

TOWNSHIP OF LOPATCONG
COUNCIL MEETING

August 5, 2015

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

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

Mayor McKay stated “adequate notice of this meeting has been provided indicating the time and place of the meeting in accordance with Chapter 231 of the Public Laws of 1975 by advertising a Notice in The Star Gazette and The Express-Times and by posting a copy on the bulletin board in the Municipal Building.”

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

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

Attorney Campbell reported that Council was in Executive Session for approximately 60 minutes. Topics of discussion were a discussion were contractual regarding Chapman Sewer, contractual versus Service Electric Franchise, Public Safety and Protection EMS update, Litigation Imhof vs. Township of Lopatcong, Attorney/Client Privilege/Contractual regarding complaint by resident regarding encroachment on right-of-way and contractual regarding Aqua New Jersey property damage release and Attorney/Client Privilege regarding Sign Ordinance . Other items listed on the Agenda for Executive Session that were not discussed and that is why they are not mentioned.

R 15-94

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:

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.

1. Contractual – Chapman, Inc.
2. Contractual – Service Electric Franchise
3. Public Safety and Protection – EMS update.
4. Litigation – Imhof v. Township of Lopatcong
5. Attorney Client Privilege – Complaint by resident regarding encroachment on right-of-way.
6. Contractual – Potts sewer easement
7. Contractual – Aqua Property Damage Release
8. Litigation – COAH
9. Attorney Client Privilege/Contractual – Traffic light at Phillipsburg High School and Belvidere Road – acquisition/possible condemnation
10. Attorney Client Privilege – Sign Ordinance

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, August 5, 2015.

Margaret B. Dilts, CMC

Public Comment – Motion to open for public comment by Councilwoman Schneider, seconded by Councilwoman McCabe. All in favor.

Marla Endick – 10 Bryon Drive – Commented on Executive Session No. 10 – Sign Ordinance. She wondered how, not sure what that involves and a letter was sent to Mayor McKay, Katrina, and Zoning Board Attorney asking for information to be provided to the public regarding questions that have ensued involving current Sign Ordinance.

Eric Johnson – Stonehenge Drive – Wants to talk about the proposed high school. Old Business No. 2 Rent Control Board – think about what you are doing – as a landlord I want to raise rent and then you give me permission and the rates are raised without improvement – think of a way to keep control and be cautious about bypassing Rent Control Law giving anybody free reign to do what they want.

Rob Larsen – 26 Browning Court – 2015 Salary Guide asked about the ranges being changed for the Clerk – Pryor range was \$85 to \$130,000. If in fact Ms. Dilts was doing such a horrible job and you were looking to get rid of her and she was overpaid and was or wasn't doing her job why are we looking to pay somebody new a ridiculous salary. Why are we increasing the CFO's salary? Increasing the ranges – what is the rationale for that. Are you looking to increase your salary from \$5,000 to upwards of \$10,000 is that correct. Mr. Larsen pointed out the Mayor's range was being adjusted as well as Council. Asked about payment of invoices owed to vendors and such and wanted to see if anybody had answers because it does concern him.

John Betz – Brakeley Gardens Tenants Organization – Wanted to speak in favor of the Rent Leveling Ordinance. He'll address his comments in the public hearing of the ordinance.

Andy Horun – Windsor Lane – Just about the Salary Ordinance ranges – the questioning it didn't seem that anybody knew about the ranges or how they were established. How'd that come about? I'd like to get an idea of what sources were used to come up with the salary ranges and how they got to those numbers. CFO said she made them up all herself – I looked at what the current salaries were and varied the ranges above and below that. It was pointed out that the lower end of the ranges should be lowered to accommodate potential new hires and redid ordinance to reflect that. She said it was all her creation and my error, my slight so no reflection on the Governing Body.

Motion to go out of public comment by Mayor McKay, seconded by Councilwoman McCabe. All in favor.

Special Presentation – Veteran's Memorial Committee – Bill Nixon introduced the folks who have been volunteering their time since January of 2014. Unfortunately, Terry Lee is very ill and could not be here. Here is Konnie Mellert, Bob Race, Terry Stocker, and Brian Weeks and Gary Woolf. Asked for Council's support and permission to continue with projects – propose to organize a Memorial Day Ceremony held in our Township May 29, 2016. Field of Flags would be included. They want a multi-purpose site next to the Veteran's Memorial approximately 35 ft. by 35 ft. – vision is music in the park for all ages, ceremonies, open air facility that would be maintenance free. They could use 8X10 shed for all maintenance equipment, storage of unserviceable flags, flag burning container, etc. Want to use the Township mailings, social media, etc., for seeking donations from residents and businesses.

Old Business:

Video Position – 26:45

Minutes – Approve Regular Session Minutes for April 14, 2015 and Executive and Regular Minutes for May 6, 2015. Motion by Council President Ciesla, seconded by Councilman Belcaro. Roll call vote:

AYES: Councilman Belcaro, Councilwoman McCabe, Council President Ciesla

NAYS: Councilwoman Schneider, Mayor McKay – both thought too old and Councilwoman Schneider wants a policy – would have to go to the tape.

Ordinance 15-08 – Second reading and public hearing of an ordinance to Amend, Revise and Supplement Chapter 173, “Rent Control,” to Permit Negotiated Rental Agreements for Vacant Apartments. Attorney Campbell said this is a second reading and public hearing – the ordinance came to Council on recommendation from the Rent Leveling Board under the Township’s current Rent Ordinance. Annual rental increases are subject to a cap of 3%. If the tenant moves out of the unit, and the unit becomes vacant, the landlord must still follow the 3% cap when he re-rents it under the current ordinance. If the landlord fails to take advantage of rental increase in one year he permanently reduces his allowable base rent. Under the proposed ordinance, the annual rental increases are still capped at 3% unless the unit becomes vacant. If a tenant moves out and the unit becomes vacant the landlord is allowed to rent the unit to a new tenant for whatever rent the new tenant is willing to pay. If a landlord fails to take advantage of a rental increase for a year he reduces his allowable base rent just as before. The difference is that once the tenant moves out the landlord can then set a new rent. It is important to note that the ordinance provides a requirement that the landlord notice the Township when the unit becomes vacant and rented to a new tenant. The Rent Leveling Board can then keep track of allowable base rents. Also, there is an anti-harassment provision that prohibits the landlord from harassing or intimidating tenants to get them to move out. The penalties under the ordinance are the normal penalties you would get for any violation. There is also a penalty for loss of privilege for a year. Motion for public hearing by Council President Ciesla, seconded by Councilwoman McCabe. All in favor.

John Betz – Brakeley Gardens Tenants Organization. Part of the Ordinance states that landlords have expressed their desire on rental reductions, freezes and other incentives to some existing tenants, etc., that wording is good for now – it should be revisited at some later date though. We tenants are the paying people of the town's taxes and the landlord’s income – if you raise the price of the rental, your tax receipts go up. As rents go up 3 %, it is like paying an adjustable rate mortgage every year. This constantly increases the tenant’s expenditures and tenants total outlay which basically becomes all most as much or more than the outlay of a homeowner with a fixed rate mortgage 30 years prior. It is his feeling that the ordinance is acceptable if the landlords really do desire to provide rental reductions during this period of the Rent Control Ordinance. It is basically and there are differences in rents – you have 408 apartments on the footprint of the property and produce \$120,000 municipal taxes. If you put 60 houses on a quarter acre a piece on that same foot print you’d be talking only a \$60,000 income from that same situation of houses. By increasing the number of residents but decreasing the size and decreasing the ability of ownership you’ve got the tenants paying twice as much as the homeowner does in relationship to relating a ratio between the two. Now that’s about all I’ll say right now. Ordinance should be passed with the understanding that the benefits go to certain groups of people that the landlord chooses to reach out to seniors, possibly disabled, things of that nature. That is the hinging point here. As far as the decontrol of the unit that serves as an open market incentive which is good – it also will be controlled by fair market rents, values. I doubt any landlord would ever go outside of that because if he can’t rent the apartments, he’s got an empty apartment. Especially Salem Management; there was a point about 1 ½ years ago when the vacancy rate was up to 90 to 100 apartments empty so they were losing rental incomes and still had to pay taxes and utilities.

Councilwoman Schneider - asked John when talking about breaks for seniors and disabled, wouldn’t he want to see it in the ordinance.

John Betz – Yes, it would be good in the ordinance however, he has knowledge that there are certain aspects of individuals that do not allow that for legal purposes. I would also like to express on that note is the fact that there is Senior Freeze in homes. Why isn’t that discrimination against all other homeowners? It is a double discrimination against tenants who are paying over the basic life of a mortgage on a property if they start renting 30 years prior to present date. The basic expenditure is more than the price of the mortgages 30 years prior and it basically goes up and it’s like paying a present day mortgage on a three room house and it rises and rises and rises. So the idea of protecting seniors or disabled from that increase, especially the seniors, is due to the fact that disabled, if they are on social security but the seniors because they are on social security and pensions that don’t have cost of living increases too much

anymore which may be ripped out from under them, it is a good thing to offer this for the seniors and disabled.

Councilwoman Schneider – I'm concerned that it's, the verbiage is not in here about that.

John Betz – Well, you see Donna, with this ordinance, I know the verbiage isn't there. If it could be put there, that would be more acceptable. If not going to be put there, it's a talking point for 2 ½ years from now to extend on that whereas statement and that's where I sit on it. I thank Council for considering it and it's good in some respects but not as good as it should be.

Juniper Leifer – Asked Katrina to explain what you were talking about with the penalty if a person was to engage in some kind of harassment. I just want to understand that.

Attorney Campbell – The way it reads on Section G of the ordinance it says in addition to the penalties set forth in Section 173-17 which are the summons, you know, go to municipal court and you've got a violation, a willful violation of this subsection shall subject the landlord to – 1. On the first offense, loss of privilege to apply for vacancy decontrol at the subject property for a period of not less than one year. 2. On the second offense, loss of privilege to apply for vacancy decontrol on the subject property for a period of not less than two years. 3. Upon finding of any further offenses, loss of privilege to apply for vacancy decontrol at the subject property for a period of five years. The complaint for violation provisions shall be brought in municipal court for the Township of Lopatcong in accordance with Section 173.

Juniper Leifer – Okay, so it is a scale.

Attorney Campbell – In addition to getting a summons for violation like any other section, it would also be the municipal court judge could impose and say you lost your privilege for up to a year on the whole property

Juniper Leifer – That was the clarification I wanted. It's just not for that unit.

Attorney Campbell – It's nice to say not to harass your tenants to kick them out but then when you ask what you are going to do if they do it.

Marla Endick – Maybe you can clarify – I don't understand how taxes work on apartment buildings with landlords so my question is by allowing the landlord to bypass the 3% cap on vacant apartments, so let's say they do charge more, let's say instead of \$900 they charge \$1,000 does the Township get additional tax revenue for sure from that.

Attorney Campbell – You'd have to check with the tax assessor but it is my understanding that the assessed value of the property is based upon, one of the ways you can assess the value of the property is the income approach. Just how much income is the landlord making? If they're making more income, you get to charge them more taxes. Also, if the landlords refurbish their buildings, so they can charge more, so for example, if they renovate a whole building so they can charge \$1500, especially every time they get a building permit, we get to increase their assessment.

Marla Endick – Do we know in fact that that is the case. Have we assessed, so in other words do we know in fact that if the landlord raises the rent, the Township will definitely benefit from that.

Attorney Campbell – You'd have to check with the assessor. It is my understanding she does what is called the Chapter 91 which she asks for income statements from all commercial income producing properties every year and she bases her assessment off those.

Marla Endick – I would suggest that that might be something important for Council to know because I think the point is we want to ensure that the Township is benefiting from this change not simply a landlord by his or herself. Thank you.

Kathy Devos – Katrina, I have a question for you. When we were refer to why we can't put it in writing in the ordinance to freeze the seniors at 1% and the disabled at 1%, would you like to explain why we didn't put it in there?

Attorney Campbell - My legal opinion that forcing a landlord to freeze certain tenants is not a valid ordinance.

Kathy Devos – Thank you.

Attorney Campbell – Landlord makes promises putting in writing, making a requirement that they do it that way, it is my opinion it is not legal but I think the attorney for Salem might speak to what they are currently doing and what they plan on doing.

Kathy Devos – Yes, I just wanted to make it clear that it was not the Rent Leveling Board's recommendation that we do not put that in.

Attorney Campbell – No in fact you asked me to put that in and I told you you could not.

Kathy Devos – Exactly thank you.

Sean Smith – Attorney who represents Brakeley Gardens and Salem Management Company. I'm here today to talk a little bit about the amendment that is proposed to the Rent Control Ordinance. It was recommended to this Council by the Board that is charged with enforcing and regulating the rent ordinance, the Rent Leveling Board. Just so that you understand a little bit about the process about this ordinance. This ordinance was crafted through a collaborative process involving landlords, tenants and the Rent Leveling Board. There is an interesting hiccup in your ordinance based upon the age of your Rent Leveling Ordinance that it hasn't been updated to be brought in line with most municipalities in the State of New Jersey which have some form of vacancy decontrol to address the realities, the economic realities and incentives and disincentives that are created with these types of economic regulations. Your Council mentioned earlier that there are vacancy decontrol ordinances in the state that when a unit is turned over on vacancy, the unit is made exempt from rent control. So, there are some units within a particular property that remain under rent control and as the property is slowly turned over those units become exempt from rent control. There are also rent control ordinances that have vacancy decontrol that are permitted not just on turn over but on the expiration of a particular tenancy. Now, those ordinances have been challenged on occasion by tenants because the way that it deals with a conscionability of the increase to the tenant but those ordinances due exist but the vast majority of the remaining rent control ordinances in the state have some form of vacancy decontrol that is similar or identical but very similar to what is proposed here and what this ordinance really provides is that unique fair balance of the economic interest of my client and certainly has an economic interest to be able to increase their rents over the long haul. The interest of tenants particularly the current tenants and the existing tenants that their rents are not on the next turnover or the next expiration or renewal their lease suddenly increased dramatically but they still retain the protections of that protected tenancy in the interest of a municipality which is ultimately in having commercial property owners who rent and provide for housing to their constituents and at the same time you have a little bit of a conflict there as well but you are also looking towards the rateables and the tax effect of it and generating of income but what this ordinance really does is really sort of balance all of that. What it does, and I did actually, Mr. Mayor have an opportunity to review the meeting the last time, the video, and one of the concerns you raised is you weren't sure that this provided current tenant with sufficient protections. What is interesting about this vacancy decontrol ordinance is not only does it provide all current tenants with the existing protections under the Rent Control Ordinance but when a new tenant comes in and negotiates new rent with the landlord, all of their future rents, all of their future rights are govern by the Rent Control Ordinance. It's not as if that unit is suddenly exempt and living out in fair market world, it is still governed by the Rent Control Ordinance that this Council has adopted. Second, historically what ends of happening with these types of vacancy decontrol ordinances over the long haul and it's bared out and it's why most of the rent control ordinances have a vacancy decontrol provision is over the long haul of that property, there are modern improvements that are made to that property that is brought in line and the reason for that is what this ordinance does is it gives a property owner an incentive to not just maintain a status quo but to improve their property to encourage people to come to their property because don't forget my client is a commercial operator and they want people to stay in their property and continue to pay rent and the only way to really do that is to maintain your property as society changes and evolves. It is one thing if you're are forced because you can only increase your revenues by say cost of living adjustment and that is what I as a person understand but just to keep up with inflation that you are not able to make those types of routine

capital changes and the way the ordinance as it exists today and operates is what ultimately happens when a property owner is over a period of time the property is maintained in a habitability standpoint but it's not greatly improved and then what ultimately happens is 15/20 years down the road the property owner makes a decision under the Rent Control Ordinance to redo the entire building all at once. What happens on ordinances that have not been updated, is all of those capital improvements are immediately passed through to the tenants and it creates a horrible situation both between the tenants and the landlords because they have a relationship; they have a month to month, year to year relationship so an ordinance like this allows it basically incentivizes a client like mine to improve the property on a rolling basis. For example, what my client can't do now is if a tenant comes to my client and says I'm having a financial hardship. I'm on a fixed income. I can only pay this amount. My client is prohibited under this ordinance from charging a lesser amount because it can never recover the lost revenue. What this ordinance allows my client and the tenant to do is to come and meet and say hey I'm on a fixed income this is how much I receive every single month I can only pay this amount in rent. Can you do that? Well my client wants to keep the relationships going if they reach a negotiated amount that is the fixed amount. What this ordinance allows, is my client to have the and all landlord multi-family property owners understand that in the future, they will be able to recover that amount when that unit eventually becomes vacant and what it ultimately does at the end, is it improves the fiscal help both to the property and to the municipality. You have a commercial property owners who has the ability to increase its revenues, it's tax rebates ultimately that tax is paid to the municipality, the municipal government which ultimately helps defer some of the overall expenses of a municipality but there were some other questions about some of the protections that are in this ordinance. One thing that your counsel didn't mention is New Jersey has some of the strongest tenancy laws in the country. None of this ordinance removes those tenancy protections. Eviction Act still applies to multi-family property owners over a certain number that certainly blows my mind. The security deposit laws – those all still remain in effect but what this ordinance does and to the tenants benefit and certainly with a foresight by the Rent Leveling Board is to provide additional protections way above what the existing law in New Jersey provides to tenants. It provides the anti-harassment provisions and I must point out that the penalty of losing your ability to decontrol your entire property as a result of one action not only is the harassment in violation of the Anti-eviction Act not only the harassment in a landlord/tenant court cause significant problems for a property owner as well as potentially in civil court for a whole host of reasons but the penalty within the ordinance that prevents them from decontrolling the entire property for a year, is a very significant penalty that is very broad and it is a very significant protection that this ordinance gives to tenants within the municipality that does not exist anywhere in the State of New Jersey. The other part that was sort of glossed over but is very important for this Council to be aware of the Rent Leveling Board, your municipality has an at times a very active Rent Leveling Board. What this ordinance requires is rent leveling oversight on these types of decontrols. It's not like a landlord can come to the Board three years down the road and say wait a minute we had all these decontrols, all these turnovers, you have to give them to us, you can't now say we are bound by the rent levelling ordinance. The reality is, this provision says in order for you to get this vacancy decontrol, you have to file this form, you have to provide this information and if you don't do it, you don't get it and it gives the tenant the ability to object. So you are giving that tenant the ability and the due process rights that required or not required but I think are given here to protect tenants if they feel that there is a form that is being filed that is improper because the tenant has the right to come before the board and say wait a minute I object. I've been living here this whole time. So those protections that are provided for the tenant, the incentive that is created and the benefit of the vacancy decontrol on turnover does really balance the interest of both sides in this as well as a third party which is you and municipal interest in both regulating your rents and your rental market within a municipality but also ensuring that you have an incentive for commercial property owners as well as your constituents to live and operate in this municipality.

Councilwoman Schneider – How many vacancies does Brakeley have the moment? Do you know?

Sean Smith – Exact numbers no but 10 to 20% and I can't speak for the other property owners in the municipality but Brakeley. It has been as high as 25%. There have been discussions and an informal arrangement between tenants to try to freeze some rents to create the incentives to bring in more tenants and that has worked to some extent.

Councilwoman Schneider – As to what this ordinance, as Mr. Johnson pointed out, how do we know that the apartment would be renovated? How is there a way to check that? Is there a way for us, you know, as been done before where there is a check to make sure it's been done and not just vacant and then nothing done to it and then a higher rent charged?

Sean Smith – The reality is, and it's a fair question, it is not on a case by case basis. If the market permits a property owner to increase the revenues on a property so they can make the capital investments in the property, historically they are going to make those capital investments because they want to encourage higher rents. They are not going to want their building to fall into a dilapidated state because then they can only charge a lower than market rent or even lower than what the rent control ordinance and I think from an ordinance prospective I don't believe you can legislate those types of requirements on any (inaudible).

Attorney Campbell – It is our hope that they (inaudible) what becomes of this because they've been given the opportunity to get higher rent if they have an incentive to put some work into their building hoping they'll get the money but if they think they can get a higher rent and leave it exactly the way it is, that's for them to decide and the new tenants that comes into this has to decide if they want to pay that.

Sean Smith – And, there is an interesting issue on that that always seems to get swept under the rug. People tend to forget that. Maybe on a one on one landlord tenant operation, you might have a landlord who is not overly incentivized to keep the people that is does business with it in a good state but on a property like my clients, it is several hundred units, they have a business relationship with several hundred people. If you do not work with those several hundred people in a way that is effective you lose your (inaudible) from a business perspective.

Council President Ciesla – That is something we can't regulate. We cannot force people to renovate.

Yvonne Reitenmeyer – Browning Court – Is this ordinance only applying to multi-unit landlords.

Attorney Campbell – Yes, it is only to four or more units. As far as we know it only applies to Larken and Salem Management and someday Sycamore Landing.

Councilwoman Schneider – Has Larken weighed in on any of this?

Attorney Campbell – Yes.

Eric Johnson – Stonehenge Drive – Do any of these rental units fall into a low or moderate income bracket that's required by the town that put this in. Because, I know a lot of times you put up (inaudible) and you have to have low to moderate income certain percentage.

Attorney Campbell – None of our COAH units come out of these two developments. However, there is Section 8 but that is completely different issue.

Eric Johnson – Okay, so, that would affect that, so, that's good. I think something you have to take off the table the freezing, the rent thing that's all talk, you can't hold anybody to it. That is not a reason to do it maybe it, hopefully, it will happen but there is one loophole in here that you have to think about. I'm not saying it is a deal breaker but I can manipulate this ordinance. I can purposely vacate one of my apartments for one month to raise the rent and then put it back on the market one month later. Cause there is no time period if I understand it correctly, that it has to remain vacant for this deregulation to take place. So, take that into consideration.

Attorney Campbell – (Inaudible).

Eric Johnson – It could be vacant for one month. I can have a person giving me notice that he is going to leave my apartment. I'm not going to put it back up for rent till one month after he leaves. I've got one month vacancy where I now can do whatever I want with that rent.

Attorney Campbell – That is exactly what – people talking over people.

Council President Ciesla – That's all part of the free market.

Eric Johnson – Exactly, my point is, is that I can hold off a renter for one month just to make sure I get

Council President Ciesla – No you wouldn't have to.

Attorney Campbell - According to the ordinance you wouldn't even have to. If you had a tenant that wanted to move out on the 31st and the new tenant moved in on the 1st – you could change the rent because it is not a renewal, it is not the same. The word vacant makes you think it is empty.

Eric Johnson – Say anytime it changes hands, we are saying that this ordinance applies. All right.

And then an argument for the other side, to be honest with you, if I'm trying to rent an apartment, this is economics, this is supply and demand. I can't turn a \$700 apartment into a \$1200 apartment. You can't screw anybody like that because it is supply and demand, it is economics. He's not going to be able to rent for any more than the market will bear. So he's not going to be screwing anybody, he can't, it is not possible so for that reason alone I think we are looking at what the market is going to dictate. He thought it is going to be fair and I don't think they can screw anybody. Thanks.

Joe Imhof – 240 Aurora Street – I need to put into prospective when Council talks about most municipalities in New Jersey and comes up with the figures. We need to realize that for over 600 and some municipalities in New Jersey less than 15% have any rent control ordinance. There are only two in all of Morris, Warren and Sussex and Hunterdon Counties. The other one being Morristown which is quite more urbanized than rural Lopatcong I would challenge Council to come up with rural townships that have rent control. Also, as Eric already said, the best way to insure getting modern improvements into apartments is to see another complex like Sycamore Landing go up and that will allow the market place to control the rents. Not what I consider to be an unnecessary commission in the Township. Also, I'm wondering if any of Councilmembers have any personal or business relationships with Salem or Larken that might cause them to be recused from the voting process on this ordinance.

Mayor McKay – I do not.

Councilwoman Schneider – I don't.

Council President Ciesla – Not a secret (inaudible)

Attorney Campbell – Mr. Imhof, just to speak to you, Morristown is the only other one. When I was preparing the Township ordinance as I often do, I check with other towns to see if they had any brilliant ideas and Morristown is actually where that anti-harassment policy came from and the only other towns I found that had anti vacancy decontrol where New Brunswick and Hoboken because they had rent control but you are correct that Morristown is the closest neighbor that has it and that's where the language actually came from.

Councilwoman Schneider – That's what I'm confused about why all of our surrounding townships don't have any Rent Control Board at all but Lopatcong does.

Attorney Campbell – They never adopted it.

Councilwoman Schneider – I don't know if they have any rental issues in their townships if that is something we would need to explore to see what our rent control town versus a non-rent control town what their issues are and what's working and not working to know if a Rent Control Board has (inaudible) or not needed.

Mayor McKay – You know, first I like to see that the seniors are taken care of but in this case it appears that according to counsel that we can't do anything to be certain that they are better taken care of and that would be illegal. We can't give them right of freeze into their.

Attorney Campbell – You can't force a landlord to freeze their rents.

Mayor McKay – But a landlord could consent by agreement to do that but you know the only purpose to have a tent control is to protect people up against hard times and if you are not going to protect the people that are not up against hard times why have rent control but that is how I look at it. The Tenant Association seems to be that they can live with this so, there you go.

Council President Ciesla – I think it is a nice balance for not giving the land owners any recourse and I know if you continue to, like I said, if your vacancies go down you are not bringing in the money but yet your taxes are going to remain the same so you are not going to be able to do the improvements you want to do. At the same time, everybody who is now renting is protected – it will give them the ability to adjust it to the market which will help them with their vacancy and also at the same time hopefully you know you do want to keep all the properties in town up to code, up to speed and looking good. Thanks Katrina for putting it together.

Councilwoman McCabe – I would just like to say that I think that there are some protections in this as we discussed you know, the protections of the (inaudible) that come into play if necessary and you know, this is an incentive for the landlords to upgrade the properties which is good for the town and possibly we'll get some more tenants in there which of course is more residents to the town. In the long haul, those are the people that are doing business in the town so I really think it is a win, win. I think that we should give the landlords a chance to you know stand by their word and say that you know we can't put it in writing the benefit for the seniors but they're saying they'll give them the benefits. So let's give them the benefit of the doubt and let's try and help the seniors out and do what we can and if this gets us there, let's try, let's make the effort to move forward with this.

Councilman Belcaro – I think that we have to do everything we can to help protect our seniors in town. I've said this before, one day one of us young folks we'll be there and hopefully the young people will do that on my behalf, my interest as well and I said this before I don't care about any other towns that do not have rent control. The only one I care about is Lopatcong and I don't know why other towns are always interjected that they don't have rent control and how that works. That is not my concern. I live here and the residents come here to, you know, looking for help and support and that's what we are here to do so that's where I stand with this issue. I think that the Rent Leveling Board is representative on behalf of the renters and also between a go to of the governing body so it is of vital importance and if that was taken away then I think that the seniors there would lose protection. Of course landlords are always there for one purpose and that is you know, in their own best interests – it's a business and business is about making money. So that's why we have to be good to, to make it fair for the landlord we want them, you know, to stay in business and also to be profitable as well at a fair market value but by the same token protect our seniors.

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

Motion to adopt by Mayor McKay, seconded by Council President Ciesla. Roll call vote:
AYES: Councilman Belcaro, Councilwoman McCabe, Councilwoman Schneider, Council President Ciesla, Mayor McKay.
NAYS: None

New Business:

Video Position – 1:09:45

Ordinance No. 15-09 – First reading of the Salary Ordinance setting ranges for all salaries for all employees. Council President Ciesla made a motion to table, seconded by Councilwoman McCabe. All in favor.

Resolution No. 15-96 – Establish pay rates for municipal employees. Councilwoman Schneider made a motion to approve, seconded by Mayor McKay. Discussion. Council President Ciesla asked if anyone reviewed for correctness. CFO said this is what is in the payroll records. Clerk Dilts said the titles are not all correct. Roll call vote:

AYES: None

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

Resolution No. 15-111 – Authorize Township of Lopatcong to implement a Corporate Sponsorship Policy. Mayor McKay stated this is a multi-step process. Attorney Campbell said this resolution authorizes a competitive contract seeking proposals for a corporate sponsor. Attorney Campbell said the administrator is the one to prepare the proposal and she recommended a member of Council and a member of the LAA to help with this preparation. Evaluation criteria will be part of the proposal. Council President Ciesla said she would volunteer.

R 15-111

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY ESTABLISHING A CORPORATE SPONSORSHIP POLICY FOR THE TOWNSHIP MUNICIPAL PARKS AND RECREATION FACILITIES

WHEREAS, Chapter 157 “Parks and Recreation Areas” of the Code of the Township of Lopatcong, County of Warren and State of New Jersey provides the policies and procedures for recreational facilities and park use; and

WHEREAS, all athletic fields and recreational facilities receive increasing use each year from the public, while funding for administration, operations and maintenance from the Township’s budget has declined; and

WHEREAS, in an effort to continue to provide quality recreational facilities, programs, trails and open space the Township shall implement a Corporate Sponsorship Program as an effective means of generating new revenues and alternate resources; and

WHEREAS, pursuant to the State of New Jersey’s Local Public Contracts Law 40A: 11-1 et. seq. the Township can pursue Request for Proposals under the Competitive Process in Public Purchasing.

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 establish a “Corporate Sponsorship Policy” to set forth guidelines and procedures under the State of New Jersey Local Public Contracts Law Competitive Process in Public Purchasing.

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

Motion by Mayor McKay, seconded by Council President Ciesla. Roll call vote:

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

NAYS: None

Sterling Dump Trucks – Approve the purchase of two (2) Sterling L8500 Single Axle Dump Trucks – a 2001 for \$15,900 and a 2004 for \$19,900. Additional expenses shall be the cost of two (2) plows totaling \$22,000, one (1) salt spreader for \$4,000 and the cost for reconditioning the trucks not to exceed \$5,000 from the capital budget. Additional costs will be deducted from the DPW budget including registration fees, delivery fees, tires, et. The Township received \$25,000 from Aqua because of the loss of our truck in the sinkhole incident that will be applied to the balance. 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

Sign Ordinance 15-10 – Attorney Campbell said at the last meeting she was asked to review the current sign ordinance. She sent all of Council a memo with recommendations for revisions to the ordinance. She prepared a draft ordinance and recommended first reading tonight. The

ordinance will then be sent to the Planning Board in which they have 35 days to review it and second reading will be at the September meeting. This is not for just political signs but for all signs. Attorney Campbell said 4 ft. signs have been found to be unconstitutional.

ORDINANCE 15-10

ORDINANCE OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING CHAPTER 243 “ZONING AND LAND USE”, ARTICLE X “SIGN REGULATIONS,” OF THE CODE OF THE TOWNSHIP OF LOPATCONG.

WHEREAS, the Township Code regarding sign regulations was first adopted in 1974 and the most recent amendments to those Code sections were made in 1992 and 2001; and

WHEREAS, the New Jersey and United States Supreme Courts have issued several decisions regarding sign regulations since the Township’s sign ordinance was adopted; and

WHEREAS, the Township Council of the Township of Lopatcong wishes to update its sign regulations and permit application process to ensure constitutional compliance.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Township of Lopatcong, County of Warren, State of New Jersey, that Chapter 243 “Zoning and Land Use”, Article X “Sign Regulations” of the Code of the Township of Lopatcong is hereby amended as follows:

Section 1:

Chapter 243. Zoning and Land Use, Article X. Sign Regulations shall be deleted in its entirety and replaced with the following:

Chapter 243. Zoning and Land Use

Article X. Sign Regulations

§ 243-52. Permit required; application requirements and process

- A. Permit Required. It shall be unlawful for any person, firm, or corporation, to erect, alter, locate or relocate, reconstruct or change in any manner any sign greater than redesigned, relocated and reconstructed within the Township any sign or signs having an area greater than six square feet, without first having obtained and paid for and having in force a permit therefor from the Zoning Officer.
 - 1. The following two operation shall not be considered creating a new sign and therefore shall not require a sign permit:
 - a) Replacing Copy: the changing of the advertising or message on an approved sign which is specifically designed for the use of a replaceable copy
 - b) Maintenance: painting, cleaning and other normal maintenance and repair of a sign or sign structures, unless a structural change is made or there is a change in message.
- B. Application for a permit for signs over six square feet in area shall be made on a form provided by the Zoning Officer, which application shall include:
 - 1. The name, address, and telephone number of the applicant.
 - 2. The location of the building upon which the sign is to be erected.
 - 3. A color photo of the building upon which the sign is to be erected or any immediately adjacent building(s).
 - 4. A description of the size and construction of the sign.
 - 5. Such other pertinent information as the Zoning Officer may require in order to determine properly whether such application complies with the provisions of this chapter and other ordinances.
- C. The Zoning Officer shall issue or deny a permit for a sign within ten calendar days of the receipt of a complete and satisfactory application.

- D. Appeal from Permit Denied. Any applicant who feels aggrieved by the decision of the Zoning Officer may appeal to the Zoning Board from such decision and the Zoning Board may affirm, reverse or modify such decision of the Zoning Officer.
- E. Issuance of a sign construction permit. Upon approval of the application by the Zoning Officer or after approval by the Zoning Board, the Zoning Officer shall issue a permit for construction of such sign.

§ 243-53. General sign regulations.

- A. The limitations of signs set forth for the various zones by this chapter shall not apply to any sign or directional device erected by the federal, state, county or local government or agency thereof.
- B. The limitations of sign area as set forth by this chapter for the nonresidential zones shall not apply to parking lot markers, directional signs, entrance and exit signs and other such signs which are erected on the premises, provided that such signs do not exceed four square feet in area and do not contain any advertising of the use on the premises.
- C. No flashing, oscillating or animated sign of any type may be erected within the Township.
- D. No signs shall be so placed, colored or lighted as to impede or interfere in any way with the operation of a traffic light, traffic directional signal or general traffic vision.
- E. No freestanding sign shall be erected in the Township which exceeds a height of five feet, except that in a service station such sign shall not exceed a height of 15 feet. Advertising signs, where permitted, shall meet the height requirements of § 243-77.1.
- F. Under no circumstances shall any sign be located on the roof of any building, and no exceptions within this chapter shall be interpreted as applying thereto or creating such permission.
- G. Advertising signs shall be permitted as a conditional use in particular zones subject to the requirements of § 243-77.1, Advertising signs.

§ 243-54. Signs permitted in all zones.

The following signs will be permitted in all zones:

- A. One nonflashing, nonilluminated, temporary sign pertaining to the lease, rental or sale of the same lot or building upon which it is placed, and not exceeding four square feet in area, provided that such sign is erected or displayed not less than 10 feet inside of the property line or within the building. This sign must be removed from the premises within 30 days after the property is sold or rented.
- B. One illuminated, nonflashing sign identifying a school, park or public building, located not less than 10 feet inside the property line and not exceeding 10 square feet in area.
- C. One personal nameplate sign for each permitted dwelling unit, situated within the property lines and not exceeding one square foot in area.

§ 243-55. Signs permitted in nonresidential zones.

The aggregate area of all business signs placed or inscribed on the front facade of a building and freestanding business signs shall not exceed two square feet for each one foot of width of the front facade of the building. In any case, the aggregate area of such signs shall not exceed 100 square feet, except that for structures containing several tenants, a separate sign area may be computed for each ground floor tenant based upon the front facade width of the tenant.

- A. One freestanding sign shall be permitted for each lot. Such sign shall not exceed 25 square feet in area, plus five square feet for each separately operated use or activity in the lot, if there is more than one. In no case shall any sign exceed 100 square feet in area.

Such signs shall be located at least 20 feet from a street or property line and in accordance with all regulations of site plan review. Such signs may be illuminated by nonflashing light.

- B. One sign may be placed or inscribed upon the front facade of a building for each permitted use or occupant. Such sign may be illuminated by nonflashing light.

Section 2:

§ 243-77.1. Advertising signs shall be deleted in its entirety and replaced with:

§ 243-77.1. Advertising signs.

- A. Advertising signs are defined as a sign which directs attention to a business, commodity, or service conducted, sold or offered elsewhere.
- B. Advertising signs shall be permitted in the HB and ROM Zones east of the intersection of State Highway Nos. 57 and 22, if found appropriate, as a conditional use, under the following conditions:
 - (1) Such signs shall constitute an allowed second principal use on site.
 - (2) Advertising signs shall only be allowed along State Highway Nos. 22 and 57 and shall be located within 70 feet of the state highway right-of-way. Setback from the right-of-way shall be sufficient to allow installation and maintenance without encroachment into the right-of-way.
 - (3) Advertising signs shall not exceed 675 square feet in area per side, 50 feet in length and 14 feet in sign height. Total height of sign and mounting structure shall not exceed 25 feet above the elevation of the closest edge of the traveled way of the highway.
 - (4) No advertising sign shall interfere with the required sight distances necessary for the safe ingress and egress to a site.
 - (5) Signs shall be located so as to allow clear visibility to approaching traffic for a minimum distance of 600 feet. No advertising sign shall interfere with the required visibility of any other advertising sign. No advertising sign shall interfere with the required visibility of any on-premises business sign. No advertising sign shall be within 3,000 feet of any other advertising sign.
- C. Any advertising sign erected in these zones must comply with the permit process outlined in § 243-52 after receiving the requisite Board approval.

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 as required by law.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Township of Lopatcong held on August 5, at 7:00 PM and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Council to be held on September 2, 2015, at 7:00 PM, or as soon thereafter as the Township Council may hear this Ordinance at the

Municipal Building, 232 South Third Street, Phillipsburg, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Beth Dilts, Township Clerk

Motion by Mayor McKay, seconded by Council President Ciesla. Roll call vote:

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

NAYS: None

Resolution No. 15-113 – Video Position – 1:46:28 - Approve conditional Redevelopers Agreement Concerning Ingersoll-Rand property. Council President Ciesla asked why the people did not know the OPUS Investment Group was going to be here tonight. This should have been advertised she said they should come back so this can be properly advertised. Councilwoman Schneider asked that since they are here, to let them speak and then invite them back a second time. Representatives from the OPUS Investment Group provided an overview of the Warehouse Project expecting to be 4.4 million square feet in both Phillipsburg and Lopatcong but in Lopatcong it would be 1 million square feet. Questions and comments from Council and the public were addressed. Council President Ciesla invited the OPUS Group representatives to come back to a special meeting being scheduled for August 27, 2015.

Council President Ciesla asked for a motion to table Resolution 15-113. Motion by Councilwoman Schneider, seconded by Councilwoman McCabe. Roll call vote:

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

NAYS: None

Proclamation – Mayor’s Wellness Campaign.

Proclamation

WHEREAS, fifty-five percent of New Jersey residents are obese or overweight, and

WHEREAS, Medical expenses for treating problems related to obesity in our state total billions annually; and

WHEREAS, New Jersey has reported the highest incidence in the nation in obesity among low-income kids aged 2-5 years; and

WHEREAS, The current generation of children in America may have shorter life expectancies than their parents; and

WHEREAS, The Mayors Wellness Campaign supports Mayors as champions of community health; and

WHEREAS, The goal of the campaign is to improve health, reduce health care costs related to obesity, and make New Jersey a national leader in community-based health interventions; and

WHEREAS, The Mayor Wellness Campaign will work to implement a comprehensive program of outreach, education and technical assistance activities to combat obesity and inactivity issues for The Township of Lopatcong, now therefore be it

WHEREAS, The Township of Lopatcong cares deeply about all of its citizens and the future health of its children.

RESOLVED, That I, Thomas M. McKay, Mayor, ask that all residents of this community join me in supporting the Mayors Wellness Campaign and be it further

RESOLVED, That I encourage the residents of the Township of Lopatcong to participate in Mayor’s Wellness Campaign activities to promote exercise, eating properly and living healthier and better lives.

Temporary Hire Finance Office – Councilwoman Schneider stated that in the past couple of meetings it was discussed about hiring a part-time person in the Finance Office. There was to be an ad on the website but she indicated a title was not decided on because this is a Civil Service position. Pohatcong asked to do a shared service three ways with three different townships. Councilwoman Schneider indicated she would like to have Council consider a temporary employee and if the shared service would be a success there would be a clean break. A Council discussion ensued with no action taken. Councilwoman McCabe made a motion to Rice Notice CFO Rossetti, seconded by Council President Ciesla. Roll call vote:

AYES: Councilman Belcaro, Councilwoman McCabe, Council President Ciesla

NAYS: Councilwoman Schneider, Mayor McKay

Consent Agenda:

Attorney Campbell said either No. 18 be pulled out separately and done or she could just before the start just ask that the Mayor be approved to execute the Property Damage Release drafted by her office and conditioned upon Aqua removing the asbestos pipe from the DPW.

Mayor McKay asked for a motion to approve the 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

Clerk Dilts informed the Council that she was passing the Group Affidavit Form that at the very least; the audit was reviewed by the Mayor and Council.

Resolution No. 15-95 – Authorize submission of grant application and execute grant contact with the NJDOT for Baltimore Street Roadway Improvement Project.

R 15-95

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY AUTHORIZING APPROVAL TO SUBMIT A GRANT
APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY
DEPARTMENT OF TRANSPORTATION FOR THE BALTIMORE STREET ROADWAY
IMPROVEMENT PROJECT

WHEREAS, the NJDOT makes funds available to municipalities and counties for road improvement projects through the municipal aid portion of the New Jersey Transportation Fund;

WHEREAS, the Township Engineer has recommended that the Township Council apply to the New Jersey Department of Transportation for discretionary funds that are available under the New Jersey Transportation Trust Fund Authority Act, Fiscal Year 2015 Municipal Aid Program for the purpose of constructing improvements to Baltimore Street between its westerly terminus and a point 950 feet east of Red School Lane; and

WHEREAS, the Township Council has considered this recommendation;

NOW, THEREFORE, BE IT RESOLVED that Council of Lopatcong Township formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as LAIF-Lopatcong Township - 00006 to the New Jersey Department of Transportation on behalf of Lopatcong Township.

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Lopatcong Township and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Council on this 5th day of August, 2015

Clerk

My signature and the Clerk’s seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL _____
(Clerk) (Presiding Officer)

Resolution No. 15-97 – Award contract to Chapman, Inc., in the amount of \$124,553.00 for the Operation and Maintenance of Wastewater Collection System.

R 15-97

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING AWARD OF TWO CONTRACTS TO CHAPMAN, INC., IN THE AMOUNT OF \$124,553.00

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey accepted bids for the maintenance of the Township’s Waste Water Collection System on June 25, 2015; and

WHEREAS, Chapman, Inc., submitted the only bid for the maintenance of the Township’s Waste Water Collection; and

WHEREAS, Chapman’s total bid for a 24-month period was \$124,553.00. The bid comprises a lump sum of \$55,553.00 in required services and \$69,000.00 in allowances which may or may not be needed; and

WHEREAS, Chapman, Inc., has been the licensed operator for the Township of Lopatcong since 2009.

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 award the bid for the maintenance of the Township’s Waste Water Collection System to Chapman, Inc., for a 24-month period in the amount of \$124,553.00.

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. 15-98 – Accept Annual Audit for 2014 by signing Group Affidavit certifying review of, at a minimum, the Comments and Recommendations section.

R 15-98

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY CERTIFYING THE ANNUAL AUDIT FOR 2014

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2014 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6 and a copy has been received by each member of the Governing Body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of the certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, a failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27bB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Township of Lopatcong, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of the Resolution and the required affidavit to said Board to show evidence of said compliance.

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. 15-99 – Accept Corrective Action Plan for 2014 Audit Report.

RESOLUTION 15-99

RESOLUTION FOR CORRECTIVE ACTION PLAN FOR 2014 AUDIT REPORT OF THE TOWNSHIP OF LOPATCONG, WARREN COUNTY, NEW JERSEY

WHEREAS, Local Finance Notice #92-15 issued July 8, 1992, requires that all municipalities prepare and submit a Corrective Action Plan as part of their annual audit process and in accordance with OMB Circulars and #92-15, and

WHEREAS, the resolution is submitted to the Division of Local Government Services, Department of Community Affairs and placed on file with the clerk sixty (60) days from the date the audit is received by the governing body, and

WHEREAS, the audit report was received on July 2, 2015, and

WHEREAS, this corrective action plan resolution has been prepared by the Chief Financial Officer and approved by the governing body of the municipality,

WHEREAS, Lorraine Rossetti, the Chief Financial Officer, has prepared a corrective action plan for findings in the 2014 Audit Report of the Township of Lopatcong, Warren County, New Jersey, and

WHEREAS, the Chief Financial Officer has provided the Mayor and the Council of the Township of Lopatcong, Warren County, New Jersey with a copy of this corrective action plan, and

WHEREAS, the Mayor and the Council of the Township of Lopatcong, Warren County, New Jersey have reviewed the findings and the corrective actions of this plan.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Township of Lopatcong, Warren County, New Jersey approve the corrective action plan and that the Chief Financial Officer of the Township of Lopatcong, County of Warren, New Jersey is hereby directed to carry out the Corrective Action Plan for the 2014 Audit Report and the Municipal Clerk will forward a copy of this resolution to the Department of Community Affairs.

CERTIFICATION

I, Margaret B. Dilts, Clerk of the Township of Lopatcong, County of Warren, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Council at a meeting on Wednesday, August 5, 2015.

Margaret B. Dilts, Township Clerk

Witness my hand and seal of the Township of Lopatcong
This 5th day of August, 2015.

Resolution No. 15-100 – Authorize extension for payment of Third Quarter Taxes without penalty until August 21, 2015.

R 15-100

WHEREAS, the annual tax bills were not mailed by the statutory mailing date, pursuant to N.J.S.A. 54:4-66, because the 2015 tax rate was not set; and

WHEREAS, the mailing of the annual tax bills occurred on or before July 27, 2015; and

WHEREAS, pursuant to Statute, no interest may be charged for twenty-five (25) days after mailing.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and governing Body of Lopatcong Township, that the third installment of the 2015 tax bill shall be due and payable without penalty by August 21, 2015. Any payments received after that date will accrue interest back to August 1, 2015

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, August 5, 2015.

Margaret B. Dilts, CMC

Resolution No. 15-102 - Authorizing Refund of Redemption Monies to Outside Lienholder, Block 47, Lot 7 in the amount of \$1,015.19.

R 15-102

WHEREAS, at the Lopatcong Township Municipal Tax Sale, held on June 25, 2014, a lien was sold on Block 47, Lot 7, also known as 106 Rosehill Avenue in Lopatcong Township, for 2013 delinquent sewer; and,

WHEREAS, this lien, known as Tax Sale Certificate #2014-015, was sold to US Bank Cust for PC4 First Trust Bank for a premium of \$400.00 and,

WHEREAS, Corelogic, escrow company for property owners, has satisfied the redemption amount on Certificate #20174-015 in the amount of \$615.19 and,

NOW, THEREFORE, BE IT RESOLVED on this 5th day of August, 2015, that the Chief Financial Officer be authorized to issue a check in the amount of \$1,015.19 for the redemption of Tax Sale Certificate #2014-015 and Premium to:

US BANK CUST FOR PC4 FIRST TRUST BANK
50 S. 16th St., Suite 2050
Philadelphia, PA 19102

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 15-103 – Authorizing Refund of Redemption Monies to Outside Lienholder, block 133, Lot 26, in the amount of \$5,917.14

R 15-103

RESOLUTION AUTHORIZING REFUND OF REDEMPTION MONIES TO OUTSIDE LIENHOLDERS AND TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY

WHEREAS, at the Lopatcong Township Municipal Tax Sale , held on June 19, 2013, a lien was sold on Block 133, Lot 26, also known as 38 Byron Drive in Lopatcong Township, for 2012 delinquent sewer; and,

WHEREAS, this lien, known as Tax Sale Certificate #2013-038, was sold to US Bank Cust as Cust for FNA Jersey BOI, LLC for a premium of \$2,400.00 and,

WHEREAS, Corelogic Inc., escrow company for property owners, has satisfied the redemption amount on Certificate #2013-038 in the amount of \$3,517.14, and

NOW, THEREFORE, BE IT RESOLVED on this 5th day of August, 2015, that the Chief Financial Officer be authorized to issue a check in the amount of \$5,917-14 for the redemption of Tax Sale Certificate #2013-038 and Premium to:

US BANK CUST FOR FNA JERSEY BOI, LLC
50 S. 16th St., Suite 1950
Philadelphia, PA 19102

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. 15-104 – Authorize redemption of Tax Sale Certificate No. 2014-073 and Premium in the amount of \$1,335.13 on Block 138, Lot 30.

R 15-104

RESOLUTION AUTHORIZING REFUND OF REDEMPTION MONIES TO OUTSIDE LIENHOLDER OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on June 25, 2014, a lien was sold on Block 138, Lot 30, also known as 60 Buckley Hill Drive in Lopatcong Township, for 2013 delinquent sewer; and,

WHEREAS, this lien, known as Tax Sale Certificate #2014-073, was sold to US Bank Cust as Cust for Actlien Holding for a premium of \$300.00 and,

WHEREAS, Lereta, on behalf of lender, Seterus, escrow company for property owners, has satisfied the redemption amount on Certificate #2014-073 in the amount of \$1,035.13 and,

NOW, THEREFORE, BE IT RESOLVED on this 5th day of August, 2015, that the Chief Financial Officer be authorized to issue a check in the amount of \$1,335.13 for the redemption of Tax Sale Certificate #2014-073 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, August 5, 2015.

Margaret B. Dilts, CMC

Resolution No. 15-105 - Authorizing Refund of Redemption Monies to Outside Lienholder, Block 54, Lot 3, in the amount of \$2,372.47

R15-105

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on June 19, 2013, a lien was sold on Block 54, Lot 3, also known as 208 Stelko Avenue in Lopatcong Township, for 2012 delinquent sewer; and

WHEREAS, this lien, known as Tax Sale Certificate #2013-010, was sold to US Bank Cust for Pro Cap II, LLC for a premium of \$900.00 and,

WHEREAS, Lereta, escrow company for property owners, has satisfied the redemption amount on Certificate #2013-010 in the amount of \$1,472.47 and,

NOW, THEREFORE, BE IT RESOLVED on this 5th day of August, 2015, that the Chief Financial Officer be authorized to issue a check in the amount of \$2,372.47 for the redemption of Tax Sale Certificate #2014-047 and Premium to:

US BANK CUST FOR PRO CAP II, LLC
50 S. 16th St., Suite 1950
Philadelphia, PA 19102

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, August 5, 2015.

Margaret B. Dilts, CMC

Resolution 15-106 – Authorizing Redemption of Tax Sale Certificate No. 2014-050, Block 115.03, Lot 20 C0214 in the amount of \$528.78.

R15-106

WHEREAS, at the Lopatcong Township Municipal Tax Sale, held on June 25, 2014, a lien was sold on Block 115.03, Lot 20 C0214, also known as 214 Windmill Court for 2013 delinquent sewer taxes; and

WHEREAS, this lien known as Tax Sale Certificate No. 2014-050, was sold to Stuart Lasher for 18%; and

WHEREAS, Lereta LLC, mortgage company for property owners has satisfied the redemption amount on Certificate No. 2014-050 in the amount of \$528.78.

NOW, THEREFORE, BE IT RESOLVED on the 5th day of August 2015, that the Chief Financial Officer is authorized to issue a check in the amount of \$528378, for the redemption of Tax Sale Certificate No. 2014-050 to:

STUART LASHER
P.O. Box 83
Milltown, NJ 08850-0083

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 15-107 – Authorizing Refund on Exempt Property Tax Payments, Block 139, Lot 20 in the amount of \$548.21

R 15-107

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

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey that warrants be drawn to the property owners listed below in the designated amounts representing a refund on tax payments on exempt property.

<u>Block & Lot</u>	<u>Name of Payee</u>	<u>Amount</u>
Block 139, Lot 20	William & Mundrane Dobbins 55 Haze Way Phillipsburg NJ 08865	\$548.21

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Council of the Township of Lopatcong, County of Warren and State of New Jersey, have approved the refunds.

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren 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 15-108 – Authorizing to Refund Overpayment on Tax Payments for Tax Year 2014.

R 15-108

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY AUTHORIZING TO REFUND OVERPAYMENT ON TAX
PAYMENTS FOR TAX YEAR 2014

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

<u>Block & Lot</u>	<u>Name of Payee</u>	<u>Amount</u>
Block 85.06, Lot 1	MORRIS PARK ASSOC. Access Property 4 Walter E Foran Blvd Flemington, NJ 08822	\$1,250.35

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, August 5, 2015.

Margaret B. Dilts, CMC

Resolution 15-109 – Authorizing Redemption of Tax Sale Certificate No. #2014-008, Block 23, Lot 14, in the amount of \$514.15.

R 15-109

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE
NO. #2014-008 ON BLOCK 23, LOT 14

WHEREAS, at the Lopatcong Township Municipal Tax Sale, held on June 25, 2014, a lien was sold on Block 23, Lot 14, also known as 579 Belvidere Road, for 2013 delinquent sewer taxes; and

WHEREAS, this lien, known as Tax Sale Certificate No. #2014-008, as so to Arthur Frustaci for 18% interest; and

WHEREAS, Corelogic, mortgage company for property owners, has satisfied the redemption amount of Certificate No. #2014-008 in the amount of \$514.15.

NOW, THEREFORE, BE IT RESOLVED on this 5th day of August, 2015, that the Chief Financial Officer is authorized to issue a check in the amount of \$514.15 for the redemption of Tax Sale Certificate No. #2014-008 to:

Arthur Frustaci
1178 Fifth Avenue

Alpha, NJ 08865

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, August 5, 2015.

Margaret B. Dilts, CMC

Resolution 15-110 – Authorizing Petty Cash Fund for Community Day in the Amount of \$50.00.

R 15-110

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING PETTY CASH FUND FOR COMMUNITY DAY IN THE AMOUNT OF \$50.00

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey want to establish a Petty Cash Fund to make available a small quantity of currency for Community Day expenses; and

WHEREAS, the amount of fund shall be \$50.00.

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 the Petty Cash Fund in the amount of \$50.00 for Community expenses.

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 15-112 – Opposing A-4476 / S2876.

R15-112

A RESOLUTION OPPOSING A-4476 / S-2876

WHEREAS, A-4476 / S-2876 would revise a provision enacted by P.L.2009,c.24, which currently allows ambulatory surgery facilities licensed in New Jersey to be solely owned by any hospital or medical school; and

WHEREAS, A-4476 / S-2876 would amend such law to preclude out-of-state hospitals and medical schools from being the sole owner of an ambulatory surgery facility unless an application was submitted to the NJ Department of Health (DOH) prior to March 1, 2015; and

WHEREAS, A-4476 / S-2876 was approved by the New Jersey General Assembly on June 25, 2015 by a vote of 67-5, with 1 abstention, and by the New Jersey Senate by a vote of 22-14, with 4 members not voting; and

WHEREAS, A-4476 / S-2876 exclusively targets and prohibits the approval of Coordinated Health's proposed \$9 million state-of-the-art ambulatory surgery center located in Lopatcong Township, NJ which is part of an overall \$19 million integrated facility which includes a multi-specialty clinic slated to be open in November 2015; and

WHEREAS, A-4476 / S-2876 would directly impact the future economic vitality of Lopatcong Township and Warren County by derailing the creation of dozens of permanent jobs and numerous temporary construction jobs, and by negating the overall potential community economic benefit of the facility's construction and operation; and

WHEREAS, A-4476 / S-2876 would rob Lopatcong Township and Warren County of a new desirable tax ratable and prevent the redevelopment of an industrial property vacant since 2011; and

WHEREAS, A-4776 /S-2876 ignores the genuine, well-documented healthcare needs of the residents of Warren County and surrounding areas by prohibiting the construction of Coordinated Health's proposed ambulatory surgery center in Lopatcong Township; and

WHEREAS, A-4476 / S-2876 exacerbates an already pressing need for surgical facilities in Warren County, with New Jersey and Pennsylvania health provider databases showing that 12 operating rooms are needed to serve the surgeries being done on area residents, but only 6 operating rooms are currently located in the area; and

WHEREAS, A-4476 / S-2876 would continue negative trends of Warren County patients traveling to Pennsylvania for surgical care, with 30% of inpatients and 40% of outpatients traveling across state lines to receive procedures such as joint procedures and other types of musculoskeletal surgery: and

WHEREAS, a-4476 / S-2876 establishes a negative legislative precedent due to a potential violation of the state and federal constitutions by preventing a qualified out-of-state owned/operated healthcare facility from competing or investing in New Jersey and by using an effective date prior to enactment; and

WHEREAS, the Township of Lopatcong in Warren County, believes it in its best interests, and in the best interests of the State of New Jersey, that A-4476 / S-2876 not be enacted in its present form; and

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Township of Lopatcong in Warren County, formally opposed the enactment of A-4476 / S-2876 into law as written, for the reasons set forth above, and urges the Honorable Chris Christie, Governor of the State of New Jersey, to absolute veto this legislation; and

BE IT FURTHER RESOLVED, that copies of this resolution, once adopted, be forwarded to Senator Michael Doherty, Assemblyman John DiMaio, Assemblyman Erik Peterson, Senate President Stephen Sweeney, Assembly Speaker Vincent Prieto, Assemblyman Herb Conaway, MD, Senator Richard Codey, the New Jersey Department of Health, the New Jersey Department of Community Affair, the NJ Association of Counties and the NJ State League of Municipalities.

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

Township Vehicles – Approve 74-12-2000 Crown Vic., 75-15-2007 Crown Vic., 74-87-2005 Crown vic., be donated to the Fire Dept. for parts for their cars and then for extrication training purposes.

Building Dept. Vehicle Painting – Approve paint/decal estimate for 2007 Crown vic. 74-16 for Bldg. Dept. in the amount of \$1200.00.

Aqua New Jersey Property Damage Release – Approve Mayor to execute Property Damage Release provided by ESIS Claims representing Aqua New Jersey in order to settle claim for ruined truck regarding the Wordsworth Lane sinkhole for \$25,000.

Delaware Park Engine Co., No. 1 – Approve membership for junior firefighters Collin Patricia and Justen Caraballo.

Strykers Road fire House No. 2 – Approve membership for Alan Duttman and Junior firefighter Sara Kosar.

Dept. of Agriculture – Approve Dept. of Agriculture conduct gypsy moth egg mass surveys in the Township.

Dulaine Contracting – Approve payment to Dulaine Contracting for work completed on the Rt. 57 Pump Station Project in the amount of \$75,689.94.

Resolution No. 15-101 – Authorize Property Known as Block 51, Lot 18 to be omitted from Tax Sale and make equal monthly installments to the tax collector.

R 15-101

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING PROPERTY TO BE OMITTED FROM TAX SALE AND MAKE EQUAL MONTHLY INSTALLMENTS

WHEREAS, N.J.S.A.54:5-19 provides for the governing body to omit from Tax Sale those properties delinquent for taxes or other municipal liens, or parts thereof, on real property, upon which regular, equal monthly installment payments are being made, in pursuance to such agreement as may be authorized by resolution between the collector and owner of said property.

BE IT FURTHER RESOLVED that said property owner shall make 36 equal monthly installments to include all delinquent taxes, assessments and other municipal liens held by the municipality, due on the first of each month as set forth on the attached schedule. It shall further be conditioned that all installments of taxes for the current years in which such agreement is made, and all subsequent taxes, assessments and other municipal liens imposed or becoming a lien thereafter shall be promptly paid when due. When payment of the aforementioned exceeds 30 days after due date, then said agreement shall be void and the tax collector shall proceed to enforce such lien by selling in the manner set forth in N.J.S.A. 54:5-19.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Township of Lopatcong, County of Warren, State of New Jersey, hereby authorizes the tax collector to accept said installments as provided on the attached schedule for Block 51 Lot 18, also known as 428 Brakeley Avenue, Municipality of Lopatcong and assessed to Burd, Clyde R & Donna S.

BE IT FURTHER RESOLVED that a certified copy of this resolution with a prepared installment plan schedule is forwarded to the Tax Collector and the property owner.

CERTIFICATION

I, Margaret B. Dilts do hereby certify that this is a true and correct copy of a Resolution adopted by the Council of the Township of Lopatcong, County of Warren and State of New Jersey at a meeting held on Wednesday, August 5, 2015.

Margaret B. Dilts, CMC

Phillipsburg High School Belvidere Road Improvements – Council President Ciesla made a motion to approve that appraisals be sought for property for the improvements, seconded by Councilwoman McCabe. Engineer Sterbenz recommended that the motion be amended to indicate that quotes would be sought to do appraisals and place on the August 22nd agenda. Roll call vote:

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

NAYS: None

Employee Assistance Program – Councilwoman Schneider looked into this program; 29 employees are enlisted. She said the State offers the same program through employee benefits. She said we pay \$1,000 for this service that she thinks is redundant and would like to end the services. This will be addressed at the next meeting.

Councilman Belcaro – Spoke to the Council about the litigation with the Town of Phillipsburg regarding the hiring of a rate expert. The total bill paid to Attorney Inglesino so far is \$46,000.00. He suggested that we bring an arbitrator on board. Attorney Campbell stated that this should be addressed in Executive Session.

Announcements – Shred Event is scheduled for Saturday, September 12, 2015 from 9:00 am to 12:00 noon. Cleanup is scheduled for Saturday, September 26, 2015 from 7:00 am to 12:00 noon.

Payment of Bills - \$3,274,593.67 – Motion to approve payment of bills by Councilwoman Schneider, seconded by Council President Ciesla. Roll call vote:

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

NAYS: None

Mayor McKay said in good conscious he could not approve the bills submitted by attorney's working on the appeal of the asphalt plant litigation total \$28,000.00. Councilwoman Schneider also stated she did not want to fund anything having to do with the asphalt appeals. Councilman Belcaro made a motion to pay both bills submitted by John Carbone and Lavery's firms, seconded by Councilwoman McCabe. Roll call vote:

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

NAYS: Councilwoman Schneider, Mayor McKay.

Mayor McKay said there is another group of checks in accordance with Ordinance 15-06 that allows us to pay small bills between meetings - \$1004.94. Motion by Councilwoman Schneider, seconded by Councilwoman McCabe. Roll call vote:

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

NAYS: None

Public Comment:

Video Position – 3:24:22

Motion to open the floor to public comment by Councilwoman Schneider, seconded by Councilwoman McCabe. All in favor.

Marla Endick – 10 Byron Drive – Confirmed ordinance be rewritten regarding the signs and asked if the Zoning Board attorney rendered an opinion. She asked why Attorney Campbell felt a need to rewrite the ordinance. She thought the ordinance was improper and illegal for many years. She urged Council to seek another legal opinion. She told Lorraine said that this Council is setting themselves up for a very good lawsuit by you and she hoped that she would sue them and thanked her personally as a resident for leading new budget process. She said she knows by sitting in the meeting what Lorraine does in her job every day, every week. She said she has seen the results.

Juniper Leifer – She thought Maureen was inappropriate. Her team will be doing a cleanup of the Lopatcong Creek. Reflected on what Marla said and thought Lorraine was doing an incredible job and has seen the fruits of her labor. Lorraine has done wonders for our town said Juniper Leifer. She thought it quite suspicious that Lorraine is now a target as a result of her efforts. Sign issue is related to political signs.

Eric Johnson - 361 Stonehenge Drive - Commented on the High School road improvement project. He understood that Lopatcong gave the Town of Phillipsburg this property for free. The only reason why the road is being improved is because the high school is going in there – there is no other reason so this cost should be borne by every sending district.

Brian Weeks – 207 South Seventh – People out there that work here and don't carry their own medical through this Township and you need to make sure that policy is in place for them also. It is \$1,000 that could protect someone's life – you know what the things about through research an encouraged Council to look at it in a full package.

Mayor McKay – Said it seems to make sense that we allow the paths at the park to be used to access the new high school. Can't have kids walking on Belvidere Road. A discussion ensued – no action taken.

Motion to adjourn the meeting by Council President Ciesla, seconded by Councilwoman McCabe. All in favor.

Respectfully submitted,

Margaret B. Dilts
Clerk/Administrator

Thomas M. McKay
Mayor