

TOWNSHIP OF LOPATCONG
COUNCIL MEETING

May 1, 2013

The Meeting of the Lopatcong 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 St., 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, Councilman Belcaro, Councilwoman Ciesla and Councilwoman McCabe. Also present were Tax Collector Edinger, Attorney Campbell and Engineer Sterbenz.

Resolution No. 13-52 - was passed to hold an Executive Session to discuss contractual, personnel and litigation matters.

Public Comment: Public asked questions on agenda items.

Old Business:

Minutes – Mayor Steinhardt asked for a motion to approve the minutes of April 3, 2013. Motion by Council President Camporine, seconded by Councilman Belcaro. Roll call vote: AYES: Councilman Belcaro, Councilwoman Ciesla, Councilwoman McCabe, Council President Camporine. NAYS: None ABSTAIN: Mayor Steinhardt.

Ordinance No. 2013-02 – Second reading and public hearing to establish CAP Bank for calendar year 2013. Motion for a public hearing by Council President Camporine, seconded by Councilwoman McCabe. No comments from the public. Motion to close public hearing by Council President Camporine, seconded by Councilwoman Ciesla.

ORDINANCE NO. 2013-02

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 Wednesday, May 1, 2013 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 TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK FOR CALENDAR YEAR 2013
(N.J.S.A. 40A:4-45.14)

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 Council President Camporine, seconded by Councilwoman Ciesla. Roll call vote:

AYES: Councilman Belcaro, Councilwoman Ciesla, Councilwoman McCabe, Council President Camporine and Mayor Steinhardt.

NAYS: None

Municipal Budget – Auditor Dave Evans explained the budget and answered numerous questions from the public. Mayor Steinhardt asked Council for a motion to adopt the budget. Motion by Council President Camporine, seconded by Councilman Belcaro. Roll call vote:

AYES: Councilman Belcaro, Councilwoman Ciesla, Councilwoman McCabe, Council President Camporine and Mayor Steinhardt.

NAYS: None

Ordinance No. 2013-03 – Second reading and public hearing to Amend, Revise and Supplement Chapter 115, entitled “Fees”, Article VI, “Payment of Credit Card” to increase the percentage for costs associated with payment of municipal taxes and sewer by credit card. Motion for public hearing by Councilman Belcaro, seconded by Council President Camporine. No questions from the public. Motion to close public hearing by Councilman Belcaro, seconded by Council President Camporine.

ORDINANCE NO. 2013-03

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 Wednesday, May 1, 2013 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.

ORDINANCE OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN, STATE OF NEW JERSEY TO AMEND, REVISE AND SUPPLEMENT CHAPTER 115, “FEES,” ARTICLE VI, “PAYMENT BY CREDIT CARD” OF THE CODE OF THE TOWNSHIP OF LOPATCONG TO INCREASE THE PERCENTAGE FOR COSTS ASSOCIATED WITH PROCESSING MUNICIPAL TAXES AND SEWER BY CREDIT CARD

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 Council President Camporine, seconded by Councilwoman Ciesla. Roll call vote:

AYES: Councilman Belcaro, Councilwoman Ciesla, Councilwoman McCabe, Council President Camporine and Mayor Steinhardt.

NAYS: None

Ordinance No. 2013-04 – Second reading and public hearing to Amend, Revise and Supplement Chapter 173 “Rent Control”, Section 9 to allow decreases in rent due to market conditions.

Motion for a public hearing by Councilman Belcaro, seconded by Councilwoman Ciesla. No questions from public. Motion to close public hearing by Council President Camporine, seconded by Councilwoman Ciesla.

ORDINANCE NO. 2013-04

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 Wednesday, May 1, 2013 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.

ORDINANCE OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN, STATE OF NEW JERSEY TO AMEND, REVISE AND SUPPLEMENT CHAPTER 173 "RENT CONTROL," SECTION 9 OF THE CODE OF THE TOWNSHIP OF LOPATCONG TO ALLOW DECREASES IN RENT DUE TO MARKET CONDITIONS.

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 Council President Camporine, seconded by Councilwoman Ciesla. Roll call vote:

AYES: Councilman Belcaro, Councilwoman Ciesla, Councilwoman McCabe, Council President Camporine and Mayor Steinhardt.

NAYS: None

Ordinance No. 2013-05 – Second reading and public hearing to Amend, Revise and Supplement Chapter 11 entitled "Civil Service". Motion for a public hearing by Council President Camporine, seconded by Councilwoman McCabe. No comments from public. Motion to close public hearing by Council President Camporine, seconded by Councilwoman McCabe.

ORDINANCE NO. 2013-05

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 Wednesday, May 1, 2013 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.

ORDINANCE OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN, STATE OF NEW JERSEY TO AMEND, REVISE AND SUPPLEMENT CHAPTER 11 "CIVIL SERVICE," OF THE CODE OF THE TOWNSHIP OF LOPATCONG.

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 Councilwoman Ciesla, seconded by Councilwoman McCabe. Roll call vote:

AYES: Councilman Belcaro, Councilwoman Ciesla, Councilwoman McCabe, Council President Camporine and Mayor Steinhardt.

NAYS: None

New Business:

Resolution No. 13-49A – Approve submission of 2012 Tonnage Grant Application to the Department of Environmental Protection.

R 13-49A

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING 2012 TONNAGE GRANT APPLICATION

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for the 2012 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of Lopatcong Twp. Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Lopatcong Township Council that Lopatcong Township hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Brian Race to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in dedicated recycling trust fund to be used solely for the purposes of recycling.

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 Wednesday, May 1, 2013.

Margaret B. Dilts, CMC

Mayor Steinhardt asked for a motion to adopt this Resolution. Motion by Council President Camporine, seconded by Councilman Belcaro. Roll call vote:

AYES: Councilman Belcaro, Councilwoman Ciesla, Councilwoman McCabe, Council President Camporine and Mayor Steinhardt.

NAYS: None

Recycling Tonnage Grant Application – Approve compensation of \$100.00 to Lin Gabel, Certified Recycling Professional for review and submission of Lopatcong’s 2012 Grant Application. Motion by Council President Camporine, seconded by Councilwoman Ciesla. Roll call vote:

AYES: Councilman Belcaro, Councilwoman Ciesla, Councilwoman McCabe, Council President Camporine and Mayor Steinhardt.

NAYS: None

Resolution No. 13-53 – Extend contract with Chapman, Inc., until award of new contract for pump station maintenance.

R 13-53

RESOLUTION OF THE TOWNSHP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING CONTINUATION OF 2009 CONTRACT WITH CHAPMAN, INC., FOR THE OPERATION AND MAINTENANCE OF LOPATCONG’S WASTEWATER COLLECTION SYSTEM

WHEREAS, the Township of Lopatcong, County of Warren and State of New Jersey entered into a contract for the operation and maintenance of the wastewater collection system in September 2009; and

WHEREAS, this contract was for a period of two years with an option to extend for one more year; and

WHEREAS, the Township of Lopatcong opted to extend this contract for one additional year; which would have brought the contract to an end in September of 2012; and

WHEREAS, the contractor has agreed to continue with services while the Township of Lopatcong goes out for a formal bid.

NOW, THEREFORE, BE IT RESOLVED, that the Township of Lopatcong, County of Warren and State of New Jersey has agreed to continue the services with Chapman, Inc., under the terms and conditions of the 2009 contract until such time as a formal bid is awarded.

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 Wednesday, May 1, 2013.

Margaret B. Dilts, CMC

Mayor Steinhardt asked for a motion to adopt this Resolution. Motion by Council President Camporine, seconded by Councilwoman McCabe. Roll call vote:

AYES: Councilman Belcaro, Councilwoman Ciesla, Councilwoman McCabe, Council President Camporine and Mayor Steinhardt.

NAYS: None

QC Laboratories – Mayor Steinhardt asked for a motion to approve contract with QC Laboratories for testing pool water at a cost of \$31.00 per test. Motion by Council President Camporine, seconded by Councilwoman McCabe. Roll call vote:

AYES: Councilman Belcaro, Councilwoman Ciesla, Councilwoman McCabe, Council President Camporine and Mayor Steinhardt.

NAYS: None

Resolution No. 13-54 – Appoint Mark DeSanto as Plumbing Inspector per Civil Service Certification of Eligibles.

R 13-54

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING PERMANENT APPOINTMENT OF MARK DESANTO AS PLUMBING INSPECTOR PER CIVIL SERVICE CERTIFICATION OF ELIGIBLES

WHEREAS, the Township of Lopatcong, County of Warren and State of New Jersey hired Mark DeSanto provisionally in May 2012 as Plumbing Inspector part-time in the Construction Department pending Civil Service Certification; and

WHEREAS, Civil Service provided a Certification of Eligibles for Appointment on April 2, 2013; and

WHEREAS, Township Council appoint Mark DeSanto as a permanent part-time employee on May 1, 2013, at a rate as per the Salary Ordinance and Resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey do hereby approve the permanent part-time appointment of Mark DeSanto as Plumbing Inspector in the Construction Department pursuant to the Civil Service Certification of Eligibles.

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 Wednesday, May 1, 2013.

Margaret B. Dilts, CMC

Mayor Steinhardt asked for a motion to adopt this Resolution. Motion by Council President Camporine, seconded by Councilman Belcaro. Roll call vote:

AYES: Councilman Belcaro, Councilwoman Ciesla, Councilwoman McCabe, Council President Camporine and Mayor Steinhardt.

NAYS: None

Resolution No. 13-55 – Support Senate Bill S-1896/Assembly Bill A-1503 to share the burden of property assessment appeal refunds.

R 13-55

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY SUPPORTING S-1896/a-1503 SHARING THE BURDEN OF
PROPERTY ASSESSMENT APPEAL REFUNDS

WHEREAS, when County Tax Board appeals are successful, the municipality must reimburse the property taxpayer 100% of the appealed tax levy, which includes the municipal, school, county and any special districts tax; and

WHEREAS, the municipal tax collector must then adjust the taxpayer's fourth quarter tax bill, resulting in the municipality's fund balance for the preceding year being diminished, if not completely depleted; and

WHEREAS, in recent years, municipalities have experienced a large spike in tax appeals caused by the economic down-turn, which lowered property values and placed increased stress on the income of homeowners all around our Garden State; and

WHEREAS, successful tax appeals have a four-fold negative impact on municipal budgets; first by requiring the municipality, as the collector of taxes for the school district, county and special districts, to fund the full cost of the legal defense of the assessment; and

WHEREAS, the second negative impact on municipal budgets results from State law, which guarantees to the county and the school district 100% of their levies, hence forcing the municipality to bear the full cost of any reimbursements resulting from the appeal, as well as the full burden for any uncollected taxes; and

WHEREAS, the third negative impact on municipal budgets ensues because the refunds and credits negatively impact the municipality's tax collection rate, resulting in a State required increase in the appropriation for the Reserve for Uncollected Taxes (a non-exempt from cap budget expenditure); and

WHEREAS, fourth, the end result is a further decline in the property tax base used to support municipalities, county governments, school systems and any fire or other special purpose districts, which will necessitate tax rate increases to raise the same amount of revenue; and

WHEREAS, in light of the revenue limitations that have been placed on all levels of local government by the Legislature (2%), such declining values will compound and add additional stress to local public officials as they grapple with the issues confronting the tax paying public.

WHEREAS, Senator Anthony R. Bucco, Assemblyman Michael Patrick Carroll and Assemblyman Anthony M. Bucco have recently introduced Senate Bill S-1896/Assembly Bill A-1503 which requires fire districts, school districts and county government to share in burden of property assessment appeals refunds.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Lopatcong hereby urge the swift passage and signing of S-1896/A-1503; and

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, to Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, to our State Senator, to our two Representatives in the General Assembly and to the New Jersey League of Municipalities.

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 Wednesday, May 1, 2013.

Margaret B. Dilts, CMC

Mayor Steinhardt asked for a motion to adopt this Resolution. Motion by Council President Camporine, seconded by Councilwoman McCabe. Roll call vote:

AYES: Councilman Belcaro, Councilwoman Ciesla, Councilwoman McCabe, Council President Camporine and Mayor Steinhardt.

NAYS: None

ASCAP – Approve payment to ASCAP to play music at the pool at a cost of \$329.33. Motion by Council President Camporine, seconded by Councilwoman McCabe. Roll call vote:

AYES: Councilman Belcaro, Councilwoman Ciesla, Councilwoman McCabe, Council President Camporine and Mayor Steinhardt.

NAYS: None

Engines, Inc. Annual Pump Stations Generator Maintenance Contracts – Approve contracts with Engines, Inc., for maintenance service at Baltimore Street at a cost of \$625.00, Stonehenge at a cost of \$465.00 and the Municipal Building at a cost of \$410.00. Motion by Council President Camporine, seconded by Councilman Belcaro. Roll call vote:

AYES: Councilman Belcaro, Councilwoman Ciesla, Councilwoman McCabe, Council President Camporine and Mayor Steinhardt.

NAYS: None

Marble Hill Trail – Authorize the Mayor to execute the Conservation Restriction Deed to effectuate the land transfer between the County and the Township with regard to the Marble Hill Trail. Motion by Council President Camporine, seconded by Councilwoman McCabe. Roll call vote:

AYES: Councilman Belcaro, Councilwoman Ciesla, Councilwoman McCabe, Council President Camporine and Mayor Steinhardt.

NAYS: None

Delaware Park Engine Co., No. 1 – Approve Junior Membership Application for Benjamin Volk. Motion by Council President Camporine, seconded by Councilman Belcaro. Roll call vote:

AYES: Councilman Belcaro, Councilwoman Ciesla, Councilwoman McCabe, Council President Camporine and Mayor Steinhardt.

NAYS: None

Strykers Road Fire House No. 2 – Approve Membership Application for Derek Rottman to Strykers Fire House No. 2. Motion by Council President Camporine, seconded by Councilwoman McCabe. Roll call vote:

AYES: Councilman Belcaro, Councilwoman Ciesla, Councilwoman McCabe, Council President Camporine and Mayor Steinhardt.

NAYS: None

Ordinance No. 2013-06 – First reading to Amend, Revise and Supplement Chapter 59 Construction Code, Uniform; Permits Article III to establish Fees for Commercial Solar Systems.

AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT CHAPTER 59
CONSTRUCTION CODE, UNIFORM; PERMITS ARTICLE III TO ESTABLISH FEES FOR
COMMERCIAL SOLAR SYSTEMS

WHEREAS, Township of Lopatcong, County of Warren and State of New Jersey desires to amend the Fee for the Building Sub-code portion of commercial solar systems.

NOW, THEREFORE, BE IT ORDAINED by the Township of Lopatcong, County of Warren and State of New Jersey that Chapter 59, Fee, Article III, be amended, revised and supplemented to read as follows:

Section 1:

For solar photovoltaic systems for any use group or accessory thereof, the fee shall be based on the total number of solar photovoltaic modules being installed as follows:

- (a) 1-100 modules, the fee shall be \$150.00
- (b) 101-250, the fee shall be \$375.00
- (c) 251-500, the fee shall be \$700.00
- (d) Greater than 500 modules, the fee shall be an additional \$1.00 per module. All other electrical devices, other than solar photovoltaic modules shall be a separate fee based on the ampere or kilowatt rating of the device.

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.

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 May 1, 2013, 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 June 5, 2013 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 Council President Camporine, seconded by Councilwoman McCabe. Roll call vote:

AYES: Councilman Belcaro, Councilwoman Ciesla, Councilwoman McCabe, Council President Camporine and Mayor Steinhardt.

NAYS: None

Council Reports:

Councilman Belcaro – Updated the public on the Route 57 Pump Station Project. Asked Council to make a motion to have the Sewer Engineer Joe Pryor advertise the bid documents when

approved by the USDA. Motion by Council President Camporine, seconded by Mayor Steinhardt. Roll call vote:

AYES: Councilman Belcaro, Councilwoman Ciesla, Councilwoman McCabe, Council President Camporine and Mayor Steinhardt.

NAYS: None

Asked Brian Weeks to report on Building and Grounds – Brian stated that the Department of Public Works is working on ball fields and the swimming pool mainly at this time.

Councilwoman Ciesla – Spent the day at the middle school in the “Teacher for the Day Program”. Attended the Marble Hill Dedication along with Beth Dilts and Brian Weeks along with representative of Warren County and many other societies. LAA still needs a president. They are looking into insurance policies for the kids, up to date on their background checks. 150th celebration will be held at the pool on September 7th and the committee is working on the history book.

Councilwoman McCabe – South Warren Regional Police Commission is still compiling information. The Planning Board held a hearing and approved an application for Sycamore Landing for an Amended Preliminary and Final Site Plan. Original design for the buildings changed as well as ingress and egress into the development. The applicant is still working with the mall owners on the having access through the ring road.

Council President Camporine – Saturday, May 18th is the County Shred Event at the County Administration Building from 8:00 am to 12:00 noon.

Mayor Steinhardt – The Township received \$120,000 from the State for sidewalks on Strykers Road.

Resolution No. 13-56 - LMR Garbage Company sustained damage to his garbage truck having been backed into by an employee in the Department of Public Works. His insurance policy has a \$1,000 deductible. The Township will reimburse the insurance deductible if he provides proof that the repairs were made, proof of the deductible amount and sign a release to the Township that he will not seek further damages.

R 13-56

RESOLUTION OF THE GOVERNING BODY
OF THE TOWNSHIP OF LOPATCONG
AUTHORIZING REIMBURSEMENT OF DEDUCTIBLE

WHEREAS, on or about October 12, 2012 a Township of Lopatcong vehicle was involved in a motor vehicle accident with another vehicle owned by LMR Clean Out & Disposal (hereinafter “LMR”) and as a result of the accident damage was sustained by LMR’s vehicle;

WHEREAS, LMR was charged a \$1,000 deductible by its insurance company for which LMR is seeking reimbursement from the Township;

WHEREAS, LMR has provided the Township with proof of this unreimbursed deductible and that all repairs were made to the damaged vehicle;

WHEREAS, the Township Council has reviewed the facts surrounding this incident and is desirable to reimburse LMR its \$1,000 subject to LMR’s agreement to release the Township from any and all potential liability surrounding this incident;

WHEREAS, the parties recognize that the Township’s willingness to provide reimbursement is not an admission of liability and that the purpose is solely to avoid the time and expense of further dispute and future litigation between the parties;

NOW THEREFORE BE IT RESOLVED that reimbursement in the amount of \$1,000 shall be made to LMR Clean Out & Disposal.

NOW THEREFORE BE IT FURTHER RESOLVED that by accepting this reimbursement LMR is relinquishing its respective legal rights that it does, may or shall in the future have with reference to this accident. A copy of this Resolution must be submitted to LMR before payment is rendered.

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a Resolution adopted by the Lopatcong Township Council at its Meeting held on the 1st^h day of May, 2013.

Margaret B. Dilts, CMC

For and in consideration of payment by the Township of Lopatcong of \$1,000, I, on behalf and with full authority of LMR, do hereby release the Township from any and all legal responsibility and liability for the above referenced accident.

Rob Colontrelle, President of LMR

Mayor Steinhardt asked for a motion to approve this Resolution. Motion by Council President Camporine, seconded by Councilman Belcaro. Roll call vote:

AYES: Councilman Belcaro, Councilwoman Ciesla, Councilwoman McCabe, Council President Camporine and Mayor Steinhardt.

NAYS: None

Tax Collector's Report - Resolution No. – 13-57 – Authorize refund of tax overpayment on Block 32, Lot 7.

R 13-57

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING TO REFUND TAX OVERPAYMENT FOR YEAR 2013 ON BLOCK 32, LOT 7

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 tax overpayments due to closing on property for the tax year 2013.

<u>Block & Lot</u>	<u>Name of Payee</u>	<u>Amount</u>
32 7	Estate of Grace Fatta	\$1729.87

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 2013 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 is a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, May 1, 2013.

Margaret B. Dilts, CMC

Mayor Steinhardt asked for a motion to approve this Resolution. Motion by Council President Camporine, seconded by Councilwoman Ciesla. Roll call vote:

AYES: Councilman Belcaro, Councilwoman Ciesla, Councilwoman McCabe, Council President Camporine and Mayor Steinhardt.

NAYS: None

Chief Financial Officer – Report the sale of 27 SRECS for \$115.00 apiece.

Department Reports – Motion to approve by Council President Camporine, seconded by Councilwoman Ciesla. Roll call vote:

AYES: Councilman Belcaro, Councilwoman Ciesla, Councilwoman McCabe, Council President Camporine and Mayor Steinhardt.

NAYS: None

Payment of Bills - Motion to approve by Council President Camporine, seconded by Councilwoman Ciesla. Roll call vote:

AYES: Councilman Belcaro, Councilwoman Ciesla, Councilwoman McCabe, Council President Camporine and Mayor Steinhardt.

NAYS: None

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

Brass Rail (Mayor Steinhardt recused himself from this matter) – Jack Kingfield addressed many issues regarding the Brass Rail; traffic, parking, debris, garbage, noise enforcement of Township Ordinances, etc., seeking relief from the Township for approximately two years without satisfaction. He felt that the Brass Rail needed to seek variances for many of the issues he and his neighbors have been concerned with over the years. Attorney Campbell stated that as requested by Mr. and Mrs. Mazun, the Council asked the Township Fire Official to investigate the Brass Rail on more than one occasion to check their occupancy numbers. Which was done and she also reminded Mr. Kingfield that Mr. Reda, the last time he was here to speak about this situation, was instructed to file a written complaint with the Zoning Officer which would trigger him to request that the Council hire someone to address their issues because he was conflicted from doing so. Mr. Reda did not do that. Attorney Campbell asked Council for a motion to authorize the hire of a zoning officer for this particular matter. Motion by Councilwoman McCabe, seconded by Council President Camporine. Roll call vote:

AYES: Councilman Belcaro, Councilwoman Ciesla, Councilwoman McCabe and Council President Camporine.

NAYS: None

ABSTAIN: Mayor Steinhardt

Resolution No. 13-58 Executive Session – Motion to go into Executive Session by Council President Camporine to discuss litigation, seconded by Councilman Belcaro. All in favor. Mayor Steinhardt left the meeting.

Council came back into Regular Session by motion of Councilman Belcaro, seconded by Councilwoman Ciesla. Attorney Campbell addressed the public that the Council held a discussion on litigation regarding 189 Strykers Road to explore some options. Councilwoman Ciesla made a motion to authorize first option discussed, seconded by Councilman Belcaro. Roll call vote.

AYES: Councilman Belcaro, Councilwoman Ciesla, Councilwoman McCabe and Council President Camporine.

NAYS: None

Motion to adjourn the meeting by Councilwoman McCabe, seconded by Councilwoman Ciesla. All in favor.

Respectfully submitted,

Margaret B. Dilts
Clerk/Administrator

Douglas J. Steinhardt
Mayor

