAL CONTROL OFFICER (2)	\$4,491.41X 2
ANIMAL CONTROL OFFICER – ANIMAL CENSUS	\$1,000.00
ANIMAL CONTROL BACKUP	\$20.00/Case
POOL MANAGER	\$10.00/Hr.
POOL – ASSISTANT MANAGER	\$10.00/Hr.
POOL – LIFEGUARD – 1 ST YEAR	\$7.25/Hr.
LIFEGUARD – 2 ND YEAR	\$8.58/Hr.
LIFEGUARD – 3 RD YEAR	\$8.98/Hr.
LIFEGUARD – 4 TH YEAR	\$8.98/Hr.
POOL – LIFEGUARD – PARTIES	\$10.00/Hr.
POOL – TICKET OFFICER MANAGER	\$10.00/Hr.
POOL – SNACK BAR MANAGER	\$10.00/Hr.
POOL – SNACK BAR ATTENDANT	\$7.25/Hr.
POOL – CERTIFIED OPERATOR	\$2,000.00
POOL – MAINTENANCE WORKER	\$10.00/Hr.
SUMMER RECREATION PROGRAM – DIRECTORS	\$15.00/Hr.
SUMMER RECREATION PROGRAM - COUNCELORS	\$7.25/Hr.
SCHOOL CROSSING GUARDS	\$15.35/Hr.
POLICE RECORDS CLERK	\$38,245.38
POLICE RECORDS – TRANSCRIPTION	\$11.23/Hr.
POLICE MATRON	\$12.45/Hr.
TREASURER – SEWER DEPARTMENT	\$35,454.85

POLICE		
CHIEF OF POLICE	\$115,361.74	
DEPARTMENT OF PUBLIC WORKS		
SUPERVISOR PUBLIC WORKS		\$50,835.20
ACTING SUPERVISOR PUBLIC WORKS		\$1.00/Hr.
PUBLIC WORKS REPAIRER		23.24/Hr.
PUBLIC WORKS REPAIRER		\$21.58/Hr.
PUBLIC WORKS REPAIRER		\$21.58/Hr.
PUBLIC WORKS REPAIRER		\$21.31/Hr.
PUBLIC WORKS REPAIRER		\$20.21/Hr.
HERBICIDE LICENSE OPERATOR		\$2,000.00
CLEAN COMMUNITIES COORDINATOR		\$2,000.00
SEASONAL WORKER		\$10.00 -
		\$20.00/Hr.

NOW, THEREFORE, BE IT RESOLVED that the Township of Lopatcong, County of Warren and State of New Jersey, approve a four percent increase for employees as listed above.

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, July 5, 2012.

Margaret B. Dilts, CMC

Mayor Steinhardt asked for a motion to adopt this Resolution. Councilman Mengucci made a motion to table due to outstanding issues with the contract, seconded by Councilman Baker. Roll call vote:

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

NAYS: None

A & A Curbing Contract – Motion to execute contract for reconstruction of South First Street by Councilman Mengucci, seconded by Councilman Baker. Bid was awarded at the June meeting to A & A Curbing for First Street reconstruction. Roll call vote:

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

NAYS: None

Anviro Contractors, Inc. – Motion to issue payment to Anviro Contractors for work completed on Meadowview Drive in the amount of \$3850.00 by Councilman Mengucci, seconded by Councilman Baker. Roll call vote:

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

NAYS: None

Resolution No. 12-61 – Redeem Tax Sale Certificate No. 2012-003 in the amount of \$612.30 on Block 37, Lot 3.

R 12-61

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 June 8, 2012, a lien was sold on Block 37, Lot 3, also known as 710 Guy Road for 2011 delinquent sewer; and

WHEREAS, this lien known as Tax Sale Certificate No. 2012-003 was sold to US Bank Cust/Crestar Capital, LLC for a premium of \$100.00; and

WHERE, Priebe, Lisa & Jeffrey M., property owners, has satisfied the redemption amount on Certificate No. 2012-003 in the amount of \$512.30.

NOW, THEREFORE, BE IT RESOLVED on this 5th day of July 2012 that the Chief Financial Officer be authorized to issue a check in the amount of \$612.30 for the redemption of Tax Sale Certificate No. 2012-003 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 the Council at a held on Thursday, July 5, 2012.

Margaret B. Dilts, CMC

Mayor Steinhardt asked for a motion to adopt this Resolution. Councilman Mengucci made a motion to table due to outstanding issues with the contract, seconded by Councilman Baker.

Roll call vote:

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

NAYS: None

Resolution No. 12-62 – Redeem Tax Sale Certificate No. 2012-22 in the amount of \$12,665.16 on Block 95, Lot 18.

R 12.62

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 June 8, 2012 a lien was sold on Block 95, Lot 18 also known as 880 Strykers Road for 2011 delinquent taxes; and

WHEREAS, this lien, known as Tax Sale Certificate No. 2012-022 was sold to US Bank Cust for Pro Capital I, LLC for a premium of \$7,100.00; and

WHEREAS, Gusna Rutledge, property owner, has satisfied the redemption amount on Certificate No. 2012-022 in the amount of \$5,565.16.

NOW, THEREFORE, BE IT RESOLVED on this 5th day of July,, 2012 that the Chief Financial Officer be authorized to issue a check in the amount of \$12,665.16 for the redemption of Tax Sale Certificate No. 2012-022 and Premium to:

US Bank Cust for Pro Capital I, 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 the Council at a held on Thursday, July 5, 2012.

Margaret B. Dilts, CMC

Mayor Steinhardt asked for a motion to adopt this Resolution. Councilman Mengucci made a motion to table due to outstanding issues with the contract, seconded by Councilman Baker. Roll call vote:

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

NAYS: None

Resolution No. 12-64 – Redeem Tax Sale Certificate No. 2012-35 in the amount of \$204.75 on Block 115.05, Lot 3 C0263.

R 12-64

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE NO. 2012-035

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on June 8, 2012 a lien was sold on Block 115.05, Lot 3 C0263 also known as 263 Windmill Court for 2011 delinquent sewer taxes; and

WHEREAS, this lien known as Tax Sale Certificate No. 2012-035 was sold to US Bank Cust. For Pro Capital I, LLC for 0% interest; and

WHEREAS, Nicholas K. Wean, property owner, has satisfied the redemption amount on Certificate No. 2012-035 in the amount of \$204.75.

NOW, THEREFORE, BE IT RESOLVED on this 5th day of July 2012, that the Chief Financial Officer is authorized to issue a check in the amount of \$204.75 for the redemption of Tax Sale Certificate No. 2012-035 to:

US Bank Cust for Pro Capital I, 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 the Council at a held on Thursday, July 5, 2012.

Mayor Steinhardt asked for a motion to adopt this Resolution. Councilman Mengucci made a motion to table due to outstanding issues with the contract, seconded by Councilman Baker. Roll call vote:

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

NAYS: None

Appraisal Consultants Corporation – Approve payment to Appraisal Consultants Corporation in the amount of \$3900.00 for Trail Ready Appraisal of Phillipsburg Mall with regard to Tax Appeal for years 2009, 10, 11 and 12. Motion by Councilman Mengucci to approve, seconded by Councilman Baker. Roll call vote:

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

NAYS: None

Rent Leveling Board – Appoint Stephanie Wilson to Rent Leveling Board by recommendation of Chairwoman Kathy Devos. Motion by Councilman Mengucci, seconded by Councilman Baker. Roll call vote:

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

NAYS: None

Council Reports:

Councilman Baker – Reported Mr. Bill Nixon approached him regarding a conversation about honoring those who have served in the military and fallen police officers by placing their names at various fields in Lopatcong Park.

Councilman Mengucci – No report.

Councilman Horun – LAA Golf outing scheduled for August 10th.

Council President Camporine – Overview of the Movies at the Pool.

Mayor Steinhardt – Council and the public were presented with a project to meet our obligation with COAH to spend approximately \$260,000 or forfeit our funds back to the State. Community Hope will construct two-four bed affordable housing projects on Block 17, Lot 5 and Block 80, Lot 8.

Resolution No. 12-63 – Authorizing Developers Agreement with Community Hope.

RESOLUTION 12-63

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING THE TRANSFER OF MONIES FROM ITS COAH TRUST FUND TO AN ESCROW ACCOUNT PURSUANT TO A DEVELOPERS AGREEMENT

WHEREAS, the Township Council has entered a Developer’s Agreement with Community Hope for the construction of four bedroom affordable housing project on Block 17, Lot 5, more commonly known as 209 Prospect Street in Lopatcong; and

WHEREAS, as part of the Developer’s Agreement for the 209 Prospect Street project requires the Township to contribute \$115,000 its COAH trust fund monies towards the construction of the project; and

WHEREAS, the Township Council has entered a Developer’s Agreement with Community Hope for the construction of four bedroom affordable housing project on Block 80, Lot 8, more commonly known as 100 South Eighth Street in Lopatcong; and

WHEREAS, as part of the Developer's Agreement for the 100 South Eighth Street project requires the Township to contribute \$115,000 its COAH trust fund monies towards the construction of the project; and

WHEREAS, Developer's Agreements require that the funds committed for each project be transferred into an escrow account which will be drawn down on as the projects progress; and

WHEREAS, the Developer's Agreements acknowledge that the monies are to be placed in an escrow account; however, they cannot be spent until the Township's Amended Spending Plan is approved by COAH.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lopatcong, County of Warren, State of New Jersey, hereby authorizes the Township CFO to shall establish an "other trust/reserve account" entitled Community Hope Other Trust/Reserve Account and deposit in to this account \$230,000 from the Township's affordable housing trust 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 is a true and correct copy of a Resolution adopted by Council at a meeting held on Thursday, July 5, 2012.

Margaret B. Dilts, CMC

Mayor Steinhardt asked for a motion to adopt this Resolution. Motion by Councilman Mengucci to approve, seconded by Councilman Baker. Roll call vote:

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

NAYS: None

Approve Dept. Reports – Mayor Steinhardt asked for a motion to approve Dept. Reports.

Motion by Councilman Mengucci to approve, seconded by Councilman Baker. Roll call vote:

AYES: Councilmen Baker, Mengucci, Horun, 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 to approve, seconded by Councilman Baker. Roll call vote:

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

NAYS: None

Audience Participation – Council addressed numerous questions and comments from the public.

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