

TOWNSHIP OF LOPATCONG
COUNCIL MEETING

June 3, 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.

Prayer followed by 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 Councilwoman Schneider seconded by Council President Ciesla. All in favor.

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

Attorney Campbell reported that Council was in Executive Session for approximately 40 minutes. Topics of discussion were request from LAA coach to discuss background check and No. 7 Public Safety – Lopatcong EMS. All the other matters were not discussed in Executive Session. We ran out of time and those items will be discussed at the end of the meeting and at that point we do anticipate action taken if members of the public wish to stay.

R 15-80

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. Request for LAA Coach to discuss background check.
2. Personnel – Hiring of special counsel for personnel complaint filed by employee.
3. Contractual – CBA – Add item negotiated but not listed in the contract.
4. Personnel – Complaint – Refer to Division of Taxation.
5. Litigation – Status of the Imhoff lawsuit.
6. Litigation – Status of lawsuit Town of Phillipsburg vs. Lopatcong – sewer matter.
7. Public Safety – Lopatcong EMS present to discuss service to Lopatcong by Phillipsburg EMS.
8. Personnel – Hiring of affordable housing expert for Declaratory Judgment.

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, June 3, 2015.

Margaret B. Dilts, CMC

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

Councilwoman McCabe – Asked to move Items No. 4 and 7 to be moved off the agenda into Executive Session, seconded by Councilwoman Ciesla.

Councilwoman Schneider – Asked why now – this has been a subject out in public for quite a couple of meetings and all over our news articles. Councilwoman McCabe reminded Councilwoman Schneider that this was on the advice of legal counsel to remove it from the public portion of the agenda. Mayor McKay agreed that it was brought out in the public and actions need to be taken here. Roll call vote:

AYES: Councilman Belcaro, Councilwoman McCabe, Council President Ciesla

NAYS: None

ABSTAIN: Councilwoman Schneider, Mayor McKay

Councilwoman McCabe – Made a motion to write a letter regarding LAA Coaching issue discussed in Executive Session. Attorney Campbell advised that Council should continue their discussion on the issue in Executive Session.

Olschewski – Highlands Way – LAA issues – Executive Session not sure why that would be. Attorney Campbell – private resident matter. COAH stuff – Attorney Campbell gave an opinion as to why it is an Executive Session to the Council. He asked how it would fit into Executive Session and Attorney Campbell advised litigation and attorney/client privilege. Inappropriate for a council member updating our website and should not be, he wondered why we have to hire someone when we have the clerk and deputy clerk. He understood Lori was handling the website for the last two years and could not understand why the clerk/deputy clerk could not be trained – made no sense to him.

Len Artiglere – Represented Kathleen Degan regarding the accusations over Veterans deductions. He noted that the council should have directed the person to the State Div. of Taxation or the County Board of Taxation. He also noted a concern by member of the Governing Body having filed tax appeals recusing themselves from any discussions. An investigation was completed by an independent tax assessor, James Anzevino who issued a report of his findings in a letter dated April 16, 2015. Then it was placed on the agenda on May 6 but tabled. Mr. Anzevino reported that all documents involving Veterans deductions and spouse deductions were perfect, not one application without a corresponding deduction. No taxpayers receiving deductions they were not entitled to receive. Mr. Artiglere deals in different forums and people bringing allegations he would require swearing out an oath making allegations against human beings and make allegations about their reputations, careers and jobs.

Mr. Anzevino - Said he was retained by Council to address the letter he wrote regarding the Veterans deductions and stated everything he said was true. He agreed the matter should have gone to the Div. of Taxation. Gave Council his cell phone number if they had further questions.

Mayor McKay - said he was concerned about people on the Council who might have put in for assessment complaints to have their taxes lowered and then voted on the matter of Mrs. Degan – is that so? Councilwoman Schneider said it was not her. Council President Ciesla said the matters are heard by the County. Mayor McKay said the question is whether or not anyone on Council has filed an assessment appeal and then voted against Mrs. Degan's one page letter being read. Council President Ciesla asked how the two were related. Councilwoman McCabe said that this is not on the agenda. Someone from the public spoke but was inaudible.

Marla Endick – 10 Byron Drive – asked if the members on Council filed tax appeals while they were on Council or before. She then stated that we have sitting council members appealing their taxes and asked if the documents are public.

Mayor McKay asked to close the public comment period. Motion by Councilwoman Schneider, seconded by Council President Ciesla. All in favor.

Old Business:

Video Position: 23:38

Minutes – Executive and Regular Session for March 18, 2015 and Regular Session Minutes for Special Meeting dated March 30, 2015. Motion by Council President Ciesla, seconded by Councilwoman McCabe. Councilwoman Schneider stated these minutes have been done another way other than what was agreed upon. She thought this was Version 4 of how we do our minutes, the records of the township. Quite frankly, she said this is out of control and ridiculous that we cannot follow a process in this township and she would not approve minutes that have a one liner for a couple people out in the audience and nothing about council members or a word or two from them. She said she would not approve minutes and thought this was not the proper records for this township and she said no to this. Mayor McKay thought they were always slanted in one direction. Roll call vote:

AYES: Councilman Belcaro, Councilwoman McCabe, Council President Ciesla

NAYS: Councilwoman Schneider, Mayor McKay

Budget Amendment – Mayor McKay stated that he would give this over to our good CFO to make a presentation. CFO Rossetti explained the first item was to take in an additional \$10,000 as utility surplus as a revenue into the current fund budget. The second was to remove \$11,000 of administrator's salary from the municipal administration salaries and wages and the third was too not an actual monetary amount but to break out the clerk's budget from the administration budget. The fourth was to reduce \$8,000 from the assistant from the finance office. The next is to move \$7,500 from tax collection salary and wages into the sewer utility for sewer collections. The swimming pool salaries and wages was reduced by \$1,000. In capital improvements we had a reduction of \$50,000 from various road paving and \$25,000 in the police SUV purchase. Mayor McKay asked to cover the legal budget as well this month \$30,000 plus invoiced for the asphalt plant appeal. It appears, he said that the legal budget will run out before years end so and thought \$50,000 should be put back in. He said we should consider that the town stop litigating this matter. Attorney Campbell recommended that that discussion be held in Executive Session. Year to date \$69,000 spent in legal with a total of \$108,000. Discussion took place regarding the amount of money the asphalt lawsuit cost somewhere around \$200,000 to defend. Mayor McKay asked for a motion to hold a public hearing. Motion by Council President Ciesla, seconded by Councilwoman Schneider. All in favor.

Brian Weeks – As head of DPW, you are stopping me, you are stopping what I do for the public. If you do not pass a budget tonight or in the near future, my leaves start in September. Right now I have June, July and August to do the rest of the town. You are not giving me much time if you cut two more months out of that. You have to do what's right and asked nicely to get together and figure it out and treat public as they deserve to be treated.

Olschewski – Highlands Way – Asked how to approve a budget if things which are essential to the budget like the possibility of having to pay back \$230,000 to the state, the lawsuit - \$20,000 that's a quarter million dollars that may or may not be added to the budget and Council is not discussing this – wonder what's going to happen.

CFO Rossetti – Reminded everyone this is a hearing specifically for the budget amendment and comments should be just for the amendment.

Mayor McKay asked for a motion to close public comment. Councilwoman Schneider made the motion, seconded by Council President Ciesla. All in favor.

Mayor McKay asked for a motion to vote on the amendment. Motion by Councilwoman Schneider, seconded by Mayor McKay. Roll call vote:

AYES: Councilman Belcaro, Councilwoman McCabe, Councilwoman Schneider, Mayor McKay.

NAYS: Council President Ciesla

Mayor McKay asked for a motion to approve the 2015 budget as amended. Motion by Councilwoman Schneider, seconded by Councilwoman McCabe. Discussion by the Council ensued.

Roll call vote:

AYES: Councilman Belcaro, Councilwoman McCabe, Councilwoman Schneider, Mayor McKay

NAYS: Council President Ciesla

COAH Update – This was removed from the regular agenda and moved into Executive Session.

Shared Services Update – Councilwoman Schneider informed the public that after the shared service meeting with Pohatcong, a meeting was held with both subcommittees. Pohatcong is only interested in sharing services with the tax collector. There will be further meetings to continue this discussion. A shared service might be considered for the finance clerk. Attorney Campbell informed Councilwoman Schneider to talk with the labor attorney.

Appoint/Hire Webmaster – Mayor McKay suggested that when we hire a new person, one could be trained as webmaster. Council President Ciesla would train a person. Councilwoman McCabe thought this would be unloading more work on someone who already has a lot of work.

New Business:

Video Position: 1:07:10

Monmouth Telephone – Joseph Burrato gave a presentation to the Council regarding savings Monmouth Telephone could provide the Township. Council thanked him for his presentation.

A&A Curbing – Approve Payment No. 3 for work completed on the South Third Street Improvement Project in the amount of \$6,368.23 subject to conditions outlined in Engineer Sterbenz Report dated May 28, 2015.

Dulaine Contracting, Inc. – Approve payment for work completed on the Rt. 57 Pump Station in the amount of \$22,188.69.

Howard Burd & Sons, Inc. – Approve final payment for Reservoir Road Storm Sewer Project in the amount of \$31,800.00 as recommended by Engineer Sterbenz.

Mayor McKay asked for a motion to approve payment to A&A Curbing, Inc., Dulaine Contracting, Inc., and Howard Burd & Sons, Inc. Motion by Councilwoman McCabe, seconded by Councilman Belcaro. Roll call vote:

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

NAYS: None

Township's Declaratory Judgment – COAH – Join Municipal consortium to hire Dr. Burchell not to exceed \$2,000 for work relating to the Township's Declaratory Judgment. Attorney Campbell asked Mayor McKay to pull this item until after the next Executive Session.

Planning Board – Authorize the Planning Board to prepare history of Block 116, Lots 26.01, 27, 27.02 and 28 being zoned commercial and whether the board recommends zoning change to high density residential. Mayor McKay asked that both he and Councilman Belcaro be excluded from the vote. Planning Board Chairman VanVliet asked why. Mayor McKay said because they would have to vote on it when it comes in. Joe Pryor said he and Councilman Belcaro would only be making a recommendation. Attorney Campbell acknowledged same as well as Councilman Belcaro. Mayor McKay asked to amend his motion including the elected officials to have the Planning Board prepare a history of these blocks and lots presently zoned commercial and whether the board recommends a zoning change to high density residential. Councilwoman Schneider asked for further description. Mayor McKay said this is between Baltimore and Route 57 by the mini golf place – Piazza Farms. A developer has come to the Planning Board a few times informally to discuss the possibility of the property being used for high density residential. Mayor McKay asked for a roll call:

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

NAYS: None

Council Reports

Video Position – 1:34:02

Councilwoman McCabe – EDAC did not meeting in May but will meet in the month of June. Under Buildings and Grounds recently there was an issue regarding the electricity in and around the pavilion. Brian Weeks informed Council and the public that the power between the parking lot lights, the monument and the pavilion is out. The transformer is located by the football announcer's box. One lead put in 1967 and the other put in about eight years ago. The power company has us up and running temporarily until the matter is addressed.

The Veterans are interested in having volunteers maintain the monument and surrounding grounds and it has been discussed with the insurance broker who reported that if a volunteer issue it would be acceptable but with any person doing business with the town would have to provide the certificate of insurance for coverage. Flag burning ceremony will be held on June 14th – Flag Day.

Also a water line needs to be run from the pavilion over to the monument. Councilwoman McCabe made a motion to authorize the work to be done, seconded by Mayor McKay. Rollcall vote:

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

NAYS: None

Councilwoman McCabe announced that a Rent Control Ordinance amendment will presented at the next Council Meeting for consideration.

LAA is looking to form a 501C3 to disconnect from being under the umbrella of the township and go out on their own. They are working through the process as well as looking into insurance policies. The township is currently holding their money and asked to conduct a spot check before we release the funds. Auditor, John Mooney said he would look at the trust fund and it wouldn't take more than a day. Councilwoman McCabe would also like to have all the books looked at. Auditor, John Mooney said it has been six months and he would come out and spend a couple of days to review bank statements, disbursements and receipts and focus attention on the LAA account to make sure it is complete. This is not a mini audit but on a limited scope.

Council President Ciesla – LAA scholarship fund was renamed in honor of Patrick McCloskey who was a vibrant part of the athletic Association for many years. The recipients were Bridget Carroll and Kylie Devlin. Cheerleading signups are Tuesday, June 9th at the pavilion from 6:00 to 7:30 pm. The Football Program is open to children from all towns and so is the Cheerleading Program.

Community Day is August 15th and there are a lot of vendors attending. Other fundraisers will be rolled out that day. It was pointed out that during the 150th Anniversary History Book and in 2017 we will be celebrating the 50th Anniversary of the Pool which opened in 1967. The Recreation Committee, open to anyone, will begin the planning of this celebration.

Shade Tree is working on the Forestry Plan.

Board of Education – Six out of the top ten students graduating from Phillipsburg High School are from Lopatcong. Five attended Lopatcong Schools; one did attend St. Philip and James Parochial School. The Valedictorian and the Salutatorian are from Lopatcong Township. Michelle Bai, Daniel Schaare, Monica Hoenig, Victoria Gural, Stewart Bibeau and Kenny Chang. Twenty-one students are registered for full day kindergarten at a cost of \$4800 per year per child.

The Delaware Park School is up for auction which will help the taxes once sold and developed.

Judge Bruce Jones became a Superior Court Judge and will no longer be involved with the court here for Lopatcong and Harmony. Mr. William Mennen was appointed by the Vicinage to fill in. This might be of interest for a shared service.

The fire truck is listed for \$60,000 and confirmed that the truck would have to be re-advertised if the township wants to continue to try and sell it online.

Councilwoman Schneider – Clean Communities/Recycling/DPW – Lyn Gabel of Hope Township and Councilwoman Schneider submitted the Tonnage Report to the state. There was 6,000 tons of recycling this year. Last year 5787 was reported. Councilwoman Schneider announced the position is available. There is grant money to pay someone to do the job and there are no credentials necessary to hold the position but need to have the reports collected and make sure the businesses are following the recycling laws.

Greenwich Township reached out to Councilwoman Schneider to discuss a shared service for leaf pickup. There is no leaf pickup in Greenwich currently. After a discussion with Greenwich it was determined that we cannot share this service. All of our equipment is needed all the time due to the enormous amount of leaves and time necessary to complete this task stated Councilwoman Schneider. The two DPW Departments agreed to share equipment and share costs as Lopatcong currently does with surrounding towns.

Councilwoman Schneider said she was appointed to the level of Administrative and Executive position in January and felt that another councilperson has taken the role for themselves. The website reflects this also. Attorney Campbell reminded Councilwoman Schneider that Attorney Wenner sent an email explaining when you are liaison to and when Council President is responsible for duties of the mayor but as far as what information is on the website, Council can direct that anything can be changed at any time. Councilwoman Schneider said she never received that memo from Mr. Wenner. Attorney Campbell said there is an email where Councilwoman Schneider wrote back stating she disagreed with him. Attorney Campbell said she would resend the email and the charter where it backs up what Attorney Wenner said. Councilwoman Schneider said she would appreciate Attorney Campbell will get back to her on that. Mayor McKay said he gave out the appointments in writing and to make sure that those who were appropriately appointed fill those rolls.

Councilwoman Schneider said she noticed when going through the budget documents that the town had been paying \$6,000 for the auditors to do the budget. She could not explain why that was but the finance office will be handling that going forward.

Councilwoman Schneider said there are things going around the township and she wanted to say to the public that she had to make some tough choices and change and is staying on task; she is not focusing on cell phones and cameras, lawsuits and other people homes but focusing on tax dollars and how to save money. The CFO and she have been and it is all the CFO trying to get our phone bill cut, all her trying to look for new ways to save money. She does not want the focus to be her house and her cell phone. She showed the public a letter that was sent around to the township and felt it disturbing and that it indicated paid for by PAC for Better Government with Rob Larsen as the Chairman and CFO. She didn't know what the PAC was but looked it up and the donators to the PAC are Florio, Perrucci Law Firm, Maser Consulting, Lavery Selvaggio, Mr. DeGerolamo of the bridge authority. These folks support this propaganda and hopes the folks that work for these places that donate, would think twice about where they are donating their money. She felt it quite despicable to put some half-truths and awful picture up to try and make a point here. She said she is on task with what she was voted in for.

Councilman Belcaro – The pump station finally got power yesterday so tomorrow various vendors will test the startup. Contract for Chapman will be coming up soon; he provides the operation and maintenance for the pump stations. This is a two year contract for a one year extension which we've taken advantage of in the past. Bid packages will be going out soon.

Mayor McKay – Mentioned that there is money left in the grant/loan that can be used to further improve the sewer system. Asked if there has been any further discussion on that. Councilman Belcaro indicated that Dan has been in contact with the USDA regarding various questions regarding the use of the remaining funds. There are a lot of procedures to be followed. Council President Ciesla asked how the overtime for the police would be charged to that line item. That was included in the contract. CFO Rossetti said it gets reimbursed when the contractor pays it.

Mayor McKay – Questions have been asked about how much debt the township has and the easiest way for people to find that out is pull up the Annual Debt Statement. They've done it

annually sent to the State. At the end of 2014, the annual debt, the gross debt excluding the schools was \$11,505,056.00. In addition to that there is anticipated additional debt when certain of these large tax assessment settlements happen and could add a lot to that – maybe seven figures; low seven figures or maybe high six. When that happens the thing will go back up again. As an ongoing thing, about \$400,000 gets paid down in principle. It is generally staying in the range of \$11 ½ to \$12 ½ million dollar range for the near future. He said one of the things he tried to do with the budget is to start making provisions and that means either cutting more things or increasing taxes down the line so we can get a better payment going for the debt and try to extinguish it a little earlier than we have now. In addition, there is very little in reserves and he would like to see \$1 million dollars there. Currently there is \$300,000. A discussion ensued regarding the sewer utility, the budget, and the amount of debt the township has.

Engineer Sterbenz – Reported that the township has been trying to obtain a sewer easement through 315 North Prospect Street The property owners have brought up a couple of issues; one a drainage problem in front of their house, another is when the developer built the subdivision the wires leading to their house are too low. Engineer Sterbenz asked for authorization to look into the drainage problem and the wires and contact the power company and telephone company. This would come under his monthly stipend – not a separate job.

Engineer Sterbenz also mention that he spoke to Dan Madden regarding the possibility of using funds from the USDA to pave Baltimore Street in its entirety but Mr. Madden indicated that there are strict standards that would have to be met in order to use those funds for this purpose. Engineer Sterbenz felt that after looking at the language, it would not be approved. He did suggest the township seek DOT monies and there would be two choices; the 2016 program applications are available in August or seek discretionary aid grant which can be done at any time and he made that recommendation to Mayor McKay and Council. A resolution will be prepared and presented at the next meeting.

Department Reports – Motion by Council President Ciesla to approve, seconded by Councilwoman Schneider. All in favor.

Payment of Bills - \$1,738,525.04 – Motion to approve by Councilwoman Schneider, seconded by Councilwoman McCabe. Roll call vote:

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

NAYS: None

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

Olschewski – Highlands Way – Asked Councilwoman McCabe what the status of the access road is for Overlook. Asked Council to apologize to Kathy. COAH – thought Katrina wrong and it isn't executive session stuff and asked the Mayor to contact the League of Municipalities. Stated Council President Ciesla wanted to give the computer guy a contract and the township already spent x amount of dollars and asked to confirm that we are paying \$4,000 for website hosting per year. Suggested Go Daddy be considered.

Eric Johnson – 361 Stonehenge Drive – Congratulated Lou making it through the Primary. Question regarding the preparation of the minutes – did they get the stamp dates for the video live. Councilwoman Schneider said no. Clerk Dilts stated yes they are on the minutes. He read complaints in news articles and on campaign flyer regarding Councilwoman's Schneider's house that were not properly accounted for in the assessed value. He went on to site statutes and information from the assessor's handbook the methodology for assessing homes. He felt no merit and the township should not be spending resources looking into this further.

He said three soccer fields haven't been used for two seasons because a lacrosse team screwed them up or it was an adult men's lacrosse team. He asked if it was worth it to get four to five hundred dollars to take away the fields from the kids for a full year and two seasons. He thought it was not worth it. Council President Ciesla said the fields were ripped up by these leagues without any rental fee – now we implemented this policy in order to stop it and the decision now is twofold; approval by the Council and approval by the LAA directors. He asked Council to look into fixing those fields before the next soccer season.

John Betz of Brakeley Garden Apartments – Read a letter from Salem Management, landlord for Brakeley Gardens pertaining to Rent Control Ordinance. He stated that volunteers are very important to the existence of every town including this town.

George Scherer – 32 Kyle Drive – Heard a presentation from Monmouth Telecom – he thought the savings may well be there but be looked at and vetted savings versus costs. Mr. Scherer has 40 years in this business and explained they will not be able to guarantee you much in the way of redundancy. Zoning issue regarding Warren Heights expanding into Piazza property – that developer has come to the town and asked to build 3-bedroom units which will raise everybody's taxes and he suspects he is trying this again. What effect will this have on the tax base? He talked about disrepair of residents homes. Attorney Campbell informed him that the township has an unfit building ordinance, a property maintenance ordinance and a high week and grass ordinance and referred him to the zoning officer.

Andy Horun – Windsor Lane – Thanked the Council for their work on the budget but there are a couple of things with regard to what is going to happen in the future. Some people say build the surplus which will generate a tax increase and other people saying a number of people on fixed incomes. He asked Council to prepare people in advance as to what their vision is. Spoke about the lacrosse team and the fields – inaudible. He asked about the appeal and where it is in the process. Attorney Campbell explained that there are two pieces to the litigation. The ordinance challenge has been completely briefed and is done and it is in the appellate division waiting for an answer from the judge. The other half is the Planning Board and that is being briefed and then will wait for a decision.

Marla Endick – 10 Byron Drive – Couple things regarding the election. She brought back the discussion regarding the debt and she felt all that Mr. McKay was trying to do was to clarify what the number is. Ms. Endick went on to discuss the budget for the last three years. She discussed a scenario regarding a complaint that a zoning officer upheld and is on appeal and asked if the violation could continue while it is on appeal.

Brian Weeks – Confirmed that there are three soccer fields shut down. They are the small ones above the basketball court. The DPW saw that the fields were being destroyed and met with the athletic association. Fall soccer went to all year soccer so they doubled their use of play on those fields – no break on main fields. DPW started out with change this year limiting the use so the fields could recover.

Juniper Leifer – 32 Jade Lane – Everybody knows where she stands on the asphalt plant and will continue to fight to keep it out of our township. She couldn't find a reason why the taxpayers would continue to pay for an appeal. She has had expert advice that the township is under no obligation to defend itself against this case. Provided her opinion on the sewer rate tax. The Environmental Commission is leading a hike at the Marble Hill Trail – meeting at the park on Saturday at 9:00 am.

Lee Rozycki – Stated she was thankful for the democratic process and the chance to run for election. She went on to remark about the problem she had regarding her campaign signs on Larken owned property and in her opinion accused the Clerk's Office of wrong doing. She read her police report to the public. Attorney Campbell said all complaints should be referred to the county prosecutor.

Yvonne Reitemeyer – 24 Browning Court – Asked if what was going to be covered in Executive Session. Attorney Campbell said she will announce what will be covered and when the Council comes back out of Executive Session the subjects will be announced again.

Mayor McKay closed the public comment. Motion by Councilman Belcaro, seconded by Councilwoman Schneider. All in favor.

Mayor McKay asked for a motion to go back into Executive Session. Motion by Councilman Belcaro, seconded by Councilwoman Schneider. All in favor.

Video Position – 3:20:17

Attorney Campbell said all items listed under Executive Session with the exception of No. 7. In addition Nos. 4 and 7 from Old Business, No. 6 from New Business and Municipal Court Judge.

R 15-81

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. Request for LAA Coach to discuss background check.
2. Personnel – Hiring of special counsel for personnel complaint filed by employee.
3. Contractual – CBA – Add item negotiated but not listed in the contract.
4. Personnel – Hiring of affordable housing expert for Declaratory Judgment.
5. COAH from Old Business No. 4

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, June 3, 2015.

Margaret B. Dilts, CMC

Motion to come back into Regular Session by Councilman Belcaro, seconded by Council President Ciesla. All in favor.

Attorney Campbell reported the subjects discussed – No. 1- LAA Coach, No. 2- on the agenda Hiring of Special Council, No. 3- CBA Contract and No. 8- on the agenda Hiring Affordable Housing Expert for the Declaratory Judgment which also included No. 4- on the Old Business regarding COAH update. None of the other topics were discussed. Attorney Campbell reported that the Mayor and Clerk recused themselves from No. 2 on the Executive Session agenda.

Attorney Campbell asked that someone make a motion regarding the LAA COAH and authorized Attorney Campbell to draft a letter with all terms and conditions in Executive Session. Motion by Council President Ciesla, seconded by Councilman Belcaro. Roll call: AYES: Councilman Belcaro, Councilwoman McCabe, Councilwoman Schneider, Council President Ciesla, Mayor McKay.
NAYS: None

Attorney Campbell asked for a motion to amend the contract as discussed in Executive Session. Motion by Councilwoman Schneider, seconded by Councilman Belcaro. Roll call: AYES: Councilman Belcaro, Councilwoman McCabe, Councilwoman Schneider, Council President Ciesla, Mayor McKay.
NAYS: None

Councilwoman Schneider stated the item that was omitted under the CBA was when the contract was negotiated both the Police Negotiation Committee and Township Negotiation Committee forgot to put in the armorer stipend. The stipend is \$150.00 per year.

Attorney Campbell said the third item is actually listed as No. 4 under New Business. It asks for a motion to join the municipal consortium to hire Dr. Burchell not to exceed \$2,000 for work

relating to the Township's Declaratory Judgment. Motion by Councilwoman Schneider, seconded by Councilman Belcaro. Roll call:
AYES: Councilman Belcaro, Councilwoman

Council President Ciesla addressed No. 2. An employee complaint was filed and has to be investigated. The nature of the complaint is confidential as it relates to a personnel matter. The township attorney is precluded from investigating the complaint due to a conflict; therefore, special conflict counsel needs to be retained. Council President Ciesla made a motion to retain Lee Vartan from Holland and Knight at an hourly rate of \$250.00 not to exceed \$7,500 in his investigation, seconded by Councilwoman McCabe. Councilwoman Schneider stated that we don't know we've not seen the complaint. She felt that highly unusual and she has spoken to other attorney's that have said this highly unusual. However, she would not jeopardize putting the township in harm's way of a potential lawsuit. Roll call:

AYES: Councilman Belcaro, Councilwoman McCabe, Council President Ciesla

NAYS:

ABSTAIN: Councilwoman Schneider, Mayor McKay

R 15-81

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING A NON-FAIR AND OPEN CONTRACT FOR LEGAL SERVICES TO LEE VARTAN OF HOLLAND & KNIGHT

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey do hereby authorize a Non-Fair and Open Contract for professional services to Lee Vartan of Holland and Knight with offices at 31 West 52nd Street, New York, New York 10019 pursuant to the provisions of N.J.S.A. 19:44A-20-4 or 20.5; and

WHEREAS, Mr. Vartan will serve in connection with a matter involving an employee complaint The terms of this agreement shall reflect an hourly billing rate of \$250.00 for services provided not to exceed \$7,500.00 and

WHEREAS, as per N.J.S.A. 40A:4-57, NJACS:34-5.1 Chief Financial Officer Lorraine Rossetti does hereby certify funds are available and encumbered; and

WHEREAS, the anticipated term of this contract is one year and may be extended as approved by the Governing body; and

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, June 3, 2015.

Margaret B. Dilts, CMC

Motion to adjourn by Councilwoman Schneider, seconded by Councilman Belcaro. All in favor.

Respectfully submitted,

Margaret B. Dilts
Clerk/Administrator

Thomas M. McKay
Mayor