

TOWNSHIP OF LOPATCONG

October 3, 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 Horun. Also present were CFO Dobes, Tax Collector Edinger, Attorney Campbell and Engineer Sterbenz.

Resolution 12-98 - was passed to hold an Executive Session to discuss the Reassessment Program.

Public Comment: Public asked questions on agenda items.

Old Business:

Minutes: Mayor Steinhardt asked for a motion to approve minutes of September 5, 2012. Motion by Councilman Mengucci, seconded by Councilman Baker. Roll call vote:
AYES: Councilmen Baker, Mengucci, Horun, Council President Camporine and Mayor Steinhardt.
NAYS: None

Fall Cleanup – Award bid to Republic Services of New Jersey, LLC for fall cleanup. 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. 2012-12 – First reading to amend Chapter 223 entitled “Vehicles, Abandoned; Towing to update fee schedule.

ORDINANCE NO. 2012-12

ORDINANCE OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN, STATE OF NEW JERSEY TO AMEND, REVISE AND SUPPLEMENT CHAPTER 223 “TOWING SERVICES” OF THE CODE OF THE TOWNSHIP OF LOPATCONG TO UPDATE THE REQUIREMENTS FOR TOWING SERVICES WITHIN THE TOWNSHIP

WHEREAS, the Township Council of the Township of Lopatcong, wishes to revise its towing ordinance to comply with recent amendments made to N.J.A.C. 13:45A-31.1 et seq.; and

WHEREAS, the Township Council of the Township of Lopatcong, has received a request from the Chief of Police to revise the towing fee schedule.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Township of Lopatcong, County of Warren, State of New Jersey that Chapter 223, “Towing Services,” of the Code of the Township of Lopatcong shall be amended as follows:

Section 1:

Rename Article I from “Abandon Vehicles” to “Towing”

Section 2:

The following are changes or additions to Section 223-1, Definitions. All definitions that are not amended or specifically deleted below are to remain in their current form.

Basic towing services means private property towing and other non-consensual towing as defined in this section and other ancillary services that include the following: arriving at the site from which a motor vehicle will be towed; 15 minutes waiting time; hooking a motor vehicle to, or loading a motor vehicle onto, a tow truck; transporting a motor vehicle to a storage facility; unhooking or unloading a motor vehicle from the tow truck; and situating the motor vehicle in the space in which it will be stored. "Basic tow" also includes issuing documents for the release of a motor vehicle to its owner or other person authorized to take the motor vehicle; issuing an itemized bill; three trips to the motor vehicle in storage, which, if applicable, include making a vehicle available to an insurance appraiser or adjuster; issuing documents for the release of a motor vehicle to its owner or other person authorized to take the motor vehicle; and retrieving a motor vehicle from storage during the hours in which the storage facility is open.

Light-medium duty means a gross weight of less than 26,000 pounds.

Flat bed tow truck means a tow truck designed to transport a motor vehicle by means of raising the motor vehicle from road level up onto a hydraulic bed for transporting purposes.

Non-consensual towing means the towing of a motor vehicle without the consent of the owner or operator of the vehicle. This definition includes towing a motor vehicle when law enforcement orders the vehicle to be towed whether or not the owner or operator consents.

Site clean-up means the use of absorbents to soak up any liquids from a motor vehicle at the site from which a motor vehicle will be towed.

Tarping means covering a motor vehicle to prevent weather damage.

Tow truck means a motor vehicle equipped with a boom or booms, winches, slings, tilt beds or similar equipment designed for the towing or recovery of motor vehicles.

Towing company means a person offering or performing towing services.

Transmission disconnect means manipulating a motor vehicle's transmission, so that the motor vehicle may be towed.

Waiting time means any time a towing company spends at the site from which a motor vehicle will be towed, during which the towing company is prevented from performing any work by another individual, beyond the time included as part of a basic tow.

Winching means the process of moving a motor vehicle by the use of chains, nylon slings or additional lengths of winch cable from a position that is not accessible for direct hook up for towing a motor vehicle. "Winching" includes recovering a motor vehicle that is not on the road and righting a motor vehicle that is on its side or upside down, but does not include pulling a motor vehicle onto a flatbed tow truck.

Window wrap means any material used to cover motor vehicle windows that have been damaged.

Section 3:

223-8.2 Insurance.

A. The minimum amounts of insurance a towing company shall secure and maintain are:

1. Motor vehicle liability for a tow truck capable of towing a motor vehicle that is up to 26,000 pounds, for the death of, or injury to, persons and damage to property for each accident or occurrence in the amount of \$ 750,000, single limit; and

2. Motor vehicle liability for a tow truck capable of towing a motor vehicle that is more than 26,000 pounds, for the death of, or injury to, persons and damage to property for each accident or occurrence in the amount of \$ 1,000,000, single limit.

- B. A towing company shall also secure and maintain, for every tow truck, insurance that covers garage keeper legal liability in the amount of \$ 100,000, and "on-hook" coverage, either as an endorsement on the insurance required by (a) above or in the amount of \$ 100,000.
- C. Policies of insurance shall be written by insurance companies authorized to do business in the State of New Jersey. Insurance companies shall be acceptable to the township and shall have at least a B+ rating by a recognized rating service.
- D. The Township of Lopatcong shall be named as an additional insured on all policies of insurance provided pursuant to this chapter. All certificates of insurance shall provide that the policies may not be canceled or terminated or coverage decreased without 30 days' written notice to the township.
- E. Policies of insurance required by this chapter shall be maintained in full force and effect at all times. In the event that any coverage is canceled, terminated, interrupted or decreased in amount, the tower shall be removed from the official towers list until such time as the required coverage is reinstated or replaced.

Section 4:

Section 223-8.3 shall be deleted in its entirety and replaced with the following:

223-8.3 Storage Facilities

(a) A towing company that engages in private property towing or other non-consensual towing shall tow motor vehicles only to storage facilities that:

- 1. Have business offices open to the public between 8:00 A.M. and 6:00 P.M. at least five days a week; and
- 2. Are secure storage facilities.

(b) A towing company that engages in private property towing or other non-consensual towing shall provide or arrange for after-hours release of stored motor vehicles.

(c) A towing company that does not release a stored motor vehicle to its owner, or other person authorized to take the motor vehicle, during normal business hours when requested, as required by (a)1 above, shall not charge a fee for after-hours release of the stored motor vehicle.

Section 5:

Delete Section 223-8.7 in its entirety and replace with the following:

223-8.7 Towing and storage fee schedule.

A. Towing operators who conduct private property towing and other non-consensual towing may charge fees, not exceeding those set forth below. No additional charges are permitted.

Service Call	\$100.00
Light Duty Calls	\$125.00
Recovery Calls	\$125.00
Storage Rate (daily)	\$40.00
Inside Storage Rate (daily)	\$45.00
Mileage Rate (per mile)	\$3.50
Hourly Rate (Clean up, labor, etc.)	\$125.00
Recovery Rate (per hour)	\$145.00
Yard Fee	\$40.00

B. The towing rates shall be calculated based on the total distance traveled from the tow vehicles base of service to the job site and return by way of the shortest available route. Fractions shall be rounded up to the nearest whole mile.

C. Hourly Rate listed above shall not be applied to routine towing, including flatbeds and/or service calls.

D. Tow vehicles transporting multiple passenger cars at one time shall receive the applicable fee for each vehicle transported.

Section 6:

All other sections shall remain unchanged.

Section 7:

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 of this Ordinance shall not be affected thereby.

Section 8. Repealer.

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

Section 9. Effective Date.

This Ordinance shall take effect upon final passage and publication.

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 October 3, 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 November 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

Motion by Councilman Mengucci, seconded by Councilman Baker. Roll call vote:
AYES: Councilmen Baker, Mengucci, Horun, Council President Camporine and Mayor Steinhardt.
NAYS: None

Ordinance No. 2012-13 – First reading to cancel Ordinance 2007-05, 2007-07, 2001-11, 2009-08 and 2010-12 and direct remaining amounts to be deposited in the Capital Improvement Fund within the General Fund in the amount of \$9,186.41 for acquisition of Park and Playground Equipment.

ORDINANCE NO. 2012-13

AN ORDINANCE PROVIDING FUNDING FOR THE ACQUISITION OF PARK AND PLAYGROUND EQUIPMENT FOR THE TOWNSHIP OF LOPATCONG AND APPROPRIATING \$9,186.41 FOR SUCH PURPOSE.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LOPATCONG, IN THE COUNTY OF WARREN AND STATE OF NEW JERSEY, AS FOLLOWS:

Section 1. The Township of Lopatcong hereby cancels Ordinance 2007-05 in the amount of \$61.39, Ordinance 2007-07 in the amount of \$858.00, Ordinance 2007-11 in the amount of \$4,935.56, Ordinance 2009-08 in the amount of \$3,283.00 and Ordinance 2010-12 in the amount of \$48.46, and directs the amounts to be deposited in the Capital Improvement Fund within the General Fund, which amounts total \$9,186.41.

Section 2. The Township of Lopatcong, in the County of Warren, New Jersey, authorizes the acquisition of park and playground equipment for the Township of Lopatcong to be funded from the source specified in Section 3 of the Ordinance.

Section 3. The amount of \$9,186.41 is hereby appropriated for the purposes stated in Section 2 of the Ordinance and which amount was funded from the Capital Improvement Fund within the General Capital Fund in the amount of \$9,186.41.

Section 4. In connection with the purpose and the amount authorized in Sections 2 and 3 hereof, the Township determines the purpose described in Section 2 hereof is not a Current Expense and is an improvement which the Township of Lopatcong may lawfully make as a general improvement.

Section 5. All ordinances or parts of ordinances which are inconsistent with the terms of this Ordinance be and the same are hereby repealed to the extent of their inconsistency.

Section 6. This Ordinance shall take effect immediately upon due passage and publication according to law.

NOTICE OF PENDING ORDINANCE

The ordinance, the title of which is published herewith, was introduced and passed upon first reading at a meeting of the Township Council of the Township of Lopatcong, in the County of Warren, New Jersey, held on October 3, 2012. It will be further considered for final passage after public hearing thereon, at a meeting of said Borough Council to be held in the Municipal Building, 232 South 3rd Street in said Township on November 7, 2012 at 7 o'clock P.M., and during the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's Office in the Municipal Building said Township to the members of the general public who shall request the same. The purpose of said ordinance is to cancel remaining balances in various capital ordinances totaling \$9,186.41 and make an appropriation in the amount of \$9,186.41 for acquisition of park and playground equipment.

Margaret B. Dilts, CMC

Mayor Steinhardt asked for a motion to adopt this Ordinance. Motion 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. 12-99 – Authorize Township Engineer to submit a grant application to the Department of Transportation for South Second Street Road Improvement Project.

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING THE TOWNSHIP ENGINEER TO SUBMIT A GRANT APPLICATION AND AUTHORIZING THE TOWNSHIP MAYOR AND CLERK TO EXECUTE GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE STRYKERS ROAD SIDEWALK PROJECT

WHEREAS, the NJDOT makes funds available to municipalities and counties for road improvement projects through the municipal aid portion of the New Jersey Transportation Trust Fund; and

WHEREAS, the Township Engineer has recommended that the Township Council apply to the New Jersey Department of Transportation for funds that are available under the New Jersey Transportation Trust Fund Authority Act, Fiscal Year 2013 Municipal Aid Program for the purpose of constructing sidewalks on the east side of Strykers Road in the Township of Lopatcong; and

WHEREAS, the Township Council has considered this recommendation.

NOW, THEREFORE, BE IT RESOLVED that Council of the Township of Lopatcong, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Township Engineer is hereby authorized to submit an electronic grant application identified as MA-2013-Lopatcong Township to the New Jersey Department of Transportation on behalf of the Township of Lopatcong.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreements on behalf of the Township of Lopatcong and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, October 3, 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

Resolution No. 12-100 – Authorize Township Engineer to submit a grant application to the Department of Transportation for South Second Street Road Improvement Project.

R 12-100

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING ADOPTION OF COMPLETE STREETS POLICY

WHEREAS, the Township Council of the Township of Lopatcong recognizes the need to accommodate all modes of travel on Township streets, including pedestrians, bicyclists, motorists and public transit users; and

WHEREAS, the Township of Lopatcong seeks to meet the transportation needs of all its citizens by providing road networks that are safer, healthier, more livable and welcoming to everyone, regardless of age and ability; and

WHEREAS, the Township Council defines Complete Streets as roadways designed and

operated to enable safe, attractive, and comfortable access and travel for all users, including pedestrians, bicyclists, motorists and public transport users of all ages and abilities; and

WHEREAS, Complete Streets are typically designed to include wider sidewalks, pedestrian intersection treatments, bicycle facilities, enhanced landscaping, and transit accommodations so that users are able to safely and comfortably move along and across a complete street.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LOPATCONG, IN THE COUNTY OF WARREN AND STATE OF NEW JERSEY, that the Township Council hereby establishes a Complete Streets Policy, which directs Township staff to accommodate all modes of travel, including pedestrians, cyclists and transit riders, to the highest degree possible when redesigning the public right-of-way or during the review of a land use application that affects the public right-of-way.

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, October 3, 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

Resolution No. 12-101 – Authorize redemption of Tax Sale Certificate No. 2012-38 to outside lienholder on Block 116, Lot 34 in the amount of \$1,907.82.

R 12-101

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 June 8, 2012, a lien was sold on Block 116, Lot 34, also known as 101 Red School Lane for 2011 delinquent sewer; and

WHEREAS, this lien known as Tax Sale Certificate No. 2012-3-038 was sold to US Bank Cust/Crestar Capital, LLC for a premium of \$600.00; and

WHEREAS, IndyMac Mortgage Services, mortgage company for property owners, has satisfied the redemption amount on Certificate No. 2012-038 in the amount of \$1,307.82.

NOW, THEREFORE, BE IT RESOLVED on this 3rd day of October, 2012, that the Chief Financial Officer be authorized to issue a check in the amount of \$1,907.82 for the redemption of Tax Sale Certificate No. 2012-038 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 that the foregoing is a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, October 3, 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

South First Street Road Project – Approve Change Order No. 1 and Partial Payment No. 1 for South First Street Road Project in the amount of \$177,645.46. Mayor Steinhardt asked for a motion to approve. Motion 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. 12-103 - Sycamore Landing Treatment Works Application – Authorize Council President Camporine to execute Treatment Works Approval Permit Application for Sycamore Landing Project Block 102, Lot 3.

R 12-103

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING THE COUNCIL PRESIDENT TO EXECUTE THE TREATMENT WORKS APPROVAL PERMIT APPLICATION FOR PERON LOCK STREET, LLC – SYCAMORE LANDING PROJECT – LOT 3, BLOCK, 102 ROUTE 22, LOPATCONG TOWNSHIP

WHEREAS, Peron Lock Street LLC (“Peron”) obtained amended preliminary major site plan, final major site plan, and bulk variance approvals from the Lopatcong Township Planning Board on August 23, 2012 for a two hundred forty-seven (247) unit multi-family residential development known as Sycamore Landing; and

WHEREAS, Peron seeks to extend sanitary sewers to serve the Sycamore Landing Development; and

WHEREAS, a Treatment Works Approval (“TWA”) must be obtained from the New Jersey Department of Environmental Protection (“NJDEP”) to allow for the extension of sanitary sewers to service the development; and

WHEREAS, prior to filing an application with the NJDEP for a TWA Permit, local consent must be obtained; and

WHEREAS, Peron has filed a request with the Township of Lopatcong for local consent and endorsement of the TWA Permit application; and

WHEREAS, the Township Engineer, Township Sewer Engineer and Township Attorney have reviewed the TWA Permit application filed by Peron for the project; and

WHEREAS, the Township Engineer, Township Sewer Engineer and Township Attorney found that consent pursuant to Chapter 183 of the Code of the Township of Lopatcong is appropriate since the property is located within the Future Wastewater Service Area in the Township, there is available gallonage within the Township’s allocation from the Town of Phillipsburg to accommodate the 56,003 GPD of flow that will be generated by the Sycamore Landing Development, and the applicant has obtained approvals for the project from the Lopatcong Township Planning Board; and

WHEREAS, the Township Engineer, Township Sewer Engineer, and Township Attorney recommend that the Township Council consent to the filing of the TWA Permit application prepared by Peron and authorize the Council President to endorse the permit application; and

WHEREAS, the Township Council of the Township of Lopatcong agrees with recommendations of its professionals with respect to the TWA Permit application for Sycamore Landing.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Lopatcong, that the Township consents to the filing of a TWA Permit application by Peron with the NJDEP for the Sycamore Landing Project and authorized the Council President to execute the TWA Permit applications.

BE IT FURTHER RESOLVED, that the Township of Lopatcong's consent is conditioned upon the following:

1. All sewer improvements installed on the project including collection lines, service laterals, pumping stations, force mains, meters, manholes, etc., shall be privately owned. The improvements installed on the project for the development.
2. The sanitary sewer force main that is proposed within the Lock Street right-of-way shall be registered by the developer with NJ One Call number.
3. A flow meter must be installed at the pump station for billing and allocation purposes. The type and model of the meter must be approved by the Town of Phillipsburg prior to installation. In addition, the property owner must allow representatives of the Lopatcong Township and the Town of Phillipsburg to access the meter.

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, October 3, 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, and Council President Camporine.

NAYS: None

ABSTAIN: Mayor Steinhardt

Announcements: Fall Cleanup is Saturday, October 6th from 7:00 am to 12:00 pm at Fire House No. 2 on Strykers Road and the Municipal Pool parking lot.

Council Reports:

Councilman Baker – No report.

Councilman Mengucci – No report.

Councilman Horun – Announced that the Lopatcong Athletic Association is seeking someone to be president. Reported that the Planning Board approved a Resolution for the Sycamore Landing Project.

Council President Camporine – Reported County Shred Event for October 13th.

Mayor Steinhardt – Asked Council to approve an ordinance be drafted setting forth criteria to designate Fox Farm Road a Hazardous Road. Motion by Councilman Horun, seconded by Councilman Mengucci. Roll call vote:

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

NAYS: None

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

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

NAYS: None

Payment of Bills - Motion to approve by Councilman Mengucci, seconded by Councilman Baker. Roll call vote:

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

NAYS: None

Audience Participation: Council entertained 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