

TOWNSHIP OF LOPATCONG
COUNCIL MEETING

March 18, 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.

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

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.

Present – Councilman Belcaro, Councilwoman McCabe, Councilwoman Schneider, Council President Ciesla and Mayor McKay. Also present were Attorney Wenner, Engineer Sterbenz and CFO Rossetti.

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

Attorney Wenner – We were in Executive Session for about a ½ hour during which time we discussed six matters. The first matter was a potential negotiation tactics for payment of funds for costs incurred relating to the sinkhole which occurred and Township property. Second matter was for potential property acquisition relating to the preservation of the sanitary sewer line. The third matter was relating to a personnel matter authorizing and discussing the issuance of a Rice Notice. Two other matters relating to potential litigation against the township, they are listed on your agenda and the six matter was matters relating to public safety and the ambulance squad. No action was taken and if you are wondering why you only see two matters on your agenda but we talked about six, prior to going in to Executive Session, we did an oral amendment to the resolution listing the first five the six one came up during Executive Session and was proper for Executive Session and that was related to the ambulance squad and emergency matters.

R 15-58

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND THE
STATE OF NEW JERSEY AUTHORIZING AN EXECUTIVE SESSION

WHEREAS, there are presently pending matters to be considered in Executive Session concerning possible matters listed:

Potential negotiation tactics - costs related to the Sink Hole on Wordsworth Lane
Personnel matter – issue Rice Notice
Public Safety – EMS
Property acquisition – sanitary sewer line
Litigation – Betty Dobes v. Township of Lopatcong
Litigation – Letter from Kathryn Devos – Litigation Holdover

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Lopatcong, County of Warren and the State of New Jersey that the Council is authorized to hold an Executive Session.

BE IT FURTHER RESOLVED that the Council of the Township of Lopatcong will make said matters public within approximately 30 days of said meeting or until such a time as confidentiality of the matters is no longer required.

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, March 18, 2015.

Margaret B. Dilts, CMC

Public Comment –

Mayor McKay asked for a motion to open public comment. Motion by Councilman Belcaro, seconded by Councilwoman Schneider. All in favor.

Juniper Leifer – 32 Jade Lane – Asked about the ordinance on the agenda regarding the Environmental Commission and what was being changed. Council President Ciesla said she wanted to bring it in compliance with the state statutes. Juniper asked that the ordinance not be changed because there are currently seven members and that does meet the statute. She also asked for a liaison for the commission. Juniper also had questions regarding her summer camp and the archery program.

Eric Johnson – 361 Stonehenge Drive – Asked to address council regarding the pool membership rates that he presented to the Recreation Committee. The goals and recommendations were to make a consistent, differential between the residents and non-residents, keep rates attractive and competitive and see an increase in attendance. Would like the daily passes tracked to help going forward with the analysis.

Olchewfski – Highlands Way. Asked Council to take a look at rewriting the ordinances due to cost and if there is no need, to save the money and not rewrite them.

Joe Imhoff – 240 Aurora Street – Item 5 under New Business. Asked about the Rent Control Ordinance and if the board is expired because the date of renewal passed. Attorney Wenner said the Ordinance expires officially on March 27, 2015. Mr. Imhoff did research where he found only 95 municipalities in the State of New Jersey have rent control. Over the last two years some scheduled meetings have been cancelled. Asked council to review the entire concept of a board and rubberstamping an amendment that is 35 years old. Council President Ciesla said the board was brought back because there was a big problem with the rents. Clerk Dilts said the control is a big concern to the seniors and they are grateful for the Rent Leveling Board. Mayor McKay stated this would be discussed further when it comes up on the agenda.

Andy Horun – Commented that many council people ran criticizing the past administration on how much residents were taxed and yet during the meeting all he said he heard was they did not tax enough. He asked council to keep that in mind during the budget process about keeping taxes down because of what was done in the past. Asked Mayor McKay about the standard he is applying when appointing folks and if he was concerned about it. Mr. Horun would like to speak to Mayor McKay off the record regarding the appearance of his appointments.

Marla Endick 10 Byron Drive – Asked about posting agendas in an appropriate time frame. Official township records should be placed on the website by either a township employee or a contractor who could be held accountable for the work not being done. She suggested that council look into this further and offered the service of researching options.

Mayor McKay made a motion to go out of public comment, seconded by Councilwoman Schneider. All in favor.

Old Business:

Resolution No. 15-59 – Authorize Mayor McKay to execute contract with Nisivoccia, LLP to provide auditing services to the Township. Mayor McKay would not execute the contract until Attorney Wenner reviews the language. Motion by Council President Ciesla, seconded by Councilwoman McCabe.

R 15-59

RESOLUTION AUTHORIZING CONTRACT WITH

**DAVE EVANS OF THE FIRM OF NISIVOCCIA, LLP FOR PROFESSIONAL
AUDITING SERVICES**

WHEREAS, there exists a need for the retention of an auditor to render consulting services to the Governing Body relative to matters and wherein the Mayor and Councilmembers are parties; and

WHEREAS, the Governing Body shall compensate the Professional on a time and material basis in accordance with his Agreement for Professional Services.

These funds are available to the Governing Body and have been certified by the Local Finance Officers; and

WHEREAS, the Local Public Contract Law, N.J.S.A. 40A:11-5(1)(a)(i) permits the Board to retain the services of professionals without competitive bidding. However, this contract was publically advertised in accordance with the New Jersey Pay-to-Play “fair and open” process, N.J.S.A. 19:44A-20 et seq.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Lopatcong as follows:

1. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached agreement with Dave Evans of the firm of Nisivoccia, LLP.
2. 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. This contract was publically advertised in accordance with the New Jersey Pay-to-Play “fair and open” process, N.J.S.A. 19:44A-20 et seq. Dave Evans was chosen based upon the proposal submitted and because he has previously served as the Governing Body’s auditor for a number of years and has special knowledge as to the financial conditions in the Township. This knowledge is particularly valuable to the Governing Body.
3. A notice of this action shall be printed once in the official newspaper of the Township of Lopatcong.

CERTIFICATION

I, M. Beth Dilts do hereby certify the above to be a true correct copy of a Resolution regularly and duly adopted by the Mayor and Council of the Township of Lopatcong at a duly called meeting of the Council held on March 18, 2015.

Mayor McKay called for a vote:

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

NAYS: Councilwoman Schneider

Township Personnel Policy and Procedure Manuals – Authorize Township Labor Attorney to review all manuals; Employee Policy Manual, Volunteer Handbook, Recreation Program Handbook and Summer Employee Handbook. Attorney Wenner will review and give a red-lined version of suggested changes. Motion by Council President Ciesla, seconded by Councilman Belcaro. Mayor McKay asked to call the roll.

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

NAYS: None

Pool Membership Rates – Discussion about the rates for swim team, pool party, and pavilion party rates for 2015. Authorize senior citizen group's use of the pavilion free one time per week Monday through Thursday during the months of May through September. Also provide an offer to the scouts, LAA teams one time free for the season Monday through Thursday and a reduced rate on the weekend at \$100.00 with a \$50 cleanup fee reimbursed if the pavilion is cleaned up once per season. Motion by Council President Ciesla, seconded by Councilman Belcaro. Mayor McKay asked to call the roll.

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

NAYS: None

Volunteers Visitor Policy – Mayor McKay asked that an official policy be adopted by resolution to bring order and logic when people come to the municipal building. Mayor McKay made a motion to approve the policy, seconded by Councilwoman Schneider. A discussion ensued causing the policy to be rejected. Attorney Wenner said that he read the policy and noted it was a policy decision of the council, there is nothing in it legally that's objectionable.

Administrative Policy – McKay said essentially what this policy does is give some kind of structure to the creation of the agenda for these meetings and requires agenda items to be in on a certain time frame, rejects documents that aren't and would like order to this process.

Councilwoman Schneider made a motion to approve the policy, seconded by Mayor McKay. A discussion ensued with comments by Council. Mayor McKay called for a vote:

AYES: Councilwoman Schneider, Mayor McKay

NAYS: Councilman Belcaro, Councilwoman McCabe, Council President Ciesla

EDAC – Mayor McKay's non-consent appointments – elevate Judy Liptak from alternate to full member. Councilwoman McCabe who is the liaison to the commission said the ordinance calls for nine members and we currently have eight and that she would really need someone with specific background in commercial real estate. Mayor McKay tabled this item until next meeting. Mayor McKay stated he would hold off the appointments he was going to make to the Shade Tree as the ordinance is in the process of being changed.

Budget:

Resolution No. 15-60 – Adopt tax collection percentage. Mayor McKay noted the next few items are perfunctory; done on a yearly basis. Motion by Council President Ciesla, seconded by Councilwoman Schneider.

R 15-60

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY ANTICIPATING TAX COLLECTION RATES TO IMPROVE
FOR TAX YEAR 2015

WHEREAS, the Township of Lopatcong, County of Warren and State of New Jersey realized 94.33% of current tax collections for the year 2014; and

WHEREAS, the tax collection percentage was adversely impacted by tax appeals; and

WHEREAS, the percentage of cash collections on current taxes for the three prior years was as follows:

<u>Year</u>	<u>Percentage</u>
2011	96.82%
2012	97.40%
2013	97.30%

AND WHEREAS, the Mayor and Council believe the tax collections for the year 2015 will improve over the year 2014.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council that permission be requested by the Director of the Division of Location Services to permit the Township to anticipate a current tax collection percentage of 97% for the year ended December 31, 2015.

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, March 18, 2015.

Margaret B. Dilts, CMC

Mayor McKay called for a roll:

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

NAYS: None

Resolution No. 15-61 – Approve self-examination of budget. No discussion. Motion by Councilwoman Schneider, seconded by Council President Ciesla.

R 15-61

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING SELF-EXAMINATION OF BUDGET

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Lopatcong has been declared eligible to participate in the program by the Division of Local Government Services and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2015 budget year.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Township of Lopatcong that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year

- d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et. seq. are fully met (complies with CAP law).
 3. That the budget is in such form, arrangement and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
 4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content the budget will permit
The exercise of the comptroller function within the municipality.
 5. The budget and associated amendments have been introduced and publicly advertised in accordance with relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
 6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Approved:

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

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren, State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, March 18, 2015.

Margaret B. Dilts, CMC

Mayor McKay asked to call the roll:

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

NAYS: None

Ordinance No. 15-07 – Establish CAP Bank for calendar year 2015. CFO Rossetti stated this allows the council to increase the appropriations to 3½% as opposed to the 2% the state normally allows. Motion by Council President Ciesla, seconded by Councilwoman Schneider. No discussion.

2015-07

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK FOR CALENDAR YEAR 2015
(N.J.S.A. 40A:4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq., provides that in the preparation of its annual budget a municipality shall limit any increase in said budget to 1.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Township Council of the Township of Lopatcong, in the County of Warren finds it advisable and necessary to increase its CY 2015 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Township Council hereby determines that a 2.0% increase in the budget for said year, amounting to \$109,936 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Township Council hereby determine that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Lopatcong, in the County of Warren a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2015 budget year, the final appropriations of the Township of Lopatcong shall, in accordance with this ordinance and N.J.S.A. 40A:4.45.14, be increased by 3.5% amounting to \$192,388 and that the CY 2015 municipal budget for the Township of Lopatcong be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED that a certified copy of this ordinance upon adoption with the recorded vote be thereon; be filed with said Director within 5 days after such adoption.

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 March 18, 2015, 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 April 1, 2015 at 7:30 pm or as soon thereafter as the Township Council may hear this Ordinance in the Municipal Building, 232 S. Third Street, Phillipsburg, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Margaret B. Dilts, CMC

Mayor McKay asked to call the roll:

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

NAYS: None

Video Position 1:14:24 - 2015 Budget – CFO Rossetti provided an introduction. The Sewer Budget appropriations are fully funded by sewer user fees. The \$200,000 capital contribution will be kept for the Sewer Utility. For the Current Fund it is anticipate that 46% of surplus will be used to offset a higher tax increase. Prior year was 56%. Reduce the reliance on the Sewer Utility surplus by 19% to subsidize Current Fund taxation. The actual increase in the levy is \$207,974.13 which equates on the average value of a home at \$250,000 an increase in tax of \$65.00 for the local portion. Capital Program for the DPW should be at \$500,000 a year and Police Capital needs and have all the other DPW equipment such as front end loader, back hoe, etc. The \$496,000 is just for road paving improvements and actual physical trucks. Mayor McKay said this is an ongoing problem for municipalities on how to fund everything and that there is very little in the way of surplus. The is the first year, almost, from the bottom up bottom-up budget analysis. The roads will be the main focus this year; filling cracks and some resurfacing. Council President Ciesla asked to delay the introduction as she has three items to reduce and save a substantial amount of money. CFO Rossetti said the budget has to be

introduced because in order to be compliant with the statutory deadline, but budget amendments and even another budget introduction would be possible if necessary. Motion by Councilman Belcaro, seconded by Councilwoman Schneider. Mayor McKay asked to call the roll:

AYES: Councilman Belcaro, Councilwoman Schneider, Mayor McKay

NAYS: Councilwoman McCabe, Council President Ciesla

New Business:

Video Position – 1:24:33

Resolution No. 15-62 – Authorizing redemption of Tax Sale Certificate No. 2012-028 and Premium in the amount of \$24,017.94. Motion by Council President Ciesla, seconded by Councilwoman Schneider. No discussion.

R 15-62

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING REFUND OR REDEMPTION MONIES TO OUTSIDE LIENHOLDER ON BLOCK 103, LOT 16 IN THE AMOUNT OF \$24,017.94

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on June 8, 2012 a lien was sold on Block 103, Lot 16 also known as 25 Ethan Place for 2011 delinquent sewer; and

WHEREAS, this lien known as Tax Sale Certificate No. 2012-028 was sold to Virgo Municipal Finance Fund LP for a Premium of \$2,000.00; and

WHEREAS, Wells Fargo Home Mortgage, escrow company for property owners has satisfied the redemption amount on Certificate No. 2012-048 in the amount of \$22,017.94.

NOW, THEREFORE, BE IT RESOLVED on this 18th day of March 2015 that the Chief Financial Officer be authorized to issue a check in the amount of \$24,017.94 for the redemption of Tax Sale Certificate No. 2012-028 and Premium to:

Virgo Municipal Finance Fund LP
P.O. Box 1227
Hoboken, NJ 07030

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren, State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, March 18, 2015.

Margaret B. Dilts, CMC

Mayor McKay asked to call the roll:

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

NAYS: None

Resolution No. 15-63 – Authorize to refund tax payments on exempt property known as Block 32, Lot 28 for 2015 in the amount of \$1202.27. No discussion. Motion by Council President Ciesla, seconded by Councilwoman Schneider.

R 15-63

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING TO REFUND TAX PAYMENTS FOR TAX YEAR 2015 ON EXEMPT PROPERTY

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey that warrants be drawn to the escrow account of the property owners listed below in the designated amounts representing tax payments made on exempt property as follows for the tax year 2015.

<u>Block & Lot</u>	<u>Name of Payee</u>	<u>Amount</u>
Block 32, Lot 28	Corelogic Tax Services, LLC Schmidt, Morris Ray & Jane #21224954 Contract	\$1202.27

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.

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren, State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, March 18, 2015.

Margaret B. Dilts, CMC

Mayor McKay asked to call the roll:

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

NAYS: None

Video Position – 1:25:34

Resolution No. 15-64 – Authorizing the sale of 1986 GMC Value Van and 1997 HME Central States Pumper owned by the Township and not required for public purposes via public auction. Authorize repair cost of \$4,000. Mayor McKay noted that a resident brought to council's attention that there was a possibility to yield more money for these vehicles than to let them go to Oxford Township for \$6,000. A broker told him the fire truck was very desirable and felt if the repairs were done, the truck would be in very good condition and would be suitable for auction. Motion by Council President Ciesla, seconded by Councilwoman Schneider. Councilman Belcaro said the manufacturer of the vehicle is no longer in business and to get parts is virtually impossible. This concerns him that we would invest this money into a vehicle that needs a lot of work. Mayor McKay said this was the recommendation by our DPW mechanic. Mayor McKay said the he was told the fire engine was worth \$75,000 and not to take less than \$65,000. Councilwoman McCabe did not want to spend \$4,000 on the truck. The auction company would get 5 to 7% for their fee.

R 15-64

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING THE SALE OF MUNICIPAL PERSONAL PROPERTY NO LONGER NEEDED FOR A PUBLIC PURPOSE PURSUANT TO N.J.S.A. 40A:11-36

WHEREAS, N.J.S.A. 40A:11-36 permits a municipality to sell personal property not needed for public purpose via public auction; and

WHEREAS, the Township owns one (1) 1997 HME Central States Rescue Pumper that is not needed by the Township, is no longer in use and is of no practical use to the Township.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lopatcong, County of Warren and State of New Jersey that it hereby authorizes the auction of the fire truck listed below via public auction in accordance with the Local Public Contracts Law: 1997 Central States Pumper VIN No. 44KFT 4287V WZ185 47.

The Mayor, Township Clerk, Township CFO and Chief LaFord are authorized to execute all documents, including a brokerage agreement with Fire Line Equipment (5.0% to 7.0% brokerage commission) necessary to effectuate the marketing, auction, sale and transfer of title.

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

1. The aforementioned fire truck is hereby declared to be surplus and no longer needed for public purposes; and
2. The aforementioned property is to be publicly auctioned as set forth above.

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren, State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, March 18, 2015.

Margaret B. Dilts, CMC

Mayor McKay asked to call the roll:

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

NAYS: Councilwoman McCabe.

Resolution No. 15-65 – Authorize hire of Joseph Bruschetta to prepare Community Forestry Management Plan as recommended by the state forestry services and approve down payment of \$1500.00 to Mr. Bruschetta for his services. Motion by Council President Ciesla, seconded by Councilwoman Schneider. Council President Ciesla explained that his actual cost is \$4500.00 and the grant last year for \$3,000 which has to be applied to our Forestry Management Plan and cannot be used for anything else. The grant is good until April 2016. The state informed us that we are out of compliance; this should have been done last year. It is very difficult and normally it takes 5 to 6 times before your plan will be approved. The plan is good for 5 years. Motion by Council President Ciesla, seconded by Councilwoman Schneider.

R 15-65

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING CONTRACT WITH JOSEPH BRUSCHETTA FOR PROFESSIONAL SERVICES TO PREPARE COMMUNITY FORESTRY MANAGEMENT PLAN

WHEREAS, the Township of Lopatcong, County of Warren and State of New Jersey was awarded a Green Communities Grant Agreement to proceed with the development of a Township Community Forestry Management Plan; and

WHEREAS, the grant is awarded in the amount of \$3,000.00; and

WHEREAS, the Township shall contribute matching funds in the amount of \$3,000.00 that will be 100% in-kind match for a total project amount of \$6,000.00; and

WHEREAS, the Shade Tree Commission appointed Joseph Bruschetta to write the Plan for the Township at a fee of \$4500.00 of which a \$1500 down payment is required; and

WHEREAS, these have been certified by the Local Finance Officers; and

WHEREAS, the Local Public Contract Law, N.J.S.A. 40A:11-5(1)(a)(i) permits the

Board to retain the services of professionals without competitive bidding.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Lopatcong as follows:

1. 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.
2. A notice of this action shall be printed once in the official newspaper of the Township of Lopatcong.

CERTIFICATION

I, Margaret B. Dilts do hereby certify the above to be a true correct copy of a Resolution regularly and duly adopted by the Mayor and Council of the Township of Lopatcong at a duly called meeting of the Council held on March 18, 2015.

Margaret B. Dilts, CMC

Mayor McKay called for the roll.

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

NAYS: None

Video Position - 1:34:14

Ordinance No. 2015-03 – First reading to Regulate, Control and Stabilize Rents through the Rent Leveling Board for a three-year period. Discussion on staggering member terms. Council was in favor of protecting the seniors and is in favor of the board. Member’s terms are not presently staggered properly so the board should be reconstituted. Council President Ciesla made a motion to approve the first reading of the ordinance, seconded by Councilwoman McCabe.

2015-03

AN ORDINANCE TO REGULATE, CONTROL AND STABILIZE RENTS IN CREATING A RENT LEVELING BOARD BY THE MAYOR AND TOWNSHIP COUNCIL OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY

WHEREAS, the Mayor and Township Council of the Township of Lopatcong, County of Warren, New Jersey, had previously ordained an Ordinance on June 16, 1982 which was published on June 24, 1982 and thereafter was subsequently amended on December 15, 1982 and published on December 23, 1982; and

WHEREAS, the enabling Ordinance and amendment thereto expired three (3) years from the date of the final passage of the amended and supplemental Ordinance and was extended for an additional three (3) year period on June, 19, 1985 (Ord. 1985-07) and again extended three years on April 20, 1988 (Ord. 1988-09) and again extended three years on April 17, 1991 (1991-12) and again extended three (3) years on April 6, 1994 (Ord. 1994-06) and again extended three (3) years on July 2, 1997 (Ord. 1997-10) and again extended on three (3) years on April 4, 2001 (Ord. 2001-07) and again extended three (3) years on April 2, 2003 (Ord. 2003-8) and again extended three (3) years on April 5, 2006 (2006-9) and again extended three (3) years on February 4, 2009 (Ord. 2009-02) and again extended for three (3) years on March 7, 2012 Ord. 2012-05).

WHEREAS, the Mayor and Council have reviewed the effect and benefits of the Rent Control Ordinance as it relates to the Township of Lopatcong and the citizens of Lopatcong Township and have decided to extend the original principal Rent Control Ordinance as well as all subsequent amendments and supplements thereto for another three (3) year period.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Lopatcong, County of Warren and State of New Jersey that the original and principal Rent Control Ordinance of the Township of Lopatcong as well as all subsequent amendments and supplements thereto shall be extended for an additional three (3) year period from the date of final passage and publication of this Ordinance.

This Ordinance shall take effect upon final passage and publication pursuant to law. (N.J.S.A. 40:69A-181(b)).

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Township of Lopatcong held on March 18, 2015, 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 April 1, 2015 at 7 p.m. or as soon thereafter as the Township Council may hear this Ordinance at the Municipal Building, 232 S. Third Street, Phillipsburg, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Margaret B. Dilts, CMC

Mayor McKay asked to call the roll:

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

NAYS: None

Ordinance No. 15-04 – First reading to Amend, Revise and Supplement Chapter 219 entitled “Trees” to change number of members from 3 to not less than 5 and no more than 7; changed appointment from mayor with consent to just mayor; and changed term length from 3 to 5 years. Motion by Council President Ciesla, seconded by Councilman Belcaro.

ORDINANCE No. 15-04

Revising the Township of Lopatcong’s Shade Tree Commission Appointment Process and Term Lengths to Agree with the New Jersey State statutes.

Whereas, NJSA 40:64A-1, et seq. (the “state enabling Statute”) provides for the appointment process and term lengths for a municipal shade tree commission; and

Whereas, Chapter 219 of the Code of the Township of Lopatcong contains variations in the appointment process and term lengths which should be revised in order to conform to the requirements prescribed by the state enabling Statute.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Township of Lopatcong, in the County of Warren and State of New Jersey, that Chapter 219 of the Code of the Township of Lopatcong be supplemented and amended to read as follows:

Section 1:

Chapter 219, Section 1 will be replaced in its entirety with the following:

§ 219-1. Shade Tree Commission created.

There is hereby created and established a Township Shade Tree Commission for the Township of Lopatcong, Warren County, New Jersey, which shall consist of not less than five nor more than seven members, and may include not more than two alternate members. The members and alternate members shall be appointed by the mayor or other chief executive officer of the

municipality, shall be residents of the municipality, and shall serve without compensation except as hereinafter provided.

Chapter 219, Section 2 will be replaced in its entirety with the following:

§ 219-2. Term of Commission members.

The first commissioners shall be appointed within 60 days after the ordinance providing for the commission shall become effective, and their terms of office shall commence upon the day of their appointment and be for the respective periods of one, two, three, four and five years, if the commission consists of five members, beginning on January 1 next succeeding such appointment. If the commission is to consist of six members, the first commissioners shall be appointed as above, except that two shall be appointed for five years; and if the commission is to consist of seven members, two shall be appointed for five years and two shall be appointed for four years. In the event that the membership of any commission is increased, the new members shall be appointed in such manner that the terms shall expire in accordance with the foregoing. The terms of each appointee shall be designated in his appointment. All subsequent appointments, except to fill vacancies, shall be for the full term of five years, to take effect on January 1.

If the ordinance providing for alternate members provides for two alternate members, they shall be designated at the time of appointment as "Alternate No. 1" and "Alternate No. 2" and shall serve during the absence or disqualification of any regular member or members. The term of each alternate member shall be five years commencing on January 1 of the year of appointment; provided, however, that in the event two alternate members are appointed the initial term of "Alternate No. 2" shall be four years and the initial term of "Alternate No. 1" shall be five years. The terms of the first alternate members appointed pursuant to this section shall commence on the day of their appointment and shall expire on the fourth or fifth December 31 next ensuing after the date of their appointments, as the case may be. An alternate member may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member.

Section 2

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable, if any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 3

Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only. Any Ordinance, or portion thereof, not specifically amended, revised or supplemented by the foregoing shall remain in full force and effect.

Section 4

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

NOTICE

Notice is hereby given that the above ordinance was introduced and passed on first reading at a regular meeting of the Mayor and Council of the Township of Lopatcong, held on March 18, 2015 and will be considered on second reading and final passage at a regular meeting of the Mayor and Council of the Township of Lopatcong, to be held at the Municipal Building, 232 S. Third St, Phillipsburg, New Jersey, at 7:30 P.M. on April 1, 2015, at which time and place any person interested therein will be given an opportunity to be heard. A copy of said ordinance is available at the Borough Clerk's office during regular business hours and is posted on the Borough's website.

Mayor McKay call for the roll:

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

NAYS: None

Ordinance No. 15-05 – First reading to Amend, Revise, Supplement Chapter 23 entitled “Environmental Commission” to change members from 7 to not less than 5 and no more than 7; added the ability for the governing body to appoint two alternates. This ordinance was removed from the agenda.

Video Position – 1:40:60

Ordinance No. 15-06 – First reading to establish Chapter authorizing CFO to pay certain Bills, Claims and Invoices submitted to the Township for payment between meetings in an amount of \$1,000 or less up to a total of \$2500 for the Township and the Lopatcong Athletic Association. There are times in between meetings that people layout their owns funds for various reasons and then want to get their money back as soon as possible without having to wait for a council meeting. Council discussed this ordinance and changes they thought were still necessary. Attorney Wenner said he would make those changes. Motion by Council President Ciesla, seconded by Councilwoman McCabe.

ORDINANCE 15-06

ORDINANCE OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING THE TOWNSHIP CFO TO PAY CERTAIN BILLS, CLAIMS AND INVOICES IN AN AMOUNT UP TO \$1,000.00 FOR THE YEAR 2015

WHEREAS, all bills, claims and invoices for payment by the Township of Lopatcong must be submitted to the Township Mayor and Council for consideration before payment is made; and

WHEREAS, due to the nature of certain bills, claims and invoices and the timing of particular meetings of the Council, certain bills, claims and invoices should be paid when presented which are statutory and/or regular in nature, rather than be held for the next meeting of the Township Council due to the nature of such;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Township of Lopatcong, County of Warren, State of New Jersey, that the Chief Financial Officer of the Township of Lopatcong is hereby authorized as follows:

1. Mayor and Council approve of and hereby authorize upon the written approval from either the Finance Committee or the Chief Financial Officer (CFO) of the Township of Lopatcong, to make payment(s) between meetings of all bills, claims and invoices in an amount of \$1,000.00 or less up to a total of \$2,500.00
2. Mayor and Council approve of and hereby authorize upon the written approval from the Lopatcong Athletic Association President or Treasurer and Counsel Liaison payment(s) in order to provide for the payment between meetings of all bills, claims and invoices for the purchase of uniforms, equipment, etc. in an amount of \$1,000.00 or less, up to a total of \$2,500.00.
3. The CFO is further authorized and directed to prepare the proper purchase Orders for payment of the above when same are properly presented to the CFO for payment, and present the bill, claim or invoice on the Bill List to be approved by the Mayor and Council at the next public meeting.
4. A certified copy of this ordinance shall be forwarded to the Township CFO.

Section 2 - Severability

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 3 - Repealer

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 45 - Effective Date

This Ordinance shall take effect as required 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 March 18, 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 April 1, 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 asked for a roll call:

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

NAYS: None

Video Position – 1:53:28

Nisivoccia, LLP and Gibbons, P.C. – Authorize meeting with council concerning feasibility of refunding bonds. Council President said all of the bonds – 2007 Series Bonds. Would like to invite them to next meeting to let us know what options are available. Motion by Council President Ciesla, seconded by Councilwoman McCabe. Roll call vote:

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

NAYS: None

BSA's Cub Scout Camp - The next item is Juniper Leifer's request for the township consideration of allowing the use of round tip arrows at the Boy Scout of America's Cub Scout Camp held in Lopatcong Park every summer. This would require a Facilities Use Agreement with the Boy Scouts as well as a Hold Harmless Agreement and a Certificate of Insurance. A discussion was held on the proper arrow tips to be used. Motion by Councilwoman Schneider, Council President Ciesla. Roll call vote:

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

NAYS: None

Stateliner Junior Lacrosse – Request to use the basketball court and pool parking lot for practices. A discussion took place and council felt the parking lot was not a proper place to conduct practice for lacrosse. Also the basketball courts are for playing basketball only. Mayor McKay made a motion to approve this, seconded by Council President Ciesla. Roll call vote:

AYES: None

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

Township Administrator Salary – Council President Ciesla made a motion to eliminate the salary, seconded by Councilwoman McCabe. Discussion was held to cut the salary but ask the employee to continue to do the job. Clerk Dilts agreed to this proposal. Motion to eliminate the salary of the township administrator, seconded by Councilwoman McCabe.

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

NAYS: Mayor McKay

Video Position – 2:11:56

Shared Service Act – Discussion to share services of the municipal clerk and tax assessor and to authorize a joint meeting, if applicable. Mayor McKay stated that he has been talking to the local mayors about all the problems small towns have and how shared services would accommodate a savings. Council President Ciesla spoke to Mayor Kern of Pohatcong Township about holding a joint meeting to look into this idea further. Pohatcong Township already voted in favor of discussion the four core legislative employees. Council President Ciesla asked to make a motion to allow a joint meeting between Pohatcong and Lopatcong Town Councils to be hosted by Mayor Kern in Pohatcong, seconded by Councilwoman McCabe. Roll call vote:

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

NAYS: None

Announcement – The Easter Egg Hunt is scheduled for Saturday, March 28th at 10:00 am – rain date of Sunday, March 29th at 2:00 pm.

Video Position – 2:19:05

Council Reports:

Councilwoman McCabe – No report.

Council President Ciesla – Recreation – Easter Egg Hunt – we are looking for a volunteer to help the Easter Bunny. Community Day is August 15th with a rain date of August 16th – details to be posted on the website. Raising money for park improvements – numerous fundraisers being considered. Autism 5-K is scheduled for Saturday, May 16th. Thanked Eric Johnson for his hard work on analyzing the rates for the pool memberships. Movie nights will be scheduled again this year. Shade Tree – Joe Bruchetta who has been hired to complete the forestry plan for the township gave the commission gave an in-depth report on trees. Technology – signups are on the website and new website shell is being worked on and will be available shortly. Board of Education is holding a meeting this evening regarding their budget and this will be reported at the next council meeting.

Councilwoman Schneider – DPW – noted there are major potholes throughout the town but there is no cold patch let in the county. Asphalt plants with hot patch will not be open until sometime around April 1st. Clean Community and Tonnage Reports – currently there is no one certified to send in those reports into the township but is working on correcting this problem. Task Force computer services – reached out to Lou Nisivoccia to see if he can do better on his price. A quote was received from Jeff Jewel for computer services.

Councilman Belcaro – Reported the street sweeper is out there cleaning up all the grit that's been poured out over the winter. Recognized Frank from Lukoil who worked with the township concerning providing fuel for the vehicles in town and provide us credit while awaiting payment on their bills.

Mayor McKay asked for a motion to approve Department Reports – Motion by Councilwoman Schneider, seconded by Council President Ciesla. All in favor.

Mayor McKay asked for a motion to approve Payment of Bills – Council President Ciesla made

a motion to pay bills, seconded by Councilwoman McCabe in the amount of \$940,878.35. Roll call:

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

NAYS: None

Mayor McKay made a motion to open the floor for audience participation, seconded by Councilwoman Schneider. All in favor.

Audience Participation:

Video Position – 2:31:35

Kathryn Devos – 2 Sundance – Explained that she was in the Clerk’s Office working on an OPRA Request wherein she had permission from the Katrina Campbell in writing. She further explained her responsibility as the Chairperson to the Rental Leveling Board with regard to the 688 rental units in the township. She further explained her OPRA request regarding the Veterans deductions indicating possibly some homeowners were not entitled to and an OPRA request regarding time cards, time worked by the tax assessor.

Joseph Imhoff – 240 Aurora Street – Commented on the terms of the Rent Leveling Board members. Asked about shared services and if that included the Police Department.

Juniper Leifer – 32 Jade Lane – Thanked the Council for taking the ordinance amendment off the agenda regarding the Environmental Commission.

Carlos Correa – 82 Puddingstone Way – Commented on his OPRA request about 1 ½ years ago asking for time cards and how he was told he couldn’t single out one person but he needed to have all of them and felt that Ms. Devos could ask for one employee’s time cards and wanted to some of his money back. He requested council to investigate this.

Kathy Devos – 2 Sundance Way – Responded to Mr. Imhoff that unless there is a complaint or a hardship complaint from a tenants they will not hold a meeting because it wastes attorney time, fees and other costs associated with holding a meeting.

Joseph Imhoff – 240 Aurora Street – Why have the commission if there are no complaints.

Judy Liptak – 47 Kyle Drive – Provided council with counselling on their behavior. Discussed the Volunteer Policy with ground rules, etc. She questioned her position as a volunteer on EDAC – she wants to volunteer but if she is not wanted on the EDA Committee she would volunteer for another committee.

Eric Johnson – 361 Stonehenge Drive – Hope the town makes out on the sale of the pumper truck. Commented on the Volunteer Policy and his point of view on how to handle a problem volunteer.

Mayor McKay asked for a motion to leave public comment. Motion by Councilwoman Schneider, seconded by Councilwoman McCabe. All in favor.

Mayor McKay asked for a motion to adjourn the meeting. Motion by Council President Ciesla, seconded by Councilwoman McCabe. All in favor.

Respectfully submitted,

Margaret B. Dilts
Clerk/Administrator

Thomas M. McKay
Mayor