

TOWNSHIP OF LOPATCONG

COUNCIL MEETING

December 3, 2014

The Meeting of the Lopatcong Township Council was called to order at 7:00 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 Ciesla, Councilwoman Schneider, Councilman Belcaro and Councilwoman McCabe. CFO Dobes, Attorney Campbell and Engineer Sterbenz.

Resolution No. 14-147 – was adopted to hold an Executive Session to discuss personnel – CFO, Contract – on-line tax/sewer payment vendors and Background Check Policy.

Special Proclamations: CFO Mary E. Dobes and Mayor Douglas J. Steinhardt

Public Comment:

1. Joe Imhoff – Aurora Street – Phillipsburg High School second egress.
2. Juniper Leifer – 32 Jade Lane – Highlands Ordinance.
3. Gena James – Strykers Road - Recreation Committee.
4. Eric Johnson – 361 Stonehenge Drive - Recreation Committee
5. Marla Endick – 10 Byron Drive – Timing of Ordinances.

Old Business:

Minutes – Approve the minutes of October 14, 2014. Motion by Councilwoman McCabe, seconded by Council President Ciesla. Roll call vote:

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

NAYS: None

New Business:

South Third Street Improvement Project – Authorize payment of \$128,168.71 to A&A Curbing for work completed on the South Third Street project. Motion by Councilwoman McCabe, seconded by Council President Ciesla. Roll call vote:

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

NAYS: None

Rt. 57 Pump Station Project – Authorize payment to Dulaine Contracting in the amount of \$118,688.91 for work completed on the Rt. 57 Pump Station Project pursuant to USDA approval. Motion by Councilwoman McCabe, seconded by Councilman Belcaro. Roll call vote:

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

NAYS: None

Ordinance No. 2014-13 – First reading to adopt the Highlands Area Exemption Ordinance prepared by the Highlands Council. Authorize Engineer Paul Sterbenz as the Exemption Designee to issue Municipal Exemption Determinations for applicants on behalf of the municipality at no additional fee.

Mayor Steinhardt – Discussion.

Councilwoman Schneider – Yes, I have a couple of things. Um, just two things. Katrina is there any legal liability if there was damage or an accident, does the Township have any liability what-so-ever to, you know, on behalf of the litigation.

Attorney Campbell- I don't see how there would be the kind of damage you are talking about but this is an exemption for Highlands so it would be, if someone, if you look at the exemptions that are listed in your packet there for if someone is building a single family home, normally, they would have to go through the lengthy Highlands process.

Councilwoman Schneider – Yeah, I understand that.

Attorney Campbell – It's a Highlands thing so Highlands, its Highlands rules and they're letting us make those decisions for them. So, they are waiving their rights to say we didn't do it right.

Councilwoman Schneider – Okay, okay so we have no legal liability what-so-ever.

Attorney Campbell – It is just a way for us to administer the rules.

Councilwoman Schneider – Okay, and, um, I just have a request based on reading this in its entirety. Um, I'd like Council to be contacted and copied every time a request that falls under the Highlands comes in so we can be abreast of, uh, knowing what is coming in through the Township through the Township under the Highlands, we can all know what's going on and um, and when the approvals have been sent out. Um, I don't know who is responsible for that for receiving the requests from residents and non-residents; nonresidential.

Gary VanVliet – (Inaudible).

Paul Sterbenz – I don't think that's a problem. I can copy the Mayor and Council, you know, indicating my decision in these regards.

Councilwoman Schneider – Okay.

Paul Sterbenz – It's no problem at all.

Councilwoman Schneider – As soon as they come in before the decisions are made, you know, when they, as they come into the Township, as the application comes in from a resident if it could be immediately sent to

Paul Sterbenz – I can, you know, advise the Mayor and Council pre-decision and then post decision. Whatever you want can be done.

Councilwoman Schneider – Yeah, actually both. Okay, thank you Paul, I appreciate that. That's all I have.

Mayor Steinhardt – Roll call please.

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

NAYS: None

ORDINANCE 2014-13

AN ORDINANCE OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING THE HIGHLANDS EXEMPTION ORDINANCE

TITLE, PURPOSE, SCOPE

§ 1.1 TITLE

This Ordinance shall be known and cited as the “Township of Lopatcong Highlands Area Exemption Ordinance.”

§ 1.2 PURPOSE

The purpose of this Ordinance is to set forth the procedural and substantive requirements by which the municipality will issue Highlands Act Exemption Determinations. Such determinations pertain only to Highlands Act Exemptions 1, 2, 4, 5, 6, 7, and 8. Highlands Act Exemption Determinations indicate whether proposed activities, improvements or development projects affecting lands located within the Township Highlands Area are exempt from the Highlands Water Protection and Planning Act (“Highlands Act,” N.J.S.A. 13:20-1 et seq.), and are therefore exempt from the Highlands Water Protection and Planning Council’s (“Highlands Council”) Regional Master Plan, the New Jersey Department of Environmental Protection’s (NJDEP) Highlands Water Protection and Planning Act Rules (“Preservation Area Rules,” N.J.A.C. 7:38-1 et seq.), and from any amendments to the Township’s master plan, development regulations, or other regulations adopted pursuant to the approval of the Township’s Petition for Plan Conformance by the Highlands Council.

§ 1.3 SCOPE/APPLICABILITY

The provisions of this Ordinance pertain to activities, improvements and development projects involving lands located within the Township Highlands Area. The Highlands Area comprises that portion of the municipality for which the applicable provisions of the Township Master Plan, land use ordinances and other pertinent regulations have been deemed by the Highlands Council to be in conformance with the Highlands Regional Master Plan (RMP) (see § 3.1.1). The provisions of this Ordinance shall not be construed to alleviate any person or entity from the provisions and requirements of any other applicable ordinances, rules, or regulations of the municipality, or from any other applicable law, regulation, or requirement of any county, state, or federal authority having jurisdiction. Nor shall the provisions of this Ordinance deprive any person or entity from seeking a Highlands exemption determination from the NJDEP or the Highlands Council.

§ 1.4 STATUTORY AUTHORITY

This Ordinance is adopted under the authority of the Highlands Act and the New Jersey Municipal Land Use Law (“MLUL”, N.J.S.A. 40:55D-1 et seq.). In the Highlands Act, the Legislature identified numerous categories of activities that are exempt from the Act, the RMP, the Preservation Area Rules, and any amendments to a master plan, development regulations, or other regulations adopted by a local government to conform them with the RMP. See N.J.S.A. 13:20-28. The Legislature granted the Highlands Council the authority to administer the plan conformance process and to approve, reject, or approve with conditions municipal plan conformance petitions. See N.J.S.A. 13:20-14, -15. The Legislature, through the MLUL, granted authority to New Jersey municipalities to govern land use and development within their borders and, through the Highlands Act, established requirements for Highlands municipalities to conform their land use and development regulations with the RMP. In a July 19, 2012 Memorandum of Understanding (MOU) between the Highlands Council and the NJDEP, the Council and the NJDEP recognized the circumstances in which it would be appropriate for conforming, Highlands Council-certified municipalities to make determinations regarding specified Highlands Act exemptions.

§ 1.5 SEVERABILITY

If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall in no way affect the validity of the ordinance as a whole, or of any other portion thereof.

§ 1.6 EFFECTIVE DATE

This Ordinance shall take effect after final passage and publication in the manner required by law.

ARTICLE 2. DEFINITIONS

§ 2.1 WORD USAGE

Terms used in the body of this Ordinance which are defined by the Highlands Act (N.J.S.A. 13:20-3) are intended to have the same definitions as provided in the Highlands Act. Unless expressly stated to the contrary or alternately defined herein, terms which are defined by the MLUL are intended to have the same meaning as set forth in the MLUL. For purposes of this Ordinance, the terms “shall” and “must” are indicative of a mandatory action or requirement while the word “may” is permissive.

§ 2.2 DEFINITIONS

For purposes of this Ordinance the following definitions shall apply:

Agricultural or Horticultural Development – Construction for the purposes of supporting common farm site activities, including but not limited to, the production, harvesting, storage, grading, packaging, processing, and the wholesale and retail marketing of crops, plants, animals, and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease, and pest control, disposal of farm waste, irrigation, drainage and water management, and grazing. (N.J.S.A. 13:20-3.)

Agricultural or Horticultural Use – The use of land for common farm site activities, including but not limited to, the production, harvesting, storage, grading, packaging, processing, and the wholesale and retail marketing of crops, plants, animals, and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease, and pest control, disposal of farm waste, irrigation, drainage and water management, and grazing. (N.J.S.A. 13:20-3.)

Agricultural Impervious Cover – Agricultural or horticultural buildings, structures or facilities with or without flooring, residential buildings and paved areas, but not meaning temporary coverings. (N.J.S.A. 13:20-3.)

Applicant – Any entity applying to the Board of Health, Planning Board, Zoning Board of Adjustment, Zoning Officer, Construction Official or other applicable authority of the municipality for permission or approval to engage in an activity that is regulated by the provisions of this Ordinance.

Application for Development – The application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance, or direction of the issuance of a permit pursuant to section 25 or section 27 of P.L.1975, c.291 (C.40:55D-34 or C.40:55D-36).

Building Permit – Used interchangeably with the term “Construction Permit;” see definition below.

Construction Permit – A permit issued pursuant to the New Jersey Uniform Construction Code, Chapter 23 of Title 5 of the New Jersey Administrative Code (N.J.A.C. 5:23-1 et seq.), providing authorization to begin work subject to the conditions and requirements established under the provisions therein.

Development – The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure, or of any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to the MLUL. (N.J.S.A. 13:20-3; N.J.S.A. 40:55D-4.)

Disturbance – The placement of impervious surface, the exposure or movement of soil or bedrock, or the clearing, cutting, or removing of vegetation. (N.J.S.A. 13:20-3.)

Disturbance, Ultimate – The total existing or proposed area of disturbance of a lot, parcel, or other legally designated (or otherwise legally recognized) tract or subdivision of land, for the purpose of, and in connection with, any human activity, property improvement, or development, including the surface area of all buildings and structures, all impervious surfaces, and all associated land disturbances such as excavated, filled, and graded areas, and all lawn and landscape areas. Ultimate disturbance shall not include areas of prior land disturbance which at the time of evaluation: a) contain no known man-made structures (whether above or below the surface of the ground) other than such features as old stone rows or farm field fencing; and b) consist of exposed rock outcroppings, or areas which, through exposure to natural processes (such as weathering, erosion, siltation, deposition, fire, flood, growth of trees or other vegetation) are no longer impervious or visually obvious, or ecologically restored areas which will henceforth be preserved as natural areas under conservation restrictions.

Environmental Land Use or Water Permit – A permit, approval, or other authorization issued by the Department of Environmental Protection pursuant to the "Freshwater Wetlands Protection Act," P.L.1987, c.156 (C.13:9B-1 et seq.), the "Water Supply Management Act," P.L.1981, c.262 (C.58:1A-1 et seq.), the "Water Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.), "The Realty Improvement Sewerage and Facilities Act (1954)," P.L.1954, c.199 (C.58:11-23 et seq.), the "Water Quality Planning Act," P.L.1977, c.75 (C.58:11A-1 et seq.), the "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et seq.), or the "Flood Hazard Area Control Act," P.L.1962, c.19 (C.58:16A-50 et seq.). (N.J.S.A. 13:20-3.)

Farm Management Unit – A parcel or parcels of land, whether contiguous or noncontiguous, together with agricultural or horticultural buildings, structures and facilities, producing agricultural or horticultural products, and operated as a single enterprise. (N.J.S.A. 13:20-3.)

Forest Management Plan – A written guidance document describing the forest resources present on a property, the landowner's management goals and objectives, and the recommended practices or activities to be carried out over time on the land. This tool is used to evaluate a forest land's current state and provide a management process which, over time, meets the landowner's objectives, while maintaining health and vigor of the resource. Forest Management Plans are typically written for a ten year period. (RMP, Glossary.)

Farm site – A Farm Management Unit as defined above.

Highlands Applicability Determination – A determination made by the NJDEP (pursuant to N.J.A.C. 7:38-2.4) indicating whether a project proposed for the Preservation Area is a major Highlands development, whether any such major Highlands development is exempt from the Highlands Act, and whether the project is consistent with the applicable Area wide Water Quality Management Plan

Highlands Area – That portion of the municipality for which the land use planning and regulation are in conformance with, or are intended or proposed to be in conformance with, the Highlands RMP.

Highlands Preservation Area Approval (HPAA) – An approval issued by the NJDEP pursuant to 7:38-6 pertinent to a regulated activity in the Highlands Preservation Area, and including an HPAA that contains a waiver pursuant to N.J.S.A. 13:20-33b..

Immediate Family Member – A spouse, child, parent, sibling, aunt, uncle, niece, nephew, first cousin, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepparent, stepchild, stepbrother, stepsister, half-brother, or half-sister, whether the individual is related by blood, marriage, or adoption. (N.J.S.A. 13:20-3.)

Impervious Surface – Any structure, surface, or improvement that reduces or prevents absorption of storm water into land, including, but not limited to, porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces, or improvements. (N.J.S.A. 13:20-3.)

Impervious Surfaces, Cumulative – The total area of all existing or proposed impervious surfaces situated or proposed to be situated within the boundary lines of a lot, parcel, or other legally recognized subdivision of land, expressed either as a measure of land area such as acreage, or square feet, or as a percentage of the total lot or parcel area.

Major Highlands Development – Except as otherwise provided pursuant to subsection a. of section 30 of the Highlands Act ("Exemptions"): (1) any non-residential development in the

Preservation Area; (2) any residential development in the Preservation Area that requires an environmental land use or water permit [from the NJDEP, *see definition above*], or that results in the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by one-quarter acre or more; (3) any activity undertaken or engaged in the Preservation Area that is not a development but results in the ultimate disturbance of one-quarter acre or more of forested area or that results in a cumulative increase in impervious surface by one-quarter acre or more on a lot; or (4) any capital or other project of a State entity or local government unit in the Preservation Area that requires an environmental land use or water permit [from the NJDEP, *see definition above*], or that results in the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by one-quarter acre or more. Major Highlands Development shall not include any agricultural or horticultural development or agricultural or horticultural use. Solar panels shall not be included in any calculation of impervious surface. (As defined by the Highlands Act, N.J.S.A. 13:20-1 et seq., as amended.)

Master Plan – For purposes of this Ordinance, all references to the “Township Master Plan,” “master plan,” or “Master Plan,” refer to the municipal master plan, as defined in the MLUL (N.J.S.A. 40:55D-5), as adopted by the Township Planning Board.

Master Plan, Highlands Regional (RMP) – For purposes of this Ordinance, all references to the Highlands Regional Master Plan (RMP), shall be by use of the words “Highlands Regional Master Plan,” “Highlands RMP,” “Regional Master Plan,” or “RMP.”

Municipal Land Use Law (MLUL) – The New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

NJDEP – New Jersey Department of Environmental Protection

NJDEP Preservation Area Rules – The regulations established by the NJDEP to implement requirements of the Highlands Act, titled “Highlands Water Protection and Planning Act Rules,” and codified at N.J.A.C. 7:38-1 et seq.

Planning Area – Lands within the Highlands Region that are not located in that portion designated by the Highlands Act as the “Preservation Area” (see metes and bounds description at N.J.S.A. 13:20-7b).

Preservation Area – Lands within the Highlands Region that are located in that portion designated by the Highlands Act as the “Preservation Area” (see metes and bounds description at N.J.S.A. 13:20-7b).

Solar Panel – An elevated panel or plate, or a canopy or array thereof, that captures and converts solar radiation to produce power, and includes flat plate, focusing solar collectors, or photovoltaic solar cells and excludes the base or foundation of the panel, plate, canopy, or array. (N.J.S.A. 13:20-3.)

Structure – A combination of materials to form a construction for occupancy, use or ornamentation whether installed on, above, or below the surface of a parcel of land.

ARTICLE 3. GEOGRAPHIC AREA OF APPLICABILITY

§ 3.1 HIGHLANDS PLANNING AREA AND PRESERVATION AREA

The Highlands Act establishes the Preservation Area and Planning Area of the Highlands Region. It describes the varied attributes of each and sets forth the major land use planning goals that pertain to the lands located within each. The Act defines the geographic extent of the Highlands Region to include the aggregated land area making up its constituent municipalities (N.J.S.A. 13:20-7a). It provides a physical delineation of the Preservation Area by use of a specific metes and bounds description (N.J.S.A. 13:20-7b), designating all remaining lands within the Highlands Region as the Planning Area.

§ 3.1.1 Highlands Area

The Township Master Plan incorporates the Highlands Preservation Area and Planning Area, inclusive of the goals applicable to each, as an integral component of the planning and land use policies of the municipality. For purposes of this Ordinance, these Areas are designated as the Township Highlands Area. A map of the Township Highlands Area appears in Exhibit 1.

§ 3.1.2 Applicability Specified

This Ordinance applies specifically and solely to lands designated as the Township Highlands Area, as delineated in Exhibit 1.

ARTICLE 4. HIGHLANDS ACT EXEMPTION DETERMINATIONS

§ 4.1 HIGHLANDS ACT EXEMPTIONS

Section 30 of the Highlands Act identifies as exempt, specific activities, improvements and development projects affecting lands within the Highlands Region. Such activities, improvements and projects may be proposed as a component of any type of land use application submitted to the municipality for approval, including but not limited to zoning permit applications, building permit applications, and Applications for Development (as defined at § 2.2). Any such qualifying activity, improvement or development project is exempt, with regard specifically to that activity, improvement or development project, from the requirements of the Highlands Act, the Highlands RMP, the NJDEP Preservation Area Rules, and any amendments to the Township's master plan, development regulations, or other regulations adopted pursuant to the approval of Township's Petition for Plan Conformance by the Highlands Council. Such an exemption specifically applies to any Highlands Area land use ordinance adopted by the Township pursuant to the Highlands Council's approval of Township's Petition for Plan Conformance.

Where any application submitted to the municipality for approval proposes to rely upon a Highlands Act Exemption, the applicant must, as a condition of application completeness, and prior to review or approval of the application by the applicable municipal authority, provide sufficient evidence that the proposed activity, improvement, or development project in fact qualifies as a Highlands Act Exemption. Such evidence shall consist of either a State Agency Exemption Determination or a Municipal Exemption Determination (see § 4.1.1 or § 4.1.2 below) indicating that the proposed activity, improvement, or development project qualifies for a Highlands Act Exemption.

§ 4.1.1 State Agency Exemption Determination

State Agency Exemption Determinations shall consist of either, a Highlands Applicability Determination issued by the NJDEP for a Preservation Area proposal, or a Highlands Exemption Determination issued by the Highlands Council for a Planning Area proposal. State Agency Determinations may be requested with regard to any Highlands Act Exemption, however for applications involving any exemption not identified at § 4.2 below, a State Agency Exemption Determination is required. Any applicant seeking a formal exemption determination for a capital or other project of any State entity or local government unit, or for any other publicly-owned or controlled land or facility, also must request a State Agency Exemption Determination.

§ 4.1.2 Municipal Exemption Determination

For an application involving any of the specific exemptions listed in Section 4.2 below, the applicant may request a Municipal Exemption Determination. The applicant may rely upon the findings of a Municipal Exemption Determination to the same extent as would apply to an exemption determination issued by the Highlands Council or the NJDEP.

§ 4.2 HIGHLANDS ACT EXEMPTIONS ELIGIBLE FOR MUNICIPAL DETERMINATION

Effective as of the date on which the municipality receives written authorization from the Highlands Council to proceed, an applicant may seek a Municipal Exemption Determination for the Highlands Act Exemptions listed hereunder.

1. *Exemption 1.* The construction of a single family dwelling, for an individual's own use or the use of an immediate family member, on a lot owned by the individual on the date of enactment of the Highlands Act (August 10, 2004) or on a lot for which the individual entered into a binding contract of sale to purchase on or before May 17, 2004.
2. *Exemption 2.* The construction of a single family dwelling on a lot in existence on the date of enactment of the Highlands Act (August 10, 2004), provided that the construction does not result in the ultimate disturbance of one acre or more of land or a cumulative increase in impervious surface by one-quarter acre or more.
 - a) A Municipal Exemption Determination indicating that an applicant qualifies under Highlands Act Exemption 2 shall require approval and filing of a Deed Notice along with a site plan delineating the total exempt area and the extent of the

disturbance recognized in the Municipal Exemption Determination (see § 4.4 below). Municipal Exemption Determinations in such instances shall not take effect until the applicant has provided proof of filing of the approved Deed Notice.

3. *Exemption 4.* The reconstruction of any building or structure for any reason within 125% of the footprint of the lawfully existing impervious surfaces on the site, provided that the reconstruction does not increase the lawfully existing impervious surface by one-quarter acre or more. This exemption shall not apply to the reconstruction of any agricultural or horticultural building or structure for a non-agricultural or non-horticultural use.
 - a) For purposes of this Ordinance, this exemption shall not be construed to permit multiple 125% footprint expansions, but rather, to permit one or more reconstruction activities cumulatively resulting in a maximum 125% increase in the footprint of the impervious surfaces lawfully existing on the site, provided they do not cumulatively exceed the one-quarter acre limitation. Any determination of whether the expansion of impervious cover meets the statutory criteria for the exemption must account for the preexisting impervious cover, and such expansion must be contiguous to the location of the existing impervious cover. See In re August 16, 2007 Determination of NJDEP ex rel. Christ Church, 414 N.J. Super. 592 (App. Div. 2010), certif. denied, 205 N.J. 16 (2010).
 - b) For Preservation Area determinations, the applicable date of lawful existence shall be August 10, 2004, the date of enactment of the Highlands Act. For Planning Area determinations, the date of lawful existence shall coincide with the effective date of the municipally-adopted Highlands Area Checklist Ordinance or Highlands Area Land Use Ordinance, whichever is earlier.
4. *Exemption 5.* Any improvement to a single family dwelling in existence on the date of enactment of the Highlands Act (August 10, 2004), including but not limited to an addition, garage, shed, driveway, porch, deck, patio, swimming pool or septic system.
5. *Exemption 6.* Any improvement, for non-residential purposes, to a place of worship owned by a nonprofit entity, society or association, or association organized primarily for religious purposes, or a public or private school, or a hospital, in existence on the date of enactment of the Highlands Act (August 10, 2004), including but not limited to new structures, an addition to an existing building or structure, a site improvement, or a sanitary facility.
6. *Exemption 7.* An activity conducted in accordance with an approved woodland management plan pursuant to section 3 of the “Farmland Assessment Act,” P.L.1964, c.48 (C.54:4-23.3) or a forest stewardship plan approved pursuant to section 3 of P.L.2009, c. 256 (C.13:1L-31), or the normal harvesting of forest products in accordance with a forest management plan or forest stewardship plan approved by the State Forester.
7. *Exemption 8.* The construction or extension of trails with non-impervious surfaces on publicly owned lands or on privately owned lands where a conservation or recreational use easement has been established.

§ 4.3 EXEMPTION DESIGNEE(S)

Municipal Exemption Determinations regarding Highlands Act Exemptions shall be issued by the Township Planner, Engineer, or Clerk/Administrator. The Exemption Designee(s) shall be authorized to issue Municipal Exemption Determinations on behalf of the municipality, and shall only begin to do so, after satisfactory completion of a Highlands Council training class for which the individual(s) has/have received formal certification from the Highlands Council.

§ 4.3.1 Updates to Training Certification

In the event of programmatic changes, updated information, or modifications to procedures, updated training certification may be required of Exemption Designees in order to maintain qualifications for providing Municipal Exemption Determinations. The Highlands Council will provide training modules on an as-needed basis, to provide base training to new employees, and/or to further the expertise of already-certified individuals. Exemption Designees and the municipalities they serve will be advised of any need for upgraded training, which will be provided and funded by the Highlands Council.

§ 4.3.2 Interim Determinations

For the duration of any period during which the municipality is without a qualified Exemption Designee(s) due to changes in personnel or other extenuating circumstances, applicants seeking Highlands Act Exemption Determinations shall be referred to the NJDEP or the Highlands Council, for a State Agency Determination pursuant to § 4.1.1, above.

§ 4.4 APPLICATION PROCEDURES

§ 4.4.1 Municipal Exemption Applications

Requests for Municipal Exemption Determination shall be submitted on forms provided by the Township Clerk – and shall be accompanied by sufficient information and documentary evidence to demonstrate whether the proposed activity, improvement or development project qualifies for the applicable exemption. Required submission materials applicable to each exemption, appear at § 4.8, below.

§ 4.4.2 Completeness Determination

The Exemption Designee shall review the application and all accompanying materials to determine whether sufficient information has been submitted to make a determination on the application. In the event of a finding that the application is incomplete, the Exemption Designee shall, within thirty (30) calendar days of receipt, issue such findings in writing to the applicant, indicating what information is required to properly consider the application.

§ 4.4.3 Time for Determination

The Exemption Designee shall issue Municipal Exemption Determinations within thirty (30) calendar days of receipt of a complete application. The Exemption Designee may consult with the Executive Director (or applicable designee) of the Highlands Council as needed in making any exemption determination, however. In such circumstance, the Exemption Designee shall seek such assistance within the thirty (30)- day period and shall issue the determination within at least ten (10) calendar days of receiving the requested guidance. In no case shall failure to meet this date constitute approval of the exemption.

§ 4.4.4 Determinations

All Municipal Exemption Determinations shall be provided in writing, shall certify to the applicability or inapplicability of the exemption, and shall include a statement of the rationale for the decision. Any Municipal Exemption Determination certifying to the applicability of Highlands Act Exemptions #2 shall be contingent upon submission of proof of filing of the required Deed Notice, as set forth at § 4.4.5, below.

§ 4.4.5 Notice of Determination Required

The Exemption Designee shall provide copies of all Municipal Exemption Determinations including a copy of the full application, to the Highlands Council and for decisions regarding lands in the Highlands Preservation Area, to the NJDEP, in either case, within ten (10) business days of issuance.

§ 4.4.6 Deed Notice for Exemption #2

Any Municipal Exemption Determination that certifies to the applicability of Highlands Act Exemption #2 (§ 4.2 above), shall be issued conditionally, pending fulfillment of the requirement that a deed notice be recorded in the office of the County Clerk or Register, as applicable, indicating the extent of the exemption that has been consumed. The deed notice shall incorporate each of the components listed below and the applicant shall provide a copy of the filed Deed Notice to the Highlands Council within five (5) business days of filing.

- A. Clear identification of the name(s) and address(es) of the owner(s) in fee of the property;
- B. Designated tax block and lot number(s), street address(es), municipality and county of location of the property;
- C. Reference to the Municipal Exemption Determination (by date, numbering if applicable) issued and under which the deed notice is being filed;
- D. Description of the approved area of ultimate disturbance and the impervious surface area, with verification that these remain below the statutory limits;

- E. For properties of one acre or more in area, metes and bounds delineation indicating the portion of the property for which the ultimate disturbance has been authorized;
- F. Agreement to abide by the ultimate disturbance and impervious surface limits imposed, any furtherance thereof rendering the Municipal Exemption Determination null and void; and
- G. Notice that the owner(s) and subsequent owner(s) and lessees shall cause all leases, grants, and other written transfers of interest in the property to contain provisions expressly requiring all holders thereof to take the property subject to the limitations therein set forth.

§ 4.5 APPEAL OF MUNICIPAL EXEMPTION DETERMINATION

A Municipal Exemption Determination may be appealed by any affected person/entity by filing a notice of appeal within twenty (20) calendar days of issuance or receipt of said determination, whichever is later, specifying the grounds therefor. Appeals must be filed with the NJDEP in the case of any Preservation Area Exemption, and with the Highlands Council, in the case of any Planning Area Exemption. All appeals shall be copied to the Exemption Designee, who shall immediately transmit to the NJDEP or the Highlands Council, as applicable, copies of the notice of appeal, the Municipal Exemption Determination Application, and all supplemental materials constituting the record that the Exemption Designee relied upon in issuing the Municipal Exemption Determination. Where the Municipal Exemption Determination deems an activity, improvement or development project exempt, the filing of an appeal to the NJDEP or the Highlands Council shall stay all proceedings in furtherance of its approval by the municipality.

§ 4.6 EFFECT OF CERTIFIED EXEMPTION

Issuance of a Municipal Exemption Determination that certifies to the applicability of a Highlands Act exemption shall recognize the applicant's exemption from the provisions of the RMP, NJDEP Preservation Area Rules, and any municipal ordinances and requirements adopted under the authority of the Highlands Act to achieve Highlands Plan Conformance. The exemption is restricted solely to the extent of the specified activity, improvement, or development project as described in the language of the Highlands Act exemption, or to any lesser activity, improvement, or development project as proposed and certified through a Municipal Exemption Determination Application. Any activity, improvement, or development project, or any part thereof, that is not specifically listed as an exemption or exceeds the limits of an exemption, remains subject to all of the above regulatory programs to the full extent of the respective applicability of each. Issuance of a Highlands Exemption Determination shall not relieve the applicant from securing all other required federal, state, or local approvals.

§ 4.7 APPLICATION FEES (OPTIONAL)

No fee shall be applied.

§ 4.8 SUBMISSION REQUIREMENTS

All applications shall be accompanied by the Municipal Exemption Determination Application Form, the applicable fees, and the information listed below, as applicable to the particular exemption or exemption(s) being sought by the applicant. All references to professional preparers indicated herein shall be construed to include any and all qualified individuals licensed, certified, or otherwise eligible and authorized to complete such work, in accordance with the applicable laws and legal requirements of the State of New Jersey including but not limited to the MLUL (N.J.S.A. 40:55D-1 et seq.) and Title 13 of the New Jersey Administrative Code, Law and Public Safety. Where the Exemption Designee finds that any submission item is not necessary to address the evidentiary requirements that must be satisfied for issuance of an Exemption Determination, either because alternate items have been provided by the applicant, or the relevant information is readily available through records, maps, or any other documents on file in the offices of the municipality, the Exemption Designee may waive the applicant's obligation to submit such information..

A. Exemption 1.

1. A copy of a deed, closing or settlement statement, title policy, tax record, mortgage statement or any other official document showing that the lot was legally owned by the

applicant on or before August 10, 2004 and indicating the lot and block as designated by the municipal tax mapping, the municipality and county in which the lot is located, and the street address;

2. If the applicant did not own the lot, a copy of the binding contract of sale executed by the seller and the applicant on or before May 17, 2004 for the lot on which the house is to be constructed;
3. A certification by the applicant stating that the single family dwelling proposed for construction on the lot specified and described therein by tax lot and block, municipality and county of location, and street address, is intended for the applicant's own use or the use of an immediate family member as identified therein by name and relationship to the applicant; and

B. *Exemption 2.*

1. A copy of the recorded deed or plat showing that the lot was created on or before August 10, 2004 or proof of subdivision approval on or before August 10, 2004;
2. A property survey certified by a licensed New Jersey Professional Land Surveyor indicating the property boundary lines and overall lot size, and showing what structures currently exist on the lot, if any;
3. A parcel plan certified by a licensed New Jersey Professional Engineer showing all existing and proposed development, including all structures, grading, clearing, impervious surface and disturbance, and including the calculations supporting the claim that impervious surfaces and areas of disturbance are within the limits necessary for Exemption 2; and
4. A metes and bounds description of the area of the lot to be disturbed, limited to less than one acre and a draft conservation restriction or deed notice (pursuant to § 4.4.6, above) to cover the balance of the lot.

C. *Exemption 4.*

1. A parcel plan certified by a licensed New Jersey Professional Engineer depicting:
 - a) All existing property improvements, including all structures, grading, clearing, impervious surfaces and limits of disturbance, lawfully existing on the site as of August 10, 2004; and
 - b) All proposed development including all structures, impervious surfaces, clearing limits, and limits of disturbance, including grading; and
2. A copy of any official documentation of the original date of construction of the building or otherwise establishing the lawfulness of existing impervious surfaces.

D. *Exemption 5.*

1. A copy of any official documentation proving the single family dwelling was in existence on August 10, 2004;
2. A description of the proposed improvement; and
3. A certification from the applicant that the property and all improvements will continue to be used for single family dwelling purposes.

E. *Exemption 6.*

1. A copy of any official documentation indicating that the place of worship, public or private school or hospital was in existence on August 10, 2004;
2. For improvements to a place of worship, documentation showing that the entity, society or association, or association organized primarily for religious purposes has non-profit status;
3. A site plan certified by a licensed New Jersey Professional Engineer depicting:
 - a) All existing property improvements including all structures, grading, clearing, impervious surfaces and limits of disturbance, existing on the site on August 10, 2004; and
 - b) All proposed development including all structures, impervious surfaces, clearing limits, and limits of disturbance, including grading.

F. *Exemption 7.*

1. For a private landowner with an approved woodland management plan or forest stewardship plan:
 - a) A copy of the applicant's tax bill showing that the site has farmland assessment tax status under the New Jersey Farmland Assessment Act, N.J.S.A. 54:4-23.1 et seq., if applicable;
 - b) A brief description of the total area of woodlands that is the subject of the approved woodland management plan or forest stewardship plan;
 - c) A brief description of the length of time that the area to be managed has been in use for woodland management or forest stewardship plan; and
 - d) A copy of the approved woodland management plan or forest stewardship plan.
2. For the normal harvesting of forest products in accordance with a forest management plan or forest stewardship plan approved by the State Forester:
 - a) A brief description of the total area where the normal harvesting of forest products occurs;
 - b) A brief description of the length of time that the area to be managed has been in use for normal harvesting of forest products; and
 - c) A copy of a forest management plan or forest stewardship plan approved by the State Forester.

G. *Exemption 8.*

1. A site plan certified by a licensed New Jersey Professional Engineer showing the proposed trail construction with details including the location, and width of existing and proposed trails and those off-site trails to which they connect, if any;
2. A written description of the non-impervious materials to be used; and
3. For privately owned property, a copy of a deed for the property and the conservation or recreational use easement on the property.

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 3, 2014 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 29, 2014, at 7:30 PM, or as soon thereafter as the Township Council may hear this Ordinance at the Municipal Building, 232 South Third St, 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. Motion by Council President Ciesla, seconded by Councilwoman McCabe. Roll call vote:

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

NAYS: None

Ordinance 2014-14 – First reading to adopt an Ordinance to establish a Clothing Allowance for all Qualified Active Members of the Township's Fire Departments.

Council President Ciesla – A lot of townships, I'll just try to go through this really quick, a lot of townships in the State of New Jersey already have a clothing allowance. Currently, what you need to do is you have to have an ordinance on file to be able to give them a clothing allowance. Um, the fire department has wanted to do this for some time, they weren't quite sure how to do it. I wanted to do it too, because I know when family members of mine were in, there was a clothing allowance. So, I looked into, created an ordinance. What we determined is that the amount that will be given will be determined by resolution, so every year we can figure out our budget; figure out how much we want to give the firemen. The ordinance just outlines how we would go about doing that. Um, basically, they need to have answered and attended at least 40 percent of the fire duty. Such percentage should be figured over a 24-hour day throughout the whole year and this fire duty includes calls, drills and meetings. This duty requirement shall apply to all active members of the fire department. Should they be expelled for any reason they forfeit their ability to receive benefits. So, what would happen is we put the ordinance into effect and then we issue a resolution each year to give them clothing allowance. Typically in towns like our size it is between \$150, \$250 a year again, that's determined based on the finances of the Township.

Mayor Steinhardt – Motion. Motion by Councilwoman McCabe, seconded by Council President Ciesla. Discussion.

Councilwoman Schneider – Yeah. Just a couple things. Um, are you saying Lori a \$150, to \$200 a person for active members.

Council President Ciesla – Active members who've made 40% of their fire duty.

Councilwoman Schneider – Okay, why don't we put that in there now and have some sort of cap as opposed to just kind of leaving it open-ended.

Council President Ciesla – Because, well, it's up to Council. Council has to do it and I mean, if you have a Council in here that chooses to give them like \$10,000 that's Council's choice but to cap it and then to have to change it, you have to do first and second reading and as Gena just stated, that costs money or as a resolution does not.

Councilwoman Schneider – Okay, um, and how, has this all been discussed with all the firemen, are you guys all aware of this and everybody is in agreement with it.

Council President Ciesla – The chief and the assistant chief I was working with.

Councilwoman Schneider – Okay, I just really, I, I really would like to see a dollar amount on it, you know.

Council President Ciesla – That would be by resolution and I think for us, especially if you want to save money to put dollar amounts in ordinances means you have to pay every time you want to change that where as a resolution, you do not have to pay.

Councilwoman Schneider- You don't have to say exactly that, you can say up to a certain amount so when they do need to, um, send in there, when we do need to pay them out that we know that's what we are paying.

Council President Ciesla – We'd be doing that by resolution.

Attorney Campbell - This every year you can determine it, you can have a debate, you could put zero in there this year.

Councilwoman Schneider – Yeah, I mean you don't want to put zero. These guys need, you know they, I'm sure they have clothing that they wear at work and they go right to a fire and they're ruined, you know, so yeah, I agree.

Attorney Campbell – This way, annually, the Council that's in place, that's reviewing your budget, can annually take a look at the budget and say, well this year maybe we have a little more let's help them out a little bit more than we helped them out last year; this year we have a little less, they're going to get a little bit less. So, this is just putting it in place because you can't do it without an ordinance but it's really a decision that should be made based upon the budget. So, every year it should be done that way.

Councilwoman Schneider – It's just a little odd not to have numbers or a cap at least in here, you know, because.

Council President Ciesla – It's actually not odd at all. A lot of towns do it this way.

Councilwoman Schneider – Well, I don't think it should be that way. I think there should be a cap because that's how you control it.

Mayor Steinhardt – You'll get a chance to make that clear in 10 seconds. Um, any other specific comments?

Councilwoman Schneider – Uh, nope, that'll be fine.

Mayor Steinhardt – All right roll call.

AYES: Councilwoman Schneider, Councilwoman McCabe, Council President Ciesla and Mayor Steinhardt.

NAYS: None

ABSTAIN: Councilman Belcaro

ORDINANCE 2014-14

AN ORDINANCE OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN, STATE OF NEW JERSEY, ESTABLISHING A CLOTHING ALLOWANCE FOR ALL QUALIFIED ACTIVE MEMBERS OF THE TOWNSHIP OF LOPATCONG'S FIRE DEPARTMENTS

WHEREAS, the Township Council is desirous of establishing a clothing allowance for the qualified active members of our fire departments;

WHEREAS, the Township Council wishes to recompense our qualified active fire department members for damage to their clothing due to their active participation in selfless service to our Township;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Township of Lopatcong, County of Warren, State of New Jersey, as follows:

Section 1

Chapter 27 of the Township Code is amended to include Article X as follows:

Chapter 27. FIRE DEPARTMENT

Article X. Clothing Allowances

§ 27-33. Members stipend; performance of required duty.

There shall be paid to each and every active volunteer fire fighter doing public fire duty such sum of money as the Mayor and Council shall, by resolution or resolutions, fix from time to time for a clothing allowance as reimbursement for damage and loss sustained in the line of fire duty; provided, however, that such member shall have attended and answered to at least 40% of the fire duty, such percentage to be figured at twenty-four-hour duty at each day of the year and at the roll calls of the company of which the volunteer fire fighter shall be a member. This duty shall include calls, drills and meetings. This duty requirement shall apply to all active members of the Fire Department.

§ 27-34. Expulsion; denial of benefits.

A.

If any member of the Lopatcong Fire Department is expelled for any reason whatsoever, then he or she shall not be eligible to receive any benefits.

B.

Any member being removed from the active rolls during the physical year November 1 through October 31 shall forfeit his/her clothing allowance.

[

§ 27-35. Certification of performance of duty; payments of allowances.

No later than November 2 in each year, the Chief and senior officer of each fire company in the Township shall certify to the governing body of the Township of Lopatcong a list of the members of their respective companies who have met the requirement of attending 40% of the fire duty of their respective fire company during the preceding 12 months, and payments of the aforementioned clothing allowances shall be made during the month of December of each year.

Section 2

This ordinance shall take effect immediately after passage.

Section 3

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 to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

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 3, 2014 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 29, 2014, at 7:30 PM, or as soon thereafter as the Township Council may hear this Ordinance at the Municipal Building, 232 South Third St, 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 Councilwoman McCabe, seconded by Council President Ciesla. Roll call vote:
AYES: Councilwoman Schneider, Councilwoman McCabe, Council President Ciesla and Mayor Steinhardt.

NAYS: None

ABSTAIN: Councilman Belcaro

Ordinance No. 2014-15 – First reading to update the Recreation Committee to include wording omitted when created.

Council President Ciesla – Again, when we went over because have been, have been appointing mayor, with the consent of Council we need to put that wording in and also because I wanted to put the, the clear up the hearing wording so it's consistent with what it should be and this is the way it should be and this is just me and the motivation is because I believe firmly in the democratic process and that majority rules and also because I'm anal.

Mayor Steinhardt – Discussion.

Councilwoman Schneider – I have a few things to say. On the old one it, you know, the Township may remove any member and that whole clause. It's already, it looks like it was already in the old one so we don't need to put it in the new one cause it is already there. Really the only wording change is, um, appointed by the mayor or appointed by mayor with consent of council. So, that's the only wording that's actually changing.

Council President Ciesla – No, that's incorrect, I added "if so desired by the member".

Attorney Campbell – If you are looking at the one that is on-line, that's the old before you changed the ordinance. When we went from commission to committee.

Councilwoman Schneider – No, right, no, I have, I have not the commission one, I have the committee that we approved and now the new one and the only thing in there is to change, you know, if desired by the member really doesn't change much on here because its saying "if the member shall be entitled to be heard in person or by council", so you are already giving them their choice and to change it, you know, you went from commission to committee because you said it actually gave less power, um, and you also said that it was outdated with

Attorney Campbell- Invalid.

Councilwoman Schneider – invalid with the State which, um, I was just looking at some of the statutes and it is still in there as recreation commission.

Council President Ciesla – It's not updated yet.

Councilwoman Schneider – No, no, no, not on our website on, on the State's website.

Council President Ciesla – Right, we don't want a commission.

Councilwoman Schneider – Right, so it's not because the State doesn't want it, it's because you chose not to, so what you, but what you did say when we turned from commission to committee, was that it was giving the, um, it was giving that entity less power so, um, to change it, to spend the money on the ordinance and to change this, you know, your, its less power so why would we want, um, you know, the first statute for the commission was done solely by mayor so why do we need to change it, you know, when there's less power given to that organization anyway.

Attorney Campbell – Because that's not how it was done in practice. That's the way it read in the book but the mayor always got the consent of his council before he did it, it's not the way it's said, that's the way it acted in practice. So Ms. Ciesla wanted to clean up the book and do it the way it was done in practice.

Councilwoman Schneider – When was it done in practice that way?

Attorney Campbell - Always.

Councilwoman Schneider – It's always been Council consent?

Council President Ciesla – This year yeah, we voted a bunch of people.

Councilwoman Schneider – This year was, what about past years?

Mayor Steinhardt – I always asked for Council's approval. I never, other than committees (inaudible) from the dais, I've never, Jim's here, Matt's here, they'll tell you everything has always been a five vote and that's the way our charter's set up anyway. Neither here nor there, I didn't mean to chime in but.

Attorney Campbell – This is only first reading of this ordinance. Discussion is always on second reading.

Council President Ciesla – Yeah right.

Councilwoman Schneider – Okay, wo we'll wait till second reading but that's the only wording actually that's getting changed is those two things and if its calling for less power in a committee, I don't see a reason why we need to spend tax payer dollars to change that.

Mayor Steinhardt – Roll call please.

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

NAYS: Councilwoman Schneider

ORDINANCE 2014-15

AN ORDINANCE OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN, STATE OF NEW JERSEY, UPDATING THE RECREATION COMMITTEE TO INCLUDE WORDING OMITTED WHEN CREATED.

WHEREAS, the Township Council wishes to maintain a Recreation Committee to focus on the recreational needs of all of the citizens of the Township of Lopatcong;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Township of Lopatcong, County of Warren, State of New Jersey, as follows:

Section 1

§ 53-1 Committee created; title; membership; term; vacancies;

- A. Pursuant to the authority vested in the Council of the Township of Lopatcong, there is hereby established a Recreation Committee to be known as the "Recreation Committee of the Township of Lopatcong," which shall consist of seven members appointed by the Mayor **with the consent of Council**, one of whom shall be a member of the municipal governing body and all of whom shall be residents of the township. The members of said Committee shall serve without compensation except as hereinafter provided.
- B. The Mayor shall designate one of the members to serve as Chairman and presiding officer of the Committee. The terms of office of the first Committee members shall be for one, two or three years, to be designated by the Mayor in making his appointment, so that the terms of approximately 1/3 of the members will expire each year, and their

successors shall be appointed for terms of three years and until the appointment and qualification of their successors. The Township Council may remove any member of the Committee for cause, on written charges served upon the member and after a hearing thereon at which the member shall be entitled to be heard in person or by counsel if so desired by the member.

- C. A vacancy on the Committee occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment.

§ 53-2 Powers and Activities

The Recreation Committee shall have the ability to make nonbinding recommendations to the governing body as to community events, including but not limited to Lopatcong Community Day and other community recreation events as well as enhancements to any town owned property for recreational activities. These nonbinding recommendations may consist of fundraising, operations, crowd control, costs and other activities related to the management of Lopatcong Community Day or other community recreational events or projects.

§ 53-3 Records and Annual Report

The Recreation Committee shall keep records of its meetings and activities and shall make an annual report to the Township Council.

§ 53-4 Appropriation of funds; Employees

- A. The Council of the Township of Lopatcong may appropriate funds for the expenses incurred by the Recreation Committee.
- B. The Committee may appoint such clerks and other employees as it may from time to time require and as shall be within the limits of funds appropriated to it.

Section 2

This ordinance shall take effect immediately after passage.

Section 3

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 to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

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 3, 2014 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 29, 2014, at 7:30 PM, or as soon thereafter as the Township Council may hear this Ordinance at the Municipal Building, 232 South Third St, 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 Councilwoman McCabe, seconded by Council President Ciesla. Roll call vote:
AYES: Councilman Belcaro, Councilwoman McCabe, Council President Ciesla and Mayor Steinhardt.
NAYS: Councilwoman Schneider

Ordinance No. 2014-016 – Update Salary Ordinance.

Councilwoman Schneider – The salary ordinance that is being updated is for the policemen according to their new contract. In order to pay them the new contractual rate, the salary ordinance has to be changed specifically to those dollar amounts. So we can't pay the policemen what they're due until we change the salary and we need to get that done before the end of the year because we've already approved the contract, um, so we need to move forward and that's why we are doing that.

Mayor Steinhardt – But the form that we have to vote on tonight isn't the actual form that we are going to have right. You don't have the actual; you don't have it all done.

Councilwoman Schneider – It's um, well, apparently it has not, it wasn't done in time and the chief hasn't provided all the numbers cause he has not been available so we are trying to.

Mayor Steinhardt – How are we supposed to vote on it if we don't have all the information in front of us, you know, tonight for the first time.

Councilwoman Schneider – Well, like I said, I guess it should have been done prior, um, I don't know how you want to handle getting these gentlemen their new salaries before the end of the year if we have to do this all over again.

Mayor Steinhardt – Well no, I suppose we could, uh, just let, recognize that the intent is to get this in place for the benefit of the employees and not let the failure to have it in the form it's supposed to be in, get in the way of getting the town's business done but, uh, I guess you'll have to count on the rest of your Council members to see if they are willing to do that.

Councilwoman Schneider – Yeah, that's fine, I don't know why it wasn't done earlier in November or the meeting prior, um, it wasn't prepared.

Mayor Steinhardt – So, it's up to you. Your motion if you want to make it.

Councilwoman Schneider – Oh, it's my motion? Okay, um, sure I'd like to make the motion to update the police salary ordinance. We have the numbers, I mean we have the contract and, uh, Beth can you add what you were telling me about the numbers you received for this ordinance.

Clerk Dilts – They are right out of the contract and, also, this evening, the same ordinance, I updated the Department of Public Works salaries.

Councilwoman Schneider – So the Department of Public Works new salaries have also been updated in there. Um, as far as getting the correct number, I mean, I had nothing to, I had no input on doing the ordinance or creating the ordinance, um,

Mayor Steinhardt – Well you negotiated the contract right?

Councilwoman Schneider – I did but, um, I, you know, I had no input on what the ordinance was so. I should have been done earlier, um, not by my fault.

Mayor Steinhardt – And it's not, that's fine. Okay.

Councilwoman McCabe – Do we know that these numbers are correct. Has anyone double checked because we've had some errors on these numbers?

Council President Ciesla – Is there a motion and a second?

Mayor Steinhardt – Well there's a motion right now. Is there a second.

Councilman Belcaro – Second.

Mayor Steinhardt – Okay discussion.

Councilwoman McCabe – I think we need to confirm that these numbers in front of us are correct before we even do anything.

Councilwoman Schneider – It is a first reading also.

Mayor Steinhardt – Yeah, but the numbers are, if there's a drastic difference between first reading and second reading it screw it up but I think you indicated that you thought they were correct.

Councilwoman Schneider – It is not, it would not be a drastic difference. If it were, it would be something small because we do have the numbers right out of the contract. So, if we are off by a couple of hundred dollars either direction, then that's what it would be.

Mayor Steinhardt – So the numbers that are on here (inaudible) and the blank ordinance is just blank. Okay, so.

Council President Ciesla – So, I have some questions. So, what exactly we need to change in this ordinance that we do not have in front of us is for 2014? So, we are going to use the numbers that are in the 2014 column, would be for the police?

Clerk Dilts – It's 14 through 17.

Mayor Steinhardt – 14 through 17.

Council President Ciesla – So, you're going to update the salary ordinance with each year or do we need to do it every year?

Clerk Dilts – No, we're good through 17.

Council President Ciesla – Through 17. (Inaudible) and that will be the same for the DPW?

Clerk Dilts – They only have three year contract, so, their numbers will be for three years.

Attorney Campbell – Their ordinance is a rate correct and then by resolution set it, typically, it is a range but for the DPW and the Police it has always been exact.

Council President Ciesla – So, the number will be the 17 number?

Attorney Campbell – Mmmhmm.

Mayor Steinhardt – Okay, are we all good?

Council President Ciesla – Um yeah, I'm not happy not having an ordinance. I don't, I mean.

Mayor Steinhardt – Well, listen, so as not to allow politics to get in the way of the employees, I think we can take it on faith that the numbers we have in front of us are the numbers from the contract and it seems kind of silly and petty to me to waste a bunch of time debating something that we know is going to end up in the draft once it is presented us. There's a motion, there's a

second. We've all kind of had the opportunity to put in our two cents. There really isn't anything further, let's take a vote. Anybody. Roll call.

AYES: Councilwoman Schneider, Councilman Belcaro, Councilwoman McCabe, Council President Ciesla, Mayor Steinhardt

NAYS: None

2014-16

AN ORDINANCE FIXING THE SALARIES, RETAINERS AND WAGE RATES OF OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY

BE IT ORDAINED by the Council of the Township of Lopatcong, County of Warren and State of New Jersey that the salaries and wage rates of officers and employees are as follows:

POLICE		2014	2015	2016	2017
CHIEF OF POLICE		\$124,775.38	\$129,142.52	\$133,339.65	
POLICE LIEUTENANT		\$95,331.57	97,209.59	99,124.62	\$101,077.38
POLICE SERGEANT		\$92,204.56	\$97,209.59	\$95,873.19	\$97,761.90
DETECTIVE BUREAU ASSIGNMENT		\$1,750.00	\$1,750.00	\$1,750.00	\$1,750.00
ON CALL ONLY DETECTIVE		\$333.00	\$333.00	\$333.00	\$333.00
COMPLETION 5 YEARS PATROLMAN	5	\$84,513.80	\$86,178.72	\$87,876.44	\$89,607.61
COMPLETION 4 YEARS PATROLMAN	4	\$78,402.20	\$79,946.73	\$81,521.68	\$83,127.66
COMPLETION 3 YEARS PATROLMAN	3	\$70,215.40	\$71,598.64	\$73,009.14	\$74,447.42
COMPLETION 2 YEARS PATROLMAN	2	\$64,279.29	\$65,545.59	\$66,836.84	\$68,153.52
COMPLETION 1 YEARS PATROLMAN	1	\$58,343.12	\$59,492.48	\$60,664.49	\$61,859.58
CERTIFICATION RATE		\$50,299.91	\$51,290.82	\$52,301.25	\$53,331.59
HIRING RATE		\$46,422.44	\$47,336.97	\$48,269.50	\$49,220.41
MILEAGE REIMBURSEMENT		FEDERAL RATE	FEDERAL RATE	FEDERAL RATE	FEDERAL RATE
DEPARTMENT OF PUBLIC WORKS					
SUPERINTENDENT PUBLIC WORKS				\$61,347.00 - \$81,350.00	
ACTING SUPERVISOR				\$1.00/HR.	
PUBLIC WORKS REPAIRER				\$23.36 - \$32.48/HR.	
LABORER – SEASONAL				\$10.00 - \$20.00/HR.	

COURT SECURITY ATTENDANT	\$114.40/SESSION
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This Ordinance shall take effect immediately upon passage and publication according to law (N.J.S.A. 40:69A-181 (b)).

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 3, 2014 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 29, 2014 at 7:30 pm or as soon thereafter as the Township Council may hear this Ordinance at the Municipal Building, 232 S. Third Street, Phillipsburg, NJ at which time all persons interested may appear for or against the passage of said Ordinance.

Margaret B. Dilts, CMC
Clerk/Administrator

Mayor Steinhardt asked for a motion to adopt this Ordinance on first reading. Motion by Councilwoman Schneider, seconded by Councilman Belcaro. Roll call vote:
AYES: Councilwoman Schneider, Councilman Belcaro, Councilwoman McCabe, Council President Ciesla and Mayor Steinhardt.
NAYS: None

Ordinance No. 2014-017 – First reading to provide Title 39 “Motor Vehicle and Traffic Regulations” at the Phillipsburg Athletic Complex.

ORDINANCE NO. 2014-17

ORDINANCE OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN, STATE OF NEW JERSEY TO AMEND, REVISE AND SUPPLEMENT CHAPTER 227, “VEHICLES AND TRAFFIC,” SECTION 38, “CONTROL FOR THE MOVEMENT AND THE PARKING OF TRAFFIC ON PUBLIC AND PRIVATE PROPERTY,” SUBSECTION B, OF THE CODE OF THE TOWNSHIP OF LOPATCONG TO ADD SECTION B(5) TO REGULATE THE MOVEMENT AND PARKING OF TRAFFIC THROUGH TITLE 39 ENFORCEMENT AT PHILLIPSBURG HIGH SCHOOL.

WHEREAS, the Township Council of the Township of Lopatcong, County of Warren, State of New Jersey, desires to supplement and amend Chapter 227 of the Code of the Township of Lopatcong in order to add Section B(5) and in order to regulate the movement and parking of traffic through Title 39 enforcement at Phillipsburg High School.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Lopatcong, County of Warren, State of New Jersey that Chapter 227 of the Code of the Township of Lopatcong be supplemented and amended to read as follows:

Section 1

§227-38 (B)

(5). Phillipsburg High School.

a. General parking.

1. All vehicles must park in designated areas and between the lines provided.
2. No person shall stop or stand a vehicle upon any of the streets or parts of streets or driveway aisles described below, except in areas covered by other parking restrictions.

Name of Street	Sides	Hours	Location
All roads and aisles	Both	All	As indicated on site plan

3. Handicapped parking. All stalls shall be 12 feet wide as shown on the attached site plan and signed with the R7-8 and R7-8P (Reserved Parking Sign and Penalty Plate), in the designated parking areas for persons who have been issued the handicapped parking permit by the Division of Motor Vehicles.

b. Reserved parking. All vehicles that are granted specialty parking in this section such as: police vehicles, ambulances, teachers, etc. must be properly identified, and the reserved parking spaces must be shown on the attached site plan.

c. Through Streets.

1. Through streets. The following streets or parts of streets are hereby designated as through streets. Stop signs shall be installed on the near right side of each street or driveway intersecting the through street except when yield signs are called for in the designation.

Name of Street	Limits
Main Circulation Drive	Entire Length
West Circulation Loop	Entire Length

d. Stop and yield intersections.

1. Stop intersections. The following streets or parts of streets are hereby designated as stop intersections. Stop signs shall be installed as provided therein.

Intersection	Stop Sign(s) on
Belvidere Road and	

Main Circulation Drive

Main Circulation Drive

Main Circulation Drive and

West Circulation Loop

West Circulation Loop

(South side of intersection)

Main Circulation Drive and

Main Circulation Drive

West Circulation Loop

(East side of intersection)

- e. One-way streets. The following described streets or parts of streets are hereby designated as one-way streets in the direction indicated.

Name of Street	Direction	Limits	Parking Permitted
West Circulation Loop	Counter-clockwise	Between Main Circulation Drive and Main Circulation Drive	As indicated on site plan

- f. Speed Limits.

1. The speed limit for both directions of traffic in the parking lots shall be 15 m.p.h.
2. The speed limit for both directions of travel on the following roadways is:

Name of Roadway	Speed Limit (mph)	Limits
Main Circulation Drive	20	Entire Length
West Circulation Loop	15	Entire Length

3. Regulatory and warning signs shall be erected and maintained to effect the above-designated speed limits authorized by the Department of Transportation.

- g. Tow-away zones. Any vehicles parked or standing so as to obstruct or impede a normal flow of traffic, block entrances or exit ways, loading zones, oil fills, any grassy area pedestrian walkway, or present in any way a safety or traffic hazard may be removed by towing the vehicles at the owner's or operator's expense.

- h. Loading zone(s). The locations described are hereby designated as loading zones. No person shall park a vehicle in said location during the times indicated other than for the loading or unloading of goods and materials.

Name of Street	Side	Hours	Location
Main Circulation Drive	Both	All	Immediately west of roadway terminus

- i. School bus stops. The locations described are hereby designated as bus stops. No vehicle other than an omnibus, picking up or discharging passengers, shall be permitted to occupy said location between the hours indicated.

Name of Street	Hours	Location
West Circulation Loop	All	As indicated on site plan
Parking Lot A	All	As indicated on site plan

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.

Any Ordinance, or portion thereof, not specifically amended, revised or supplemented by the foregoing shall remain in full force and effect.

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 and passed on first reading at a meeting of the Township Council of the Township of Lopatcong held December 3, 2014, and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a meeting of the Township Committee to be held on December 29, 2014 at 7:00 p.m. or as soon thereafter as the matter may be heard, at the Municipal Building, 232 South Third Street, Phillipsburg, NJ 08865, at which time all persons interested will be given the opportunity to be heard concerning such Ordinance.

Margaret B. Dilts, CMC

Mayor Steinhardt asked for a motion to adopt this Ordinance on first reading. Motion by Council President Ciesla, seconded by Councilwoman McCabe. Roll call vote:

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

NAYS: None

DOT Discretionary Funding – Authorize Township Engineer Paul Sterbenz to make application to the DOT for available discretionary funding for improvements to the intersection of Roseberry Street and Belvidere Road. Motion by Councilwoman McCabe, seconded by Councilwoman Schneider. Roll call vote:

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

NAYS: None

Consent Agenda: The below items were moved on motion by Council President Ciesla, seconded by Councilwoman McCabe. Discussion.

Councilwoman Schneider – Um, yeah, I have just a comment on No. 10. Um, this vacancy it's a vacancy is that correct?

Council President Ciesla – Mmmhmm.

Councilwoman Schneider – So, you never actually had the seventh person?

Council President Ciesla – We did.

Councilwoman Schneider – You did.

Council President Ciesla – That is no longer on the committee.

Councilwoman Schneider – Can you tell me who that was?

Council President Ciesla – Alyssa.

Councilwoman Schneider – Alyssa and last name?

Council President Ciesla – Robertson.

Councilwoman Schneider – And can you tell because there's, I have not been able to find it, the expiration dates of these folks that are currently on.

(Inaudible)

Council President Ciesla – The only one I know is Eric, he expires at the end of this year.

Councilwoman Schneider – At the end of this year. So, that's the only one that's expiring at the end of this year.

Council President Ciesla – Mmmhmm, yeah.

Councilwoman Schneider – Okay, um, has there been any other volunteer forms that had anyone expressed interest in being on the recreation committee?

Council President Ciesla – I would have to go through them. I don't know. Robin's been with me for two years now so she's been here as the PTA liaison. As you know, she doesn't have any children in Lopatcong Township School anymore.

Mayor Steinhardt – I don't know what other form that's represented, I just know that Ms. Ciesla sent this recommendation to me and I put it on the agenda.

Councilwoman Schneider – No, I'm not questioning Robin's credentials at all. Robin's a great asset to the PTA and everywhere else in the community that she helps out. Um, but I am just questioning if it was vacant for that long, um, why wasn't the appointment made earlier and were there any other people that expressed interest before this appointment?

Mayor Steinhardt – I have no idea. No one to me, like I said uh, Ms. Ciesla asked me to put, to give me a name, I put it on the agenda because we had a meeting today and if she'd of given the name in November, I might of done it then. But it was made available to us today well it was made available for the agenda for today. I've known Ms. Wodzisz, myself, and I have no reason to doubt her qualifications either, so that's my recommendation.

Councilwoman Schneider – Right. I don't, so the people that do fill out volunteer forms, um, do they just not get looked at?

Mayor Steinhardt – Uh, I think they all get looked at but in the particular instance, Ms. Ciesla made a recommendation. I have confidence in her, I know Ms. Wodzisz. I have no reason to go any further, um, so that's it.

Councilwoman Schneider – Oh, okay, well it be nice to have a procedure for, for the volunteer forms and, you know, if you are going to fill one out, at least it, if, you know it would be nice to be considered when you do fill one out instead of just, you know, choosing someone who'd maybe filled one out at a later date.

Mayor Steinhardt – Okay, roll call.

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

NAYS: None

Resolution No. 14-148 – Authorizing redemption of Tax Sale Certificate No. 2014-012 and Premium on Block 37, Lot 3 in the amount of \$1,298.05.

R 14-148

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY AUTHORIZING REFUND OF REDEMPTION MONIES TO
OUTSIDE LIENHOLDER ON BLOCK 37, LOT 3

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on June 25, 2014, a lien was sold on Block 37, Lot 3, also known as 710 Guy Road for 2013 delinquent sewer; and

WHEREAS, this lien, known as Tax Sale Certificate No. 2014-012 was sold to US Bank Cust for PC4 FIRST TRUST BANK for a Premium of \$400.00; and

WHEREAS, Ocwen Loan Servicing, LLC, escrow company for property owners, has satisfied the redemption amount on Certificate No. 2014-012 in the amount of \$898.05; and

NOW, THEREFORE, BE IT RESOLVED on this 3rd day of December 2014 that the Chief Financial Officer be authorized to issue a check in the amount of \$1,298.05 for the redemption of Tax Sale Certificate No. 2014-012 and Premium to:

US Bank Cust for PC First Trust Bank
50 S. 16th St., Suite 2050
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, December 3, 2014.

Margaret B. Dilts, CMC

Resolution No. 14-149 – Authorizing redemption of Tax Sale Certificate No. 2014-026 and Premium on Block 86.07, Lot 61 in the amount of \$1,710.08.

R 14-149

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING REFUND OF REDEMPTION MONIES TO OUTSIDE LIENHOLDER ON BLOCK 86.07, LOT 61

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on June 25, 2014, a lien was sold on Block 86.07, Lot 61, also known as 16 Meadowview Drive for 2013 delinquent sewer; and

WHEREAS, this lien, known as Tax Sale Certificate No. 2014-026 was sold to US Bank Cust as Cust for PC4 FIRST TRUST BANK for a Premium of \$900.00; and

WHEREAS, Ocwen Financial Corporation, escrow company for property owners, has satisfied the redemption amount on Certificate No. 2014-026 in the amount of \$810.08.

NOW, THEREFORE, BE IT RESOLVED on this 3rd day of December, 2014 that the Chief Financial Officer be authorized to issue a check in the amount of \$1,710.08, for the redemption of Tax Sale Certificate No. 2014-026 and Premium to:

US Bank Cust for PC4 First Trust Bank
50 S. 16th St., Suite 2050
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, December 3, 2014.

Margaret B. Dilts, CMC

Resolution No. 14-150 – Authorizing redemption of Tax Sale Certificate No. 2013-001 and Premium on Block 10, Lot 2 in the amount of \$5,425.30.

R 14-150

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY AUTHORIZING REFUND OF REDEMPTION MONIES TO
OUTSIDE LIENHOLDER ON BLOCK 10, LOT 2

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on June 19, 2013, a lien was sold on Block 10, Lot 2 also known as 302 Beers Street for 2012 delinquent sewer; and

WHEREAS, this lien, known as Tax Sale Certificate No. 2013-001 was sold to US Bank Cust as Cust for BV001 Trust for a Premium of \$2,100.00; and

WHEREAS, Ocwen Financial Corporation, escrow company for property owners has satisfied the redemption amount on Certificate No. 2013-001 in the amount of \$3,325.30.

NOW, THEREFORE, BE IT RESOLVED on this 3rd day of December 2014 that the Chief Financial Officer be authorized to issue a check in the amount of \$5,425.30 for the redemption of Tax Sale Certificate No. 2013-001 and Premium to:

US Bank Cust for PC4 First Trust Bank
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, December 3, 2014.

Margaret B. Dilts, CMC

Resolution No. 14-151 – Authorizing redemption of Tax Sale Certificate No. 2014-004 on Block 14, Lot 8 in the amount of \$376.87.

R 14-151

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE
NO. 2014-004 ON BLOCK 14, LOT 8

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on June 25, 2014, a lien was sold on Block 14, Lot 8 also known as 2 Chestnut Alley for 2013 delinquent sewer taxes; and

WHEREAS, this lien known as Tax Sale Certificate No. 2014-004 was sold to Arthur Frustaci for 18% interest; and

WHEREAS, Ocwen Loan Servicing, LLC, mortgage company for property owners has satisfied the redemption amount on Certificate No. 2014-004 in the amount of \$376.87.

NOW, THEREFORE, BE IT RESOLVED on this 3rd day of December 2014, that the Chief Financial Officer is authorized to issue a check in the amount of \$376.87 for the redemption of Tax Sale Certificate No. 2014-004 to:

Arthur Frustaci
1178 Fifth Avenue
Alpha, NJ 08865

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, December 3, 2014.

Margaret B. Dilts, CMC

Resolution No. 14-152 – Authorizing redemption of Tax Sale Certificate No. 2014-017 and Premium on Block 54, Lot 4 in the amount of \$895.27.

R 14-152

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING A REFUND OF REDEMPTION MONIES TO OUTSIDE LIENHOLDER ON BLOCK 54, LOT 4

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on June 25, 2014, a lien was sold on Block 54, Lot 4, also known as 212 Stelko Avenue for 2013 delinquent sewer; and

WHEREAS, this lien, known as Tax Sale Certificate No. 2014-017 was sold to US Bank Cust for PC4 First Trust Bank for a Premium of \$400.00; and

WHEREAS, Corelogic/Selene Finance, escrow company for property owners, has satisfied the redemption amount on Certificate No. 2014-017 in the amount of \$495.27.

NOW, THEREFORE, BE IT RESOLVED on this 3rd day of December 2014 that the Chief Financial Officer be authorized to issue a check in the amount of \$895.27 for the redemption of Tax Sale Certificate No. 2014-017 and Premium to:

US Bank Cust for PC4 First Trust Bank
50 S. 16th St., Suite 2050
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, December 3, 2014.

Margaret B. Dilts, CMC

Resolution No. 14-153 – Authorizing redemption of Tax Sale Certificate No. 2014-033 on Block 99, Lot 119 C0070 in the amount of \$412.80.

R 14-153

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE
NO. 2014-033 ON BLOCK 99, LOT 119 C0070

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on June 25, 2014, a lien was sold on Block 99, Lot 119 C0070 also known as 70 Overlook Drive for 2013 delinquent sewer taxes; and

WHEREAS, this lien known as Tax Sale Certificate No. 2014-033 was sold to Stuart Lasher for 0% interest; and

WHEREAS, PHH Mortgage company for property owners has satisfied the redemption amount on Certificate No. 2014-033 in the amount of \$412.80.

NOW, THEREFORE, BE IT RESOLVED on this 3rd day of December 2014 that the Chief Financial Officer is authorized to issue a check in the amount of \$412.80 for the redemption of Tax Sale Certificate No. 2014-033 to:

Stuart Lasher
P.O. Box 83
Milltown, NJ 08850-0083

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, December 3, 2014.

Margaret B. Dilts, CMC

Resolution No. 14-154 – Authorizing redemption of Tax Sale Certificate No. 2012-006 and Premium on Block 68, Lot 11 in the amount of \$3,085.71.

R 14-154

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY AUTHORIZING REFUND OF REDEMPTION MONIES TO
OUTSIDE LIENHOLDER ON BLOCK 68, LOT 11

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on June 8, 2012, a lien was sold on Block 68, Lot 11 also known as 119 South Second Street for 2011 delinquent sewer; and

WHEREAS, this lien, known as Tax Sale Certificate No. 2012-006 was sold to US Bank Cust for Pro Capital I, LLC for a Premium of \$300.00; and

WHEREAS, Residential Mortgage, escrow company for property owners has satisfied the redemption amount of \$2012-006 in the amount of \$2,785.71.

NOW, THEREFORE, BE IT RESOLVED on this 3rd day of December 2014, that the Chief Financial Officer be authorized to issue a check in the amount of \$3,085.71 for the redemption of Tax Sale Certificate No. 2012-006 and Premium to:

US Bank Cust for Pro Capital I, LLC

50 S. 16th St., Suite 1950
Philadelphia, PA 19102

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at a Meeting held on Wednesday, December 3, 2014.

Margaret B. Dilts, CMC

Resolution No. 14-155 – Authorizing redemption of Tax Sale Certificate No. 2014-019 and Premium on Block 64, Lot 2 in the amount of \$1,682.89.

R 14-155

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY AUTHORIZING REDEMPTION OF MONIES TO OUTSIDE
LIENHOLDERS ON BLOCK 64, LOT 2

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on June 25, 2014, a lien was sold on Block 64, Lot 2 also known as 414 South Second Street for 2013 delinquent sewer; and

WHEREAS, this lien, known as Tax Sale Certificate No. 2014-019 was sold to US Bank Cust for PC4 First Trust Bank for a Premium of \$900.00; and

WHEREAS, Ocwen Financial Corporation, escrow company for property owners, has satisfied the redemption amount on Certificate No. 2014-019 in the amount of \$782.89.

NOW, THEREFORE, BE IT RESOLVED on this 3rd day of December 2014 that the Chief Financial Officer be authorized to issue a check in the amount of \$1,682.89 for the redemption of Tax Sale Certificate No. 2014-019 and Premium to:

US Bank Cust for PC4 First Trust Bank
50 S. 16th St., Suite 2050
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, December 3, 2014.

Margaret B. Dilts, CMC

Resolution No. 14-156 – Authorizing redemption of Tax Sale Certificate No. 2014-069 and Premium on Block 135, Lot 3 in the amount of \$4529.54.

R 14-156

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY AUTHORIZING REFUND OF REDEMPTION MONIES TO
OUTSIDE LIENHOLDER ON BLOCK 135, LOT 3

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on June 25, 2014, a lien was sold on Block 135, Lot 3 also known as 14 Lauren Lane for 2013 delinquent sewer; and

WHEREAS, this lien, known as Tax Sale Certificate No. 2014-069 was sold to US Bank Cust as Cust for Actlien Holding for a Premium of \$1,800.00; and

WHEREAS, PCWEM Financial Corporation, escrow company for property owners, has satisfied the redemption amount on Certificate No. 2014-069 in the amount of \$2,729.54.

NOW, THEREFORE, BE IT RESOLVED on this 3rd day of December 2014 that the Chief Financial Officer be authorized to issue a check in the amount of \$4529.54 for the redemption of Tax Sale Certificate No. 2014-069 and Premium to:

US Bank Cust for Actlien Holding
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, December 3, 2014.

Margaret B. Dilts, CMC

Mayor Steinhardt – End of the year meeting has been scheduled for Monday, December 29, 2014 at 7:00 pm.

Council Reports:

Councilwoman Schneider – Nothing to report this evening. Wished Betty a happy retirement.

Councilman Belcaro – Baltimore Street construction – they are laying pipe and will continue. Hopefully, they will be completed by the end of this month. I just want to remind everyone that it is a one-way. You cannot come up when construction is going on during the day, so, please listen to the police officers and one way is a detour. Thank you very much.

Councilwoman McCabe – I have one thing. Our CFO search as you know has concluded. We had spoken at our last meeting that we were going to try and do a Shared Service Agreement with Pohat. Well, Pohat, it seems, is having some discussions on the issue. However, it is my opinion and as well as Lou's, we are on this CFO committee, we should not wait for Pohat any further. We need to officially extend this employment opportunity to Lorraine Rossetti and get started. This will enable to notice to the towns she works for that she will be leaving in order to come work for us. So, the only thing that this changes is we'll get her on board sooner rather than later if we need to do a shared service if it can happen, it can happen in the future. Um, and again, the change would be, we would lose a monetary contribution that Pohat would have ended up paying maybe 1/5 of her pension and her salary which, in the grand scheme, is not a whole lot – sorry not salary; benefits and pension. Um, the salary still, obviously, is going to stay the same. Um, we have to then; we'll sign her up for the four years. That will change as well, but again, Lorraine was and is still the best choice for a CFO out of the candidates we had spoken to. So, I guess what I need to do is make a motion to say let's extend an offer to her, um, tomorrow and get the ball, get her onboard right away.

Mayor Steinhardt – Second.

Council President Ciesla – Second

Mayor Steinhardt – Discussion.

Councilwoman Schneider – Yeah, um, I do and, uh, I'm not questioning her credentials but I am questioning the rash decision to go to a full-time employee paying everything, um, when you presented to Council, to the public last, last time that it would be a shared service and that it would be, um, saving the Township some money. I don't believe we vetted the correct person yet for this Township. Also when the advertisement went out, originally, it was for, was for a part-time person with consideration for full-time and I don't think you got the proper amount of applications, um, coming into the Township to have a bigger pool of candidates that maybe more qualified. Um, I don't think that she's a good fit for this Township and I think we should have a temp in until we can, um, find someone that is better vetted for this Township. She may work in all the Township's around here and she may have the credentials, but the audit reports say another thing and I don't think it is a proper decision right now. I think it should be a temp until we can find someone else or, you know get a better pool of candidates.

Mayor Steinhardt – Thank you. Any other Council members? Roll call.

AYES: Councilman Belcaro (there's nothing going on here, I say yes), Councilwoman McCabe (I agree), Council President Ciesla and Mayor Steinhardt.

NAYS: Councilwoman Schneider (I think the Township should look very seriously at what's going on here and I say no).

Roll call vote:

Council President Ciesla – Because we just had a meeting on the 19th I don't have a lot of updates for my committees. The only thing that I do have is Rachel and I vetted through three on-line payment vendors. I had put together a spread sheet for all of Council here, um, one was very expensive, another one was a little cheaper but it was still, uh, the cost to the Township not just the users and, um, they didn't have the automated update of the system. The one that I like the best and Rachel did like is, actually, free to the Township. You only pay if you use it and it's an automatic upload through our MSI providers so the software is going to talk to each other. Rachel does not have to do anything. So I'd like to make a motion for us to, you know, reach out to us and get a contract and have Katrina look at it so we can vote on it.

Mayor Steinhardt – Second

Councilwoman McCabe – Second

Mayor Steinhardt – Discussion. Roll call.

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

NAYS: None

Mayor Steinhardt – I'll reserve my report for the last comment of the night. Tax collector is not here, CFO. No final report.

CFO Dobes – No final report.

Mayor Steinhardt – Mr. Sterbenz anything.

Engineer Sterbenz – Yeah, I have a few things. I just want to advise the Mayor and Council that this South Third Street Project is done. There is some cleanup that is needed. We'll probably not be able to get that done until the spring due to the weather but the main aspects of the job, the roadway and the curbing and the sidewalk is completed at this point. I'll have further details for you for the December 29th meeting. Um, regarding Reservoir Road, earlier this year, there was an appropriation made to do some drainage improvements. We haven't done anything to date.

There are some residents on that road asking when the Township is going to be putting together some bid documents. My question to the Council tonight is this something you want to move forward with at this point, if so I will, if you do want to do that, I will be able to move ahead with some requests for proposal documents so it is really your call.

Council President Ciesla – I would like to make a motion to move forward with getting bids for Reservoir Road.

Mayor Steinhardt – Second.

Councilwoman McCabe – Second

Mayor Steinhardt – Discussion. Roll call.

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

NAYS: None

Engineer Sterbenz – Lastly, Councilwoman Ciesla was asking me about micro surfacing which is a type of surface treatment for asphalt whether that could have a role in the Township with our road program and certainly it can. I don't want to spend a lot of time on that tonight um, which roads I don't know. It's something that really needs to be looked out. I want to know if Council wanted me to come back with a memo maybe indicating what roads would be suitable for that type of treatment at this point.

Council President Ciesla – I'd like to make a motion to have Paul review our roads to see which would be eligible for micro surfacing.

Councilwoman McCabe – Second

Mayor Steinhardt – Discussion. Roll call please.

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

NAYS: None

Payment of Bills – Motion to pay bills by Council President Ciesla, seconded by Councilwoman McCabe. Roll call vote:

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

NAYS: None

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

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

NAYS: None

Mayor Steinhardt – I forgot to recognize by the way two County leaders who are here tonight, the first is a Lopatcong resident and our Freeholder Jason Sarnoski and the second is, Warren County Community College's President, Dr. William Austin who is also in the back row. So I want to welcome both of them.

Audience Participation:

Jason Sarnoski – Thanked the Mayor for his many years of service to the community and county.

Joe Imhoff – 240 Aurora Street – Questions on Executive Session minutes

Kathy Susko – Girl Scouts – Question on use of pavilion.

Marla Endick – 10 Byron Drive. Questions on CFO position.

Eric Johnson – Questions and comments on Recreation Committee, investigation by Engineer Sterbenz on Lauren Lane vehicle patterns.

Ed Schuster – Thanked Mayor Steinhardt for his years of service.

Bruce Hall – Merry Christmas to everyone.

Mayor Steinhardt – Gave thanks to everyone for their support over the 15 years he served as Mayor. Motion to adjourn the meeting. Motion by Council President Ciesla, seconded by Councilwoman McCabe. All in favor.

Respectfully submitted,

Margaret B. Dilts
Clerk/Administrator

Douglas J. Steinhardt
Mayor