

TOWNSHIP OF LOPATCONG
COUNCIL MEETING

July 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.

Motion to come out of Executive Session by Councilwoman Schneider seconded by Council President Ciesla. All in favor.

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.”

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

Attorney Campbell stated that Council was in Executive Session for approximately 35 minutes. Topics of discussion were personnel regarding a complaint and possible referral to the Div. of Taxation, Litigation regarding lawsuit filed by Mr. Imhof, Litigation regarding the Town of Phillipsburg vs. Lopatcong Sewer Matter, Litigation regarding the asphalt plant and contractual regarding acquiring a new dump via auction. In addition No. 3 Old Business has been removed from the agenda, it was not a topic of discussion in Executive Session and it is not going to be a topic of discussion in Regular Session this month.

R 15-83

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. Personnel – Complaint – Councilwoman re: Tax – Refer to Div. of Taxation
2. Litigation – Status of Imhof Lawsuit
3. Litigation – Status of lawsuit – Town of Phillipsburg vs. Lopatcong – sewer matter
4. Litigation - Asphalt litigation
5. Contracts - Acquire new dump truck via auction

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, July 1, 2015.

Margaret B. Dilts, CMC

Public Comment: Agenda items only. Motion to go into public comment by Councilwoman Schneider, seconded by Council President Ciesla. All in favor. No comments. Motion to close by Councilwoman Schneider. All in favor.

Attorney Campbell instructed the Clerk to take the best minutes she can. Not required to tape meetings.

Mayor McKay said none of this is being recorded so we are going to get something good out of this.

Old Business:

Video Position – 6:00

Minutes – Approve Executive and Regular Session Minutes for April 1, 2015. Motion by Council President Ciesla, seconded by Councilman Belcaro. Discussion. Roll call vote:
AYES: Councilman Belcaro, Councilwoman McCabe, Council President Ciesla
NAYS: Councilwoman Schneider – until there is a way of having minutes consistent every month at every meeting I will say no to the minutes until we have a policy that has them consistent so we know what to expect every month, Mayor McKay – besides they're old I have no recollection of what happened three months ago.

Rt. 57 Pump Station Project Update – Application to the USDA for additional sewer work – TWA Phillipsburg – Discussion with sewer Engineer Dan Madden. Pump station has been started and the flow has been diverted from Morris Heights. The pump station will be fully functional. Additional budget left over from the grant/loan at approximately 1.2 million. A meeting was held with Brian Weeks, Clerk Dilts and Chapman to discuss other projects to be addressed. If Council wants to proceed we'll have to make application to the USDA for approval. Lou Belcaro had the list of suggestions. A value must be attached to the list of items. Motion to authorize Sewer Engineer Madden to proceed with dealing with USDA concerning whether or not we can keep grant money if not all spent and authorize him to further estimate up how much it will cost to do each of the items he set forth in his list and Lou's additional item, seconded by Councilwoman McCabe. Roll call vote:
AYES: Councilman Belcaro, Councilwoman McCabe, Councilwoman Schneider, Council President Ciesla, Mayor McKay.
NAYS: None

Resolution No. 15-91 – Authorize filing of Declaratory Judgment – Affordable Housing. Attorney Campbell stated this was previously authorized by Council and she prepared a written formal resolution memorializing that and in addition it also authorizes the planner and engineer to begin working to amend the plan if necessary.

R 15-91

RESOLUTION AUTHORIZING THE TOWNSHIP OF LOPATCONG ATTORNEY AND OTHER TOWNSHIP PROFESSIONALS TO PREPARE AND FILE A DECLARATORY JUDGMENT ACTION FOR THIRD ROUND MT. LAUREL COMPLIANCE AND IMMUNITY AND AUTHORIZING OTHER TOWNSHIP PROFESSIONALS AND OFFICIALS TO TAKE SUCH ACTIONS AS MAY BE APPROPRIATE TO IMPLEMENT AN UPDATE TO THE TOWNSHIP OF LOPATCONG HOUSING PLAN ELEMENT OF THE MASTER PLAN AND FAIR SHARE PLAN FOR THIRD ROUND MT. LAUREL COMPLIANCE, TO UNDERTAKE A SURVEY OF ALL VACANT AND UNDEVELOPED LAND IN THE TOWNSHIP OF LOPATCONG BY BLOCK AND LOT, TO CONDUCT AN ANALYSIS OF THE TOWNSHIP'S HOUSING STOCK, AND TO CONDUCT SUCH OTHER STUDIES AS MAY BE DETERMINED NECESSARY.

WHEREAS, the Township of Lopatcong submitted its Petition for Substantive Certification on June 8, 2010, which was deemed administratively complete by COAH on July 29, 2010; and

WHEREAS, September 21, 2010 was the deadline for public comment; and

WHEREAS, on March 10, 2015 the New Jersey Supreme Court issued an order eliminating the administrative processes afforded municipalities by the Fair Housing Act N.J.S.A. 52:27D-301 *et. seq.*, effective June 8, 2015; and

WHEREAS, the New Jersey Supreme Court provided for a thirty day window after June 8, 2015 , during which time many municipalities will be able to file declaratory judgment actions in Superior Court to obtain, in practical effect, a judicial version of the substantive certification they had either received or applied for under N.J.S.A. 52:27D-313; and

WHEREAS, throughout and notwithstanding the period of uncertainty over new Third Round Rules, the Township of Lopatcong has continued efforts to provide for low and moderate income housing opportunities in the Township.

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

1. Township Attorney Michael B. Lavery, along with members of his firm, is authorized to prepare and file a Declaratory Judgment action in the Superior Court on behalf of the Township seeking a judgment of compliance with the Township's Third Round affordable housing obligation and also seeking an order of immunity from Mt. Laurel builder remedy lawsuits during the process of adopting and filing the Housing Plan Element and Fair Share Plan with the Court as well as during the period of Court review of the Township's plan and all implementing ordinances.
2. Township Attorney Michael B. Lavery, Township Planner George Ritter, and Township Engineer Paul Sterbenz, along with members of their respective firms are authorized to take such as actions as may be appropriate to further both the preparation and implementation of the updated Housing Plan Element of the Township of Lopatcong Master Plan and Fair Share Plan for Third Round Mt. Laurel Compliance, to undertake a survey of all vacant and undeveloped land in the Township of Lopatcong by block and lot, to conduct an analysis of the Township's housing stock, and to conduct such other studies as may be determined necessary.
3. Proposals for these plans and studies shall be submitted in advance for review and approval by the Township Council and/or the Planning Board.
4. This Resolution shall take effect immediately.

Thomas McKay
Mayor

ATTEST:

Margaret B. Dilts
Municipal Clerk

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Township Council of the Township of Lopatcong at a meeting of said Township Council conducted on July 1, 2015.

Margaret B. Dilts
Municipal Clerk

Council President Ciesla made the motion to approve, seconded by Councilwoman McCabe. No further discussion. Roll call vote:

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

NAYS: None

Resolution No. 15-92 – Authorize the Mayor to sign the Shared Service Defense Agreement – Affordable Housing Declaratory Judgment. Attorney Campbell explained this was along the same line and approved at the last meeting; a form resolution sent to all municipalities for execution.

Resolution No. 2015-092

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN, STATE OF NEW JERSEY AUTHORIZING THE MUNICIPAL SHARED SERVICE DEFENSE AGREEMENT

WHEREAS, the Township of Lopatcong, Warren County has filed or anticipates filing a Declaratory Judgment Action in the Supreme Court of New Jersey Warren County in furtherance of the Supreme Court’s March 10, 2015 decision captioned In Re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the “Supreme Court Decision”); and

WHEREAS, Fair Share Housing Center (“FSHC”), through the services of David Kinsey, has prepared what it considers to be the statewide fair share numbers (the “FSHC Numbers”) for use by the 15 vicinage Mt. Laurel Judges to calculate a municipality’s affordable housing obligation pursuant to the Supreme Court Decision; and

WHEREAS, the Township of Lopatcong desires to participate in the preparation of a statewide fair share analysis to be undertaken by Rutgers, The State University of New Jersey (“Rutgers”), through Dr. Robert W. Burchell, Principal Investigator, and various other experts employed by Rutgers in order to establish a rational and reasonable methodology (the “Burchell Fair Share Analysis”) for determination of a municipality’s obligation to provide a realistic opportunity through its land use ordinances for its fair share of the region’s affordable housing needs in accordance with the Mount Laurel Doctrine as set forth in In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Decision”) and prior decisions of the Courts of New Jersey, and the Fair Housing Act, N.J.S.A. 52:27D-301 et. seq.; and

WHEREAS, Rutgers, utilizing Dr. Burchell as the Principal Investigator and author has agreed to prepare the Burchell Fair Share Analysis within 90 days of being retained to establish hi view of the proper way to determine each municipality’s fair share obligation; and

WHEREAS, Dr. Burchell estimates the cost to prepare the initial Burchell Fair Share Analysis will be \$70,000; and

WHEREAS, it is anticipated that there will be a need for Dr. Burchell to analyze any challenges to his conclusions and prepare a rebuttal report to said challenges which is not included in the \$70,000; and

WHEREAS, it is anticipated that if each municipality contributes \$2,000, there will be sufficient monies to pay the cost to prepare the initial Burchell Fair Share Analysis, to analyze any challenges to the Initial Fair Share Analysis and Prepare A Rebuttal Report given the number of municipalities that have expressed an interest in retaining Burchell; and

WHEREAS, a Municipal Shared Services Defense Agreement (hereinafter “MSSDA”), has been prepared (a) so that monies can be collected to enter into an agreement with Rutgers (hereinafter “the Rutgers Agreement”) and so that Burchell, along with various other experts from Rutgers, can perform the tasks described above and (b) so that the rights and responsibilities of each municipality that wishes to sign the agreement to retain Rutgers are defined; and

WHEREAS, the MSSDA provides that the Law Offices of Jeffrey R. Surenian and Associates, LLC (“Surenian”) will serve as the administrative entity to sign the Rutgers agreement on behalf of the municipalities that signed the MSSDA and paid the \$2,000 fee; and

WHEREAS, it is imperative given the time constraints for municipalities that wish to retain Burchell to sign the MSSDA and pay the \$2,000 fee so that Burchell can conduct the necessary analysis; and

WHEREAS, notwithstanding the foregoing, it is possible that the MSSDA may need to be changed as a result of ongoing negotiation with the Rutgers agreement following execution of the MSSDA and the payment of \$2,000 fee; and

WHEREAS, in such an event, any member that objects to the changes that Rutgers may require shall have the opportunity to relinquish membership in the Municipal Group and to receive back the \$2,000 payment as more specifically set forth in the MSSDA.

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

1. The terms and conditions of the MSSDA attached hereto are hereby approved, ratified and confirmed.
2. The amount of \$2,000 is hereby authorized to be expended by the Township of Lopatcong for Rutgers through Dr. Robert Burchell, Principal Investigator to prepare the Burchell Fair Share Analysis.
3. A Certification of funds authorizing the aforesaid expenditure has been signed by the Chief Financial Officer of the Township of Lopatcong and is appended hereto.
4. The Mayor be and is hereby authorized to execute the aforesaid MSSDA to memorialize the participation of the Township of Lopatcong in the preparation of the Burchell Fair Share Analysis and to take any and all actions reasonably required to effectuate said Agreement.
5. The Township of Lopatcong hereby authorizes Jeffrey R. Surenian, Esq. to execute on behalf of the Township of Lopatcong the Research Agreement with Rutgers to initiate and complete Burchell Fair Share Analysis and to do such other actions to effectuate the purposes of said Research Agreement.
6. If further changes to the MSSDA are needed as a result of finalizing the Rutgers Agreement, within ten (10) days of notification by Surenian of the changes, the Township of Lopatcong will inform Surenian if it objects to the changes and wishes to withdraw from the Municipal Group and obtain a refund of \$2000 if paid.
7. This Resolution shall take effect immediately.

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify that this is a true and correct copy of a Resolution adopted by the Council at a meeting held on Wednesday, July 1, 2015.

Margaret B. Dilts, CMC

Motion by Councilwoman Schneider, seconded by Councilwoman McCabe. No further discussion. Roll call vote:

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

NAYS: None

Phillipsburg EMS – Request meeting with Council and Lopatcong EMS. Lopatcong is still not up and going reported Mayor McKay. Phillipsburg requests some sort of arrangement because they are responding to Lopatcong calls. The two sides are not talking to each other reported Mayor McKay – he does not know what exactly is going on but is concerned about adequate coverage for the citizens of the Township. He felt a special meeting should be set and invite

both groups. Council President Ciesla said Lopatcong EMS was not aware of this being on the agenda. Council President Ciesla and Councilman Belcaro will meet with both groups and report back. Mayor McKay asked for a report for the next meeting. Mayor McKay made a motion that the two so appointed will be empowered by the Council to talk to the two squads, seconded by Councilwoman McCabe. All in favor.

New Business:

Video Position – 22:45

Presentation – LSI Line Systems – Presentation by Amy Seiler. Council thanked her for the presentation with an offer of possible savings if the Township approves this change in service.

Roseberry St/Belvidere Rd. Intersection – Authorize Attorney and Engineer to begin the process of acquiring land needed to do the improvements to the Roseberry St./Belvidere Rd. Intersection for the high school. Engineer Sterbenz indicated that there was two meetings in recent weeks to talk about the roadway improvements and this is moving forward. Plans have to be finished and publically advertised for bids. The goal is to have bids by the end of the year so the improvements can be built in early 2016. The high school is slated to open in August of 2016. There are two variables needed to be resolved – one is money – and the other is right-of-way acquisition for properties along Roseberry Street and Belvidere Road in Lopatcong Township. The Board of Education is not authorized to seek the right-of-way acquisition; this is something the municipalities have to do. Both Phillipsburg and Lopatcong have to see if the right-of-way can be acquired. If they cannot, the plans will have to be scaled back and changed. Engineer Sterbenz provided the necessary documents to Katrina tonight so she can start the work subject to Council’s authorization. Council President Ciesla stated every minute counts and authorization must be provided at this meeting. She said the two pieces are Dr. Jiorles office and the other property adjacent to the driveway of the high school. Phillipsburg has started the process along Roseberry Street. Engineer Sterbenz thought that first we’ll talk to the property owners to see if they are amenable to the acquisition. The next step would be an offer. If they say no, it would be a dead issue and the plans would have to change. Condemnation was not discussed. Mayor McKay indicated the Township lost a huge amount of rateable property by having the school put there. Lopatcong has suffered much already he thought financially and hoping the Township would not have to suffer a lot more to make the roads go into it. Lopatcong could have had a good rateable but the high school is now there and we can’t tax that so we are suffering to some degree because of that. The original plans called for the intersection to be built but now the Dept. of Education at the state level said no we aren’t going to do this and now an emergency situation to come up with a way to improve the intersection so it is safe for school buses and children being dropped off at the school. Engineer Sterbenz has received grant money to help with this in the amount of \$300,000. Phillipsburg said they would put money in also. Council President Ciesla will reach out to the Board of Education and their attorney and make the inquiry again. Mayor McKay asked for a motion to authorize the Township Attorney and Engineer to begin this process. Motion by Council President Ciesla, seconded by Councilwoman Schneider.

No further discussion. Roll call vote:

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

NAYS: None

Video Position- 50:15

Ordinance No. 15-08 – First reading of an ordinance to Amend, Revise, and Supplement Chapter 173, “Rent Control,” to Permit Negotiated Rental Agreements for Vacant Apartments.

ORDINANCE NO. 15-08

ORDINANCE OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN, STATE OF NEW JERSEY TO AMEND, REVISE AND SUPPLEMENT CHAPTER 173, “RENT CONTROL,” TO PERMIT NEGOTIATED RENTAL AGREEMENTS FOR VACANT APARTMENTS (VACANCY DECONTROL)

WHEREAS, the Township of Lopatcong has received a request from its landlords to amend the current rent control ordinance to permit vacancy decontrol; and

WHEREAS, under the proposed changes to the ordinance, when an apartment is voluntarily vacated the landlord may negotiate a new tenant's initial and thereafter to provide the tenant with the protection of the rent control ordinance; and

WHEREAS, modifying the existing rent control ordinance to permit vacancy decontrol will create incentives for the landlords to improve the living conditions of all tenants and raise the value of rent controlled properties for tax purposes; without any adverse impact on tenants currently residing in rent controlled apartments; and

WHEREAS, the landlords have expressed their desire to provide rental reductions, freezes or other incentives to some existing tenants in need of such assistance. However, under the existing rent control ordinance providing such reductions, freezes or incentives would negatively impact the landlords because it would be permanently reducing a unit's base rent with no opportunity to recover the reduction.

WHEREAS, a vacancy decontrol provision, supplementing the existing rent control ordinance, achieves a fair balance between the economic interests of property owners and tenants while strengthening the Township's tax base benefiting the general public interest; and

WHEREAS, the proposed amendment was considered and recommended by the Township's Rent Leveling Board.

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

Section 1:

CHAPTER 173, Section 1, Definitions, of the Code of the Township of Lopatcong shall be amended and supplemented by the addition of the following:

BASE RENT -- The term "Base Rent" shall mean the present monthly rental, excluding tax surcharge, hardship surcharge, and improvement surcharge for the given unit. The prevailing base rent for each individual unit is that rent which is contained in the actual rent roll filed with the Rent Control Board, or as otherwise defined in this Chapter. Thereafter, "Base Rent" shall mean the base rent charged for the prior twelve-month period, excluding tax surcharge, hardship surcharge, and improvement surcharge for the given unit.

Section 2:

CHAPTER 173, Section 2, of the Code of the Township of Lopatcong shall be amended and supplemented by the addition of the following:

173-2 Determination of rent; limitations on rent increases

Establishment of rents between the landlord and tenants to whom this chapter is applicable shall be determined by the provisions of this chapter. Except as provided in Section 173-2.1 and Section 172-23, no landlord shall request or receive a percentage increase in rent which is greater than 3% per annum in the next ensuing year. Said limitation of 3% increase per annum shall apply to only occupied units. Vacant units are governed by Section 173-2.1. Those tenants who provide their own heat or the cost of the fuel shall not receive an increase in any one (1) year greater than 2.8% per annum.

Section 3:

CHAPTER 173, Section 2.1, of the Code of the Township of Lopatcong shall be created as follows:

173-2.1 Vacancy Decontrol

Notwithstanding the provisions of Section 173-2, a landlord shall be entitled to negotiate a mutually agreeable fair rental with a prospective tenant in accordance with the following:

- A. Vacancy Decontrol. Upon the voluntary, uncoerced vacation or court ordered eviction of any tenant for which rent increases are controlled by the terms of the Township of Lopatcong's rent control ordinance, and upon compliance with this section, at the time of re-rental of a unit pursuant to this section, a landlord may negotiate a rental with the proposed new tenant at a level mutually agreeable between the landlord and the proposed tenant.
- B. The landlord must file with the Rent Leveling Board, and provide a copy to the tenant in occupancy, if any, a "Vacancy Decontrol Certification" within fifteen (15) days after entering into a lease agreement and accepting a deposit from a new tenant, which shall include the following information:
 - 1. Property address;
 - 2. Apartment number;
 - 3. Vacating tenant's monthly base rent;
 - 4. New tenant's monthly rent;
 - 5. Name of landlord;
 - 6. Address of landlord;
 - 7. Telephone number of landlord;
 - 8. A statement certifying that the vacancy was uncoerced or as a result of court ordered eviction which statement shall be provided to any tenant then occupying the subject apartment.
- C. Vacancy Decontrol Certifications and the statement provided to any tenant then in occupancy shall be approved by the Rent Leveling Board unless a written objection objecting to the certification is filed with the Rent Leveling Board within ten (10) days of filing a complete certification. In the event an objection is filed, the procedures in Section 173-8 shall apply.
- D. Once a unit has received vacancy decontrol pursuant to this section, it shall be subject to the remaining provisions of the Chapter 173 of the Township Code.
- E. Notwithstanding the provisions of Section 173-5 of this chapter, the filing of a Vacancy Decontrol Certification at the beginning of a lease term shall be deemed sufficient registration of the rental amounts for the given lease term.
- F. Anti-harassment Provision. It shall be impermissible for a Landlord, or his agents, to willfully do or commit or cause to be done or committed any of the following: harassment, intimidation or other similar action to a tenant with the intent to cause a tenant vacate the rental unit; any reduction by the landlord in services with the intent to cause the tenant to vacate the premises; and any vacation of the premises which is coerced by the landlord; provided, however, that this provision shall not limit a Landlord, or his agents, from any act specifically authorized under the laws of the State of New Jersey.
- G. Violation Anti-Harassment Provision. In addition to the penalties set forth in Section 173-17, a willful violation of this subsection shall subject the landlord to: (i) on the first offense, loss of privilege to apply for vacancy decontrol at the subject property for a period of not less than one (1) year; (ii) on the second offense, loss of privilege to apply for vacancy decontrol at the subject property for a period of not less than two (2) years; (iii) upon a finding of any further offenses, loss of privilege to apply for vacancy decontrol at the subject property for a period of five (5) years. The complaint for violation of this provision shall be brought in the Municipal Court for the Township of Lopatcong in accordance with Section 173.

Section 3:

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 4:

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

Section 5:

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

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Township of Lopatcong held on July 1, 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 August 5, 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

Motion by Councilwoman McCabe, seconded by Council President Ciesla. Roll call vote:
AYES: Councilman Belcaro, Councilwoman McCabe, Councilwoman Schneider, Council President Ciesla.

NAYS: Mayor McKay

Consent Agenda:

Video Position – 1:03:37

Pulled out of Consent Agenda – Council President Ciesla stated No. 2 and No. 3.

Fire Truck – Re-advertise the Fire Truck for sale until sold at auction at a reduced price. Mayor McKay said he would like to just continue to re-advertise each time lowering the price until sold. He suggested \$50,000. It first went in at \$60,000 with no bids. Fire Chief suggested a price, much lower. Councilman Belcaro said put in at \$50,000 for two weeks and then let's go from there, seconded by Councilwoman Schneider. Roll call vote:

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

NAYS: Councilwoman McCabe

Bid Replacement Dump Truck – Authorize Mayor, CFO, DPW Foreman and Council Liaison to bid on replacement dump truck. Motion to allow to allow these folks to proceed with this matter over the next two weeks by Councilwoman McCabe, seconded by Councilwoman Schneider. Roll call vote:

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

NAYS: None

Remainder of Consent Agenda:

Motion by Councilman Belcaro, seconded by Council President Ciesla. Roll call vote:

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

NAYS: None

Resolution No. 15-84 – Establish Petty Cash in the amount of \$150.00 for Pool Snack Bar and other Pool Expenses.

R 15-84

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING PETTY CASH FUND FOR POOL SUPPLIES IN THE AMOUNT OF \$250.00

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey want to make available a small quantity of currency for pool expenses; and

WHEREAS, the amount of fund shall be \$250.00 for to be established for

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 approve this change fund in the amount of \$400.00 for Pool Snack Bar/Gate Office and \$50.00 Recreation Program.

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, August 5, 2015.

Margaret B. Dilts, CMC

Resolution No. 15-86 – Authorize the renewal of Liquor Licenses.

R 15-86

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF CERTAIN LIQUOR LICENSES

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey have received the following applications for liquor license renewal:

Santram Liquors, Inc., License No. 2115-44-001-003
Strykers Golf, LLC., License No. 2115-33-003-007
Brass Rail, Inc., License No. 2115-33-004-005

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey that the applications for renewal of the above named liquor license holders be approved pursuant to N.J.S.A. 33: 1-12-26 from July 1, 2015 to June 30, 2016.

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, July 1, 2015.

Margaret B. Dilts, CMC

Resolution No. 15-87 – Authorize refund of overpayment on tax payment for tax year 2015 on Block 72, Lot 3 in the amount of \$421.86.

R 15-87

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY AUTHORIZING TO REFUND OVERPAYMENT ON TAX
PAYMENTS 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 an overpayment on tax payments as follows for the tax year 2015.

<u>Block & Lot</u>	<u>Name of Payee</u>	<u>Amount</u>
Block 72, Lot 3	Alpaugh, Weldon D.	\$421.86

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 property taxes due.

CERTIFICATION

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

Margaret B. Dilts, CMC

Resolution No. 15-88 – Authorize redemption of Tax Sale Certificate No. 2014-072 and Premium in the amount of \$4,151.84 on Block 138, Lot 23.

R 15-88

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY AUTHORIZING REDEMPTION MONIES TO OUTSIDE
LIENHOLDER ON BLOCK 138, LOT 23

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on June 25, 2014, a lien was sold on Block 138, Lot 23 also known as 304 Stonehenge Drive in Lopatcong Township for 2013 delinquent sewer; and

WHEREAS, this lien, known as Tax Sale Certificate No. 2014-072 was sold to US Bank Cust as Cust for Actlien Holding for a Premium of \$1,800.00; and

WHEREAS, Corelogic, escrow company for property owners, has satisfied the redemption amount on Certificate No. 2014-072 in the amount of \$2,354.84.

NOW, THEREFORE, BE IT RESOLVED on this 1st day of July 2015 that the Chief Financial Officer be authorized to issue a check in the amount of \$4,154.84 for the redemption of Tax Sale Certificate No. 2014-072 and Premium to:

US Bank Cust for Actlien Holding
50 S. 16th St., Suite 1950
Philadelphia, PA 19102

CERTIFICATION

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

Margaret B. Dilts, CMC

Resolution No. 15-89 – Authorize refund of duplicate tax payments for tax year 2015 in the amount of \$1331.59 on Block 99, Lot 22 C0204.

R 15-89

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY AUTHORIZING TO REFUND DUPLICATE TAX PAYMENTS
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 duplicate tax payments as follows for the tax year 2015.

<u>Block & Lot</u>	<u>Name of Payee</u>	<u>Amount</u>
Block 99, Lot 22 C0204	Green Tree Servicing Re: 204 Bald Eagle Drive	\$1331.59

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 refunds made rather than applying these payments to the 2015 property taxes due.

CERTIFICATION

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

Margaret B. Dilts, CMC

Resolution No. 15-90 – Authorize refund of tax payments for exempt property in the amount of \$1,935.45 on Block 24, Lot 15 for tax year 2015.

R 15-90

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY AUTHORIZING TO REFUND DUPLICATE 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 property owners listed below in the designated amounts representing duplicate tax payments made on exempt property as follows for the tax year 2015 from 1/30/15.

<u>Block & Lot</u>	<u>Name of Payee</u>	<u>Amount</u>
Block 24, Lot 15	Torretta, Daniel & Alayne	\$1,935.45

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 refunds.

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, July 1, 2015.

Margaret B. Dilts, CMC

Dog Parade – Approve Dog Parade for Community Day at the park.

Phoenix Advisors, LLC – Authorize payment of \$650.00 to Phoenix Advisors, LLC, so the Township will remain in compliance with continuing disclosure requirements mandated by the Securities and Exchange Commission.

Yoga Classes – Authorize introduction of Yoga Classes in the park or pool area offered free by Jennifer Anya Hamer-Pennisi.

Resolution No. 15-93 – Authorize redemption of Tax Sale Certificate No. 2013-007 and Premium on Block 35, Lot 2.01 in the amount of \$3,891.38.

R 15-93

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY AUTHORIZING REFUND OF REDEMPTION MONIES TO
OUTSIDE LIENHOLDER ON BLOCK 35, LOT 2.01

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on June 19, 2013, a lien was sold on Block 35, Lot 2.01, also known as 809 Lynda Road for 2012 delinquent sewer; and

WHEREAS, this lien, known as Tax Sale Certificate No. 2013-007 was sold to US Bank Cust as Cust for Crestar Capital LLC for a Premium of \$1,200.00; and

WHEREAS, this lien known as Tax Sale Certificate No. 2013-007 was assigned thru assignment to US Bank as Cust for PFS Financial I, LLC and was recorded on April 1, 2015 Bk: 843, Pg: 215.

WHEREAS, the property owners have satisfied the redemption amount on Certificate No. 2014-007 in the amount of \$2,691.38.

NOW, THEREFORE, BE IT RESOLVED on this 1st day of 2015, that the Chief Financial Officer be authorized to issue a check in the amount of \$3,891.38 for the redemption of Tax Sale Certificate No. 2014-007 and Premium to:

US Bank Cust for PFS Financial I, LLC
50 S. 16th St., Suite 2050
Philadelphia, PA 19102

CERTIFICATION

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

Margaret B. Dilts, CMC

Sewer Appeal Board – Appoint Sewer Engineer Dan Madden and CFO Rossetti to the Board.

Delaware Park Engine Co., No. 1 – Approve membership for Ivan Duffy per Fire Chief LaFord's recommendation.

Dulaine Contracting, LLC – Authorize payment to Dulaine Contracting, LLC for work completed on the Rt. 57 Pump Station Project in the amount of \$5,225.00.

Council Reports:

Councilman Belcaro – Reported on the lawsuit against P'burg on the over charge of about \$1.2 million dollars. The Township is being represented by Attorney Inglesino. P'burg and

Greenwich have hired a rate expert. There was a suggestion to allow Attorney Inglesino to go out and seek proposals for a rate expert. We would execute a Common Interest Mutual Defense Agreement with Greenwich and solicit proposals from various sewer rate experts – Councilman Belcaro made a motion to give Attorney Inglesino authorization to seek these rate experts, seconded by Mayor McKay. Roll call vote:

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

NAYS: None

Councilman Belcaro made a motion to execute a Common Interest Mutual Defense Agreement, seconded by Mayor McKay. Roll call vote:

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

NAYS: None

Councilman Belcaro – would like to see e-mails between Mayor and Councilmembers be copied to all instead of just some. He said everyone should be in the loop – Finance Committee, etc. Let's consider this. Councilwoman McCabe would like to be in the loop –everyone needs to know what is going on.

Councilman Belcaro – Requested that Mayor McKay remove him from the Finance Committee and replace him with Council President Ciesla but that did not happen so he asked Councilwoman Schneider to inform him earlier of information she has instead of on the day of the meeting.

He mentioned that the CFO is swamped with work and she needs help. He proposed to advertise for the part-time helper across the board and anyone can send in a resume. Councilwoman Schneider indicated this was already approved. The Shared Service meeting was coming for consideration and also mentioned that Councilman Belcaro could call or email her for information.

He thought shared services should be further explored and all positions should be considered.

Councilwoman McCabe – Reported on Buildings and Grounds – Brian Weeks is addressing the electrical problems at the pavilion. Quotes were received for the best price. A water line will also be run to the Veterans Memorial.

EDAC Committee met last week - Discount cards are still available and will be offered for sale at Community Day. Town wide Garage Sale – This has nothing to do with EDAC but could help the economy in town as far as permit fees are concerned.

LAA met last week and voted to form a 501C3 to leave the umbrella of the town. They are looking into their options.

Lastly, public comment will be conducted in the format adopted in the Ordinance. People addressing the Township Council should be allowed a maximum of five minutes for their presentation. She proposed reinforcement of this.

Council President Ciesla – Shade Tree is meeting next week on Thursday night and do not have an employee to open the building.

Board of Education – There was not enough interested generated for full-time Kindergarten so this won't be happening this year. Delaware Park School is for sale. That will help with the taxes.

Intersection with the high school - The plan can be scaled back if needed but they would like to stick to the existing plan as drafted. The cost is over \$900,000 – the majority from sources other than the Township and Phillipsburg. Engineer Sterbenz, Superintendent Chando and the Board of Education Attorney Doug Steinhardt have been going down to the DOT, even after they were told there was not money to be had, they went down there and they got us the \$300,000 and they are continuing to knock on door to procure more funds.

Recreation – Dog Parade will be held on Community Day in the area where we want the Dog Park. Seeking gifts from PETCO to have awards.

Movies at the Pool will be starting the first week of July – Cinderella will not be available as originally scheduled.

Yoga – a resident in town will be conducting classes at the pool free of charge.

Tax Matter – Motion to refer to the Division of Taxation, seconded by Councilwoman McCabe. Councilwoman Schneider said that even though she has to abstain because it is referring to herself and felt there are conflicts and two people on Council would need to recuse themselves from the vote; Lou Belcaro and Maureen McCabe. She argued the complaint is about Kathy Degan – it is going to the Div. of Taxation and Councilwoman McCabe has a conflict. As far as Councilman Belcaro is conflicted because he has a lawsuit against Wayne Degan because signs were too big. He and his running mate sent in a lawsuit. Attorney Campbell spoke to involved and thought Councilman Belcaro is not conflicted out. She said her paperwork and permits are in good standing order. She did not skimp and felt it a waste of tax payer's dollars pursuing this and thought a ridiculous complaint. Attorney Campbell thought if someone does have a conflict, it is recommended to abstain because even if your vote is not needed you would taint the entire process. Mayor McKay felt it is a witch-hunt. Donna did what she was supposed to do he said and to continue to be smirch her to make her look bad, to hurt her feelings every time there's one of these meetings, is just absurd but that's what some of us do on this Council and I guess it's never gonna end so. Council President Ciesla said if things are not getting done in a timely manner that has a lot to do with us because we owe it to our taxpayers to make sure everything is done in a timely manner. Donna felt she is a target. Mayor McKay asked for a roll call. Councilman Belcaro said if what Donna said is correct, then she has nothing to worry about – no fear there and he was not doubting her. The Div. of Taxation will take care of it and will clear the air.

AYES: Councilman Belcaro, Council President Ciesla

NAYS: Mayor McKay

ABSTAIN: Councilwoman McCabe, Councilwoman Schneider

Imhof Lawsuit - Council President Ciesla asked for a motion from Council to drop the counter offer in regards to the Imhof lawsuit, seconded by Councilwoman McCabe. No further discussion. Roll call:

AYES: Councilman Belcaro, Councilwoman McCabe, Council President Ciesla

NAYS: Councilwoman Schneider, Mayor McKay

Sign Ordinance Complaint – Council President Ciesla said there was not official action to authorize the attorneys to see if the ordinance is valid. She made a motion to have the attorneys investigate our sign ordinance to see if it is valid and not a violation of the First Amendment, or valid in general, seconded by Councilwoman McCabe. Mayor McKay said clarity to the sign ordinance would be welcome and an important step. We have to have discussion as to why people violated it and felt there should be discussion and a major concern to him. No further discussion. Roll call vote:

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

NAYS: None

Councilwoman Schneider – The DPW is out fixing pot holes, paving, sinkholes and equipment repair. There was a resident who called and lives in Delaware Heights – Delaware Park and her backyard butts up to the back of the DPW yard. There has been debate over the years that someone in her family gave land to Lopatcong and the DPW was put in there. She asked for trees to be planted for screening of the yard and the trees were planted but died. She wants Paul to help distinguish property lines and to plant more trees. She wants Shade Tree to recommend a species of trees that can be planted there. Paul has numerous landscape architects that work with him and he will bring one to the site one day and find out the appropriate evergreen tree to plant.

Share Services – met on June 15 with Pohatcong and sub-committee even though Councilman Belcaro was going to be on vacation. Some employee positions were discussed and the tax collector and finance clerk was a possibility to share. Their Council wants another discussion on the tax collector's office. Councilwoman Schneider said the finance clerk will not pan out

anytime soon. We agreed to put an ad in the newspaper but, however, it is a file clerk not a finance clerk that we are looking for and she believes if it was put on the website we could get some good candidates instead of spending money on an advertisement. It is a part-time job for 15 to 20 hours per week and she told Council President Ciesla she would call her with the details on this. She reported last month that the auditor has been paid a year in addition to their fees to handle our budget. This did not come across her desk and the Council did not vote on it. Normally, the CFO prepares most of the budget and the auditors do come in and do some work with it but not the entire thing from soup to nuts. She said thank goodness Lorraine came and did a whole bunch of work and the cost was \$3,000 and she thanked Lorraine and the savings will continue as long as Lorraine is here.

Donna reported on hate mail that went on from PAC for Better Government; a really lousy mailer went out to almost every resident with regards to herself and the mayor not running for an election to help out other people on ballot. Rob Larsen put this out and has called the mayor a liar and a cheat at the microphone. Our engineers and attorneys donate to this. This runs deep and folks think we are radicals. She wanted to inform the public and thought it a shame. Mayor McKay has lost confidence in the law firm having us in their best interest when donating money to a PAC. Donna said there was not a pretty picture of herself or the mayor on the flyer and said maybe next time they send out mail like that they could use a better picture.

Mayor McKay – Hike was held in the Lopatcong Park – June 6th -45/50 people and county folks. He congratulated and thanked Juniper Leifer. Photos were sent to be posted on the website. Council President said they cannot be posted because there needs to be signed disclosure forms – pictures of children cannot be posted without a signed consent form from their parents. He said he tried with the hospital to get money for the LAA and medical assistance from them to help the kids and that’s worked and he handed it to the LAA and said look guys run with this. This is how you have to do it – help everybody’s committees – don’t try to demean them or obfuscate their achievements at least this is how he looks at it he said.

Aqua negotiations are continuing and he reported we are close to getting another truck; not a new truck. He will know by next meeting. He is hoping to get money from the fire engine to pick up more equipment needed for the DPW. The budget saved a\$250,000 by having Aqua pay for this sinkhole but in previous years the Township paid for this. Hopes to do this more often.

Department Reports – Motion to approve Council and Department Reports received by Councilwoman Schneider, seconded by Councilman Belcaro. All in favor.

Payment of Bills – Total \$536,221.19. Motion by Councilman Belcaro, seconded by Councilwoman McCabe. Roll call vote:

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

NAYS: None

Engineer Paul Sterbenz reported on a request from a resident to establish a 4-way stop sign at the intersection of Stonehenge Drive and Lauren Drive and the investigation is completed and the findings will be reported at the next Council Meeting.

CFO Rossetti- Received 2014 Audit –she has 60 days to get the Corrective Action Plan out to all of you. I’ll have it for the August meeting. There is a total of 12 recommendations of varying levels of urgency. Some have been corrected already. Auditors started on the mid-year review.

Council President Ciesla asked about the PNC Bank and remarked part of the transfer over to that was so that we can do our tax and sewer payments and they will go into a lock box. Is that going into effect for the bills coming due now? Lorraine said yes. She asked if all people making deposits will get bags, if all departments have a scanner, how departments are making their deposits, etc.

Audience Participation:

Lee Rozycki – 56 Puddingstone Way – Shared her comments on Councilman Belcaro inaction obeying town ordinance. Letter from Zoning Officer Degan requesting signs to be taken down and the violations cited. She went on to verbalize what she thought Councilman Belcaro would be thinking in his mind. Letter from David Norris, Esquire who represent both Belcaro and

Pryor which indicated that there was an appeal of the Zoning Officer Degan's citation letter and stated in the letter that the ordinance is invalid as written and applied and supplied case law for reference. She concluded the law a sticking point for her. She said to the mayor she was unsettled and asked him to look in to this. Mayor McKay said he never saw these letters before and why he wasn't served. He had no knowledge but heard something like this was going on but did not see the letters before today, so. Council President Ciesla asked to rice the zoning officer to talk to him about this at the next meeting. He said if you are on the Council you should follow the rules. Council President Ciesla said there are tons of signs that were following the ordinance and were not enforced by the Zoning Officer. Councilwoman Schneider said it is his fault. Mayor McKay said we definitely need something going forward.

Martin Swim – 4 Byron Drive – What ever happened to the South Warren Police Commission. Asked about current contacts. Mayor McKay has not received any information. Council President Ciesla suggested to call Mayor Kern. Mayor McKay said he will contact him.

Juniper Leifer 32 Jade Lane – Sign Ordinance unfortunate circumstance and would like it fixed before the next election. Five minute public comment she supports this. Thought Maureen's idea of a community yard sale was a great idea. Communications idea is a good idea also. Fire Truck – keep trying to sell it is difficult. Witch hunts need to stop – another one now and far too much time spent on that behind the scenes here - hurt people, damage people's reputations, frame people and in the end it only reflects back on you, the Council – she worries about implications on what Council is trying to protect. Asphalt litigation – it is her understanding that the Township does not have to foot the bill for defending the appeal process.

Sandy Barron – Overlook - Asked for update on second emergency road proposed. She supports Lopatcong servicing the area.

Olschewski – Highlands Way – Why you guys sit there and not the lady is right we haven't heard a thing on access road. Advised by Zoning Board attorney that you decided to keep the lawn signs up and not to investigate anything – exact words Katrina told me to call off the dogs so I did. Katrina said she did not say that. Belcaro – self-employed one would help you would navigate your hours for the finance committee. He is surprised to see COAH is not being discussed - \$250,000 missing or misspent and you guys to refuse to investigate – gives indication of impropriety – wants an answer to that. New School – thinks liaison to school board should attend their meetings. Was there an ad putting in the newspaper for hiring a legal professional. in Star Ledger. Grossly overpaid computer charges. Thought bidding on truck is not executive session material.

Tim Weiss – Strykers Road – Someone came up to discuss the Asphalt Plant and the legal steps taken to defend actions of our Planning Board. Statements made “cries of the community” in reference to the community being against the asphalt plant and another quote was “you do know the community is against it”. I have to make this statement because we don't hear about the community that says we are in favor of these kinds of things. The person who made the statements clearly does not represent the community and to be fair I don't either. However, he spoke to many taxpayers in the community and they are very supportive of new commercial taxpayers in the Township including the asphalt plant. Councilwoman Schneider's comments last meeting concerned him deeply – budget hearing and the process of Councilwoman Schneider made the comments “employees – having them come in at night or early in the morning is difficult – “some employees are here only till 3:30 and hard to ask them to come in the evening”. If these people can't come to budget meetings he said we have the wrong people in the jobs as department heads. Excuses over sound reasoning he thought. 37 seven years in public safety and an access road into Overlook would not change an emergency in Overlook. You'll be lucky if you get \$20,000 for the fire engine – he thought a waste of time and to get real with the numbers.

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

Respectfully submitted,

Margaret B. Dilts
Clerk/Administrator

Thomas M. McKay
Mayor

