

TOWNSHIP OF LOPATCONG
COUNCIL MEETING

April 1, 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.”

Motion to come out of Executive Session by Councilman Belcaro, seconded by Councilwoman Schneider. All in favor.

Attorney Campbell reported that Council was in Executive Session for approximately 45 minutes. Topics of discussion were EMS – contractual, personnel matter regarding a grievance, and a discussion of a resident’s complaint and the possible hiring of an expert. The minutes of Executive Session will be made available at such time as the need for confidentiality no longer exists.

R 15-66

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:

1. EMS – Contractual protection and safety of public.
2. Discuss resident’s complaint and possible hiring of special assessor to review.
3. Personnel Matter – grievance.

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, April 1, 2015.

Margaret B. Dilts, CMC

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

Public Comment – Motion by Councilwoman Schneider, seconded by Councilman Belcaro. All in favor.

Carlos Correa – 82 Puddingstone Way – Would like the agenda to be more informative.

Yvonne Reitemeyer – 27 Browning Court – Would like to begin the Executive Session at 7:30 pm and not have to stand out in the foyer and wait – not fair to the public.

Councilman Belcaro made a motion to close public comment, seconded by Councilwoman Schneider. All in favor.

Councilwoman Schneider – Responded to Yvonne that there could have been a better way to do the agenda and could have done a better job at putting these things on the agenda some of which she thought could be postponed to another meeting so the Executive Session would not run over the normal 30 minutes. As far as Carlos, she agreed that we just can't put administrative policy and minutes – it would have been helpful to have a little bit better of an explanation on there so you would know exactly what that means and if it required a vote and should have been more comprehensive agenda so everyone would know just exactly what would be happening.

Old Business:

Video Position – 9:29

Ordinance No. 15-02 – Second reading and public hearing of the Township of Lopatcong, County of Warren and State of New Jersey creating Chapter 63 “Volunteers”, Article I, “Criminal History Background Checks,” of the Code of the Township of Lopatcong. Mayor McKay asked for a motion to hold a public hearing. Motion by Councilwoman McCabe, seconded by Council President Ciesla. All in favor. Juniper Leifer asked about the background check and did fill out a form which Attorney Campbell indicated wasn't processed. Carlos Correa asked who would pay for the background check. Motion to close the public hearing by Councilwoman Schneider, seconded by Council President Ciesla. All in favor. Motion to adopt by Councilwoman Schneider, seconded by Council President Ciesla.

ORDINANCE 15-02

SECOND READING OF AN ORDINANCE

NOTICE is hereby given that a regular meeting of the Township Council of the Township of Lopatcong, County of Warren and State of New Jersey, held on Wednesday, April 1, 2015 at the Municipal Building, 232 South Third Street, Phillipsburg, New Jersey, the following Ordinance was presented and passed on the final reading. The Ordinance was then ordered to be published according to law by title only.

ORDINANCE OF THE TOWNSHIP OF LOPATCONG,
COUNTY OF WARREN, STATE OF NEW JERSEY,
CREATING CHAPTER 63 "VOLUNTEERS", ARTICLE I
"CRIMINAL HISTORY BACKGROUND CHECKS," OF THE
CODE OF THE TOWNSHIP OF LOPATCONG.

Said Ordinance may be read and inspected at any time at the Office of the Municipal Clerk, Lopatcong Township Municipal Building, 232 S. Third Street, Phillipsburg, New Jersey Monday through Friday 9:00 am to 4:30 pm.

Margaret B. Dilts, CMC

Mayor McKay asked for a roll call:

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

NAYS: None

Ordinance No. 15-03 – Second reading and public hearing to Regulate, Control and Stabilize Rents through the Rent Leveling Board for a three-year period. Motion to open for a public hearing by Councilman Belcaro, seconded by Councilwoman McCabe. All in favor. No comments from the public. Motion to close the public hearing by Councilman Belcaro, seconded by Councilwoman Schneider. All in favor. Motion to adopt this Ordinance by Councilwoman Schneider, seconded by Council President Ciesla.

2015-03

SECOND READING OF AN ORDINANCE

NOTICE is hereby given that a regular meeting of the Township Council of the Township of Lopatcong, County of Warren and State of New Jersey, held on Wednesday, April 1, 2015 at the Municipal Building, 232 South Third Street, Phillipsburg, New Jersey, the following Ordinance was presented and passed on the final reading. The Ordinance was then ordered to be published according to law by title only.

AN ORDINANCE 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

Said Ordinance may be read and inspected at any time at the Office of the Municipal Clerk, Lopatcong Township Municipal Building, 232 S. Third Street, Phillipsburg, New Jersey Monday through Friday from 9:00 am to 4:30 pm.

Margaret B. Dilts, CMC

Mayor McKay asked for a roll call:

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

NAYS: None

Ordinance No. 15-04 – Second reading and public hearing 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 years to 5 years. Motion to hold a public hearing by Councilwoman Schneider, seconded by Councilwoman McCabe. All in favor. No public comment. Motion to close public hearing by Councilman Belcaro, seconded by Council President Ciesla. All in favor. Motion to adopt this Ordinance by Councilwoman Schneider, seconded by Councilwoman McCabe.

ORDINANCE 15-04

SECOND READING OF AN ORDINANCE

NOTICE is hereby given that a regular meeting of the Township Council of the Township of Lopatcong, County of Warren and State of New Jersey, held on Wednesday, April 1, 2015 at the Municipal Building, 232 South Third Street, Phillipsburg, New Jersey, the following Ordinance was presented and passed on the final reading. The Ordinance was then ordered to be published according to law by title only.

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

Said Ordinance may be read and inspected at any time at the Office of the Municipal Clerk, Lopatcong Township Municipal Building, 232 S. Third Street, Phillipsburg, New Jersey Monday through Friday 9:00 am to 4:30 pm.

Margaret B. Dilts, CMC

Mayor McKay asked for a roll call:

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

NAYS: None

Ordinance No. 15-06 – Second reading and public hearing authorizing the Township CFO to pay certain Bills, Claims and Invoices in an amount of \$1,000.00 for the year 2015. Motion to

hold a public hearing by Councilwoman Schneider, seconded by Councilwoman McCabe. All in favor. No public comment. Motion to close public hearing by Councilman Belcaro, seconded by Councilwoman Schneider. All in favor. Motion to adopt this Ordinance by Councilwoman Schneider, seconded by Council President Ciesla. Councilwoman Schneider wanted to clarify for the folks that in between meetings, that the CFO has the authority to pay bills up to \$1,000.

2015-06

SECOND READING OF AN ORDINANCE

NOTICE is hereby given that a regular meeting of the Township Council of the Township of Lopatcong, County of Warren and State of New Jersey, held on Wednesday, April 1, 2015 at the Municipal Building, 232 South Third Street, Phillipsburg, New Jersey, the following Ordinance was presented and passed on the final reading. The Ordinance was then ordered to be published according to law by title only.

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

Said Ordinance may be read and inspected at any time at the Office of the Municipal Clerk, Lopatcong Township Municipal Building, 232 S. Third Street, Phillipsburg, New Jersey Monday through Friday from 9:00 am to 4:30 pm.

Margaret B. Dilts, CMC

Mayor McKay asked for a roll call:

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

NAYS: None

Ordinance No. 15-07 – Second reading and public hearing to establish a CAP Bank for calendar year 2015. Motion to open public hearing by Councilwoman Schneider, seconded by Council President Ciesla. No comment from the public. Motion to close the public hearing by Councilwoman Schneider, seconded by Councilwoman McCabe. Motion to adopt this Ordinance by Councilwoman Schneider, seconded by Councilman Belcaro.

2015-07

SECOND READING OF AN ORDINANCE

NOTICE is hereby given that a regular meeting of the Township Council of the Township of Lopatcong, County of Warren and State of New Jersey, held on Wednesday, April 1, 2015 at the Municipal Building, 232 South Third Street, Phillipsburg, New Jersey, the following Ordinance

was presented and passed on the final reading. The Ordinance was then ordered to be published according to law by title only.

AN ORDINANCE 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)

Said Ordinance may be read and inspected at any time at the Office of the Municipal Clerk, Lopatcong Township Municipal Building, 232 S. Third Street, Phillipsburg, New Jersey Monday through Friday from 9:00 am to 4:30 pm.

Margaret B. Dilts, CMC

Mayor McKay asked for a roll call:

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

NAYS: None

2015 Pool Membership Rates – The main rates will remain the same from last year and an increase in tracking of the different levels of passes will begin this season. The camp rate of \$2.50 per head. There will be an adult morning swim before the pool opens to the public at a cost of \$5.00 per person. There will be a twilight rate of \$3.50 for folks coming in 5:00 to 8:00 pm. College students can now be included in the family membership. Council President Ciesla made a motion to approve the pool rates for 2015, seconded by Councilwoman McCabe. No further discussion. Roll call:

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

Volunteer Policy – Mayor McKay explained there was a policy brought to the last meeting and Council President Ciesla presented council with a new version. After some discussion, Mayor McKay would like Council President Ciesla and Councilwoman Schneider to work on a final version. Council President Ciesla asked that the other council people make any suggestions they would like.

Administrative Policy – There was a discussion held by Council and Mayor McKay directed both Council President Ciesla and Councilwoman Schneider to undertake this policy also. Mayor McKay stated that as of this meeting, the minutes will change to the new version suggested by Council President Ciesla whereas there will be a summary of each item along with video position put in so verbatim minutes will no longer be required.

Non Consent Appointments – Mayor McKay appointed Christie Victor – term ending 12/31/2016 and Martin Swim – term ending 12/31/2017 to the Shade Tree Commission. Lisa Correa is 12/31/17 and Lee Rozycki is 12/31/2015. Environmental Commission appointments are Jonathan Fox – term ending 12/31/2017 and Judy Liptak – term ending 12/31/2015.

Rent Leveling Board – Jim Mengucci’s term if 12/31/2017, Stephanie Wilson – 12/31/2016 and Kathryn Devos – 12/31/2015. Motion by Councilwoman Schneider, seconded by Councilman Belcaro.

R 66A

RESOLUTION OF THE TOWNSHIP OF LOPATCONG COUNTY OF WARREN AND STATE OF NEW JERSEY RECONSTITUTING THE RENT LEVELING BOARD

WHEREAS, it had come to the Mayor and Council’s attention that the Rent Leveling Board terms were not staggered as mandated in the ordinance; and

WHEREAS, a reconstitution of the board terms are as follows:

Jim Mengucci’s term if 12/31/2017, Stephanie Wilson – 12/31/2016 and Kathryn Devos – 12/31/2015.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey do hereby reconstitute the terms of the Rent Leveling Board.

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, April 1, 2015.

Margaret B. Dilts, CMC

Mayor McKay called for roll call vote:

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

NAYS: None

New Business:

Video Position: 40:30

John and Mary Potts – Sanitary Sewer Easement on property owned by Mr. and Mrs. Potts located on North Prospect Street request by Township Engineer for repair of sanitary sewer line. Mayor and Council discussed with the Potts regarding a piece of property would become an easement so the township would be able to redirect a sewer line. The Potts had numerous concerns and would have preferred Mr. Sterbenz to be present to address them. Council President Ciesla suggested the May 6th Council Meeting and the Potts could be the first item on the agenda. Mrs. Potts said she does not have the markings on her property for the section the township is interested in. She would prefer to see it rather than on the map. The compensation

needs to be discussed. A shed and a pool are on the property and they would like to see where they fall as to the easement parameters. Also, how long the project will last.

Refunding Bond Ordinance – John Draikiwicz of Gibbons, P.C. spoke to Council about this matter. Back in 2007 the township issued a 7.8 million dollars of General Obligation Bonds that are being repaid over the course of 20 years. The last payment being in 2027. The numbers show that if you undertook this refinancing opportunity, it would produce a gross savings of \$208,000 with present value savings of \$183,000 over the next 12 years. The average savings per year would vary between \$12,000 and 17,000 per year annually to get to the gross total of \$208,000. The New Jersey local finance board requires a 3% present value savings in order to undertake the transaction. The present value savings is at 4%. The process takes three months from beginning to end and can be undertaken at any point in time. Mayor McKay directed Mr. Draikiwicz to speak with the CFO.

Lopatcong Facility Use Policy – A request that this policy be tabled for more revisions except for the liability insurance policy which is necessary for rental of the pavilion/pool for parties and park fields. Motion to accept by Councilman Belcaro, seconded by Councilwoman Ciesla. Roll call vote:

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

NAYS: None

Lopatcong Pool Snack Bar/Field House Repairs – Quote submitted by R.S. Hahn & Sons to fabricate and install 16 gauge stainless steel ductwork for the hood in the snack bar at \$2,950.00 and Field house concession Stand patch a hole in the duct work at a cost of \$80.00. 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

Lopatcong Pool – Quote from Coronado’s Pool Plaster to fix foundational cracks in deep end of pool and plumbing work in the filter house at \$8,800.00. Brian explained that the rebar is starting to be exposed and cracks need to be addressed. Last year water was lost at approximately 2 inches a day. In the pump house exists a drain and the valve is going bad. There currently is a cap that holds the water in the pool at this point and needs to be replaced. Because of confined space, they will bring the valve out on the top so no one has to go into the small space ever again. The pool is grandfathered on certain aspects and there are two drains which have covers on them and are required to be replaced every so many years and the valves also have to have locks on them. Motion by Council President Ciesla, seconded by Councilwoman McCabe. Councilwoman Schneider added if there was any money made on the pool; it would be reinvested and applied to repairs. Roll call vote:

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

NAYS: None

QC Laboratories Contract – Quote to test pool water weekly at a cost of \$32 per test. 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

Resolution No. 15-67 – Authorize refund of sewer payment for tax year 2015 on Block 139, Lot 66 in the amount of \$319.82. Motion by Council President Ciesla, seconded by Councilwoman McCabe.

R 15-67

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING TO REFUND OVERPAYMENT ON SEWER PAYMENT FOR TAX YEAR 2015

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 overpayment of sewer payments as follows for the tax year 2015.

<u>Block & Lot</u>	<u>Name of Payee</u>	<u>Amount</u>
Block 139, Lot 66	Stickel, James & Joan	\$319.82

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 2015 sewer due.

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at the Reorganization Meeting held on Wednesday, April 1, 2015.

Margaret B. Dilts, CMC

Mayor McKay asked for a roll call vote:
AYES: Councilman Belcaro, Councilwoman McCabe, Councilwoman Schneider, Council President Ciesla, Mayor McKay.
NAYS: None

Resolution No. 15-68 – Authorizing refund of duplicate payment for tax year 2015 on Block 86.05, Lot 3 in the amount of \$6,376.51. Motion by Councilwoman Schneider, seconded by Councilwoman McCabe.

R 15-68

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE
NO. 2014-014

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on June 25, 2014, a lien was sold on Block 39, Lot 8 also known as 711 Rugby Road for 2013 delinquent sewer taxes; and

WHEREAS, this lien was known as Tax Sale Certificate No. 2014-014 was sold to Arthur Frustaci for 18% interest; and

WHEREAS, Wells Fargo, mortgage company for property owners has satisfied the redemption amount on Certificate No. 2014-014 in the amount of \$423.55.

NOW, THEREFORE, BE IT RESOLVED, on this 1st day of April, 2015, that the Chief Financial Officer is authorized to issue a check in the amount of \$423.55 for the redemption of Tax Sale Certificate No. 2014-014 to:

ARTHUR FRUSTACI
1178 Fifth Avenue
Alpha, NJ 08865

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at the Reorganization Meeting held on Wednesday, April 1, 2015.

Margaret B. Dilts, CMC

Mayor McKay asked for a roll call vote:

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

NAYS: None

Resolution No. 15-69 – Authorize refund of duplicate payment for tax year 2015 on Block 86.05, Lot 3 in the amount of \$6,376.51. Motion by Council President Ciesla, seconded by Councilwoman McCabe.

R 15-69

RESOLUTION OF THE TWONSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY AUTHORIZING TO REFUND A DUPLICATE PAYMENT FOR
TAX YEAR 2015

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 owner listed below in the designated amounts representing duplicate payment for the tax year 2015.

<u>Block & Lot</u>	<u>Address</u>	<u>Amount</u>
86.05 3	18 Plaza Road	\$6,376.51

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey have approved the refund made to this property owner.

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, April 1, 2015.

Margaret B. Dilts, CMC

Mayor McKay asked for a roll call vote:

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

NAYS: None

COAH Declaratory Judgment – Planner Board Attorney Anthony Sposaro sent a letter to Council regarding the update of the Housing Element and Fair Share Plan. Gary VanVliet informed the council that there is a timeline involved in updating these plans and if the township did not file declaratory action the township would lose the protection of COAH and the Supreme Court indicated that we would be exposed to Builder’s Remedy. Attorney Campbell said that the Planning Board is looking to authorize the Planner to do the update to the plans and Mr. Sposaro to file the Declaratory Judgment. Attorney Campbell asked Council to authorize the Planning and Legal work. Motion by Mayor McKay, seconded by Councilman Belcaro. Roll call vote:

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

NAYS: None

Memberships to Strykers Fire Dept. and Delaware Park Engine Co. – Approve membership to Strykers Fire Dept. for Robert Thorsen and membership to Delaware Park Engine Co. for Brad Fagan. Motion by Councilwoman Schneider, seconded by Councilman Belcaro. Roll call vote:

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

NAYS: None

2015 Banking Proposal – CFO Rossetti submitted a proposal to the Council for moving banking services to PNC. 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

Shade Tree Core Training – Approve up to three members for Shade Tree Core Training at \$50.00 per member. Motion by Councilwoman Schneider, seconded by Council President Ciesla. Roll call vote:

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

NAYS: None

Council Reports:

Video Position – 1:40:14

Councilwoman McCabe – An EDAC meeting was held this month their goal being to create a brochure to sell the town of Lopatcong. Coordinated Health wants to be involved in the township; specifically, the Township Community Day. Their completion date on their facility is expected to be the end of this year, first quarter next year.

Secondly, LAA held a meeting this month and voted in new directors – cheering, basketball and baseball. Council President Ciesla said that the LAA has changed their bylaws wherein they will make the decision on the directors and Council approves. Baseball Director is John Remian, Cheering Director Patty Segada and for Basketball Jeff Hezel. Motion by Council President Ciesla to ratify their appointments, seconded by Councilwoman McCabe. Roll call vote:

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

NAYS: None

Councilwoman McCabe said that Beth and I met with the risk manager this week and both he and Beth are updating the township information to include buildings, contents, etc., for proper insurance coverage.

Council President Ciesla – Reported that she attended the Phillipsburg Area Chamber of Commerce meeting attended by elected officials and businesses. Mayor Wyant was there and it looks like Ingersoll Rand is starting to move again. It was reported that Lopatcong is going to get a piece of that. Phillipsburg is trying to move as fast as they can. There is going to be 800 to 1000 jobs which will benefit all communities in the surrounding areas.

Council President Ciesla remarked that her daughter is graduating this year from high school and because of the many commitments she has with regard to her family she will not be running for re-election. This was a very hard decision but will be involved wherever she can as she has enjoyed serving the township and looks forward to being involved again sometime in the future.

Mayor McKay – Reported that he met with the people of Phillipsburg with regard to the Ingersoll-Rand property. It has not been determined how strong the proposal is for the development of the property, but what they are saying they want to do is put 4 ½ million square feet of warehouse space in. Lopatcong has 100 acres and Mayor McKay felt they would like to put a road through there is entering the complex of warehouses and put a warehouse facility in Lopatcong. It is not inconsistent with the type of business the town would like to see come in here. There will be a lot of trucks involved moving the contents that come in on the rail.

Mayor McKay felt that Aqua should be responsible for the damages incurred by the sinkhole on Wordsworth Lane. Aqua did a lot of the work and has paid for much of the expenses but some bills remain outstanding. A letter has been prepared and sent to Aqua asking that they take responsibility for the remaining bills.

Council President Ciesla – Said she had one thing she forgot. She made a motion to hire an expert to investigate a resident's complaint discussed in Executive Session, seconded by Councilwoman McCabe.

Attorney Campbell addressed Councilwoman Schneider and said this is the matter you abstained from and left the room on and you probably shouldn't vote on it either.

Councilwoman Schneider – Said she was not voting on it but had a comment on it though. In the past five days she received three agendas and each one said something different with regard to an item listed regarding her property assessment. She felt her child was being put in the middle of this and said the state paid for the addition because of his disability. She said this has nothing to do with town council and she was not deceiving anyone on her taxes. Her house was reassessed last year. She asked for this to stop.

Mayor McKay said on that matter, I remind everyone that using the municipality and its wealth and it's powers to demean somebody or to ruin their life uh, you know, you just don't do that and it's probably, I'll ask council but I think there's criminal aspects to that so. This is gonna stop. You don't go after people – she didn't even ask for anything. She never asked the township to reduce her taxes because of the nature of that improvement, she just paid them as they gave them to her, she got all proper permits and she's done nothing wrong and there is a very recent reappraisal.

Attorney Campbell – asked the Mayor to inform everyone that when Council was in Executive Session that at no time did anyone on the Council make any allegations against Ms. Schneider nor did they discuss the assessor's job performance in any way. They were merely discussing an allegation made by a resident and how to resolve it.

Mayor McKay said this is disgraceful that anything like this may have happened. I don't know he said. Just using the agenda as a tool to make someone look bad. He stated that disturbed him so much he lost track once again (inaudible). Um, we have a motion and a second and now we are in discussion to do that. He felt that since the house was appraised in recent months, that was totally unnecessary.

Councilwoman McCabe – Said this wasn't the only matter they were discussing so we still have a motion out there.

Mayor McKay – The motion is to hire somebody to reassess

Attorney Campbell – It is not to reassess the property merely to investigate the allegation.

Further discussion took place amongst the Council regarding the situation. Mayor McKay called for a vote:

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

NAYS:

ABSTAIN: Councilwoman Schneider

Council President Ciesla – We had a personnel matter that was discussed and a grievance was filed. Based on our investigations and conversations I would like to make a motion to have the grievance upheld and the action that was requested to be done.

Councilwoman McCabe – Second – read the motion again.

Attorney Campbell – To uphold the grievance and take the action requested by the person filing the grievance which is to rescind.

Councilwoman McCabe – To rescind it. Second.

Council discussed the matter further with Mayor McKay calling for a vote:

AYES: Councilman Belcaro, Councilwoman McCabe, Council President Ciesla

NAYS: Councilwoman Schneider, Mayor McKay

Councilman Belcaro – Baltimore Street will begin to be paved next week. The emergency generator was started and tested. Verizon will be installing the telephone poll for electric to be connected. Shortly after this, the emergency pump will be disconnected. The connection will be made a Roseberry Street and we shall be up and running.

Councilwoman Schneider – Reported that she is looking to fill the position of Recycling Coordinator so the reports required by the state can be completed and certified. A gentleman from Alpha is interested in the position and she will be meeting with him to review his proposal.

A gentleman Jay Manquida, recycling entertainer, contacted Councilwoman Schneider about performing at the school at a fee of \$700.00 for one show; 2 shows back to back is \$1,000. This will be paid from our Clean Communities Grant fund. Councilwoman Schneider made a motion to reserve \$1,000 from the Clean Communities Grant to have this gentleman put on the performance, seconded by Mayor McKay. Roll call vote:

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

NAYS: None

Councilwoman Schneider discussed her problems regarding the agenda and felt the rules changed from last mayor to this mayor and was disheartened by it.

Councilwoman McCabe – inquired to Councilwoman Schneider where the RFP’s stand. Councilwoman Schneider indicated Jeff Jewell and Nisivoccia are the computer consultants and reported she asked Mr. Nisivoccia about lowering his rate but he did not call her back as yet. She will make a call to him. Councilwoman Schneider also stated that the attorneys are on carryover because there is no trust with the attorneys and she will not put forth a name.

Payment of Bills: Mayor McKay noted the bill list totaled \$2,766,434.26. Motion by Councilwoman Schneider, seconded by Councilwoman McCabe. Roll call vote:
AYES: Councilman Belcaro, Councilwoman McCabe, Councilwoman Schneider, Council President Ciesla, Mayor McKay
NAYS: None

Council President Ciesla – asked if Council was ever going to hire an assistant for the CFO. Councilwoman Schneider said she spoke to the CFO and would like to explore the idea of a part-time person to come in. Council President Ciesla said will there be advertising for the position. Councilwoman Schneider said they will take the next steps and bring to Council. Motion to advertise the position as part-time financial clerk, seconded by Council President Ciesla. Roll call vote:
AYES: Councilman Belcaro, Councilwoman McCabe, Councilwoman Schneider, Council President Ciesla, Mayor McKay.
NAYS: None

Attorney Artiglere – I’m just going to make a request that we reserve the three copies, the three different copies of the agenda items and I also want the record clear there was a little exchange where you had some questions of Ms. Degan that way that should not be interpreted in any way as any consent, waiver or

Attorney Campbell – No that was me just trying to because there was a lot

Attorney Artiglere – consideration of her rights with respect to this hearing.

Attorney Campbell – Agreed. Completely agree. We have an agreement to preserve those documents.

Councilwoman Schneider – Yes.

Councilwoman McCabe – They were drafts. Weren’t those

Council President Ciesla – Yeah.

Mayor McKay – Do we need to do a motion on the preservation of those three agenda documents; probably wouldn’t hurt. Motion that we preserve the three agenda documents from

this meeting. Motion by Council President Ciesla, seconded by Councilwoman Schneider.
Discussion.

Councilwoman McCabe – Is that work product that we should uh, Katrina.

Attorney Campbell – They are not subject, they wouldn't normally be subject to OPRA but you are making a motion to keep them and specifically for that reason.

Mayor McKay – Roll call

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

NAYS: Councilwoman McCabe

CFO Rossetti – We had a note sale on Monday with a rate of .69%. The new note value is a little over 1.8 million dollars and it is due to mature on April 5th. Two councilmembers proposed changes to the introduced budget not all resulting in an amendment. Correction - \$2500.00 was lumped into social security and \$2,000 should be social security and \$500 should be unemployment. Current Fund now shows the municipal clerk with her own budget as opposed to having her lumped into administration. Administration other expense miscellaneous line item was zero in the introduced budget and should be \$16,300. The title should be changed for 20-120 from municipal administration to municipal clerk. The clerk other expense which should be 20-120-2. It was introduced at \$30,150.00 it should be reduced to \$13,850. The changes that were proposed are: move \$7,560 from the tax collection assistant into the sewer as part of his duties do come from the sewer. That would result in an amendment being required in the sewer budget because it is more than 10% of one line item for the salaries and wages in sewer and for tax collection also would because it is a reduction of more than 10% in the tax collection salary and wage line item. All Council agreed. The other change that will affect sewer was to change the amount of sewer utility anticipated in the current fund budget as a revenue to increase it by \$10,000. That would not require an amendment in the current fund budget because it is less than 10% of one line item. In the sewer budget it also would not require an amendment because it is also less than 10%. Introduced at \$115,000 and would increase to \$125,000 and in prior years it was \$200,000. All Council agreed. Removing \$8,000 of the finance clerk salary because it has not been appointed yet that would not result in an amendment. A reduction in capital improvement fund by \$30,000. The introduced budget had in current funds an appropriation of \$50,000 to the capital improvement fund used for general improvements and down payments in large capital projects. This reduced to \$20,000 and would require an amendment. Three council members are not in favor so this will not be included in the amendment. Reduce again in capital road pavement by \$50,000. In the past there was no separate appropriation for this. Introduced budget shows \$150,000 for crack sealing, no reconstruction but overlay being reduced to \$100,000. Pool other expense to reduce by \$1,000. Decreased to \$103,000. Reduction in the Rent Leveling other expense and will be required in the amendment – specifically for legal. Total other expense was \$1,250. This would be reduced by \$1,000 to \$250. This was not recommended. Administrator's salary and wage is being reduced to \$11,700. This does not require an amendment. Amendment will be ready for next meeting and will have to be advertised for the May 6th meeting. A budget hearing will take place and then in June the hearing on the amendment and the budget adoption.

Department Reports – Motion by Council President Ciesla, seconded by Councilman Belcaro. All in favor.

Audience Participation – Motion by Councilman Belcaro, seconded by Councilwoman Schneider. All in favor.

Video Position – 2:43:38

John Betz – Represents Brakeley Gardens Tenant Association. Thank you for voting yes on the second reading to regulate control over and stabilize rents and continuing the Rent Leveling Board for a three year period. Stated the three members on the Rent Leveling Board have been very effective taking care of situations that occurred at Brakeley.

Mr. Olschewski – Ashamed of things happening in the town. Need for independent tax collector is a slap in the face to Kathy. EDAC is listed as an advisory committee and if tax payer money is being spent then OPMA is being violated and you do have to have public meetings and an agenda. Attorney Campbell said EDAC didn't vote to spend money – Council votes on these decisions. He heard we misspent a quarter of a million dollars in COAH and have not heard of any discrepancies in the last three years. Hopes there is an investigation regarding the funds. Didn't think Donna's item should have been in Executive Session.

Pete Pisella – 50 Buckley Hill – He had questions regarding Baltimore Street and paving. Asked when the contract was to be completed. Spoke about the condition of the road. Councilman Belcaro will contact Dulaine regarding this matter.

Steve Mitnick – Has 300 linear feet on Baltimore Street – presented photos to the Council. Will the contractor remove the stone on his property? Councilman Belcaro will call the company tomorrow.

Juniper Leifer – 30 Jade Lane – Admin. Policy – new manner keeping of minutes. Liked the idea of the video stamp. Volunteer Policy – Visitor's Log commendable solution. Background check policy – explained that there needed to be an ordinance. COAH situation sounded very confusing – a discussion took place. She noted that if there are allegations going on and it is preventing the business of the town from being done and are frivolous and excessive and abusive to specific individuals, that is a matter that should be investigated. She suggested an independent investigation be done. She said she knows for a fact that it is happening.

Marla Endick – 10 Byron Drive – Discussion to investigate what is going on with COAH and proposed hiring an independent investigator.

Attorney Campbell – Suggested getting quotes between now and your next meeting to take action.

Mayor McKay – Motion is Council will begin to take quotes from independent accountants for the possibility of doing an audit of the COAH funds and that responsibility will fall to finance committee and the CFO get information from the present auditor about what they know of the situation, seconded by Councilwoman Schneider.

Council President Ciesla – Asked that information received be shared with the rest of Council.

Mayor McKay – Sure. Roll call please:

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

NAYS: None

Carlo Correa – Puddingstone Way – Questioned that because a resident complains about Councilwoman Schneider’s taxes we are hiring an independent investigator. He made comment about the veterans list as well. Mayor McKay and Attorney Campbell explained that it will be looked into.

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

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

Respectfully submitted,

Margaret B. Dilts
Clerk/Administrator

Thomas M. McKay
Mayor