

TOWNSHIP OF LOPATCONG

December 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: Mayor Steinhardt, Council President Camporine, Councilmen Baker, Mengucci and Councilwoman McCabe. Also present were CFO Dobes, Tax Collector Edinger, Attorney Campbell and Engineer Sterbenz.

Councilwoman Maureen McCabe was sworn into office.

Resolution 12-104 - was passed to hold an Executive Session to discuss a Personnel matter, Contracts, and Hold Harmless Agreement.

**Public Comment:** Public asked questions on agenda items.

**Old Business:**

**Minutes** – Mayor Steinhardt asked for a motion to approve the minutes of October 3<sup>rd</sup> and November 1<sup>st</sup>, 2012. Motion by Councilman Mengucci, seconded by Councilman Baker. Roll call vote:

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

NAYS: None

ABSTAIN: Mayor Steinhardt from the November 1<sup>st</sup> meeting. Councilwoman McCabe from October 3<sup>rd</sup> and November 1<sup>st</sup>, 2012.

**Ordinance No. 2012-12** – Second reading and public hearing to amend Chapter 223 entitled “Vehicles, Abandoned; towing to update fee schedule. Motion to hold a public hearing by Councilman Mengucci, seconded by Councilman Baker. No questions from the public. Motion to close the public hearing by Councilman Mengucci, seconded by Councilman Baker.

2012-12

SECOND NOTICE OF 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 Wednesday, December 5, 2012 at the Municipal Building, 232 South Third Street, Phillipsburg, New Jersey, and 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 AND 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

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 Baker. Roll call vote:

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

NAYS: None

**Ordinance No. 2012-13** – Second reading and public hearing 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 the acquisition of Park and Playground Equipment. Motion to hold a public hearing by Councilman Mengucci, seconded by Councilman Baker. No questions from the public. Motion to close the public hearing by Councilman Mengucci, seconded by Councilman Baker.

2012-13

## SECOND NOTICE OF 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 Wednesday, December 5, 2012 at the Municipal Building, 232 South Third Street, Phillipsburg, New Jersey, and 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 PROVIDING FUNDING FOR THE ACQUISITION OF PARK AND PLAYGROUND EQUIPMENT FOR THE TOWNSHIP OF LOPATCONG AND APPROPRIATING \$9,186.41 FOR SUCH PURPOSE

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 Baker. Roll call vote:

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

NAYS: None

### **New Business:**

**Ordinance No. 2012-14** – First reading to amend, revise and supplement Chapter 227, “Vehicles and Traffic”, to create Section 40 “Streets Hazardous for Pedestrian Traffic”.

## ORDINANCE NO. 12-14

### ORDINANCE OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN, STATE OF NEW JERSEY TO AMEND, REVISE AND SUPPLEMENT CHAPTER 227 "VEHICLES AND TRAFFIC", TO CREATE SECTION 40 "STREETS HAZARDOUS FOR PEDESTRIAN TRAFFIC"

**WHEREAS**, Chapter 227 "Vehicles and Traffic" of the Code of the Township of Lopatcong contains various parking and traffic regulations; and

**WHEREAS**, residents have requested that certain streets within the municipality be deemed hazardous for pedestrian traffic;

**WHEREAS**, pedestrians should take extra caution when walking along streets that have been designated as hazardous and school districts are urged to consider these street when determining courtesy busing routes.

**NOW THEREFORE, BE IT ORDAINED** by the Council of the Township of Lopatcong, County of Warren and State of New Jersey that Chapter 227 "Vehicles and

Traffic", be amended, revised and supplemented as follows:

Section 1:

**227-40**  
**STREETS HAZARDOUS FOR PEDESTRIAN TRAFFIC**

The Township Council may by Resolution deem certain streets within the Township to be hazardous for pedestrian traffic. In determining if a street is hazardous for pedestrian traffic the Township Council may consider, but shall not be limited to, the following criteria:

- (1) Population density;
- (2) Traffic volume;
- (3) Average vehicle velocity;
- (4) Existence or absence of sufficient sidewalk space;
- (5) Roads and highways that are winding or have blind curves;
- (6) Roads and highways with steep inclines and declines;
- (7) School bus and/or public transportation drop-offs that are in close proximity to a sidewalk;
- (8) Bridges or overpasses that must be crossed to reach schools or public buildings;
- (9) Train tracks or trestles that must be crossed to reach schools or public buildings;
- (10) Busy roads or highways that must be crossed to reach schools or public buildings.

Resolutions deeming certain streets within the Township as hazardous for pedestrian traffic shall be on file with the Municipal Clerk. A copy of the Resolution shall be forwarded to all school districts within the Township.

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 of 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 December 5, 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 December 27, 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 Ordinance on first reading. Motion by Councilman Mengucci, seconded by Councilman Baker. Roll call vote:

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

NAYS: None

**Resolution No. 12-105** – Approve Chapter 159 to include an item of revenue in the 2012 Budget a donation to the Police Department in the amount of \$5,000.00.

R 12-105

RESOLUTION OF THE TOWNSHIP OF LOAPTCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY REQUESTING APPROVAL OF ITEM OF REVENUE AND APPROPRIATION N.J.S.A. 40A:4-87

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of Revenue and Appropriation in the budget of the year 2012 in the sum of \$5,000, which is available from a private donation for equipment for the Police Department.

BE IT FURTHER RESOLVED, that the like sum of \$5,000 is hereby appropriated under the caption “Police Department Equipment”.

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, December 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, Councilwoman McCabe, Council President Camporine and Mayor Steinhardt.

NAYS: None

The following items have been tabled to the December 27<sup>th</sup> meeting. Motion by Councilman Mengucci, seconded by Councilman Baker. Roll call vote:

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

NAYS: None

1. Resolution to approve Towing Contracts.
2. Resolution to approve redemption of Tax Sale Certificate No. 2012-009.
3. Resolution to approve Chapter 159 to include an item of revenue in the 2012 Budget for Drunk Driving Enforcement Fund Grant in the amount of \$17,399.61.
4. Resolution to approve Chapter 159 to include an item of revenue in the 2012 Budget for 2010 Recycling Tonnage Grant in the amount of \$6,352.59.
5. Resolution to approve Chapter 159 to include an item of revenue in the 2012 Budget from the Div. of Criminal Justice in the amount of \$1725.49.

**Resolution** – Rescind transfer of appropriations within the 2012 Budget to meet expenses in the amount of \$48,860.00 to the December 27<sup>th</sup> Agenda. Motion by Councilman Mengucci, seconded by Councilman Baker. Roll call vote:

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

NAYS: None

**Resolution No. 12-106** – Cancel unexpended balance of the 2012 Municipal Budget in the amount of \$150,000 each from the Capital Improvement Fund and the Construction of Various Roads.

R 12-106

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY TO CANCEL UNEXPENDED BALANCES OF THE 2012  
LOPATCONG TOWNSHIP BUDGET AS PER N.J.S.A. 40A:4-60

WHEREAS, N.J.S.A. 40A:4-60 allows unexpended appropriations in the local municipal budget to be canceled by Resolution; and

WHEREAS, there now exists in the Lopatcong Township 2012 Budget the unexpended appropriations “Capital Improvement Fund”, in the amount of \$150,000 and “Construction of Various Roads”, also in the amount of \$150,000.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Lopatcong authorize the Chief Financial Officer to cancel to Fund Balance the unexpended appropriations “Capital Improvement Fund”, in the amount of \$150,000 and “Construction of Various Roads, in the amount of \$150,000.

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, December 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, Councilwoman McCabe, Council President Camporine and Mayor Steinhardt.

NAYS: None

**South First Street Improvement Project** – Approve payment in the amount of \$1,555.00 to Key-Tech for core testing on the South First Street Project. Motion by Councilman Mengucci, seconded by Councilman Baker. Roll call vote:

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

NAYS: None

**A & A Curbing, Inc.** – Approve final payment in the amount of 44,411.36 to A & A Curbing, Inc., for the South First Street Improvement Project. Motion by Councilman Mengucci, seconded by Councilman Baker. Roll call vote:

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

NAYS: None

**Council Reports:**

Councilman Baker – Gave a farewell speech to the public.

Councilman Mengucci – Gave a farewell speech to the public.

Councilwoman McCabe – Thanked the voters and noted she will be filling big shoes.

Council President Camporine – Congratulated Maureen and the others who will be sworn in in January.

Mayor Steinhardt – Also congratulated Maureen and read a Proclamation to Councilman Baker and Councilman Mengucci. He noted that Attorney Campbell would be addressing Sunesys, a company looking to install dark fiber along some of our roadways, a Hold-Harmless Agreement for the resident of 10 Park Avenue to take down a tree on Township property. Mayor Steinhardt and Attorney Campbell addressed a personnel matter involving Clerk Dilts for which she will be docked a day's pay.

**Department Reports:** Motion by Councilman Mengucci, seconded by Councilman Baker. Roll call vote:

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

NAYS: None

**Payment of Bills:** Motion by Councilman Mengucci, seconded by Councilman Baker. Roll call vote:

AYES: Councilmen Baker, Mengucci, Councilwoman McCabe, 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