

TOWNSHIP OF LOPATCONG
COUNCIL MEETING

February 4, 2015

The Regular Session of the Council Meeting of the Lopatcong Township Council was called to order approximately 7:30 pm by Mayor McKay. The meeting was held in the Municipal Building located at 232 S. Third St., Phillipsburg, New Jersey 08865.

Mayor McKay called for a motion to come out of Executive Session. Motion by Councilman Belcaro, seconded by Council President Ciesla. All in favor.

A moment of silence was offered followed by the Oath of Allegiance.

Attorney Lavery – Just for the record we emerged from Executive Session at 7:30 pm where we discussed the two items listed on the agenda which was Attorney/Client Privilege-contractual matter dealing with the Township auditor and the second was a personnel matter dealing with duties of the Keyboard Clerk. No official action was taken. Copy of these minutes will be available at such time as the committee determines there is no harm to the public interest.

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.”

Roll Call – Councilman Belcaro, Councilwoman McCabe, Councilwoman Schneider, Council President Ciesla, Mayor McKay. Engineer Sterbenz, CFO Rossetti and Attorney Lavery were also present.

Swore In – Emergency Squad Officers – Chief Olsen, Chief Nikischer and Lieutenant Petrella

South Warren Municipal Alliance – Speaker not available this evening.

Public Comment: Mayor McKay - Moved to open public comment on agenda items only, seconded by Council President Ciesla. All in favor.

Bruce Hall - 187 Stonehenge Drive – Reported that Mayor McKay voted on November meeting minutes when he should have abstained. Mr. Hall questioned Councilwoman Schneider about texting during the January meeting.

Council President Ciesla – It was brought to my attention and I reviewed the video and it does appear that there is texting back and forth. Of course, you can't prove it without getting the records.

Further discussion took place between Mr. Hall and Council and Council President Ciesla suggested a policy be adopted to not have cell phones out during the meeting.

Mayor McKay – Not during public comment.

Bruce Hall – Commented to Mayor McKay regarding his appointments to various boards that he made promises during his campaign to appoint the most qualified and experienced individuals as the previous mayor was stacking the boards and committees with his political cronies and his actions were in stark contrast to his statements he made during his campaign that he would not stoop that low and take action that would be negative to the town.

Mayor McKay – Any more comments?

Erin Johnson – 361 Stonehenge Drive - Does not take exception to someone using their cell phone during emergency use.

Council President Ciesla – Uh, I have a comment on agenda items. Why were the minutes taken off for approval? We all received them

Mayor McKay – Um, because they, in the case of the reorganization minutes, so called, they were a verbatim transcript slanted in a way that I just thought was ridiculous. They are supposed to be minutes.

Council President Ciesla – No I,

Mayor McKay – They are supposed to be concise. They are 48 pages long. I don't consider them minutes, I don't want to bring them up for a vote.

Council President Ciesla – In 2013, we made a change to make them more transparent so people could see the discussion that was actually going on here, so you could see our deliberation and how we're coming about things. I ran on a platform of transparency and I want to put that in. I think that we are going backwards. I read her minutes and I listen to the video at the same time and it is very accurate and at least, at the very least, we're I want to make a motion that to put the minutes back on and I think as Council President I can do that if everybody's read them.

Mayor McKay – Not during comment session.

Council President Ciesla – Then I'll do it later.

Mayor McKay – Um, you can do that if you want. I think that since we now video tape, it is a ridiculous waste of time to have verbatim transcripts done of every meeting now.

Council President Ciesla – I don't agree at all.

Councilwoman McCabe – I disagree.

Council President Ciesla- I never watched the videos on articles, I always read the article.

Councilwoman McCabe - You ran on transparency and now we want to pull away minutes just for videos

Mayor McKay – I want minutes. I want minutes that are minutes not transcripts.

Councilwoman McCabe – Uh, (inaudible).

Mayor McKay – According to Roberts Rules of Order

Councilwoman McCabe – We had a very long meeting at our last meeting so yes, they are 48 pages and yes, I read them and now you don't like them because they didn't make you sound good.

Council President Ciesla – Yeah, the document is searchable and to sit through the whole video (inaudible).

Councilwoman McCabe – that's ridiculous. The minutes are to show what happened at the meetings, who said what

Council President Ciesla- We're not going back on transparency, were not doing that.

Councilwoman Schneider – I, I have a comment on that. On the December 4th meeting, the minutes were not taken like that. The minutes were abridged because they, I don't know, I believe there were comments in there, that they didn't want in the minutes. Um, then it changed back to this.

Council President Ciesla – No Council people. I mean, when she has time, she does them all. Council people she always wants to put everything that we have said in there so people can see how we, the governing body deliberates on the votes that we take.

Councilwoman Schneider – Right but um, the public comments at that time were only the topic that was on, it wasn't the entire thing and now we're back to the entire thing so I don't know

which was it is supposed to go and um, I do, I don't know, under the Sunshine Law or however you want to say, or Robert's Rules, um, are the minutes not to be taken like that, I don't know.

Attorney Lavery – Well, minutes are just supposed to represent what happened, occurred at the meeting. So, normally, they are very, I don't want to say short, that is probably the wrong term to use, but if the Mayor and Council decide they want verbatim minutes, you can have verbatim minutes. I have seen towns do that in Executive I've seen um, I haven't seen them do it in Regular Session but that is your choice but normally minutes are minutes and they just accurately represent what occurred on motion, second, the vote, that type of thing.

Mayor McKay – We don't want the minutes used for political purposes and that's what I'm trying to keep away from.

Councilwoman McCabe – Excuse me, before you were the Mayor

Mayor McKay - If we decide we want concise

(Inaudible)

Councilwoman McCabe – Before you were mayor, there was complaints that we didn't have enough information in the minutes that they are not transparent. Now suddenly you want to change it so that it is just (inaudible) that really is ridiculous.

Mayor McKay – We never asked for verbatim whoever we are. No one asked for verbatim minutes.

Council President Ciesla – We did.

Mayor McKay- It is a waste of time. All right okay.

Councilwoman McCabe – For all the residents who are not present, it is not a waste of time. It is our responsibility to get our message to all our residents. Not everyone has the luxury of being able to come here this evening. So, it is important that we send out the right minutes and I strongly disagree with your assumption of changing things now because suddenly now, it makes you look bad.

Councilwoman Schneider – Well, if that's the case.

Mayor McKay – I didn't say it made me look bad.

Councilwoman McCabe – It is being hypocritical.

Councilwoman Schneider – If that's the case, then we need to change the December 4th minutes back to transcript.

Mayor McKay – We got to take the December 4th minutes.

Councilwoman McCabe – We're not changing any minutes that we've already approved.

Mayor McKay – Oh yeah. No, you got put them out, make them transcripts. From now on every minute that's done is a complete transcript, not a word missing. Is that what you want?

Council President Ciesla – We have to vote on that.

Mayor McKay – Come on that's what you want. So we're going to do that. We'll vote on it when you make your motion.

Council President Ciesla- I have no problem with that.

Mayor McKay – We'll waste the public money (inaudible), so you can play this game.

Council President Ciesla – Play what game. I stand by my word and I want people to see what I said.

Mayor McKay - I'm fine with it.

Councilwoman McCabe – There's nothing wrong with the minutes. We are not wasting anyone's money, they're fine as they are.

Mayor McKay – All right um.

Councilman Belcaro – I'd like to say one thing, you know, this is my third year I've been here and the minutes have been that way. Verbatim.

Councilwoman McCabe – Yes.

Council President Ciesla – We just started in October 2013.

Councilman Belcaro – Two and a half years. Written minutes. When I went through them, there would be pages of minutes I'd be reading.

Mayor McKay – Forty-eight pages.

Councilman Belcaro – And I have all these copies at home.

Council President Ciesla- Most of that was resolutions.

Councilman Belcaro – I'm just, you know, I'm just saying that it's been consistent, that's all I'm saying

Councilwoman Schneider – December 4th wasn't consistent.

Councilwoman McCabe – We've already approved December 4th minutes.

Councilwoman Schneider – That doesn't matter, December 4th has just

Councilwoman McCabe – It does matter, they've been approved, move on.

Councilwoman Schneider – No it doesn't. It has everything to do with it if you were going to say that that is the procedure that you guys approved two years ago, then you have to follow that procedure. If you're going to say that it only applies to certain meetings then that is a very different story.

Council President Ciesla – We want as much transcribed as possible.

Mayor McKay –This is not the right forum, this is for public comment. Are there any more public comments. We'll close. I'm going to make a motion to close public comment agenda items only portion of the meeting. All in favor. Okay I guess we go now into old business. First item is Resolution No. 15-14 appointment of the Township Auditor. I think we are going to table that.

Council President Ciesla – Is this pending review of the attorney's interpretation of how this is to be appointed.

Mayor McKay – Um, that's part of it.

Councilwoman McCabe – We are tabling it because we don't, we are unsure who has the ability to appoint. Whether it is the Governing Body, meaning all of us or is it the Mayor with consent of Council or is it just the mayor. So, we have our attorney reviewing it. I'm under the assumption and uh, we received memo stating that it is the Governing Body. The Governing Body is the Mayor and Council and that's who appoints the auditor.

Mayor McKay – That is your opinion, let's wait for the attorney to come out (inaudible).

Councilwoman McCabe – I'm explaining to the residents why we are tabling this item for yet again, another meeting.

Mayor McKay – Mmmhmm. Second item is Resolution 15-22 approving Mayor McKay's appointments with consent of Council and um, these are the appointments to the Recreation Committee and the Economic Development Advisory. So, I make a motion to approve these recommendations, these appointments. For Recreation Committee Robin Wodzisz and Eric Johnson. For the Economic Development Advisory Committee, Marla Endick, Twyla Bartlett, Judy Liptak as alternate, Jason Stucker as alternate. Now, I make the resolution; make the motion to approve Resolution 15-22. Seconded by Councilwoman Schneider. Discussion

Councilwoman McCabe – Again, at our last meeting I asked the Mayor to table the items so we could have a sit down and discuss them and we did do that and I thank you for that time so we could discuss some of the issues. The Recreation Committee I am in agreement with. The Economic Development Committee we have Marla Endick, have you read these, Twyla Bartlett, Judy Liptak and Jason Stucker. My only issue is with Twyla Bartlett who seems to have um, not enough business experience something that we are looking for in the Economic Development. We are looking for people who have business background. We need professionals that have consulting, they have real estate backgrounds and there is a list and I just feel that's one person whose background does not fit into our needs. I'd prefer to leave that seat open so we could find a realtor; commercial realtor who could come in and give us their expertise on that.

Mayor McKay – Don't we already have two people that are realtors?

Councilwoman McCabe- We have uh, who, tell me?

Mayor McKay – We'll you are a real estate lawyer and you're part of it.

Councilwoman McCabe - Yes not a realtor.

Councilwoman Schneider – She's liaison.

Mayor McKay – She's liaison and um, I believe there is one other.

Councilwoman McCabe – I'm a liaison.

Council President Ciesla – We're just looking for commercial real estate.

Councilwoman McCabe – Were looking for a commercial realtor and I'd prefer to leave this seat open and appoint someone who has background and experience that we can use.

Councilwoman Schneider – I have a comment on EDAC actually. I, under the ordinance, I believe that it does say that non-US citizens cannot partake in these committees and we have just found out almost 99% that non-US citizens actually can be part of these committees and boards.

Councilwoman McCabe – We have an ordinance that specifically says no. So the ordinance says no (inaudible).

Councilwoman Schneider – But you cannot put something incorrect in the ordinance. If the ordinance says that, you are opening yourself to litigation for discrimination.

Councilwoman McCabe – Yes, from a non-resident, non-citizen excuse me.

Councilwoman Schneider – As well as, I, I think that the scope of the EDAC Committee needs to be broadened. I think that you are, we are doing a disservice to the residents if we don't open it up to other occupations rather than just those, you know, finite group that you have in the ordinance. I think that if you opened it up to other occupations, you would be bringing more to the table than just committing to the finite group that you have in the ordinance.

Councilwoman McCabe – Yeah, we had this discussion last year when we passed the ordinance and we, I disagree. We've had it set up, we have the experienced and the professions that we need and I'm not sure how this relates to the appointments tonight.

Councilwoman Schneider – Because you are saying that Ms. Bartlett does not have the experience to be on this, on this committee and I'm saying that because she is not a realtor or an attorney, that that does not disqualify her from bringing forth some assets to this, to this group. Um, and also I, I'd like to ask Attorney Lavery if keeping something, a clause in an ordinance it could potentially lead us to some litigation, is that appropriate?

Attorney Lavery – Well no. If it is illegal, it shouldn't be in the ordinance but the thing is, I checked and in regards to Planning Board, Zoning Boards certainly there is no bar to a non-US citizen serving on that so I'll check and see if you can actually put that requirement in there that, I did not check yet but certainly it is no bar to serving on a Planning Board or Zoning Board. There was bill, Assembly Bill 710 that was introduced in the year 2000 that tried to require US citizenship in addition to the residency requirement under the Municipal Land Use Law and it never moved out of committee and I spoke to one of the sponsors who had advised me that nobody wanted to pass it so there is no requirement that it be a US citizen so at least serve on the Planning Board and Zoning Board I would assume the same logic would apply to these other committees and commissions but I haven't had a chance to at least check that out yet so.

Council President Ciesla – Mike, if I could give you some history on that. That's only in there because it was in with our Industrial Commission Ordinance which is what we basically took the Industrial Commission Ordinance and adapted it to the Economic so that was back from I don't know, I don't even know when that was in there.

Attorney Lavery – And, it could be that, that was something that was in the statute, I don't know but I'll certainly check that but

Council President Ciesla – And again, I don't whatever, whatever the law says, you know, constitutionally, all that, it's just that's why it was there and again, you know what Maureen is trying to say is that this is a specific committee looking to increase the business coming into town and to help our existing business here so we are looking for people with specific skills that they can take those that they use in their regular work job to bring it into the town and utilize it. We do have, you know we have a lot of talented people to go around for all these committees. This one we are trying to, to be specific in what we want, so, that we have that person there at our disposal, so, we don't need to reach out to somebody else.

Mayor McKay- You already have two people that have real estate. I don't think we need another person who has real estate. That is a subjective call. I think that the people who have been nominated have the qualifications. I think they will make an excellent contribution. I think they want to get involved. I think they want to serve the community and to keep them out for whatever arbitrary reason you might really have is

Councilwoman McCabe – It's not arbitrary.

Mayor McKay – very disturbing.

Councilman Belcaro – In my opinion in this

Council President Ciesla – It is not arbitrary.

Councilman Belcaro – In my opinion, in this that the EDAC should be made up of a group of people that understand business, are business owners. Not only real estate agents or you know understand the land uses but to understand business because only someone who are in business knows what a business is like. Someone who has never been in business cannot possibly understand how to operate it and run and start up a business. You can have various opinions but a group should be made of such. People want to get involved in this town, I understand that, I respect that but I think that it should be better directed at other committees to it that you might be able to serve much better than something. Like I wouldn't go into an area that I'm not familiar with so and I speak for myself. I think that board should be made up of individuals that could bring something to the table that could offer something.

Mayor McKay- I disagree. I think that, um, she has things that she could bring to the table. She has, how many degrees do you have. Two mmmhmm.

Councilwoman McCabe – It is not a matter of how many degrees someone has. Again, it is their background and business experience. We are looking to boost the businesses in town, draw businesses to town.

Mayor McKay – I think what we need to do is energize that committee so that it accomplishes much and it has been around since 2013 and I think it needs to be reenergized.

Council President Ciesla – No I believe it started last year.

Councilwoman McCabe – Last year.

Council President Ciesla – And, if you sit down and talk with them, they'll tell you about some of the hurdles they've been going through. There is a bunch of numbers right in here today and they'll tell you how many times they had to make five, six visits (inaudible)

Mayor McKay – And, we're trying to give you four new people to help you, you, for some reasons

Council President Ciesla – Right.

Mayor McKay – you don't want them all, so I just don't get it but

Council President Ciesla – Well, she explained, and I'm sorry you didn't understand it.

Councilwoman McCabe – Okay, well we have a vote right. We disagree that's all.

Mayor McKay – All right, well then we'll, you know, I made the motion.

Councilwoman Schneider – Well, there, so then you still, so are you just, you're just disagreeing on, on Ms. Bartlett?

Councilwoman McCabe – Yes.

Councilwoman Schneider – So, then you still have one appointment open Mayor. Um, right? Is that how it, so because you put forth the name, I still believe I think that this EDAC needs to be looked at. I think, as I've just said, you are doing a disservice to these residents by leaving it to that just because they are not a realtor or an attorney does not mean that they can't bring forth some pertinent information. You know, they may have, you know, experience in those things just because that job is there not currently holding that job doesn't mean that they don't have any experience for that.

Mayor McKay – Yes, I agree.

Councilwoman Schneider – And, I do think that before we even appoint anybody, I think the whole ordinance needs to be looked at especially the non-US citizen part, so, I actually think that you should table them.

Council President Ciesla – Can we get Recreation through?

Mayor McKay – No.

Councilwoman Schneider – Except for Recreation.

Mayor McKay – What?

Attorney Lavery – Or you could move all of them except for Ms. Bartlett because that seems to be the only bone of contention and then you can vote on that one separately. It is just a suggestion.

Mayor McKay – All right, we'll do that for now and it is not because I don't support Ms. Bartlett but I need to get people into these committees. So, I make a motion to approve this resolution absent Ms. Bartlett who we will bring back another day. Seconded by Councilwoman Schneider. There couldn't possibly be any more discussion but I'll say discussion.

Councilwoman Schneider – The only discussion I have is for the attorney's to look at that ordinance.

Mayor McKay – Yes for those two points.

Attorney Lavery – Okay.

Mayor McKay – Roll call please.

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

NAYS: None

R 15-22

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY APPROVING MAYORAL APPOINTMENTS WITH THE CONSENT OF COUNCIL TO THE EXPIRED AND VACATED TERMS OF THE RECREATION COMMITTEE AND ECONOMIC DEVELOPMENT ADVISORY COMMITTEE

WHEREAS, the Mayor of the Township of Lopatcong, County of Warren and State of New Jersey nominates the following people to the expired and vacated terms on the Recreation Committee and Economic Development Advisory Committee with the consent of Council members.

Recreation Committee

Mayor and Consent of Council:

Robin Wodzisz – 3-year term – term expires 12/31/17

Eric Johnson – 3-year term = term expires 12/31/17

Economic Development Advisory Committee

Mayor with Consent of Council:

Marla Endick – 2-year term – Marla Endick – term expires 12/31/16

Alternate 1 – Judy Liptak – 2-year term – term expires 12/31/16

Alternate 2 – Jason Stucker – 1- year term - term expires 12/31/15

NOW, THEREFORE, BE IT RESOLVED that by vote of the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey these appointments are approved.

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 the Reorganization Meeting held on Wednesday, February 4, 2015.

Margaret B. Dilts, CMC

Mayor McKay – The next item of business is my non-consent appointments. These are so much easier.

Council President Ciesla – I never got a list and we have no idea what this is about and we skipped Number 3 which I also had questions on. Number 3.

Mayor McKay – He addressed that.

Council President Ciesla – But it said as well as other matters; we were never instructed as to what other matters are.

Mayor McKay – We could finish this and then go back to that if you want to hear the other matters (inaudible).

Council President Ciesla - In the spirit of transparency, yes I'd like to know what is on my agenda.

Mayor McKay – All right, would you like to go with that discuss some of those things that we'd asked you to

Attorney Lavery – Yeah, I was asked by the Mayor to take a look at the various appointments and what seats were open because I know there was some confusion with regard to for instance the Planning Board. Um, I think we have those almost figured out for the most part and I'm going to send a memo to the Mayor and Council saying what our opinion is with regard to those. Um, also the Rent Leveling Board I was asked to look at some of those terms because you are supposed to have a term only one term expire in each year and you have two expiring there so those terms somehow got out of whack over the years so, um, I'm trying to determine, so again, I'll send a memo to the Mayor and to the Council with regard to a recommendation but you know, those terms, it may be a case where my recommendation will be to reconstitute the board as we did once before I think maybe ten years ago where you just have to assign, you know, one, two and three year terms because they're supposed to be three year terms, you know, with one expiring each year so, um, you'll be getting a memo on that before the next meeting as well.

Council President Ciesla – And, as far as the non-US citizen. I know you want over that a little so basically, it is one of these things we can't see where it is prohibited or where it is permitted and it is just assumed that it is permitted.

Attorney Lavery – Yeah, I could tell you that when I was first, when it was first brought to my attention, I thought well you have to take an oath and uphold the constitution but, um, there isn't, there isn't much case law on it and then we found this senate bill, or Assembly Bill 710 which sought to make that an additional requirement because the Municipal Land Use Law only requires that a member of, an appointed member, be a resident of the municipality, so, beyond that, there aren't any other requirements. Um, and like I said, there was a bill that was put in in 2000 almost 15 years ago to try to make US citizenship an additional requirement to residency and it never moved anywhere and as I said earlier, I actually spoke to one of the sponsors to ask him, you know, one of the stated, one of the thoughts was well maybe it was withdrawn because it was already a requirement that was not why it was withdrawn, it was withdrawn because nobody would move it so it sat there for about a year and

Councilwoman Schneider – So it was never illegal?

Attorney Lavery – Uh, correct and, obviously, and the sponsor felt that that should be a requirement and the rest of the legislature didn't agree with it so.

Council President Ciesla – Have you had any other towns that have ever had this issue? I don't, I can't recall, um, one does not come to mind so that doesn't mean that there aren't but there hasn't been over my 25 year career so

Councilwoman McCabe – So just to be clear the reason this is coming up is because the Mayor has a friend who is not a citizen and he wants to appoint him to one of our boards.

Councilwoman Schneider – That's not the case.

Councilwoman McCabe – And, I believe that, you know what, you know, the prior mayor was accused of many things and one of them was appointing his friends and again, this is what we have blatant appointment of our friends and now one of them happens to not be a citizen. I think whether that is against the law or not to appoint them; that's a slap in the face to all the veterans, and the nationals who have taken the test who followed all the procedures that they were supposed to do to become a citizen and you know what, that's opening the door and setting a

poor precedent to let in a non-citizen into this Township. Let's call everybody else, come on down (inaudible).

Council President Ciesla – Uh yeah.

Councilwoman McCabe – It is ridiculous, you're right.

Council President Ciesla – My great grandparents are all from another country, they came here, they had to take the test, they had to learn the language and I get it whether, you know, if you are planning on becoming a citizen that's great. My thing is, is like again, you have so many people in this town, we just went over this, we have people who are actually US citizens who will stand up and pledge allegiance and put their hand over their heart, you know, people who are willing to do that and to be I you know, it is disrespectful. I don't want Lopatcong to be a town that sets the precedent to do this and to have everybody come here and this will be where you set up.

Councilwoman McCabe – Come on down.

Councilwoman Schneider – The non-US citizens serve in our United States military. I don't understand how this is going.

Council President Ciesla – They're probably, because they're pledging to eventually become a US citizen.

Councilwoman Schneider – But that doesn't matter, they're still not a US citizen. They serve in the military.

(Inaudible from the audience)

Councilwoman Schneider – They're serving for our country they're taking, they're saying I'm not a citizen but I want fight for this country. That's what they're doing by enrolling in the military. They want to support our country.

Councilwoman McCabe – And our constitution.

(Inaudible from the audience)

Councilwoman Schneider – We have to go to the microphone first if we are gonna have dialogue. Um, but I, a person, to discriminate against a person who pays their taxes, who contributes to society and you know, want to be a part of a community, we are talking about some boards in a community where people want to advance the Township that they live in. We are not talking about running for president.

Council President Ciesla – I know, but the only thing I worry about is that we could set the precedent that he could, actually, and I read, I read some of these things about the arguments for and against it because again, my, like you know, my great-grandparents too, like they were in the same boat literally you know, came over here and they had to become a citizen of this country to go through things and I get it, I understand people want to be here. At the same time, there is a possibility and you know, he could argue it all the way up to the Supreme Court and get the right to vote in a federal election.

Councilwoman Schneider – We are talking about a board in a township that somebody just wants to be a part of.

Council President Ciesla – There is lots of things people can be a part of.

Mayor McKay – All right, that's enough of this. That's all we are talking about, people who want to volunteer, want to help the town. These are unpaid positions in, in just to do things to be good for the town and make people's lives a little nicer

Councilwoman McCabe – Yet to see (inaudible).

Mayor McKay – you know they come forth and they volunteer to do these things and that’s all it is and

(Inaudible from the audience)

Councilwoman McCabe – Okay public

Mayor McKay - No we’re not having public comment now at the end, okay. Um, yeah all right moving on here, I’m gonna table the non-consent appointments for the moment. We go to new business um, Reservoir Road quotes for storm sewer improvements. That’s Paul.

Engineer Sterbenz – Thank you Mayor. Back on January 16th, am I talking loud enough? Back on January 16th we accepted bids for storm sewer work on Reservoir Road. Just to give you some history of this project, you had a lot of drainage problems there. We’ve done some drainage improvements in the past and it was always the intent of the Township to continue to further those drainage improvements. There was an effort several years ago to try to do that. We did not have the money. The project was tabled. Back in 2014 an effort was started again to try to meet some of the goals that were laid out in the past. I believe there was \$50,000 that was budgeted for work on Reservoir Road. There were two candidate projects one that actually was fully designed, it was actually the one that we tried to build several years ago. There was another one that was more conceptual in nature. There is going to have to be more work put into that from a design and permitting perspective. The decision was made to move forth with the one that we had done some design work on already and this project really had one of two forms. One was to extend the piping system another 250 feet another to extend 285 feet. So, based on the authorization of the Council, I put together another request for proposal. I had a base bid which was for 250 feet of pipe with two catch basins and I had some alternate bids. I think I explained this in my email to all of you. The alternate bid one was for 285 feet of pipe and three catch basins and both base bid and alternate bid one the contractor should also fix all the pavement that was disturbed under the project and then I had a second alternate bid which was again 250 feet of pipe two catch basins, the pavement repair will be done by others. Could be the Public Works Department or we could get a separate contractor later on. Third alternate bid was to actually build 285 feet of pipe with three catch basins. Again, pavement repairs done by others. So, we received bids from four contractors. I think the bids were actually very good. All the bids were generally speaking, below the engineers estimate. The base bid, the lowest bid was H. Burd and Sons from Hackettstown which is \$31,800.00 Again, that’s for 250 feet pipe, two catch basins and pavement repair. The first alternate bid, the lowest bid was \$36,800. We actually cannot award a contract for that because the bid threshold when you have a Qualified Purchasing Agent is \$36,000 so we need to discard that. We would have to go out to bid and then, for the bid packages that didn’t have paving included in it; we had a bidder from White Township that was a low bidder. Actually, the bidder from White Township was the low bidder for both of those but he had a mistake for alternate bid three. I talked to him today. So, actually the lowest bidder would be H. Burd and Sons under that package - \$30,800.00. So, I did talk to H. Burd and Sons today they’re um, went over the bid and I’m comfortable that they understand the bid and he is available to do the work in March. He didn’t want to start the work in February because he wants to do everything at one time and the asphalt plants are closed right now. I worked with Robert Burd many times in the Hackettstown area and he is a very good contractor. He’s also performed work at Warren County Community College where I’m the consulting engineer for the college so I’m very comfortable if you were to go that route. I, you wanted to look at some of the alternate bid packages two and three we could certainly go that route. The only problem is with that you will have to hire a separate contractor or have the Public Works Department do the paving repairs so I’m not sure what prices we would get if we went to the outside. I’m not sure what Brian’s capability at this point is to do the extensive pavement repairs we would have we would have to do on the storm sewer work. So, to me, I think I really wanted to give you a range of options here that was my goal in getting various prices. I think the most practical thing would be to have all the work done by a contractor and again, Burd is a good contractor. He has checked out based on my reference checks. So, and he is available to do the work in March, so that would be my recommendation to you and you probably need a resolution. It is probably is something we will not do tonight. I think Lorraine has got to certify the availability of funds, so maybe for the next meeting, she can provide that certification if you’re comfortable with my recommendation and then we can move forward with the work in March.

Mayor McKay – Okay. Thank you. Okay second item Resolution 15-37 authorizing award of professional service agreement with Gibbons P.C. bond counsel. This is our existing bond counsel and I'll motion that we authorize the award of the contract to the existing bond counsel.

Council President Ciesla - Seconded by Council President Ciesla.

Mayor McKay – Discussion. Roll call please.

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

NAYS: None

R 15-37

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING CONTRACT WITH GIBBONS P.C. FOR PROFESSIONAL SERVICES

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey desires to retain Bond Counsel to advise it with regard to matters involving public finance including but not limited to financing of various capital projects through the adoption of bond ordinances and the issuance of bonds and/or bond anticipation notes; and

WHEREAS, Gibbons, P.C. has presented the Mayor and Council with a Professional Service Agreement outlining their services and fees; and

WHEREAS, this contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-5(1)(a)(i) of the Local Public Contracts Law; and

WHEREAS, a notice of this action shall be printed once in the official newspaper of the Township of Lopatcong, and shall state the nature, duration, service and amount of the contract; and

WHEREAS, this Resolution and the Professional Service Agreement shall be on file and available for public inspection in the office of the municipal clerk.

NOW, THEREFORE BE IT RESOLVED, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey hereby appoint Gibbons PC as its Bond Counsel under the terms of the professional Service Agreement submitted.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute all documents necessary to enter into a Professional Service Agreement with its Bond Counsel and the Township Clerk shall cause the proper notice of the contract award to be published in the official newspaper pursuant to N.J.S.A. 40A:11-5(1)(a)(i).

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, February 4, 2014.

Margaret B. Dilts, CMC

Mayor McKay – Resolution No. 15-38 – Authorizing refund of sewer payment for tax year 2014 on Block 10, Lot 2 in the amount of \$294.55. Motion.

Councilwoman Schneider – Motion

Mayor McKay – Second

Council President Ciesla – Second

Mayor McKay - Discussion. Roll call please.

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

NAYS: None

R 15-38

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY AUTHORIZING TO REFUND SEWER PAYMENT BY
LIENHOLDER FOR TAX YEAR 2014

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey that warrants be drawn to the property owners listed below in the designated amounts representing a sewer payment on a redeemed lien as follows for the tax year 2014.

<u>Block & Lot</u>	<u>Name of Payee</u>	<u>Amount</u>
Block 10 Lot 2	US BANK AS CUST FOR BV001 TRUST 50 S 16 th St. Suite 1950 Philadelphia, PA 19102	\$294.55

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Council of the Township of Lopatcong, County of Warren and State of New Jersey have approved the refunds made rather than applying these payments to the 2014 sewer taxes due.

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing is a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, February 4, 2015

Margaret B. Dilts, CMC

Mayor McKay – I guess we could do 4, 5 and 6; they are similar, they are just tax certificates. We could do them together. So I'll make a motion to approve those three; Resolution No. 15-39, Resolution No. 15-40 and Resolution No. 15-41.

R 15-39

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY AUTHORIZING REFUND OF REDEMPTION MONIES TO
OUTSIDE LIENHOLDER ON BLOCK 99, LOT 371 C0725 IN THE AMOUNT OF \$3084.29

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on June 19, 2013 , a lien was sold on Block 99 Lot 371 C0725, also known as 725 Brandywine Way in Lopatcong Township, for 2012 delinquent sewer; and

WHEREAS, this lien, known as Tax Sale Certificate #2013-020 was sold to US Bank Cust as Cust for Pro Cap II, LLC for a premium of \$1,700.00; and

WHEREAS, Corelogic, escrow company for property owners, has satisfied the redemption amount on Certificate #2013-0020 in the amount of \$1,384.29.

NOW, THEREFORE, BE IT RESOLVED on this 4th day of February, 2015 that the Chief Financial Officer be authorized to issue a check in the amount of \$3084.29 for the redemption of Tax Sale Certificate #2014-020 and Premium to:

US BANK CUST FOR PRO CAP II,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, February 4, 2015.

Margaret B. Dilts, CMC

R 15-40

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING REFUND OF REDEMPTION MONIES TO OUTSIDE LIENHOLDER ON BLOCK 116.08, LOT 1 IN THE AMOUNT OF \$3,142.50

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on June 25,2014 , a lien was sold on Block 116.08 Lot 1, also known as 2 Dogwood Lane in Lopatcong Township, for 2013 delinquent sewer; and

WHEREAS, this lien, known as Tax Sale Certificate #2014-059 was sold to US Bank Cust as Cust for PC4 First Trust Bank for a premium of \$1,000.00; and

WHEREAS, Stern, Lavinthal & Frankenberg, LLC, closing attorney for property owners, has satisfied the redemption amount on Certificate #2014-059 in the amount of \$2142.50.

NOW, THEREFORE, BE IT RESOLVED on this 4th day of February, 2015 that the Chief Financial Officer be authorized to issue a check in the amount of \$3,142.50 for the redemption of Tax Sale Certificate #2014-059 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, February 4, 2015.

Margaret B. Dilts, CMC

R 15-41

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE NO. 2014-075 ON BLOCK 139, LOT 61 IN THE AMOUNT OF \$516.04

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on June 25, 2014, a lien was sold on Block 139, Lot 61 also known as 6 Jade lane for 2013 delinquent sewer taxes; and

WHEREAS, this lien known as Tax Sale Certificate No. 2014-075 was sold to Stuart Lasher for 18% interest; and

WHEREAS, Property owners have satisfied the redemption amount on Certificate No. 2014-075 in the amount of \$516.04.

NOW, THEREFORE, BE IT RESOLVED on this 4th day of February 2015, that the Chief Financial Officer is authorized to issue a check in the amount of \$516.04 for the redemption of Tax Sale Certificate No. 2014-075 to:

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

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, February 4, 2015.

Margaret B. Dilts, CMC

Mayor McKay – Resolution 15-42 is to approve a contract with Public Defender, Scott Wilhelm. I believe there is a caveat to that.

Clerk Dilts – Yes, there is. There was some language that was missing in the contract that was submitted and we are going to put that back in and that is that you can cancel that contract at any time giving 30 days notice.

Mayor McKay – Okay with that caveat, I'll take a motion to approve Resolution 15-42. Second.

Councilman Belcaro – Second

Mayor McKay – Discussion. Roll call please.

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

NAYS: None

R 15-42

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING CONTRACT WITH SCOTT M. WILHELM FOR PROFESSIONAL SERVICES

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey appointed Scott Wilhelm as Public Defender; and

WHEREAS, Gibbons, P.C. has presented the Mayor and Council with a Professional Service Agreement outlining his services; and

WHEREAS, this contract is awarded without competitive bidding as a “professional service” in accordance with N.J.S.A. 40A:11-5(1)(a)(i) of the Local Public Contracts Law; and

WHEREAS, a notice of this action shall be printed once in the official newspaper of the Township of Lopatcong, and shall state the nature, duration, service and amount of the contract; and

WHEREAS, this Resolution and the Professional Service Agreement shall be on file and available for public inspection in the office of the municipal clerk.

NOW, THEREFORE BE IT RESOLVED, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey hereby appoint Scott Wilhelm as its Public Defender under the terms of the professional Service Agreement submitted.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute all documents necessary to enter into a Professional Service Agreement with its Public Defender and the Township Clerk shall cause the proper notice of the contract award to be published in the official newspaper pursuant to N.J.S.A. 40A:11-5(1)(a)(i).

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, February 5, 2014.

Margaret B. Dilts, CMC

Mayor McKay – Now, here is Ordinance No. 15-01 for the first reading authorizing the sale of a 1986 GMC Value Van and a 1987 HME Central States Pumper to the Oxford Fire Company for \$6,000. Now, apparently, this needs some kind of explanation because I don't understand. I mean you started to tell me why, but why we need to sell a fire truck it seems like we are going through an awful lot of stuff and then we have an ordinance on our books that has no purpose.

Council President Ciesla – I think it is a law. Isn't it the law that we have to do it by ordinance.

Attorney Lavery – Yeah.

Councilwoman Schneider – There is no other way to do it other than an ordinance?

Attorney Lavery – Yeah, you have to do it by ordinance.

Council President Ciesla – In order, you have to do for the Township to sell. You have to do it by ordinance.

Mayor McKay – And, it is the feeling of the Council that we should do it in this fashion rather than put it out to a bid.

Council President Ciesla – I think we are lucky we are getting any money.

Mayor McKay – I have no idea of the value of these things. All right then if that's the only way it can be done and the value is what you say it is here, then I would make a motion to approve first reading of Ordinance 15-01.

Council President Ciesla – Second.

Mayor McKay – Discussion. Roll call.

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

NAYS: None

ORDINANCE NO. 15-01

AN ORDINANCE OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN, STATE OF NEW JERSEY AUTHORIZING THE SALE OF CERTAIN PROPERTY OWNED BY THE TOWNSHIP AND NOT REQUIRED FOR PUBLIC PURPOSES.

WHEREAS, the Township of Lopatcong is the owner of certain personal property, specifically a 1986 GMC Value Van and a 1997 HME Central States Pumper and; and

WHEREAS, said property are in need of serious repairs and as such are not needed for municipal purpose, and the Township Committee has determined that it is in the best interest of the Township to sell the property; and

WHEREAS, on January 15, 2015, the Oxford Township Fire Department sent a letter to the Township offering to purchase these two vehicles; and

WHEREAS, the Oxford Township Fire Department acknowledges that they are aware of the electrical and mechanical issues of the GMC and the issues with the brake system of the HME; and

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-21.1 allows the Township to sell this personal property at a private sale to any organization listed in N.J.S.A. 40A:12-21.

WHEREAS, the Oxford Township Fire Department is a duly incorporated volunteer fire company of a municipality within the county as required by N.J.S.A. 40A:12-21(a).

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

1. The 1986 GMC Value Van and a 1997 HME Central States Pumper shall be sold to the Township of Oxford Fire Department for \$6,000.
2. The Mayor, Township Clerk and Chief LaFord are authorized to execute all documents necessary to effectuate the sale and transfer title to the Fire Department.
3. The sale to Oxford Fire Department shall contain a limitation that the property shall be used for the purposes of the Oxford Township Fire Department and not for commercial business, trade or manufacture and that if the property is not used in accordance with that limitation, ownership shall revert to the Township of Lopatcong.

Effective Date.

This Ordinance shall take effect upon final passage and publication as provided by law.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Township of Lopatcong held on February 4, 2015, at 7:00 PM 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 March 4, 2015, at 7:00 PM, or as soon thereafter as the Township Council may hear this Ordinance at the Municipal Building, 232 South Third Street, Phillipsburg, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Beth Dilts, Township Clerk

Mayor McKay – Resolution 15-43 authorizing qualified firemen to receive \$175.00 in a clothing allowance from the 2015 budget.

Council President Ciesla – Motion.

Mayor McKay – Second.

Councilwoman McCabe – Second.

Mayor McKay – Discussion. Roll call.

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

NAYS: None

ABSTAIN: Councilman Belcaro

R 15-43

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY ESTABLISHING A CLOTHING ALLOWANCE FOR
QUALIFIED ACTIVE MEMBERS FOR THE YEAR 2015

WHEREAS, the Mayor and Council created Ordinance 2014-14 to establish yearly a clothing allowance for qualified active members of the Township's Fire Departments; and

WHEREAS, the amount shall be fixed from time to time a clothing allowance for damage and loss sustained in the line of fire duty provided the member attended and answered at least 40% of the fire duty during the preceding 12 month; and

WHEREAS, Mayor and Council decided the amount for the 2015 Budget would be \$175.00.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey shall fix a dollar amount of \$175.00 for the 2015 Budget to be paid to every qualified active member of the Fire Department.

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, February 4, 2015.

Margaret B. Dilts, CMC

Mayor McKay - Approve Payment No. 10 to Dulaine Contracting in the amount of \$177,754.23 for work completed on the Rt. 57 Pump Station Project. This has all been approved by engineer.

Engineer Sterbenz – I'm not the engineer on the project but the Township does have a sewer consultant and that consultant is Mr. Madden and within your package tonight there is a certification from Mr. Madden

Mayor McKay – Yes I saw that.

Engineer Sterbenz – as to why this is to be paid.

Mayor McKay – Okay motion.

Motion by Councilman Belcaro, seconded by Councilwoman Schneider. Roll call vote:

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

NAYS: None

Mayor McKay – Next I guess we could do payment of bills. I have in front of my a list of bills and a list of bills aggregates \$4,087,631.43. It seems large but one big check in there is for the school and the other one is to the County. That's what it is, money that we collect but give to the County and to the school. Motion.

Council President Ciesla – Motion

Mayor McKay – Second

Councilman Schneider – Second

Mayor McKay – Discussion. Roll call please.

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

NAYS: None

Mayor McKay – We have an announcement that Congressman Lance is to host a town hall meeting on Tuesday, February 17, 2015 right here at 6:00 pm for all of you who are interested in seeing Congressman Lance.

Councilwoman Schneider – How is that, can I just comment, how is that going to work if we have uh, 500 residents that want to be part of this town hall. We don't have enough room here. Is there anywhere else we can go to have this meeting?

Council President Ciesla – I think he does it every year. Do you know the turn out? I mean his office sets it.

Clerk Dilts – He asked how many people this room could accommodate and he felt that it was doable.

Councilwoman Schneider – Okay, how many people can be accommodated in this room?

Council President Ciesla – It's right up there.

Councilwoman Schneider – Yeah I can't read it.

Mayor McKay – Okay that's the announcement we'll do. Council Reports – Maureen do you have a report for us.

Councilwoman McCabe – Yes I do. EDAC Committee – we have sold about 40 cards. Thank you to those who bought our shop Lopatcong discount cards. So if you are interested in obtaining one they are \$5 and are being sold at the Clerk's Office during business hours. Additionally, just a public service message and this can go out to our senior citizens, to our residents. Um, you know, I'm going to try and find things that are going on to warn you of and this one phone calls. People are calling senior citizens mostly but they are calling them pretending they're from the IRS and they are saying you owe the IRS taxes and please wire the amount immediately to this account number. So, just want to let you all that that is a scam. Do not respond. You can hang up the phone. You know, you can also call the police and let them know that this occurred on the phone line and they may be able to trace it. I don't have any information that that has happened in Lopat but I have heard it is kind of circulating. Please beware. Tell your neighbors, not only senior citizens but residents and if I hear any other types of things like that, I'll try to let you know on our monthly meetings.

Next up, I noticed again on our agenda that we are not appointing our Township professionals. As I've stated in the past, I have a serious concern that we are not appointing our Township professionals.

Mayor McKay – What committee are you speaking of?

Councilwoman McCabe – I'm speaking of all the RFP's that we have

Mayor McKay – That's committee reports. That's evangelization.

Councilwoman McCabe – Excuse me.

Mayor McKay – Let's do it at the end.

Councilwoman McCabe – What the hell are you talking about? Excuse me, I would like to

Mayor McKay – Committee, committee, committee it's committee reports.

Councilwoman McCabe – Yeah, so I'm making a motion that we extend our time frame for our RFP's; they are only open for 60 days. I'm concerned they are going to expire by February 19th.

I'd like to extend them another 60 days so that those professionals can be considered in our appointments. I'm not convinced that our appointment of this task force is even legal because we have not rejected the RFP's that we have received. So, therefore, to avoid any issues and any possibilities of the Township being sued or incurring any liabilities. I am making a motion and I need a second that the time frame for the consideration of these RFP's, all of them, be extended for 60 days.

Council President Ciesla- I'll second it.

Councilwoman McCabe – Thank you.

Council President Ciesla – Do you have something to say?

Councilwoman McCabe – Do we need a vote or no?

Councilwoman Schneider – I think if you, we have not even brought. I don't have my committee reports said yet, so, you don't even know what's going on with any of the RFP's and interviews so I think before you guys make a motion, you could allow me to say my reports.

Councilwoman McCabe – No, I think it is going to expire by February 19th, if my calculations are correct and we need to leave those open. I don't see us having an appointment. We have one more meeting possibly; it may get cancelled due to weather. It may get cancelled for any reason. I'd like to make the motion now that and it has already been seconded.

Councilwoman Schneider – Well, we're not going through. I have the RFP's and they have been interviewed and they do know our situation and I have looked outside because the task force was put in place. It is not illegal to have a task force. I wish you would stop saying illegal for everything that happens here. It is not illegal. It just is not.

Councilwoman McCabe – It is not Fair and Open I'm sorry that's the wrong word. I should use not Fair and Open Process is what the taskforce is.

Councilwoman Schneider – Well there was an RFP

Councilwoman McCabe – We were using Fair and Open and that's what the RFP's are for. Now last year if you recall, we were being devastated with questions of Fair and Open when did you get your RFP's how many times did you look at them, how long did you look at them and who came in. This year we get a new Mayor and the RFP's are thrown out the window and now we are doing Non-Fair and Open process.

Councilwoman Schneider – Well, that's incorrect Maureen because last year

Councilwoman McCabe – It is not incorrect.

Councilwoman Schneider – When I asked where are the eight copies that we were all supposed to get an answer, what I got was a bunch of yelling and screaming at myself. This year, the RFP's came in and we got copies, last year I was told it was illegal, it can't be done. There is all these circumstances why we can't take them home but this year we got to take them home. I don't know what changed um,

Councilwoman McCabe – And, the point is, that's the Fair and Open Process.

Councilwoman Schneider – It doesn't matter.

Councilwoman McCabe – The point is the task force is a Non Fair and Open Process. So, the point I'm trying to make is our RFP's are only valid for 60 days which is conveniently going to expire on February 19 and these appointments have been tabled and tabled and tabled. So, in order to protect the integrity of those RFP's, I would like to extend the open time for consideration another 60 days. I've already received my seconded.

Councilwoman Schneider – Well, I'm sorry but the auditor position came in on an RFP and the Mayor had an intention of trying to appoint that person but that person

Councilwoman McCabe – Which he couldn't do.

Councilwoman Schneider – wasn't okay for you. That person wasn't okay for you.

Councilwoman McCabe – Uh, excuse me the Mayor cannot appoint the auditor without consent of Council.

Councilwoman Schneider – It doesn't matter (inaudible)

Councilwoman McCabe – (Inaudible) out there whether it is governing body appointment which means all of us.

Councilwoman Schneider – He came in on an RFP that was sent in in a timely fashion. The one that you are claiming that are so much fairer than the non-fair and unfortunately you guys don't want to appoint that person who came in on a fair RFP. As far as the attorneys

Councilwoman McCabe – It is open to a vote.

Council President Ciesla – It's all technicalities though.

Councilwoman McCabe – This is a democracy.

Councilwoman Schneider – It is not a technicality. You're saying that we have not addressed the people who've sent in RFP's and were not giving them a fair deal.

Council President Ciesla – That's not the case. They're going to expire and we haven't officially rejected them. We have to follow the procedure.

Councilwoman Schneider - You don't have to officially reject them.

Council President Ciesla – Yes we do.

(Inaudible from the audience)

Councilwoman Schneider – We're not going to banter back and forth

Councilwoman McCabe – I'm sorry (inaudible) a memo from Katrina that came out to all of us regarding Fair and Open and you received it.

Attorney Lavery – Well, listen, it certainly can't hurt if you extend them out because you can award them to whomever you want whether you extend the RFP's out or not. I mean, first of all, they're RFP's so it is not like a bid where you are putting something out to bid. You got so, many days under the statute to award a contract

Councilwoman McCabe – 60

Attorney Lavery – and it can't hurt to extend that out no matter who you are going to appoint so

Councilwoman McCabe – Right. It's

Councilwoman McCabe – It's no harm no foul.

Attorney Lavery – If you appoint them a week from now, if you had a special meeting, then you are okay. So and again, they're RFP's it's not like a public bid where you are required to do it and they're all professional services so you are not required to bid them out or RFP for that matter but I would just say, allow me to cut this to the quick, if you approve the 60 day extension, then you can appoint whomever you want.

Council President Ciesla – Mmmhmm we were not appointing anyone just extending it, yeah.

Councilwoman McCabe – Right, and then the fact that we’re doing this Non-Fair and Open Process by the way, you are subjecting the Township to not receiving state aid because are subject to answering a Best Practices Worksheet which we answered last year. Now if we are going to disclose that we have now opened a Non-Fair and Open procedure, we may have to negate getting state aid because now we’re doing Non-Fair and Open procedures in hiring our procedures in hiring our professionals.

Mayor McKay- We haven’t hired anybody.

Councilwoman McCabe – Or appointing them. Yeah, but we are doing a Non-Fair and Open Process.

Mayor McKay – She’s only talked to people that have submitted RFP’s.

Councilwoman Schneider – No, no (inaudible).

Councilwoman McCabe – Excuse me, that’s not true. She sat here at our last meeting and said she made phone calls to people outside one of our RFP’s.

Council President Ciesla – (Inaudible).

Councilwoman Schneider – (Inaudible) Jeff Jewell.

Mayor McKay – (Inaudible).

Councilwoman McCabe – Right, so the fact that we’re doing that could cost this Township funding from the State, so I want the residents to know that this procedure is going to cost us money.

Councilwoman Schneider – It will not cost us money because

Councilwoman McCabe – You don’t know that.

Councilwoman Schneider – we, well neither do you Maureen, unfortunately Maureen paying longevity pay to employees is also a box that we checked

Councilwoman McCabe – Don’t bring something up that is unrelated to this situation.

Councilwoman Schneider – No it’s very related because you are placing all of our State aid among that question and I’m sorry there are

Councilwoman McCabe – No, the question deals with how

Mayor McKay – Enough, enough, enough, do your vote, do your vote.

Council President Ciesla – Mayor McKay please.

Councilman Belcaro – I don’t think there is anything wrong with Mike Lavery said to extend 60 days so yes we’ll extend the 60 days; but there’s no harm in it.

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

NAYS: None

Councilwoman McCabe – Additionally, our computer technology person. I don’t think that needs to be under the RFP at all.

Councilwoman Schneider – I agree.

Councilwoman McCabe - I don’t think we need to have a task force for it. I think our technology person can be assigned by our QPA because the contract is under \$17,500.

Councilwoman Schneider – That contract is not under \$17,500. I'd like to see the bills that came in from that contractor to see if there is \$17,500 before you

Councilwoman McCabe – There under \$17,500.

Councilwoman Schneider – I'd like to see, I'd like to see the line item in the budget and how much was expended to that, to our computer person before we say that.

Council President Ciesla – Numbers for his consulting, not for software and stuff like that. That's not included in his, like vital, Kodus, MSI. (Inaudible) line item but it is not included in (inaudible).

Councilwoman Schneider – Okay, well I'd like the breakout of that before that occurs.

Councilwoman McCabe – And, then when we determine it's under the \$17,500 we can have that person appointed by a Qualified Purchasing Agent.

Councilwoman Schneider – Actually, I don't know if that's the case if the Qualified Purchasing Agent gets that right.

Mayor McKay – (Inaudible).

Councilwoman McCabe – No that's not true.

Mayor McKay – Mr. Lavery. Does the Mayor appoint that person?

Attorney Lavery - Who is that the (inaudible).

Councilwoman McCabe – Computer technology.

Attorney Lavery – I'll have to check because that's like a contractual, that's more of a contract then

Councilwoman McCabe – Like an independent contractor.

Attorney Lavery – I mean, I'll check.

Council President Ciesla – Okay, thank you.

Mayor McKay – We'll wait till he checks, next item Maureen.

Councilwoman McCabe – I'm finished thank you.

Mayor McKay – Thank you. Lori.

Council President Ciesla – All right for Recreation. Um, we were contacted by an autism group and they want to do a 5K here in Lopatcong and we'll be assisting them in, they have all their sponsorships and they're doing the majority of the work but we'll just be backing them up. I believe I have to check, I think we settled on May 15 or 16. Our calendars are for sale in the municipal building during work hours. They are \$5 too. They are really nice and there with photos from our residents so, if you purchase it, the monies, the proceeds from this go to community day. Also for Recreation, a dog park. We have been talking about a dog park a lot and there is a huge interest here in this town to have one. We had Engineer Sterbenz come out to our meeting and we kind of talked about some of the areas where we could actually put one. He had done a rendering of this area in the park that would lend itself very nicely to a dog park and primarily if we were to do this we would like to do it based on grants like from one of the pet supply companies. They tend to do that. I know they help out with Phillipsburg and things like that and also I would, I could envision that when you buy your little dog license for another five dollars you can buy a little tag that would allow you to go to the park. Apparently, these are the big hot item now. Everybody wants a dog park. Everybody wants to go to the dog park. It is the social gathering of the century. Um, what we did want to do is, in order to see if it is even

feasible Paul, I don't know if you can talk to this maybe doing a little surveying to see if we can even do the work that's necessary.

Engineer Sterbenz – I think what we need to do, we have a concept now. We need to advance the concept. We need to do a topographic survey of the area, tighten up the concept and come up with a cost estimate. The cost of that is going to be \$5,000 to do that. Once Council has the cost estimate, they can look at seeing how they can fund it. I think it would also give the community an opportunity to do, you know, see if there is some outsiders that would be willing to help out and donate services or possibly some money to the construction of the facility and that's something that has occurred in other communities. So, what you would need to decide upon is do you want to take the next step, expend \$5,000 to topo the area, tighten up the concept and come up with a bonafide cost estimate for construction at this point.

Council President Ciesla – I don't know if that is something that has to go to our CFO for review to see maybe something after we are done with the budget we can see how it plays in. Okay, so I'll have the, if you want to look into that, that would be great.

As far as Shade Tree, we have a meeting. We are calling a meeting on 2/12. It will be the first meeting of the year to swear in the new members. Also, I'm going to try; I'm going to fix the ordinance so it is in line with the statute. I want to get the commission organized and going and see if we can move forward with our forestry management plan and also there is a report that is due. We might be able to possibly get it in. It's due by 2/15. I'll come to the meeting prepared with that report. Maybe it's really easy to get together and send off to the state so we can have as many checkboxes for that.

The mailing and technology. The mailing lists are going live this week. I have one for tax payments, sewer payments and dog licenses. So we'll get that up there. You can sign up and you can get your reminders depending on how much, you know, anybody wants to send out when your taxes are due, when your sewer is due. Perhaps when it is overdue, I know sometimes a sewer bill moves around so you never quite know when that one is due and also dog licenses as a reminder.

For Board of Ed, in fact, I was invited by the superintendent of Phillipsburg and the Board of Ed attorney to view the last beam signing of the new high school and they had I don't know how many students, I think that was the best part of it is they brought students from every single class to come up there, very cold, very, very cold day, not everybody was dressed appropriately like for the weather but they had a great time. They were able to sign the beam put their class graduation year and it was just a great experience for them. The Lieutenant Governor was there as well as a lot of elected officials and for those of you have been here for a very longtime, you know how we've been trying to get this high school built and I have to say, to see it actually being built is amazing. Very happy and we are pursuing very, very aggressively any avenues we can to possibly get some grant money to get a light out there because we need a light. There is just no way we are going to handle that intersection without that. Any improvements we need, so uh, we are doing that and I think that's it.

Oh no, I did want to make two motions. One of the things I do want to say about the computer guy but I'll probably wait for your task force thing is that we are on his server right now so we do owe him for the year since we were there January 1st.

For the minutes, the minutes were taken off. We're supposed to approve 12/29 and 1/7. I'm just going to make a motion that we approve the minutes of 12/29 and 1/7.

Councilwoman McCabe – Second.

Council President Ciesla – Any discussion.

Mayor McKay – That one of them isn't minutes – it's a transcript.

Councilwoman McCabe – That's not true, it's not a transcript.

Mayor McKay – The other isn't either. It's a transcript

Councilwoman McCabe – It's the minutes.

Mayor McKay – It's a transcript.

Councilwoman McCabe – We've already had this discussion

Councilwoman McCabe – 12/29 was all (inaudible) too.

Councilwoman Schneider – Right but December then if you want to continue with the transcript way, then you need to amend 12/4 and go back and do that the same way.

Councilwoman McCabe – No, we are not amending. We've already approved those.

Councilwoman Schneider- That needs to be amended as well if you want to be consistent.

Councilwoman McCabe – I disagree.

Council President Ciesla – I think Council was a transcript; it's Council that's what we want to see.

Councilwoman Schneider- Then change, then we'll change all public comment to just a topic and then so you need fix these minutes to do the same. You started on December 4th doing that, so we should continue that way then and do it for December 29th and January 7th.

Councilwoman McCabe – No, we are not going backwards and changing minutes that have already been taken and have already approved by Council.

Councilwoman Schneider - They having been approved for December 29th and January 7th.

Council President Ciesla – December 29th is written out.

Councilwoman Schneider – Yes, but it's not but it is not written in, the way they should be.

Councilwoman McCabe – What way do you want them to be written?

Mayor McKay – Well, you said you want 100% transcripts.

Council President Ciesla – Didn't say 100%. I want Council (inaudible).

Councilwoman McCabe – I didn't say 100%

Mayor McKay – They should be done in accordance with Robert's rules. They should be concise, if a resident makes a statement they should say something to the affect that so and so expressed concern over the new street light and thought this could be better. You do it like that. That's how it is supposed to be. That's how every other dam town does it but you seem

Councilwoman McCabe – You don't know how every other town does

Clerk Dilts- Every town does their minutes differently. I've been looking at this.

Councilman Belcaro- I think that whatever we are going to do, we got to be consistent and so, if we are going to set something in place today, moving forward, we need to do that.

Councilwoman McCabe – I don't have a problem with the way the minutes have been taken.

Council President Ciesla- No, they can be all transcript. I think it gives the residents who can't be here and who don't have time to sit through the video to read through them.

Mayor McKay – It's the first thing that anyone wants to do is read through the minutes.

Councilwoman McCabe – No, I disagree

Mayor McKay – They want a concise

Councilwoman McCabe – last year we were getting slammed because we weren't putting enough information out there. Now, it's out there and no you don't want it out there.

Council President Ciesla – (Inaudible).

Mayor McKay – No, no, I never said that, it was good minutes that were concise and told the story.

Councilwoman McCabe - We have good minutes.

Councilwoman Schneider – We don't. December 4th is very different than the other minutes and you know,

(Inaudible from audience)

Attorney Lavery – Discussions up here.

Councilwoman Schneider – Then they need to be concise, but then they should be the way that they all are. Why was the decision made on December 4th to change it and then go back on December 29th to make it a different way?

Council President Ciesla – I don't know but we voted on it and so should have made, so we should said something then and we didn't.

Councilwoman Schneider – But because it was in accordance with Robert's Rules and I was okay with that.

Council President Ciesla – You voted on all the other minutes all these years and they were transcripts.

Councilwoman Schneider – Because, you know what, because every time I vote for something, you guys vote it down anyway.

Council President Ciesla – No, we don't.

Councilwoman Schneider – Yes you do. You know what, there needs to be some order in here really amongst everyone. Everyone all around.

Council President Ciesla – Can we, can we yeah all just voting on approving the minutes of 12/29 and 1/7?

Councilwoman Schneider – I think they all need to be the same. Why was December 4th different? We know why December 4th was different.

Council President Ciesla – Why?

Councilwoman McCabe – Why?

Council President Ciesla – Why?

Councilwoman Schneider – Because there were comments made in that meeting that you don't want in the transcripts.

Councilwoman McCabe – Comments were in there.

Councilwoman Schneider – I think they should be the way everything else was. One, one set of minutes in all, in all the years.

Council President Ciesla – Why didn't you say that when voted on them?

Councilwoman Schneider – Because, because they were fine with me. Great you were starting a new way because somebody complained about it. So great you are starting the way it should be done. So I thought you were on the right track. Now, they are back to the other way.

Mayor McKay – Mr. Lavery what do you usually say with minutes like that.

Attorney Lavery – I don't want to get in the middle of this. Okay, it is a policy decision. I have seen towns that, uh, verbatim minutes are, it's almost impossible. You have a transcriber here. I mean it is almost impossible, it's impossible. I guess it is possible if the Clerk only did that 40 hours per week but um, you know, normally just, all you are required to have a concise statement of what it is, a vote a second whatever but like I said I have towns that do verbatim transcripts of the Executive Session minutes. So it is really a policy decision for the Mayor and Council but certainly the law only requires that you say motion, second, so and so came up from the public expressed concerned about the street light, using your example and that's it. Not verbatim but I've been at meetings where they have a certain way of doing it. They do it the concise way and then there might be something of importance that they say, you know what, we want these to be verbatim or there are certain sections where they ask to be verbatim but.

Councilman Belcaro – Let's get a vote going, let's get past this

Council President Ciesla – Yeah, yeah.

Councilman Belcaro- okay and let's put this behind us. Moving forward let's be consistent with whatever we're going to do and just practice it that way.

Councilwoman Schneider – Why can't we amend the December 4th minutes?

(Inaudible from the audience)

Council President Ciesla – They've already been approved.

Councilwoman Schneider – It doesn't matter.

Council President Ciesla – (Inaudible).

Councilwoman Schneider – You know what, I'll take the tape and I'll do it. I'll sit down and I'll listen to it and I'll put them up on the website.

Council President Ciesla – You can't just, you can't just do that, they have to be approved by us. If you want to put them together for us to reapprove

Councilwoman Schneider – Sure, I'll put them together

Council President Ciesla - that's fine, go ahead.

Councilwoman Schneider – I'll sit, I'll do it and then we can put those, we can approve those.

Council President Ciesla – That's fine. I have (inaudible).

Councilwoman McCabe – We're not going backwards. Donna's not listening to the tape and then putting notes together.

Councilwoman Schneider - Yes we are.

Councilwoman McCabe – She is not our secretary our minute taker.

Councilwoman Schneider – Lori just said she'd done it.

Council President Ciesla – I really don't care. (Inaudible) I listen to it

Councilwoman Schneider - Right you listen to it.

Council President Ciesla - Yeah (inaudible) I don't (inaudible) I listen to it

Councilwoman Schneider – Right, you listen to it.

Councilwoman McCabe – We are not going backwards people

Councilwoman Schneider – We are.

Council President Ciesla – Because I'm putting them up there.

Councilwoman McCabe – You are.

Councilwoman Schneider – No, no we are.

Council President Ciesla – Can we vote please?

Councilwoman Schneider – No, one, one meeting out of the entire year.

Council President Ciesla – Vote please (inaudible).

Councilwoman Schneider – One meeting out of the entire year and that meeting when somebody came up here and expressed their concerns, you took it off.

Council President Ciesla – We can certainly put it in there because at that point that resident also accused all of us and one of the members in particular of, of something that he probably shouldn't have that can probably get him sued. So I have no problem with it.

Councilwoman Schneider – Okay, that's fine.

Council President Ciesla – And, I do believe that person's wife and children were in the audience.

Councilwoman Schneider – That's fine.

Council President Ciesla – Can we vote?

Councilwoman McCabe – We are not going backwards.

Clerk Dilts took the vote:

AYES: Councilman Belcaro, Councilwoman McCabe, Council President Ciesla

NAYS: Councilwoman Schneider, Mayor McKay

Council President Ciesla – My other thing; the cell phone policy. I would like to institute a Cell Phone Policy we have our phone away so there will be no issues. No hints of impropriety or anything. We can put our volume up, if our families need to call us, they can call us or given them your cell phone number; everybody has your cell phone number.

Councilwoman McCabe – Yeah second. I've had some residents complain that some particular members of Council were texting away during the meeting. So uh, yeah, it's important.

Council President Ciesla – Any discussion?

Mayor McKay – I can't bear another one. Discussion.

Council President Ciesla – I mean it's just, when we're at work we have to leave our phones, we have to keep them upside down so I don't, you know, it's just a policy. This way there will be no, nobody can say anything. You'll be covered.

Roll Call:

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

NAYS: None

Council President Ciesla – That’s it.

Mayor McKay – Um, Lou what do you got in the way of reports?

Councilman Belcaro – I’ll make this quick. I’ll do two quick reports. I attended one of the quarterly meetings we have down in P’burg for the Sewer Committee. Just, um, it was a fast meeting. We were just updated on what is going on there with the upgrades and construction is going on right now. So, everything is moving ahead. Real quick there should be, by the fall, everything should be placed on line and deemed satisfactory by then.

I have a little bit of good news, you know, last month we discussed a um, bypass temporary pump to be a backup here at Baltimore Street and I think the number to fix that pump was \$18,000 but also we gave the Mayor and the Clerk the authority to spend up to \$18,000 to rent a bypass pump for a backup until the new pump station is in operation. The numbers we got, we got a good estimate and I’ll just read a couple of numbers to you and this is from Municipal Maintenance and this is for um, it’s install and remove and a temporary diesel bypass pump. Set up pump fees are \$2,000, a breakdown pump after it is used will be \$1500.00 and per month fees \$3500.00. So we are looking at here \$7,000 okay for the first month. If we go into the second month it will be an additional \$3500.00. So, I think the most we are going to spend is \$10,500. Okay, at lot less than \$18,000. Okay, so, I’d like to put in motion that we can give this to Municipal Maintenance awarding a contract because we do need an emergency backup or bypass because we only have one there right now and if that fails.

Mayor McKay – Are you making a motion?

Councilman Belcaro – I’d like to put a motion in place to um, for this location.

Mayor McKay – Second it.

Council President Ciesla – Second.

Mayor McKay – Discussion.

Councilwoman McCabe – How long do you think we need the temporary?

Councilman Belcaro- Well, I think we are about five weeks away but we are waiting for Verizon now. They need to put a telephone poll there. Okay so JCP&L cannot run electric or wires to they can feed the new pump station unless there is a telephone poll there. There is one there but it’s not, it’s not the right size, it needs a certain height to meet that criteria. So Verizon right now is the hold up and that is where the problem is right now so calls need to be made out to Verizon to get out there and put a telephone poll in and then the power can be hooked up. So we are looking at here, maybe five to six weeks. Hopefully less, and then I thin the most that we are going to rent this for obviously is going to be two months, you know, so hopefully we can do it in less than that and save \$3500.00.

Council President Ciesla – Is the charge pro-rated if we don’t use it for the whole month or no, we have to just pay the month in full.

Councilman Belcaro – You know what, I’ll have to find out. I would imagine so, if it goes into one week into the month and pay \$3500.00 for, you know, I would hope so. I know most rental places they do prorated. That concludes my report.

Clerk Dilts- Motion and second I’ll call the roll.

Mayor McKay – Yeah roll call.

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

NAYS: None

Mayor McKay – Councilwoman Schneider do you have a report for us?

Councilwoman Schneider – Yes I do. Our budget season has begun and our CFO has taken on the task of trying to get our books in order. It has been a very big struggle because our books are not in order. We, um, we kind of have a big ball of knots that we have to untangle because throughout the year, first off, no one in this building except for one person maybe two has ever been part of the budget process. They've never owned their budgets, they've had no say, they don't know how to keep their department running with money. They constantly have to ask. There is no ownership. There's no pride in ownership in any of the budget process. I will say that this year we started to do different; our CFO when she was hired she also does zero based budgeting which is what I was advocating last year. The problem is with zero based budgeting is you don't, with our Township, is we don't have the numbers to go off of from the following, the prior years. Everything has been misappropriated. Um there have been charges that have been charged to different accounts that don't belong there. It is done all throughout the year. Really, the end of the year is the time to kind of move some money around. You have two months at the end of the year to do that and in this case, it has not been done. To everyone's surprise when they did get their budgets, each department head, they were very confused because they saw so many things that were booked to their individual departments that really had no need to be in, under their departments. Um, it is kind of hard to do zero based this year because of that. We don't know where the charges should be and it is impossible to move them back because there's thousands of them. Um, we are trying to do something mid-ground, start at zero based but try and do your best and look through your years of charges against your account and try and make some decisions on what was yours and what wasn't yours. Unfortunately, that's a really tedious for those folks to do um, but they are happy that they do have a part of this and um, it will be a lot easier next year when we can do some real numbers and they can look and see what they've actually spent last year in their own budgets. Every month they will get a report on what their expenditures and they have a chance to look at it and you know, mistakes happen and they can catch those mistakes every month and say hey this was booked in my budget, it's not my expenditure and it can be taken care of right at that moment. It doesn't uh; it won't be a big deal to do that. So um, we are trying to do our best to get this together and um, it is really a big like I said ball of knots; it's trying to untangle it and it's going to be, it's a long process. Next year will be better, this year; it's trying to get everything in order. The CFO, I'd like to uh, Lorraine, I'd like her to speak a little bit about that since she is the professional and she is the one who is having to administer this. So maybe Lorraine would you be able to talk about some of your struggles.

Council President Ciesla – Should she wait to under her report?

Councilwoman Schneider – You make motions during your reports, I think I can have her speak a little bit.

CFO Rossetti – You highlighted a lot of the things already (inaudible). Is that better. We did find a lot of appropriations that were charged to different accounts, different departmental line items that didn't really have anything to do with that department so as it was pointed out that's too large of an undertaking to go back and change them out but detailed budget reports were given to each of the department heads. I think I missed a few but the bulk of them have gone out so that everyone can look back and see what their expenditures were extrapolate from that what they think they should really be paying and then turn in an actual request based on what they feel their needs will be for 2015. There have been a lot of departments that have responded already. Um, all most all the smaller ones. There is one of the larger ones; DPW has already submitted there's. It is just a really, a large undertaking for them and as you had pointed out that since none of them were really involved in the budget process before, they weren't really quite sure where to start so it's a big learning curve for everyone but so it is a positive battle.

Councilwoman Schneider – That uh, Lorraine and I have also made ourselves available to any of the department heads that needed some extra time or some questions or so we are available for them which has made it a lot easier for them. Um, which brings me to my next thing it be the professionals and the RFP's. The one reason why an auditor has not been appointed it, you know, we've had our struggles here with you know, he's been here for

Mayor McKay – Slammed down the gavel to restore order.

Council President Ciesla – Oh God.

Councilwoman McCabe – Excuse me.

Mayor McKay – Stop talking when other people are talking.

Councilwoman McCabe - Are you kidding me

(Calm down Mr. Mayor from the audience – inaudible)

Councilwoman McCabe – Unprofessional

Mayor McKay – I don't (inaudible).

Councilwoman Schneider – No comments from the audience please.

Mayor McKay – (Inaudible) unprofessional.

Councilwoman McCabe – While I was talking, many were talking, I didn't do that. It's rude. You got to be kidding me.

Mayor McKay – Please continue

Councilwoman McCabe – Please continue.

Mayor McKay – You embarrassed yourself.

Councilwoman Schneider – If there is going to be any more comments out from the audience I'm going to have to ask everyone to leave because we're not, this is not going to happen.

Councilwoman McCabe – So now you are running the meeting.

Councilwoman Schneider – I will have, I will have, I will start to have people removed if we can't all behave ourselves. All of us, all of us.

Mayor McKay – She is speaking, everyone listen, that's the way it works No comments

Councilwoman Schneider – Excuse me, excuse me. I'm going to have to ask you to be removed if you can't stop talking and saying messages. No it is not public comments.

Council Presidents Ciesla – In public comment you can.

Councilwoman Schneider – All right.

Mayor McKay – Please continue.

Councilwoman Schneider – We had found some things that um, just don't seem to jive. We got some grants that we're not quite sure of that we've never collected the money for in the tune of \$198,000. I don't know if any of that is collectable at this point. It's been since about 2003 that we've had some grant money that we've paid out to do a project but not have actually received back because were supposed to file papers to get the money back. We have uh, that's a big number and um, I don't know if that's entirely all accurate because some of those charges are from 2013, we may be still able to retrieve that money. I'm not quite sure but there has been no money that's been set aside to my knowledge that, that we can offset this with and unfortunately if we can't find this money and get it back it's going to have to be written off and we're going to have to add it to our taxes so we're are going to try and do our best to do whatever we can. Unfortunately there has been some things that seem to at first blush have fallen to the wayside with our auditing and I think that a new person is necessary. We've had some struggles back and forth up here. The resistance of change, it's not change for the sake of change, like everybody says, it really is some valid points

Council President Ciesla – You slam that gavel again, I'll leave.

Mayor McKay – You can leave but let her talk, you always make remarks.

Councilwoman McCabe – I'm not interrupting, you are.

Mayor McKay – Shut up.

Councilwoman McCabe – And don't tell me to shut up.

Mayor McKay – Please continue

Councilwoman McCabe – You're kidding me.

Mayor McKay – You're doing it again.

Councilwoman Schneider – We, I've uh, I've also interviewed another computer consultant. It is not to say that the gentleman we have here isn't doing his job or is uh, you know, not a person we wouldn't want to keep. Basically, what this is is exploratory too. We want to make sure that what we are getting is competitive, what we are being charged is competitive with other professionals. It doesn't mean that because they weren't appointed that we think that they are not any good and they are not adequate. Really it is exploratory for a lot of these to just see if we are being charged what we need to be charged. So, um, we are just waiting for an estimate from him and then we'll go forward with the uh, the computer consultant. As far as attorneys, I have been in contact with one gentleman that put in an RFP and his firm, unfortunately every time we seem to make an appointment it snows so we are a little delayed on that. I'm hoping to meet with him at the end of the week. I also told the third gentlemen that put in an RFP for his firm, that his price was the highest and unfortunately, he's going to have to try again next year maybe. So, right now, the two bids, RFP's that were sent in were from Mr. Lavery's firm and from the gentleman that I'm meeting with at the end of the week. Um, you know, so we'll see where that goes from there and that's all I have at the moment. Thank you.

Mayor McKay – Thank you. All right Paul, do you have anything else.

Engineer Sterbenz – Um, I just wanted to let the Governing Body know that I will have a resolution for your next meeting two weeks from tonight to support and grant application that is going to be filed to help fund the roadway improvements associated with Phillipsburg High School. So I'll have that resolution for you.

Council President Ciesla – Thank you.

Maher McKay – Thank you Paul. Report from CFO.

Councilwoman Schneider – She kind of did.

Mayor McKay – You have anything else for us then.

CFO Rossetti – We uh, we um, Lori and I just spoke today about a different procedure for recreation that she is going to work on a draft procedure to help get their pays, their bills paid a little bit faster. We're going to make sure that the auditor approves of everything and have it in a resolution format so that if the meeting schedule does change back to just one a month that I'd still be able to process payments for recreation or

Council President Ciesla – the LAA.

CFO Rossetti – Oh, I'm sorry, I kept calling it the wrong thing. Um, that I'd still be able to process payments for them every two weeks outside of the meeting even if there is no Council Meeting. We talked last week and a little bit this week about the pool and separating it as a either a separate department with a separate line item in the budget or going the full Monty and having it as a separate actual utility. Utility by nature, by um, statute. It has to be self-liquidating. I'm not quite sure what that policy is. I've never created a utility, so, I'm going to have to reach out to the auditor to make sure that we know the exact policy and procedure to actually create that so that I can give you an idea as to what the steps would be that we'd have to take and any fees that would be associated with it and then you guys can make the determination as to how you want to budget for the pool in the future um, and I am expecting, hopefully by

Friday, a new banking proposal. We've had some exorbitant fees with our current bank and our escrow accounts are at two separate banks. I haven't quite determined why they were separated. I don't know if they were in transition and the transition stopped but the banking proposal will be a complete proposal. It will also include a local place, a local bank that our taxpayers can go to make tax payments and sewer payments, hopefully adding a convenience with no costs to the Townships.

Council President Ciesla – Thank you.

Councilwoman McCabe – Lorraine I just have a quick question. In your experience as a new CFO, do you find that your way of keeping the books is potentially different from what you encounter when you take over as a new CFO?

CFO Rossetti – Oh definitely, everybody has different individual styles in ways that they would maintain records.

Councilwoman McCabe – So it is not the matter that it was the wrong way, it was just a different style.

CFO Rossetti – Are you addressing the findings from the budget?

Councilwoman McCabe – Yeah.

CFO Rossetti – Um, that's kind of tricky to answer. Um, the, I have in the past made mistakes, everyone makes mistakes and I've missed something's but there seems to be um, a frequent categorization if that's a word of expenditures just for example, the first budget that I looked at the first department was the Assessor, it was a nice small budget and in the detail there were four or five different advertisements for zoning ordinances that were charged and they were charged at a couple of different times throughout the year. So it could have just been someone typing the wrong budget code but to recur a couple of times, just makes me think someone had the wrong account code in mind.

Council President Ciesla – Cut and paste.

CFO Rossetti – There were other things like the audit fee was also partially charged into the assessment line item so I wouldn't say there was any malicious intention or anything that illegal that occurred but there is definitely reoccurring mistakes to make the figures from last year not really reliable when the departments go back to look.

Council President Ciesla – Thank you for all you've been doing. I know we've talked and you know, the same kind of mentality on how to bring things up and I will be talking to you about the recreation because I do want to try to keep like Community Day and we're going to have different events and try to if, and I don't know how you feel about breaking it down as granular as we possibly can cause I like to do it that way too.

CFO Rossetti – You can actually have a trust for Community Day. You would have to apply for it but then any monies received in could automatically be applied and expended for that without having to worry about different budget appropriations.

Councilwoman McCabe – Thank you.

Mayor McKay – Thank you. Do you have any Department Reports? Make a motion that we go to public comment. All in favor.

Public Comment:

Brian Weeks – Addressed Council and the public regarding cars being left on the road during snowstorms.

Ed Shuster – Morris Park addressed Councilwoman Schneider regarding non-citizens and if they are so proud to serve and like it here so much then they should let go from where they come from and become US citizens. Asked the Mayor to control his anger better in the future.

Bruce Hall – Stonehenge Drive – Back to comments at opening – text messages and phone message being requested by OPRA.

Eric Johnson – Fire Equipment begin sold to Oxford Fire Department did we research its value.

Orchefski – Highlands Way – Addressed his ability to apply for citizenship.

Marla Endick – Comments on EDAC and the makeup of the people appointed to it.

Rob Larsen – 26 Browning Court –Commend you on handling the Township professionals and appointments – accused him of being a fraud and a liar.

Jerry Hardkin – Expressed his concern and comments regarding non-citizens – ask for everyone to work together.

Mayor McKay made a motion to adjourn the meeting.

Tony Guarino asked Mayor McKay to apologize to the lady and the public for slamming down the gavel.

Mayor McKay made a motion to adjourn the meeting, seconded by Council President Ciesla. All in favor.

Respectfully submitted,

Margret B. Dilts
Clerk/Administrator

Thomas M. McKay
Mayor