

TOWNSHIP OF LOPATCONG
COUNCIL MEETING

August 7, 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. Also present were Tax Collector Edinger, Attorney Campbell and Engineer Sterbenz.

Resolution No. 13-81 - was passed to hold an Executive Session to discuss litigation and Tax Appeal matters.

Public Comment: Public asked questions on agenda items.

Old Business:

Minutes – Mayor Steinhardt asked for a motion to approve the minutes of July 10 and July 22, 2013. Motion by Council President Camporine, seconded by Councilwoman Ciesla. Roll call vote:

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

NAYS: None

ABSTAIN: Mayor Steinhardt for the minutes of July 10, 2013.

Ordinance No. 13-08 – Second reading and public hearing to adopt the Highlands Checklist Ordinance. Motion to hold a public hearing by Council President Camporine, seconded by Councilman Belcaro. No questions or comments from the public. Motion to close the public hearing by Council President Camporine, seconded by Councilwoman Ciesla.

ORDINANCE NO. 2013-08

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, August 7, 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 AMENDING THE LAND USE ORDINANCE OF THE TOWNSHIP OF
LOPATCONG TO UPDATE SUBMISSION REQUIREMENTS FOR APPLICATIONS FOR
DEVELOPMENT

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 Mayor Steinhardt, seconded by Council President Camporine. Roll call vote:
AYES: Councilman Belcaro, Councilwoman Ciesla, Council President Camporine and Mayor Steinhardt.
NAYS: None

New Business:

Resolution No. 13-08 – Requesting extension on NJDOT award of \$145,000 for South Third Street Improvement Project.

R 13-82

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY REQUESTING AN EXTENSION OF THE GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE SOUTH THIRD STREET IMPROVEMENT PROJECT

WHEREAS, the Township of Lopatcong (“Township”) was awarded a grant from the Municipal Aid portion of the Transportation Trust Fund in the amount of \$145,000.00 from the NJDOT for the South Third Street Improvement Project in the 2012 calendar year; and

WHEREAS, the grant agreement for the project requires the Township to award a construction contract by November 4, 2013 to avoid losing the grant allocation; and

WHEREAS, the Township initiated survey and design work on the project in the Fall of 2012 with the intention of awarding a contract and constructing the improvements in the Spring and Summer of 2013 before the November 4, 2013 deadline per the grant agreement with the NJDOT for the award of the contract; and

WHEREAS, all survey work is now complete and the design plans are 50% complete; and

WHEREAS, the economic downturn that began in 2008 in the United States has had a significant impact on the Township, particularly as it relates to state aid and tax revenues; and

WHEREAS, the Township through its budget process, determined that it does not have the ability due to anticipated revenues and tax collections to incorporate monies for the construction of the South Third Street Improvement Project in the 2013 calendar year budget; and

WHEREAS, the award of a contract for construction in 2014 will take place after the November 4, 2013, the deadline for awarding a construction contract in the grant agreement; and

WHEREAS, the Township is in need of an extension of time from the NJDOT for the award of a construction contract to avoid losing the funding allocated in 2012;

NOW THEREFORE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE Township of Lopatcong, that a request be filed with the NJDOT's Division of Local Aid and Economic Development for a six (6) month extension of time on the South Third Street Improvement Project; and

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the NJDOT's Division of Local Aid and Economic Development.

CERTIFICATION

I, Margaret B. Dilts, Clerk of the Township of Lopatcong, in the County of Warren, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a resolution duly adopted by the Township Council of said Township of Lopatcong at a regular meeting held on August 7, 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, Council President Camporine and Mayor Steinhardt.

NAYS: None

Resolution No. 13-83 – Approve NJDOT application for South Second Street for 2014 State Aid Project.

R 13-83

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 A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE SOUTH SECOND STREET ROAD IMPROVEMENT 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;

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 2014 Municipal Aid Program for the purpose of constructing improvements to South Second Street in the Township of Lopatcong;

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-2014-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 the foregoing to be a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, August 7, 2013.

Margaret B. Dilts

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL

(Clerk)
Margaret B. Dilts, CMC

(Presiding Officer)
Douglas J. Steinhardt, Mayor

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, Council President Camporine and Mayor Steinhardt.

NAYS: None

Resolution No. 13-84 – Authorizing redemption of Tax Sale Certificate No. 2013-014 and Premium on Block 85, Lot 2.14 in the amount of \$10,402.94.

R 13-84

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING REFUND OF REDEMPTION MONIES TO OUTSIDE LIENHOLDER ON BLOCK 85, LOT 2.14 IN THE AMOUNT OF \$10,402.94

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on June 19, 2013 a lien was sold on Block 85, Lot 2.14, also known as 700 Coventry Drive in Lopatcong Township for 2012 delinquent taxes; and

WHEREAS, this lien known as Tax Sale Certificate No. 2013-014 was sold to US Bank Cust/for BV001 Trust for a premium of \$3,500.00; and

WHEREAS, Neil & Shelly Blumenthal, property owners, has satisfied the redemption amount on Certificate No. 2013-014 in the amount of \$6,902.94.

NOW, THEREFORE, BE IT RESOLVED on this 7th day of August 2013 that the Chief Financial Officer be authorized to issue a check in the amount of \$10,402.94 for the redemption of Tax Sale Certificate No. 2013-014 and Premium to:

US BANK CUST FOR BV001 TRUST
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 Council at a meeting held on Wednesday, August 7, 2013.

Margaret B. Dilts

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

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

NAYS: None

Resolution No. 13-85 – Authorizing redemption of Tax Sale Certificate No. 10-10 on Block 103, Lot 77 in the amount of \$60,848.33.

R 13-85

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY AUTHORIZING REDEMPTION OF TAX SALE CERTIFICAT
NO. 10-10 ON BLOCK 103, LOT 14

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on December 2, 2010, a lien was sold on Block 103, Lot 14 also known as 77 Powderhorn Drive for 2009 delinquent taxes and sewer taxes; and

WHEREAS, this lien known as Tax Sale Certificate No. 10-10 was sold to US Bank Cust for CCTS Capital, LLC for 18% interest; and

WHEREAS, Ada H. Carro, attorney at law, closing attorney for the property owners, has satisfied the redemption amount on Certificate No. 10-10 in the amount of \$60,848.33.

NOW, THEREFORE, BE IT RESOLVED on this 7th day of August 2013, that the Chief Financial Officer is authorized to issue a check in the amount of \$60,848.33 for the redemption of Tax Sale Certificate No. 10-10 to:

US Bank Cust for CCTS Capital, LLC
2 Liberty Place 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 Council at a meeting held on Wednesday, August 7, 2013.

Margaret B. Dilts

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

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

NAYS: None

Resolution No. 13-86 – Authorizing refund of tax overpayment on Block 19, Lot 16 in the amount of \$1,222.72.

R 13-86

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY AUTHORIZING TO REFUND TAX OVERPAYMENT

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 a refinance and duplicate payment.

<u>Block & Lot</u>	<u>Name of Payee</u>	<u>Amount</u>
19 16	Staruch, Mary Ann	\$1,222.72

NOW, THEREFORE, BE IT RESOLVED that the Mayor and 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 to be a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, August 7, 2013.

Margaret B. Dilts

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, Council President Camporine and Mayor Steinhardt.

NAYS: None

Resolution No. 13-87 – Reappoint Irene Brownell as Court Administrator for both Lopatcong and Harmony Courts per Chapter 39 of the Public Laws of 1975.

R 13-87

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING REAPPOINTMENT OF IRENE BROWNELL AS COURT ADMINISTRATOR

WHEREAS, the Council of the Township of Lopatcong, County of Warren and State of New Jersey authorize the reappointment of Irene Brownell as Court Administrator; and

WHEREAS, Irene Brownell was appointed Court Administrator in November of 2006; and

WHEREAS, this reappointment shall provide tenure to the Court Administrator pursuant to Bill S-1931 signed by Governor Christie Whitman on January 19, 1998.

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 reappointment Irene Brownell as Court Administrator pursuant to Bill S-1931.

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, August 7, 2013.

Margaret B. Dilts

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, Council President Camporine and Mayor Steinhardt.

NAYS: None

Strykers Fire Co. No. 2 – Approve application for membership for Michael Verdjak as requested by Fire Chief Lou LaFord. Mayor Steinhardt asked for a motion to approve. Motion by Council President Camporine, seconded by Councilman Belcaro. Roll call vote:

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

NAYS: None

Council Reports:

Councilman Belcaro – Informed the public that eight bids were received for the Rt. 57 Pump Station Project and the low bidder was Dulaine Contracting at \$1,578,777.10. Councilman Belcaro made a motion to award the bid conditioned on the approval of the USDA, seconded by Council President Camporine. Roll call vote:

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

NAYS: None

Councilwoman Ciesla – Reported the LAA Golf outing was sold out. She reviewed the schedule of events for the 150th Celebration. She informed the public that there is currently openings for anyone interested in being appointed to the Recreation Committee and the Volunteer Form is on the website.

Councilwoman Ciesla reported that our website connection is slow and erratic and asked Council to approve the staff work with our IT consultant to correct the situation. Motion by Mayor Steinhardt, seconded by Councilman Belcaro. Roll call vote:

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

NAYS: None

Garden State Fireworks – Councilwoman Ciesla asked Council to approve the fireworks contract with Garden State for the 150th Birthday Celebration of Lopatcong. Motion by Councilman Belcaro, seconded by Council President Camporine. Roll call vote:

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

NAYS: None

Council President Camporine – The movies at the pool will be extended one week. The County's Shred Event is September 28 and the Household Hazardous Waste Cleanup is scheduled for Sunday, September 29 at the landfill both from 8:00 am to 12:00 noon.

Ordinance No. 2013-09 - Mayor Steinhardt said there is a recommendation for a referendum on the ballot to increase the Open Space Tax two cents for a community center and snack stand. Motion by Councilman Belcaro, seconded by Councilwoman Ciesla. Roll call vote:

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

NAYS: None

2013-09

ORDINANCE OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN, STATE OF NEW JERSEY PETITIONING THE CLERK OF WARREN COUNTY TO PLACE ON THE BALLOT A REFERENDUM TO INCREASE THE LOPATCONG TOWNSHIP OPEN SPACE TAX.

WHEREAS, in 1999, the Township of Lopatcong established a Municipal, Open Space, Recreation, and Farmland and Historic Preservation Trust Fund pursuant to N.J.S.A. 40:12-15.7; and

WHEREAS, the Municipal Open Space, Recreation and Farmland and Historic Preservation Trust Fund is funded through the dedication to the fund of an amount of \$0.03 per \$100.00 of assessed valuation of each annual tax levy; and

WHEREAS, the Lopatcong Township Council believes it is in the best interest of the Township of Lopatcong to increase the open space tax from three (3) to five (5) cents per \$100.00 of assessed valuation; and

WHEREAS, the Township Council of the Township of Lopatcong is desirous of placing this issue on the ballot to be voted upon by the voters of Lopatcong Township;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lopatcong, County of Warren and State of New Jersey, that it does hereby petition the County Clerk of the County of Warren to place on the ballot in the next general election the following referendum and interpretive statement:

REFERENDUM: Shall the open space tax of the Township of Lopatcong be increased from three (3) cents up to five (5) cents per one hundred (\$100.00) dollars of ratables?

[] Yes [] No

INTERPRETIVE STATEMENT:

The purpose of this referendum is to determine whether or not the maximum rate allowed to be raised by the Township for its Open Space Trust Fund shall be increased from three (3) cents to five (5). The annual rate shall be set every year by the Township Committee, by resolution, and shall not exceed the maximum allowable rate.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Township Council of the Township of Lopatcong held on August 7, 2013, and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a special meeting of the Township Council to be held on September 12, 2012 at 7:00 p.m. or as soon thereafter as the Township Council may hear this Ordinance at the Municipal Building, 232 South 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

Resolution 2013-88 - Tax Collector –Asked Council to approve refund due to error.

R 13-88

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

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 payment error due to title company posting.

<u>Block & Lot</u>	<u>Name of Payee</u>	<u>Amount</u>
141 24	Jupinka, William M & Geissler, Dana	\$2,108.09

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Council of the Township of Lopatcong, County of Warren and State of New Jersey refund \$2,108.09 to property owners of Block 141, Lot 24.

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, August 7, 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, Council President Camporine and Mayor Steinhardt.

NAYS: None

Resolution No. 2013-89 – Approve redemption to Tax Sale Certificate No. 2012-015 on Block 86.05, Lot 7 in the amount of \$47008.44.

R 13-89

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING REFUND OF REDEMPTION MONIES TO OUTSIDE LIENHOLDER ON BLOCK 86.05, LOT 7 IN THE AMOUNT OF \$25,508.44

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on June 8, 2012, a lien was sold on Block 86.05 Lot 7, also known as 10 Plaza Road for 2011 delinquent taxes; and

WHEREAS, this lien, known as Tax Sale Certificate #2012-015 was sold to FNA Jersey Lien Services, LLC for a premium of \$21,500.00; and

WHEREAS, HSBC Mortgage, mortgage company for property owners, has satisfied the redemption amount on Certificate #2012-015 in the amount of \$25,508.44.

NOW, THEREFORE, BE IT RESOLVED on this 4th day of September, 2013 that the Chief Financial Officer be authorized to issue a check in the amount of \$47,008.44 for the redemption of Tax Sale Certificate #2012-015 and Premium to:

FNA Jersey Lien Services LLC
PO Box 1030
Brick, NJ 08723

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, August 7, 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, Council President Camporine and Mayor Steinhardt.

NAYS: None

Department Reports – Mayor Steinhardt asked for a motion to approve Department Reports.

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

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

NAYS: None

Payment of Bills - Mayor Steinhardt asked for a motion to approve payment of bills. Motion by Council President Camporine, seconded by Councilwoman Ciesla. Roll call vote:

AYES: Councilman Belcaro, Councilwoman Ciesla, 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 Council President Camporine, seconded by Councilman Belcaro. All in favor.

Respectfully submitted,

Margaret B. Dilts
Clerk/Administrator

Douglas J. Steinhardt
Mayor

