

TOWNSHIP OF LOPATCONG
SPECIAL MEETING

January 21, 2015

The Special Meeting of the Lopatcong Township Council was called to order approximately 7:00 pm by Mayor McKay. The meeting was held in the Municipal Building located at 232 S. Third St., Phillipsburg, New Jersey 08865.

Mayor McKay 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 moment of silence was offered followed by the Oath of Allegiance.

Present: Mayor McKay, Councilman Belcaro, Councilwoman Ciesla, Councilwoman McCabe and Councilwoman Schneider. Also present were Attorney Campbell and Engineer Sterbenz.

Resolution No. 15-34 – Mayor McKay called for a motion to come out of Executive Session. Motion by Council President Ciesla, seconded by Councilman Belcaro. All in favor.

Attorney Campbell stated that Executive Session was held for approximately 55 minutes. The topics of discussion were contractual regarding the auditor, personnel, litigation regarding the lawsuit filed by Mr. Imhoff and Attorney/Client Privilege regarding 2015 appointments. The meeting minutes from Executive Session will be made available at such time when confidentiality no longer exists.

Attorney Campbell stated that No. 2 on the Agenda in addition to authorizing Township Attorney to prepare an answer on the lawsuit filed by Township resident Joseph Imhoff is also to authorize the Mayor to execute an agreement for the Clerk’s defense of litigation pursuant to Township Defense and Indemnification Ordinance Chapter 16.

Public Comments: Mayor McKay - Move to open public comment on agenda items only. Motion by Council President Ciesla, seconded by Councilwoman Schneider. All in favor.

Kathryn Devos – 2 Sundance Way – Commented on the special meetings calling a waste of time.

Mayor McKay asked for a motion to close the public hearing. Motion by Council President Ciesla, seconded by Councilman Belcaro. All in favor.

Councilwoman Schneider – I’d like to make a comment now that it is closed and no one else has a comment. I did not say that this meeting was for budgetary purposes. I said we had a lot of work to do and the budget will be coming up and we need to get this work off our desks before the budget season comes up. So just want to clarify that. Thank you.

Old Business: Mayor McKay asked for a motion to open Old Business. Motion by Councilwoman McCabe, seconded by Councilman Belcaro. Roll call vote:
AYES: Councilwoman Schneider, Councilman Belcaro, Councilwoman McCabe, Council President Ciesla and Mayor McKay.
NAYS: None

Minutes – Approve Executive Session and Regular Minutes for November 12, 2014.

Councilwoman Schneider – I’m requesting to table No. 1. It still has not been resolved and I am still seeking some advice from the legal department whether these minutes are valid or not.

Council President Ciesla – Why don’t we um, since we, we, the meeting was not taped so we don’t know exactly when we started open session why don’t we just take that part that is in question out and get these minutes approved. That’s what I suggest; redact that part that’s in question and just get these minutes approved.

Councilwoman Schneider – Okay, I'm happy to have that happen.

Council President Ciesla made a motion to approve the minutes of November 12th as amended, seconded by Councilwoman Schneider. Roll call:

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

NAYS: None

Lawsuit Joseph Imhoff vs. Township of Lopatcong –

Mayor McKay – All right the next item was explained somewhat by Katrina before we stated to authorize the Township Attorney to prepare an answer on the lawsuit filed by Township resident Joseph Imhoff. Mayor McKay made a motion, seconded by Council President Ciesla.

Mayor McKay - Discussion.

Councilwoman Schneider – Do we need to explain any of the second part is?

Mayor McKay – Did everyone understand the second part?

Attorney Campbell – The second part is to authorize the Mayor to sign an agreement for the Clerk's defense of the litigation pursuant to the Township's Defense and Indemnification Chapter 16. What that means is the Township Clerk was sued in her individual capacity in addition to the Township. The Chapter 16 of the Township Code gives her the right to have her own attorney and the Township to pay her bill at a rate not to exceed my hourly rate. She has provided Council with the name of her attorney and authorization to do that.

Mayor McKay – Roll call.

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

NAYS: None

Mayor McKay - The third item is the Firemen's Clothing Allowance and there is a chart in my packet here. Someone might want to explain it.

Council President Ciesla – Before I make the motion, what I did is I put together, last year we passed an ordinance establishing a clothing allowance and the stipulation in the ordinance is that we would set the amount by resolution. What I did was, I had both Assistant Chiefs who are here with us today, in the back, they went through their rolls and they figured out based on that forty percent of the fire duty; they would have had 15 last year, so I kind of used that as a base line figuring we'd have at least 15 who made it once again and forty percent of their duty means they need to make forty percent of the drills, calls and meetings for their fire department. So, what I did was I just put together a chart so you can see the amounts. I listed, for the benefit of the public, I put in groups. If you had 15 participants qualified, 20 qualified, 25, 30, 35 40. Currently on average, we never have any more than 35 firemen in a department and probably about 25 are active and like I said, last year only 15 made that 40%. And then on the other side, I gave four amounts that I would ask Council if we could, if we could tonight, and it doesn't have to be tonight, you can always do it in two weeks, if we could determine an amount and set a resolution setting the clothing allowance and for the amounts, I put a \$150, \$175 and \$200 and \$250. So on their chart that they have in front of them, they have the totals for each of those tallies of people plus the different amounts. So for instance, if we had 15 again like this year and we gave them a clothing allowance of \$150.00 that would be, it would cost us in total \$2,250.00. If we decided to give those 15 people \$250, it would be \$3,750.00. So

Councilwoman Schneider – Um, can we uh, just for the public who wasn't here when we passed that ordinance, this is for their personal clothing allowance not for their equipment that they use not for their coat or boots or (inaudible) it's for their personal.

Council President Ciesla – And, they're given, they're given a check and then, you know, if they need it, they need it, and if it is not enough to cover whatever, they ruined then, you know, this is something towards it. So, I don't know if you want to actually determine that amount tonight or if you just want to discuss it tonight and come back.

Mayor McKay – Did you have a recommendation?

Council President Ciesla – I was going to go in with \$175.00.

Mayor McKay – \$175.00.

Council President Ciesla – Mmmhmm so for the 15 that would be \$2,625.00 for 20 members making it, it would be \$3,500.00, for 25, it would be \$4375.00, for 30- \$5,250.00, 35 - \$6,125.00.

Mayor McKay – All right so now (inaudible).

Council President Ciesla – I don't know if the assistants have any input on that or

Councilwoman Schneider – And, this is, um, as needed, it's not automatically everybody gets \$150.00.

Council President Ciesla – Um, well, if we decide on \$175.00 it would be only if they made 40% of their fire duty which includes they need to attend 40% of their drills, meetings and calls.

Councilwoman Schneider – Right, I understand that part but I mean, um, if they do, if they do go to 40%, does that mean that they could just put in for.

Council President Ciesla – We would issue it at the end of the year.

Councilwoman Schneider – Right, but so but they

Council President Ciesla- Once they do their tallies.

Councilwoman Schneider – Okay, but if they didn't need, if they didn't get anything ruined in the fire, they're still, they're not eligible to just get \$175.00.

Council President Ciesla – No they are eligible. Yeah, it's actually, it's a clothing allowance and again, it is to cover any damage to any of your clothing throughout the year. You might not necessarily damage to the point that you want to throw it away but your wear and tear. It's also a bit of an incentive to get the firemen out and participating.

Councilwoman Schneider – Right, I just didn't want to, you know, if you're, if you're, you know, like if I buy a pair of shoes and then that's ruined, I'm going to go out and buy a pair of shoes cause I could get the money.

Council President Ciesla – Oh yeah like they could do, if they end up deciding, they're just going to throw away their clothes and spend the money on, you know.

Councilwoman Schneider – No, I mean, like if no clothes were ruined at all, throughout the entire year, that does, that means that they're, that they don't get the money.

Council President Ciesla – No, no, no they would get this. They would get it

Councilwoman Schneider – Regardless of whether they ruin their clothes or not.

Council President Ciesla – Yes, mmmhmm yeah.

Mayor McKay – Why don't you make a motion then.

Council President Ciesla – I would like to make a motion to establish a resolution establishing our clothing allowance for the firemen based on the ordinance we passed for \$175.00 for the 2015 year.

Mayor McKay – Okay second.

Councilwoman McCabe – Second

Mayor McKay – Any further discussion?

Councilwoman McCabe – Um, we did review these numbers with our CFO, right?

Council President Ciesla – Well, when she will put this into the budget. Budgets not done yet.

Mayor McKay – Okay and roll call.

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

NAYS: None

ABSTAIN: Councilman Belcaro.

Mayor McKay – They deserve it. All right here is a big one, designation of official newspapers. We had a lot of talk about this and there is really not many choices. If you go to a big regional newspaper like the Star Ledger, the price goes up ten times and it's, we're not going to get anything back for that so we are just going to stay with the same old two newspapers for another year – The Star Gazette and The Express Times. All right, so I'll take a motion on this to keep those papers. Motion by Councilwoman McCabe, seconded by Council President Ciesla.

Mayor McKay - Discussion. Roll call please.

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

NAYS: None

R 15-04

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY, DESIGNATING NEWSPAPERS TO RECEIVE NOTICES OF
MEETINGS

WHEREAS, Section 3 (d) of the Open Public Meetings Act, Chapter 231, P.L. 1975, requires that certain notices of meetings shall be submitted to two (2) newspapers, one of which shall be designated as the official newspaper of the Township of Lopatcong; and

WHEREAS, the second newspaper designated by this body must be one that has the greatest likelihood of informing the public within the jurisdictional boundaries of this body of such meetings.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Lopatcong, County of Warren and State of New Jersey.

1. The STAR GAZETTE, Hackettstown, NJ is hereby designated as the official newspaper of the Township to receive all notices of meetings as required under the Open Public Meetings Act.
2. The EXPRESS-TIMES has the greatest likelihood of informing the public within the jurisdictional area of this body of such meetings.

This Resolution shall take effect immediately.

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren, State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, January 21, 2015.

Margaret B. Dilts, CMC

Mayor McKay – Items 4, 5, 6, 7, 8 are items that are still being tabled at this time which brings us to Item 9.

Councilwoman McCabe – Well, wait one second. Can we go back to those tabled items?

Mayor McKay – Yes.

Councilwoman McCabe - These are tabled because you put together a task force. Can we get an update as to what they are doing, where are we?

Mayor McKay – Um, we could.

Councilwoman McCabe –How long are we going to let this go? We need to appoint our professionals. It is important.

Mayor McKay – Well, they are still with us by virtue of being holdovers so.

Councilwoman McCabe – This is true, but it would be preferable to appoint them and move on but do we have a status from our task force.

Councilwoman Schneider – That’s a Council Report. So that was going to be in my Council Reports but if you like I can do it now Mayor. It’s up to you.

Mayor McKay – Can we wait till the Council Reports you’ll get it then?

Councilwoman McCabe – Well, we are discussing it now, so why don’t we just do it. I mean, you know, we had the second meeting in January to take care of business and as it was commented earlier, I don’t see us taking care of the important business here. We need to appoint our professionals.

Councilwoman Schneider – Well, I disagree, I mean we are taking care of important business. Lawsuits are important business, advertising our meetings are important business.

Councilwoman McCabe – And appointing our attorneys are important business as well.

Councilwoman Schneider – Right, so we

Councilwoman McCabe – And, our auditors and our computer service and our labor attorney.

Councilwoman Schneider – Exactly, but we are conducting real business so we’re not just sitting here.

Councilwoman McCabe – Okay, so what’s the status report from the task force?

Councilwoman Schneider – Well, we did, want to talk about it Mayor now?

Mayor McKay – Okay why not. Give it a little.

Councilwoman Schneider – Okay let’s do it. Um, so our um, the appointment of our Township attorney um, right now, right now we are interviewing some attorneys and uh, we don’t have any definitive answers yet, um, we have not brought them to Council yet because there are so many other things on this list to do, so right now, we are holding over. For auditor, we did have an interview this evening. Um, he is a very qualified gentleman who has a ton of experience. Has worked with our new CFO and they know each other, they know each other’s styles and the price is very commensurate, so we had some concerns with our Council members here. The Mayor would like to appoint but it looks like it is probably going to be a no vote so he is holding over. Computer services, reached out to Jeff Jewell and I am waiting for him to come in and do a walk through because our RFP doesn’t really have a lot to go on for people to put a proper bid in so he would like to do a walk through so he can give us a proper bid. Labor attorney, same status as the Township attorney.

Councilwoman McCabe – I have a question. This task force is operating on obtaining other people coming into get quotes. We have open RFP's. Aren't we in violation by not closing these RFP's first?

Councilwoman Schneider – No we are not. No.

Councilwoman McCabe – The person who came in tonight to do an interview was one of our prior RFP's.

Councilwoman Schneider – Yes.

Mayor McKay – He was.

Councilwoman McCabe – You know, that's not somebody new. We've had that paperwork already. You know, to make the decision, we have the current auditor and the one that came in this evening. You know, I think we need to at least appoint the auditor. We need to move forward. The CFO needs to file a debt statement and that has to be done. But again, you know, what's our status here of our open RFP's and the fact that we have a task force working on obtaining other people coming in with quotes. I

Councilwoman Schneider – Well, they work with each other. You can do RFP's and you can do task force simultaneously. There are no laws being broken. There is nothing saying that it is.

Councilwoman McCabe – But this isn't simultaneously. The RFP was in last December and closed.

Councilwoman Schneider – Right.

Councilwoman McCabe – Right. So now were doing this task force

Council President Ciesla – It's a Non-Fair. Like we are doing Fair and Open which is the RFP and the Non-Fair and Open is this task force but our concern is do we need to reject what we brought in.

Councilwoman McCabe – Our RFP's.

Councilwoman Schneider – No you do not.

Mayor McKay – Katrina, do we need to reject the ones that we brought in?

Attorney Campbell – I wouldn't say you need to reject them if you are going to go through the Non-Fair and Open Process then I would, then that's the process that you are going to follow. I mean, if you are not going to do the Open and Fair, if you've decided you are not going to do the Open and Fair, it may not hurt to just formally reject the RFP's because you can still go to those people who have given you RFP's under the Non-Fair and Open Process but it may be helpful just to let the people know that you are not doing the Open and Fair Process anymore but you are, as I told you in my memo, you are more than able to switch to Non-Fair and Open Process under Pay to Play.

Councilwoman Schneider – Okay. Um,

Council President Ciesla – But, out of respect for the people who put it we could, I guess as long as they know, I mean my thing is just if we would have done this last year we would have been crucified.

Councilwoman Schneider – Well, I've talked to all of the, uh, applicants so there is no one who is in the dark right now that's waiting for an answer. They all know what we are doing at the moment. So, I have talked to all of the attorneys that sent in, I talked to the auditors who sent in, so everyone is fully knowable of what we are doing right now.

Councilwoman McCabe – And how long are we going to wait before we appoint our professional staff?

Councilwoman Schneider – Until the Mayor finds someone that is appropriate.

Councilwoman McCabe – I think we've already found appropriate people and again, it's not the Mayor's; it is Mayor with consent of Council.

Councilwoman Schneider – Absolutely, but he won't

Mayor McKay – Mayor makes the appointment and I'm not ready to make it yet.

Councilwoman McCabe – Okay, I will vote on it when you do.

Council President Ciesla – (Inaudible) we said our peace so.

Mayor McKay – Number 9 – approving Mayor McKay's appointments with consent of Council.

Councilwoman McCabe – Which appointments are we looking at?

Mayor McKay – This is 15-22 is the resolution – number on the top of the page.

Councilwoman McCabe – I would like to – this 15-22 is Recreation Committee and Economic Development Advisory.

Mayor McKay – Yes.

Councilwoman McCabe – Um, Mr. Mayor I would like to table Economic Development Advisory Committee. I would like to sit down and speak with you on that and have some discussions regarding the committee and I think it would be fair to just take some time and have some discussions as you are doing with your professionals. You know, this is an important new committee in the town and we'd like to keep it going. Um, and I would appreciate if we could table that and have a discussion. As you know, we've had two weeks since our last meeting and those two weeks have been a busy two weeks. We haven't had time to talk so, um, I had some

Mayor McKay – But what is your reason why you don't approve of the people that have been

Councilwoman McCabe – Um, I have some issues that I'd like to talk to you about off-line first and then if you want, we can discuss it again on-line at our next meeting. Um, but I would prefer to speak to you first. I mean, we do, we are trying to work in cooperation and work together and I think it is important that we vote uh, you know, understand both sides.

Mayor McKay – There are no sides here.

Councilwoman McCabe – Well, you didn't discuss any of these appointments prior to this piece of paper that we all received so I would just like to discuss that with you.

Mayor McKay – Is it been your practice that these appointments are discussed with everyone before they're put

Councilwoman McCabe – It's been our practice that the Mayor had spoken to all of us.

Councilwoman Schneider – No, it's not.

Councilwoman McCabe – Oh I'm sorry Donna – it's not you, it's everybody else has

Councilwoman Schneider – Right exactly – so it's not. I am part of this Council.

Councilwoman McCabe – It's been practice with the majority of Council that the Mayor has spoken to people.

Councilwoman Schneider – It's not. That makes no sense.

Council President Ciesla – It makes sense (inaudible)

Councilwoman McCabe – It makes sense.

Councilwoman Schneider – No, um, I was not spoken to so the practice is only select people.

Councilwoman McCabe – You know what, I'm really having this discussion with the Mayor and was asking him to take it off line in the spirit of cooperation and let's get this right and

Councilwoman Schneider – They're the same names as last as on the last list.

Mayor McKay – (Inaudible) two weeks ago.

Councilwoman McCabe – Yeah, two weeks we had the same professionals also and we're still not appointing them.

Council President Ciesla – (Inaudible) 90% will be appointed it's just she has some concerns she wants to talk about.

Councilman Belcaro – I think that.

Councilwoman Schneider – Let's talk about them.

Councilman Belcaro – I think that Maureen has said that there's some concerns and it's between her and the Mayor to sit down and discuss those issues. Um, I'm not on EDAC and the rest of us here are not on EDAC so I'd like to, you know, I would agree that the Mayor and Councilwoman McCabe sit down and discuss those issues and then come back with their recommendations.

Councilwoman McCabe – Thank you.

Mayor McKay – So then, with respect to the Recreation Committee, the Economic Development Advisory Committee you wish to table this.

Councilwoman McCabe – I'm just speaking about

Mayor McKay – Resolution.

Councilwoman McCabe – I'm just speaking about Economic Development you can move forward with Rec. Committee unless someone else has a comment on the –are we okay with Rec. Committee um,

Council President Ciesla – Yeah, they're coming anyway. Yeah we already met this month so.

Councilwoman McCabe – Okay. So, I'm just speaking towards Economic Development.

Mayor McKay – Well, I guess I have to go along with you because you want to table it, so we will table it.

Councilwoman McCabe – Thank you. I appreciate it and we'll resolve it by next meeting and make the appointments.

Mayor McKay – All right moving on to the next item.

Council President Ciesla – We can table the whole thing. Make a motion to table.

Councilman Belcaro – Recreation too?

Council President Ciesla – Yeah, we can table it.

Mayor McKay – Can't vote on half a resolution.

Councilwoman McCabe – Okay motion to table.

Councilwoman Schneider – Isn't that Tom. Um, Tom has to table right? It's Tom's.

Attorney Campbell – No it's with advice and consent of Council.

Councilwoman Schneider – Doesn't he have to put forth a motion first?

Many responded – Anybody can.

Attorney Campbell – If he puts forth the motion, they would just vote it down so it's; I think (inaudible) tabling it. But if Mr. Mayor wants to make the motion, he can make the motion to table it.

Mayor McKay – No, I don't want to make it.

Councilwoman McCabe – But I made it.

Mayor McKay – All right, so you made it now and you have a second. Um, is there any further discussion? Okay vote roll call.

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

NAYS: None

Mayor McKay – The next one is the Mayor's appointments to Township boards. The board we are making appointments to well, actually, what we're doing is we're um, we are revising what had been made before because there is some ambiguity in the records as to who sits in certain seats but the ones that we can make is Class I for the Planning Board and that will be the Mayor and term expires in December of 15, Class II is going to be a reappointment of Wayne Degan term expires in 12/31/15, and our one class IV that no one disputes is for will be Mark Gural term expires 12/31/18. Um, and we had two other Class IV appointments are on hold pending the town attorney's final review of conflicting appointment records which is expected shortly. Um, as to alternates, Douglas Liptak and his term will expire 12/31/16.

Clerk Dilts – Is that Alternate No. 2 right?

Council President Ciesla – its number one.

Councilwoman McCabe – Number 2.

Mayor McKay – Believe me, the records are such that we'll never know.

Attorney Campbell – He wants to say alternate.

Mayor McKay – Alternate No. 1 out of respect for the other alternate, because I'm sure which it is, appointment is on hold pending town attorney's final review of conflicting appointment records which is expected shortly. It should also be noted that the Emergency Management Official Gary Woolf may attend Planning Board Meetings as he deems necessary so um, those are my appointment. They don't need a resolution, they're made and we will go to, I guess we can go out of old business so make a motion to leave Old Business.

Councilwoman Schneider – Motion.

Council President Ciesla – Second

Mayor McKay –Okay, all in favor. Okay same thing going into New Business. Um, motion.

Council President Ciesla – Motion.

Mayor McKay – Second

Councilwoman Schneider – Second.

Mayor McKay – All in favor. And to new business we have Resolution 15-35 which is authorizing for South Warren Municipal Alliance Grant in the amount of \$44,080.00. So we signed that we just so we can get a grant till we sign it with the other Mayors.

Council President Ciesla – I'll make a motion.

Councilwoman McCabe – Second.

Mayor McKay – Okay discussion. Roll call please.

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

NAYS: None

R 15-35

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING THE SUBMISSION OF THE SOUTH WARREN MUNICIPAL ALLIANCE GRANT APPLICATION (July 1, 2015 – June 30, 2016)

WHEREAS, the Council of the Township of Lopatcong, County of Warren and State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

WHEREAS, the Township of Lopatcong further recognizes that it is incumbent upon not only the public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Township of Lopatcong has applied for funding to The Governor's Council on Alcoholism and Drug Abuse through the County of Warren.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Lopatcong, County of Warren and State of New Jersey that they hereby recognize the following:

1. The Council does hereby authorize submission of an application for The South Warren Municipal Alliance Grant funding from July 1, 2016 through June 30, 2016 totaling \$44,080.00
2. The Council acknowledges the terms and conditions for administering The South Warren Municipal Alliance, including the administrative compliance and audit requirements.

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, January 21, 2015.

Margaret B. Dilts, CMC

Mayor McKay – Next is to authorize Mayor McKay to execute an agreement to participate in the South Warren Municipal Alliance Program.

Council President Ciesla – Motion.

Councilwoman McCabe – Second.

Mayor McKay – Discussion.

Council President Ciesla – This is the same as last year correct?

Clerk Dilts – Yes.

Council President Ciesla – Okay.

Mayor McKay – Okay, roll call please.

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

NAYS: None

Mayor McKay – Third item is to authorize the sale of the 1986 GMC Value Van and the 1997 Pumper HME Central States Pumper to Oxford Fire Company. Um, they've made an offer of \$6,000 for both pieces of apparatus.

Council President Ciesla – Motion.

Councilwoman McCabe – Second.

Mayor McKay – Discussion.

Council President Ciesla – So they're going to buy the 1986 Van and the 1997 Pumper. Are they aware of?

Councilwoman McCabe – How bad it is.

Council President Ciesla – Okay. Yes it's in there.

Mayor McKay – It's in their letter.

Council President Ciesla – Where is the pumper now?

Asst. Chief Stires – (Inaudible).

Council President Ciesla – Oh, okay, so are they going to come and get it so where

(Inaudible)

Council President Ciesla – And, there's no liability to us if anything goes wrong?

Councilwoman McCabe – Yeah.

Councilman Belcaro – You guys want to add anything to this instead of, you know, talking back and forth here.

Councilwoman McCabe – I guess that's the best offer, I mean that's pretty good for two non-working vehicles right.

(Inaudible)

Council President Ciesla – Thank you.

Attorney Campbell- The Township should do this via ordinance. Are we selling it to the Township or the fire company? When you sell it to another municipality you don't have to go out to bid and you can do it by ordinance.

Council President Ciesla – Okay.

Attorney Campbell – If you sell it to another non-profit I am not sure. I was under the impression that when I was asked to research this that we were selling it to the Township of Oxford.

Councilwoman McCabe – It looks like Oxford Volunteer Fire Department would like to purchase.

Council President Ciesla – We can sell personal property to another municipality by ordinance.

Attorney Campbell - I know you can lease property to someone for, you know, a dollar if you wanted to if they were non-profit qualified, but I don't know if there is a section in the statute that allows you to sell to a non-profit.

Council President Ciesla- Can we see if Oxford Township would actually buy it and then they.

Attorney Campbell – (Inaudible).

Mayor McKay – Who technically owns it now? So, title is in the name of the fire department or township?

Attorney Campbell – With your permission, I will just double check to see if there is a way to give it right to the, sell it right to the fire department and if not, Beth can reach out to the Township and just see if they can buy it and give

Council President Ciesla – And, we can do it by ordinance.

Attorney Campbell – to there.

Mayor McKay – So, what we should do is table it?

Attorney Campbell – Uh, yeah.

Mayor McKay – Then we'll table that.

Council President Ciesla – We need to make a motion to have you look into it.

Attorney Campbell – Well, I think as long as Council is of the approval that I'm just going to check the statute and make sure there's not one section that I can't remember, but I think it is only to lease but if I can find something for you, I will surely tell you about it but if not, then I'll just contact Beth and let her know and she can reach out to Oxford and see if you can make it happen that way and if so, we'll have an ordinance ready for the next meeting.

Council President Ciesla – Okay and then we.

(Inaudible)

Councilwoman McCabe – So, should we vote yes tonight so it can move forward while were like yes pending your research or.

Attorney Campbell – I would just motion to table it, because it would have to be in an ordinance

Councilwoman McCabe – Okay, right motion to table.

Attorney Campbell – regardless of how you whether it is to the fire department or to the Township it would be (inaudible).

Mayor McKay – Second.

Council President Ciesla – Roll call.

Mayor McKay – Roll call.

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

NAYS: None

Mayor McKay – Okay I'd like to make a motion to leave New Business.

Council President Ciesla – Motion.

Councilwoman McCabe – Second.

Mayor McKay – All right all in favor. Payment of Bills.

Council President Ciesla – Motion.

Councilwoman McCabe – Second.

Mayor McKay – Okay discussion none.

Councilwoman Schneider – Yeah. Um, no I have a discussion.

Mayor McKay – A discussion that's right.

Councilwoman Schneider – Um, you know, when we pay bills we really should be telling the public how much money or bills have been for the record so it's on the record and our residents know how much we have spent. Um, it also should always be done in public session and nowhere else. I think we are establishing a new practice on doing this in public with the dollar amount.

Council President Ciesla – What?

Mayor McKay – We would like to, we're going to start to work towards more policies and procedures in these matters. Um, I was very concerned to see such a long list of bills and I suspect it has a lot to do with personnel turnover. We incurred late charges on some bills. We shouldn't be doing as many bills here at this place. We should be getting them before we come here so we can review them. Now, we are faced with a situation where they are due and we have to do it quickly and I don't like that so I don't want to have that occur anymore. I want the bills in our hands at least a few days before the meeting. Probably the Thursday before. Maybe the Friday, but this thing where we get them here at the meeting, um, we don't have time to really analyze them and it is not right so where so going forward this was an emergency, this was due to personnel issues so going forward, I think we all agree that we want the bills earlier cause I (inaudible).

Council President Ciesla – Yeah, I mean some of these people should have been paid last month. Some of these people actually, you know, they're from the LAA, they put out their own money early in December and they still haven't gotten paid back so. Yeah, absolutely thank you Lorraine for putting that together.

Councilwoman McCabe – But at the same time, I don't want to hold back on someone who maybe is submitting a bill, maybe yesterday or this morning and that we should be able to okay that as well, you know, on the flip side of that. Sure it's everyone's nice to have things that we can advance, but let's face it; reality things happen. You know, like oh my gosh there's a meeting tonight I need this approved at this meeting so I don't want to limit anyone's right to get bills paid based on, you know, a rule that they should need to be in in a week. This is a small enough town that I think we can handle that.

Councilwoman Schneider – Absolutely.

Mayor McKay – Yeah but should be done on a rare exception basis not as a matter of practice. I think the matter of practice should be

Councilwoman McCabe – Not as a matter practice but I

Mayor McKay – to get them ahead of time.

Councilwoman McCabe – Right. But I, not as a matter of practice but I don't want to limit someone's ability to do it if they had to if it occurred. I don't want us turning people aware saying oh no you missed the date too bad. I don't want to turn into one of those bureaucracies cause that is not us. We are here to be flexible; we are here to respond to the residents.

Mayor McKay – That's correct we have to be flexible but at the same time, it is not our money and we have to treat it appropriately and accordingly. So we have to you know,

Council President Ciesla – Well some of these actually are like in the case of the LAA those hopefully we can get those on quick just because it is their own money.

Mayor McKay – Yeah reimburse (inaudible) lay out money too to run a sporting event or something that they should get their money. People can't afford to do that and hold on to it for months.

Councilwoman Schneider – Council needs to have a copy of the bill list before we get to the meeting because we have no idea what is being spent until we get here and there is no time to look at it. Um, they should be, the list should be done well in advance so we know what we're coming into.

Council President Ciesla- We usually do, this is just an emergency.

Councilwoman Schneider- We never, I never get a list of bills in my mailbox. I've asked prior to have that done and it's not been done.

Councilwoman McCabe – We get the list at our meetings.

Councilwoman Schneider – Right that's not time to look through, you know, two hundred checks that are going out the door.

Council President Ciesla – The CFO used to leave them on our desk the Friday before the meeting.

Councilwoman Schneider – No she didn't.

Councilwoman McCabe – Yeah they were left on the desk.

Councilwoman Schneider – I asked for copies in my cubby so I can bring them home and she said she wasn't going to do it. So we should all have copies in our packets.

Councilwoman McCabe – No no, I think that's wasteful. There is a copy available if you need to come in and look at it. I think that's fine but.

Council President Ciesla- Maybe just a list, not all the vouchers.

Councilwoman Schneider – No not the vouchers, the list. The list should be given to Council so they can take it home and look through it and if they have any questions, there is ample time enough to come in and look.

Mayor McKay – That's right and that's what we are going to move towards. Okay I guess we have to take care of this list now. We've had it in front of us for a few minutes. Um,

Council President Ciesla – We need a motion and a second correct?

Mayor McKay – Yeah we need a motion. No we didn't

Council President Ciesla – Yeah we made a motion and a

Councilwoman Schneider – Did you have a dollar amount to read?

Mayor McKay – Yeah it's – dollar amount of the list?

Councilwoman Schneider – That's the final.

Mayor McKay - \$70,970.47.

Council President Ciesla – It includes things like our phone bill, our electricity, the street lighting, paint, um, the papers, the state health benefits our engineer and then we have a lot of things for the LAA and again, that is that is separate from the town budget that's the LAA's

money, you know, from the fees, you know, from the fees and the people are going out and purchasing things and want to be reimbursed.

Councilman Belcaro – The biggest one is the New Jersey Health Benefits it's more than half.

Councilwoman Schneider – Yeah no one's disputing paying the bills, but we should

Mayor McKay - But we have to have a better process. We can't go through this every month; it just comes up in front of us.

Council President Ciesla – In my time here, this is the first time we ever had to do this but because of the changeover and you know people were knocking down the doors today.

Councilwoman Schneider – No that's absolutely fine today was an emergency and exception but um, like the Mayor said it shouldn't be common practice and we should be able to have a copy to review. They should be in your packets.

Mayor McKay – Let's have a roll and a motion.

Clerk Dilts – WE have a motion and a second.

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

NAYS: None

Council President Ciesla – Again thank you Lorraine for putting this together so quickly.

Mayor McKay – Is there an issue to be discussed concerning the sewer?

Councilman Belcaro – Under departments Council Reports.

Mayor McKay – And you are going to do it in Council Reports? Okay fine. All right um, Council Reports isn't on my little agenda but I guess we'll go to Council Reports. You already gave one of your reports.

Councilwoman Schneider – Yes, I gave one of mine. Um, I do have some DPW news. We have our new truck. I'm sure it will be used tonight. Um, it's up and running and everything is fine with it. The DPW is very happy to have a truck to plow the snow off of our roads, so hopefully, we won't get too much. Um, they have gone out and cold-patched some of the major pot holes in the area. Um, they haven't done all of them. Cold-patch is very expensive. It is about double the price of hot patch. So what they're doing right now is just huge holes that need to be temporarily fixed. In the spring they'll go ahead and use the hot patch. So, they've done that. Christmas trees are being picked up; there are thousands of them so it's going to be a long process but they are in the works and having that done. I'm happy to say all of their equipment is up and running. There are no trucks that are down right now. Everything is ready for snow and winter and we are all good so let's cross our fingers. DPW has also wanted me to let you know that they will be trying to get the sweeper out providing that there is not snow all over but when the roads are not covered in snow they'd like to get that sweeper since there done collecting the trees and cleanup our roads. There's some leaves and some debris on the ground. They're just not happy with how our roads are looking so they have decided that they are going to get the sweeper and bring that out. So hopefully we'll be able to get the benefits of that and not have some snow there that's, you know, causing them to not be able to do it. That's all I have.

Councilman Belcaro- Okay I have a whole page here so I'm just going to summarize a couple of different reports here. I got it from Dan Madden our sewer engineer. I'll just update you on the Rt. 57 Pump Station. We are approaching the end; however, there is a couple issues that could hold the completion of it. One is to get a permit from the NJDOT and that is to cross Roseberry Street and the utility power supply to the new station so what happens is you have to get a permit to cross Roseberry Street to tie into the Phillipsburg sewer line. The second thing which is a bigger concern is with JCP&L. We have to bring power in, cross Rt. 57 into the new pump station. The problem is with the telephone pole which Verizon owns. There's one that is

currently there and that was with the assumption that that would be used, however, the assumption as you always say, you never assume, um, you have to put a new pole in. In order to get that is to contract JCP&L to get the installation done. The problem is that JCP & L has not responded back to the contractor to get this in operation. So if anything, that's going to hold off opening up the power to the pump station. That is for the pump station on Rt. 57. We have another issue right now, we got the news today and that is the current pump station on Baltimore Street. There are currently two pumps in there and one has failed. We got a couple of bids to repair it, okay, impellers of a price tag between \$15 and \$18 thousand dollars. Now, since the new pump station is going to be in operation within about 4 to 6 weeks, that's my guess, the impeller takes that long as well and also to invest that kind of money into an old pump it doesn't make sense. That's not the route we are going to go but we have to address the issue and that is to bring, the alternate issue is to bring a portable pump station in to work around it. Now we don't know what the price tag on that is going to be but it has to be done. We are also going to incur fees from the State and also other problems down the line, you know, putting too much stress on the other pump station and that also can be catastrophic and fail as well which will cost us twice as much. So that's the thing we are looking into right now so what I'd like to do and I'll get back to this part here but I want to finish this report. The Morris Height Pump Station they had a pump control failed and Chapman had to order at a replacement cost of approximately \$1500.00. Now, I'm not sure about the \$1500.00. We have to make a motion to pay for it or how does that work?

Clerk Dilts – You can go ahead and pay that bill.

Councilman Belcaro – Now on the Delaware Park sewer there is a pipe that has been exposed and goes across a creek and over time and during heavy rains, it's been deteriorating the earth around it and exposing the pipe, so again, there is more deterioration that happened with that sewer line and has to be addressed sooner rather than later. So those couple of things, that one is on the back burner but has to come to the front burner very soon.

But getting back to the Baltimore Street Pump Station which is the issue right now with the failed pump. I want to put a motion and ask Council to authorize Mayor and also the Clerk Beth to take action necessary with regard to the situation on Baltimore Street and that means whatever means is dollar wise not exceeding of course, the estimate and that is not the route we are going to choose. So I would like to put a motion in place for Council to approve the Mayor and Clerk to go ahead, to authorize them to go ahead.

Councilwoman McCabe – Second.

Councilman Belcaro – There is a motion, there is a second.

Mayor McKay – Discussion. I have some questions. Are you going to continue to monitor this situation and bring that information to myself and to Mrs. Dilts?

Councilman Belcaro – Yes, I'll be in contact with Dan because he is our Sewer Engineer and I'll get the information and I see he is in touch with Chapman and also the contractor.

Mayor McKay – So this thing breaks we got to do things fast

Councilman Belcaro – Yes we do.

Mayor McKay – (Inaudible)

Councilman Belcaro – We'll I'll have Dan contact me immediately any new news that needs to be addressed and in turn.

Clerk Dilts – He usually does contact me by email on a daily basis.

Councilman Belcaro – And I'll get a hold of you.

Mayor McKay – And he is looking into this portable situation. He has one on order. Has he done that yet? We don't even now the price. So I guess he hasn't done it.

Clerk Dilts – There are companies out there that will mobilize the equipment to set up a bypass and it could be just as expensive as it would be to fix that equipment but it is something if you don't need to spend those dollars on either side if we can get this thing done in the next 4 to 6 weeks and it is hooked up, we're fine but in the meantime, if something does break, we have to be ready to go to get this mobilization

Mayor McKay – Yeah, we have to have that in place. It probably doesn't make sense to fix and old pumper with parts because the other parts are breaking.

Clerk Dilts – Exactly.

Councilman Belcaro – We don't have much of a choice because the impeller to repair the old pumper

Mayor McKay – Takes that long to get to it.

Councilman Belcaro – Is six weeks out so, we are between a rock and a hard place right now.

Mayor McKay – Okay.

Council President Ciesla – So, the motion is to allow the Clerk and the Mayor to make that decision outside of a meeting so if we need to go on the fly, they can.

Mayor McKay – Do we have a dollar cap on that?

Clerk Dilts- Uh, he said it could be as much as it would be to opt into option 1 or 2 which is at the most about \$18,000.

Mayor McKay – And we'd have to come back if it was more than that?

Council President Ciesla – What's your threshold Beth?

Clerk Dilts - \$36,000

Mayor McKay – Okay roll call.

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

NAYS: None

Councilwoman Schneider – Before we move on, I just want to, before we get into public comment just say I want to congratulate anybody who was there or anyone who donated for the spaghetti dinner for the Southwick family. They um, they really appreciated everything, this whole community did and communities outside of ours. I was there with my family and it was a great, it was just a great thing for this community and just to see everybody come together. I just want to say thank you to all the residents who participated, donated, sold tickets. Thank you very much and it was a great thing for us to do.

Councilwoman McCabe – I don't have a report tonight.

Council President Ciesla – For Rec. Committee we actually met last week as we usually do. We're getting geared up for our events for this year so once we finalize everything, we'll come back and tell you. The good news is, is that our calendars arrived. They are very pretty if you want to come up and look at one, I'll leave it here. I have to see the final invoice before I can actually get, establish the price to charge for this to make sure we make all our money back and I will put that up on the website and the Facebook page immediately. You'll be able to come purchase them starting tomorrow. So that was Rec.

For the other commission that I was assigned to is Shade Tree and I just need to do some clean up on that and I'll take care of that at the next meeting.

And again, to reiterate what Donna said we had our spaghetti dinner on January 10th. We planned; we said we better make sure we have food for 700 people thinking maybe we'd get 300.

We had 661 purchased tickets and that is not including the volunteers that we fed and the performers and that so we went over our 700 mark. It was a truly amazing event for this Township to see everybody there come together, pull together, it was just amazing. I was absolutely like stunned by how well that kitchen ran. Like it was just amazing. Every time I went back there it was smooth and flawless. I did, however, have to go out and get more food though. I did, yeah, because as one of the cooks said they are being a little heavy on the sauce but we had to go get more pasta and more sauce even though they were told not to and any extra food, we donated to Safe Harbor. So, anything that was made, we donated there and anything that was left over that we didn't open and amazingly I don't even know how many cupcakes were there. There was 800. There was none left. People ate them and then we sold them as well and we made; the fundraiser made over \$12,000 for the family. Thank you to everybody to attended, who participated and who donated and we are working on the thank you letters now. It is going to take us quite a while. That's all I have.

Mayor McKay – Okay thank you. Okay I guess I want to take a motion to open for audience participation. Motion by Council President Ciesla, seconded by Councilwoman McCabe. All in favor. Anyone have any participation? Please come up to the podium and state your name and address.

Olschewski – Highlands Way – Mr. Olschewski had two matters to discuss; the Fair and Open Process and the Non-Fair and Open Process and also the appointments to Boards with regard to staggered terms. Katrina explained the process to the public.

Mayor McKay – Are there any more questions from the audience? Hearing no further questions, I take a motion to close the meeting. Motion by Councilman Belcaro, seconded by Councilwoman Schneider. All in favor.

Respectfully submitted,

Margaret B. Dilts
Clerk/Administrator

Thomas M. McKay
Mayor