

TOWNSHIP OF LOPATCONG
SPECIAL COUNCIL MEETING

August 27, 2015

The Special Meeting of the Council Meeting of the Lopatcong Township Council was called to order approximately 6:00 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.”

Public Comment for Agenda Items – Motion by Mayor McKay. All in Favor.

Video Position: 1:14

Joseph Imhoff: Wanted to know if there was a time during the OPUS presentation they could ask questions or are they to be asked before the presentation.

Mayor McKay stated the first item of business was the Opus Investments presentation.

New Business:

Video Position: 2:32

OPUS Investment, LLC, Presentation on the redevelopment of the Ingersoll Rand Property, Block 1, Lot 1.01

Joe Baumann, Attorney for Opus Investment, LLC: Thought it would be a good idea to go back over their central plans for Lopatcong and Phillipsburg in case there were questions from the public that needed answering. He stated that they had a lot of information. He also stated he, the last time, shared a brief summary of what the project entailed; the concept plan for Lopatcong and Phillipsburg and shared a proposed conditional redeveloper’s agreement. The purpose of the agreement was designed to address the dynamic of the public body, Lopatcong, needing funds available to do their due diligence; have our professionals work on this project and then from their prospective, it gives them a period of time from which we would exclusively negotiate with them. The consideration is that OPUS would get a period of time during which they can negotiate a retail agreement and a financial agreement; work through the concept plan and Mr. Baumann stated that we would definitely need some changes to our redevelopment plan to make this project a reality. OPUS would provide us with a fund to pay our lawyer, engineer and planner; they would fund an escrow account. Mr. Baumann said that Dan was in the audience with an escrow check which they were prepared to sign if we favorably considered it and it would allow them to move forward with the next step in the process; engaging our professionals. Mr. Baumann said they find themselves with a developer and an equity partner that has the where-with-all to make this project a reality. Mr. Baumann said the various stake holders, Lopatcong, Phillipsburg, Ingersoll Rand (the site which controls the property), are moving forward with OPUS to make it happen and to clean the site up and sell the land to OPUS. Mr. Baumann said the warehouse industry is doing really well in Pennsylvania and he thinks it will be as competitive if they have the right structure; that interest rates are still low and construction costs are still manageable. Their schedule has them getting everything done, from the approval side, by the end of this year, which will require several meetings of mayor and council, several meetings of the planning board and a lot of work from the professionals. But it is eminently doable. Mr. Baumann stated that he hoped everyone could work together to make that happen. Mr. Baumann said this project will not only provide us with cleaning up this site and will put a virtually zero based tax property and make it a significant ratable. Also, that in this economy it is

going to produce a lot of jobs. There will also be public amenities such as walkways, playgrounds and significant traffic improvements, a lot of improvements not only to our communities, but also to the surrounding communities. Mr. Baumann is introducing Engineer, Gary Brown, who he said has lived and breathed this site for many, many years to speak to you on the environmental issue. Mr. Baumann said that our engineer, Paul Sterbenz, did a tremendous job on the environmental issue last time. Mr. Baumann said he felt that the last meeting, the environmental issue was a hot topic, not only with the residents, but also with the Mayor and Council and Mr. Brown will be able to discuss in detail what the problems are with the site, how they've been addressed, because they have, and the problems that haven't been addressed, how they will be addressed. Mr. Baumann also stated that they will be building in Lopatcong and Phillipsburg at the same time for Phase I. Mr. Baumann told the public to feel free to interrupt them to ask questions and that they will be available at the end of the meeting to the public to answer questions. They want to be as transparent and open and helpful so they can make a good decision.

Mr. Tom McGrath stated his presentation would be very similar as to what it was the last time they were here. First panel he has up is an aerial photo of the surrounding area. It shows the Ingersoll Rand site, showing the development, that is there now the adjacent buildings. That it outlines the Lopatcong piece of property as well as the Phillipsburg property. Mr. McGrath stated it is surrounded on two sides by 22; to the Phillipsburg side is Roseberry Street, Center Street and Green Street. Then along the back side of the property or south, for purposes of this panel, there is Lopatcong Creek and Lock Street. Mr. McGrath said that the site was used very heavily as an industrial site; both parcels, Gary is going to talk about what the environmental issues were. The purpose of Mr. McGrath's presentation is to basically walk through what their proposal is. He said the last time he was here; he was talking approximately 4.6 million square feet of logistics type space. They needed to do a couple of modifications to the plan based on recommendations from the fire official in Phillipsburg. The size of the project had reduced a little; it is down to 4.2 million square feet in total. Building #8 is still 1 million square feet and it runs parallel to the 22 corridor and that the plan was basically presented to show the size of the buildings to give an overview with how the buildings look with the surrounding area. The next panel shows the circulation panel that would go through the development, through both towns. He talked first about the proposal as to how you get through the site and then more about how the whole site works. They are proposing to make a new double left hand turn on 22 with a connector road that comes out on Center Street in Phillipsburg. Starting again on 22, the intent is to put in a double left hand turn lane, full traffic signal that will get traffic moving northwest on 22, the ability to stack on the highway and make their left turn into the project. They can enter into project and they have the ability to travel through the project, through either the connector road or a series, of what they call them, minor marked roadways. Mr. McGrath is explaining the color coding on the maps. He also stated that the Lopatcong entrance has an entrance right off the 22 left turn slot that they are putting in. All of the sites are based this way so that if the end user decided to gate the opening or restrict access to the site, they have the ability to be able to do that throughout the site. He is explaining the connector road. He is also explaining a total revamp of the bridge over the railroad; they're looking to make it two lanes in both directions and also improve the intersection for better traffic flow. The intent is to use two entrances in and out of the site as the more major flow of traffic for the truck logistic type function of the project. There is another aspect of the plan in Lopatcong that they propose to do with this application; they are proposing to realign Lock Street so that instead of coming onto 22 directly it is going to go to the connector road. Just south to where the road joins back together and they have the internal traffic on site, and by doing that is giving people the ability to get off of 22 more safely, gives you the ability to make the right at a traffic light as opposed to pulling out onto the highway into traffic. It also give the ability, which they don't have now, you can make a left; if you're coming from 78, you could pull into this traffic light and turn onto Lock Street instead of having to go all the way around and come back.

Councilwoman McCabe wanted to know if all the traffic would be coming in through the Lopatcong entrance.

Mr. McGrath said yes because the two major connection points are on the Lopatcong line. Physically, the bridge is there now and the new connection that they are proposing here off of 22 and that connection make both sites work together. One of the things they didn't have before was to have both sites working together.

Councilwoman McCabe wants to know if the entrance from Third Street, like if there's a loop around, in order to even use it. Councilwoman McCabe stated that for the trucks to be using that, it could cause quite a backup.

Mr. McGrath stated that they are in the process of meeting next Tuesday with the DOT to discuss what they need to study and what improvements have to be made throughout the site. He believes there will be some improvements to the jug-handle itself.

Councilwoman McCabe wanted to know if they would also be discussing if 22 is the first entrance, would it even be wide enough to allow two additional left hand turns.

Mr. McGrath is giving more detail. He said that right now there are two lanes in both directions; there is an island in the middle and you can't cross it. They are proposing to take 22 and shift it towards their property. They would create two new lanes on the Ingersoll Rand site and then move the center island over so that they can accommodate two left hand turn lanes where the grass median is now. They would just take the highway and shift it over a good 45 feet and that extra property that they will need to do that would all be on part of the Ingersoll Rand site.

Council President Ciesla asked if it would be their property.

Mr. McGrath stated it would be.

Council President Ciesla said that she drove by there today and the median was very small, so they would definitely have to do that. Council President Ciesla reiterated that there would be two left turn lanes coming down 22 W but wanted to know what about going 22 E.

Mr. McGrath said that when you're headed back to 78 on 22, they are looking for people to enter right into the site. They will have deceleration lanes with a ramp right up into the site so, coming that direction, they wouldn't use the signal to make the turn.

Council President Ciesla asked if they would just have one deceleration lane and Mr. McGrath said yes, as they are coming in, otherwise the road will stay two lanes. Mr. McGrath said they are not reducing the size of 22 road way.

Council President Ciesla again asked if they only needed the one deceleration lane because there isn't going to be a light, they will just be able to turn right in there.

Mr. McGrath stated they would come around the corner on 22 and right into the deceleration lane and into the site.

Mayor McKay asked Mr. McGrath if he was aware that there is a tunnel under Route 22.

Mr. McGrath said they did know.

Mayor McKay said it was by the Christmas Tree Farm and it was an 8x8 foot tunnel that goes under 22, by the corner of their property.

Council President Ciesla said that it was Route 57.

Mayor McKay said no, that it was under Route 22. The tunnel was built in 1938 and it's 8x8 feet. The mayor wanted to know if any consideration had been given to enlarge that tunnel; going underneath Route 22 instead of trying to do the double left lanes.

Council President Ciesla said she didn't think they should do that.

Mr. McGrath stated that from a traffic standpoint it would be difficult to make it function; that they would need property and land over here (he is looking at the panel) to be able to stagger the trucks.

Mayor McKay said if the truck could exit and go under a tunnel and end up at the site. Go underneath 22.

Mr. McGrath stated that they did do preliminary grading plans for the site and the corner of the Lopatcong site, because of the grade differential from where they are coming in from 22 and how the site comes across, there is between a 35 and 40 foot grade change. And when they build this building, they are anticipating having to excavate between 30-35 feet down to get the foot print of the building in place. He also stated that the buildings are over a million square feet; that is over 2,000 feet long and it all has to be the same elevation. So when they do that, they will be pushing into the hill and building a retaining wall around the perimeter.

Mayor McKay said that he understood.

Mr. McGrath said it limits them from bringing in truck traffic from that side.

Mayor McKay said they would be dropping the elevation so the trucks would have an easier time going underneath the highway.

Mr. McGrath said he really understands what Mayor McKay is saying, but from a geometric standpoint he thinks it would be very difficult to try and get the trucks to turn and accommodate, if that's only a 6 x 8.

Mayor McKay said that the tunnel would have to be enlarged.

Mr. McGrath said to put a tunnel underneath Rt. 22, you would impact traffic on Rt. 22 substantially more than trying to a left turn, because pieces of the highway would have to be shut down by they were digging and making some kind of bypass road to be able to support it.

Council President Ciesla agreed. She asked if the flyover was completely out of the question now. The flyover that was originally suggested is done, because that was going to affect some of our existing ratables; wants to know if that is off the table now.

Mr. McGrath said that was correct.

Dan Gural is speaking now. Speaking to Mayor McKay, Mr. Gural said that yes there is a tunnel and it does, there is a little track of land that goes with the Ingersoll Rand tract, geometrically speaking, it is impossible. He stated they have 72' long trucks; the geometry of it does not work.

Mayor McKay stated that they would have to go around, go into the other property.

Mr. Gural explained to Mayor McKay that that would be one hell of a loop and it would be extremely expensive. To answer Council President Ciesla about the flyover, Mr. Gural stated he met with the property owners and it just became unattainable. He stated that the best possible way is the left hand turn lane. They did pursue it and they did present it and it just became too difficult to get done.

Council President Ciesla commented that the double left lanes only seem to affect their part of the property, so it seems like a good option; the best option at this point.

Mr. Gural said the also they are not taking from public lands.

Council President Ciesla said they appreciate that.

Audience - all speaking at once. They are talking about the tunnel and where it is. Mayor McKay said that the kids drink down there; a lot of beer cans and they don't that.

Attorney Baumann stated the next panel to present is the overall basin plan. He said he calls it the overall basin plan because the Lopatcong site and the Phillipsburg site have to work together to make the whole thing work. He is explaining the colors on the panel. In Phase 1 all of the roadway networks from 22 out to the other side of Phillipsburg are proposed for construction. They're also looking to do and establish the storm water management basins that are going to be required. There is one on the Lopatcong piece that they have a potential for and that would be adjacent to (not shown on the map) the new left turn lane coming in off of 22. He stated the reason for that is the intersection is the lowest end of that side of the project and they're trying to gravity feed storm sewer from that point to the larger basin that will be built in Phillipsburg,

between the 22 entrance and where the recreation facility is shown on the plan. He stated the detention basin will work for the road and anything they need to do for the recreation facilities and the Lock Street addition. Attorney Baumann said that the recreation facilities are to be dedicated to the Town of Lopatcong- Phillipsburg in Phase 1 and that they would like to develop them in later phase, Phase 4. The development would include a nature trail from one site to the other; the two sites would be almost identical. They would have a small parking lot with a turn-around at the end. They would have a playground for the kids and then they are looking to put some kind of restaurant at the site. They have a rec facility where Lock Street wraps around, then have the nature trail run through Lopatcong Creek. Just below are the detention basins on the Phillipsburg site and connect to another similar rec facility. In Phase 1, they are proposing to build the one million square foot building on the Lopatcong Site and they are looking to build a 535,000 square foot Phase 1 building, and it is labeled as Building 3 on the plan. That those would be the two building they would start first and when those two are started they will also be doing the left turn construction on 22 and revamping of the bridge on Third Street. Phase 2 of the project is on either side of what would be one of the internal connector roads; and all the salmon (color on panel) indicates that that's all the major roads and networks that are going to be built as part of Phase 1.

Mayor McKay said that he recalled from an earlier presentation that they're considering putting cisterns underneath these buildings to collect rainwater. Attorney Baumann said that he would answer that. The Phase 2 buildings, the issue they are dealing with, not with the building on the Lopatcong site, but with other buildings; the buildings are to be built at grade where it is (inaudible). They are going to knock all the buildings down and use that grade as their starting point. They will crush whatever they can from the buildings and use it for fill material on site and then use that platform as what they want to use for their starting point for the building placement. Mr. Baumann said to put a cistern under these buildings, which would be the ones in Phase 2, would not work because they can't take down the buildings to try out the other building; floors, slabs and foundations would be under there. Mr. Baumann said they were told that the testing has been done and they're structurally sound enough to support both projects.

Councilwoman McCabe wanted to know what the decision was to make one building on the Lopatcong side, why didn't they decide to two buildings and as far as potential tenants, is it a bigger attraction to have one big building; for a tenant that wants all that space or as far as a marketing perspective, to have two buildings, would it they be more open to (inaudible).

Attorney Baumann said if you look at the market across the river, Chrin Commerce Center just got another loop for 6 million square. He said that what is happening is, in the world of retail and logistics distribution, is this building is designed for an internet retail establishment. He said we all know some of the names. Those internet retailers, using as an example Amazon.com, Amazon.com has a 750,000 square footer across the river and they potentially employ 3,000 full time employees. He said they could cut this up in pieces, but the market is a million square feet, 800,000 square feet, one big user. He said that what is happening is, for example, he received a phone call from a distribution outfit for supermarkets. He said that the distribution world is that nobody is storing anything. There are no more stores; everything is going from a distribution network; from when the big trucks come in to smaller trucks going out. So in this particular building, the end users were screaming at him to make bigger one million square footers because that's the market. The reason why he brought up the supermarket is there is a whole new business out there that didn't exist five years ago. Thirty different supermarkets will do a contract with this end-user; the reason being is there is no storage in their stores anymore. Attorney Baumann said that the distribution center is now the hub of the stores. He stated to Councilwoman McCabe that it is market demand. He said if he could make this into a million, five, he would have a hundred people. If he had this in five 200,000 square footer, he has one person. He said the market is demanding these bigger buildings.

Councilwoman McCabe wanted to know if they have potential end-users already.

Attorney Baumann said that he has dozens and dozens.

Councilman Belcaro wanted to know when all these phases are completed, what is the estimated flow of truck traffic coming off 22 and also Third Street. He wants to know the estimated truck flow coming in and out of this plant.

Mr. Gural told Councilman Belcaro that a traffic report is being developed at this point and one of the entrances they have, they have to do the traffic counts, they hired a traffic consultant to do it. They would be analyzing what the trucks entering and exiting the site will and what the impacts are on the surrounding area. There may be other minor improvements that they may have to do along the way because of potential impacts.

Attorney Baumann said that this is really early in the process; that they would have to do a detailed traffic study and an environmental impact statement; those are actually in process because they are further ahead in Phillipsburg. He said they should be done in 30 days or less.

Councilman Belcaro said that he knows it is a private road, crossing from 22 to Roseberry Street, his second question is from that stretch from where the light is at the Phillipsburg Mall, exiting and entering, from there up to Fifth Street, there have been multiple accidents on that stretch of the highway; some were fatalities where the highway had to be shut down. He wants to know if this road would be available to open up to allow the 22 traffic flow to continue.

Attorney Baumann said the road the way it is on the plan, the connector road part of it, which they call it a private road, but it is actually a private road with public use. Attorney Baumann's understanding is that it gives OPUS the ability to take care of this road; snow plow it, clean it, which would take that responsibility off of the town. The only piece they wouldn't have control of or have to repair would be the 22 interchange once it is in place, because that would be under DOT jurisdiction, as well as the piece where Lock Street is going to be tied in. On the plan, he said they moved the DOT right-of-way configuration out to where the connection is for Lock Street. The developer of the site is going to provide the maintenance for them.

Council President Ciesla said that until they do the traffic study, they won't know how long in length the two left hand turn lanes need to be?

Mr. Gural stated that is correct. They will get the exact length at that time, but they have the frontage to be able to accommodate substantial stacking.

Audience Member said Attorney Baumann sort of spoke about the whole perspective of the study of the potential tenants, he wanted to know if he could go into a little more of what they perceive of the market right now as to how this whole distribution thing is working. He said he sees that they have some rail access, but he didn't think they could get more than eight or nine railroad cars in there. Audience Member also said that they are pretty much talking about trucks going in and out of the site. He wanted to know if there was any general influence lines of where the traffic is coming and going and that with all due respect, he said he understands that they have to do more with traffic study. He said even though he is looking for ratables in town, but even though they don't know what improvements they will construct, from ITE rates, that they could come up with some rough idea of truck traffic in a day.

Mr. Gural stated these large buildings don't have the traffic generated from what we grew up with knowing of industrial parks. He said that it is documented that the traffic generated from these larger buildings is drastically reduced. He said he doesn't have the exact number; however, their traffic study engineer is well aware of the statute and aware of numbers. Mr. Gural said they are going to, so that everyone understands, is the traffic study is thousands and thousands of dollars, so they can't do a full-fledged traffic study in excess of \$100,000.00. They are working on having the numbers; there are ball parks, but he doesn't want to same them because he doesn't want to be wrong. He said that one thing about OPUS and their team is that they tell the facts as they know them, when they know them, and they do not know those numbers. He said what they do know is these large distribution facilities, the traffic is much more diminished than what you see in older distribution facilities; 1970-1980's.

Audience Member - Juniper Leifer wanted to know if Mr. Gural could give them a factual on how many trucks go in and out of a similar building.

Mr. Gural stated that within a month he said he will be able to.

Attorney Baumann wanted to make clear that all they are asking for tonight is to designate as a re-developer and then start negotiating the agreement, and if they don't succeed on the agreement then they are done. He said that our professionals haven't looked at it at all yet;

Phillipsburg has so they have that benefit. Attorney Baumann said in order to get to the next step, they had to show something. He said they could see how it has evolved, but it is a process that goes on and they are just in the concept stage.

Audience Member stated that someone he knows lives across the street from 76 Truck Stop and they can't get out. He thinks that they are going to have a line of trucks at Lock Street and the little cars are going to sit there and wonder how they are going to get through. He also said that this is way, way down the list, are they going to stagger their 8,000 people, are they going to stagger their release times for work so they don't tax out the whole township. Example, one is released at 2:30 and one is released at 3:00, next one is 3:30. It would have to be in the agreement when you sell that building so that you don't send 8,000 people out at 3:00 and shut down the road.

Mr. Gural said that if he had 8,000 people going to work

Audience Member said he was making up the number. Where he worked, they broke it into four's and it was 15 minute increments and it made such a difference that it was unbelievable.

Mr. Gural said he doesn't disagree with him. That his father worked at the Philadelphia Naval Yard, he had to go pick him many, many times with his mom and it took them 45 minutes to get out of Philadelphia Naval Yard. That he understands. He said it is important to note that this isn't a factory, its workers, but as they are coming in, (looking at panel); they would turn in there to go to work.

Audience Member said he is the road superintendent on Lock Street, he said he thinks he is going to have a problem with there being more traffic than they think.

Mr. Gural said that the people going to the diner have to go right, come back around, come up here, turn back around, come all the way back around.

Attorney Baumann said he thinks that is a good point, that Lock Street has more traffic than they think.

Mr. Gural said they also have several other options to get them out of the facility. He noted that right now the bridge is horrendous. Step one, tearing that down and putting a new one in. He said he hears what they are saying, but this is a much safer process for everybody to be involved in, than trying to do a 270° turn, that you would be turning back on yourself.

Audience Member said he wasn't debating it. (Several speaking at once).

Audience Member - Ed Shuster said that he drove a truck for over 40 years. He said on the side of the warehouse, no one stores stuff anymore. They want their delivery almost every day so that they get what they sell, next day the same truck comes in and delivers a couple of boxes and they sell that. He said years ago they used to stock, now none of the stores want to do that because that's all lost revenue. They want all sell space. He said the other thing is, as far as the trucks, that we are going to get a couple of hundred trucks around here. He said he has been to these places. Groceries all over around here and they might get 300 trailers around here, but they are not all moving. They are there to get loaded, but it's loaded and it's time to be delivered, the tractor comes in and picks up, even though there is 300 trailers there, it looks bad, but it isn't as bad as it looks because they aren't all going out or coming in at the same time. So, tractor comes in there 24 hours, not just during the day, so it would alleviate some of the traffic spread out over 24 hours.

Mr. Gural told Mr. Shuster that he had a very good point.

Audience Member – Marla Endick wanted to know with the different phases, did they know the timing? In another words, do they work on Phase 1 and once it's done you move on to Phase 2 or is some of that happening simultaneously and when Phase 1 is done, the Lopat facility is built, will they then start leasing that out while the construction is happening?

Mr. McGrath stated that Phase 1, they are looking at the 3rd Qtr. of 2016, about 2,000 (inaudible). Phase 2 they are looking at a one to two year build out, the 3rd Qtr. of 2017, so there

is an overlap between the two phases. As they go through the other phases, as they bring them in, they will be building while there are people there and hopefully will be building sooner than, and those are projections and kind of like this is what we are going to bring on line first and if we bring this on line, will these two say to hurry up. We want to come on line sooner than what we are showing there.

Mr. Gural said to answer Ms. Endicks's question, right now they can't lease anything out. They can't because they don't know what they have; it's a concept. Mr. Gural stated when he said dozens and dozens; C.D. Richard Ellis is a world class, biggest commercial realtor investor. They're their marketing agent. OPUS gets emails on a constant basis. He stated that on Monday he had an internet retailer asking if they could deliver this by June of 2016. Mr. Gural said his anticipation is he expects to have this building leased within a few days after the reading of the general development plan and not very far along. He said that they had their general development plan, which is on line in Phillipsburg, which is on their website that they will give to everyone. He said they already had a bakery wanting to sign a lease with them. He told one of the audience members that questioned him, that it is a 350 ft., deck and that a 350 ft. deck is the maximum that the trucking distribution centers want and they want it on their dock for one day. He stated that when you start looking at 500 ft. decks that they are loaded on both sides. He said with 500 feet you would think you would have more time, but they want it out of there in a half day. He said they can't even do their traffic study until the children are back in school because it is a safety issue with trucks and busses. They committed to the traffic study in June, but they can't have people sitting there with a clicker until the busses come, which was the following week. They are meeting with DOT Tuesday to start the process. They have done all the ground work that they can to this point, but they couldn't do it in the summer.

Audience Member – Juniper Leifer is still questioning how many trucks will be coming and going into the site.

Video Position: 2:24:06

Audience Member – Gentleman was saying it was a major commitment and that eventually they would have all the numbers, per the DOT.

Mr. Gural said that it was mandatory to do the study and Mr. VanVliet mandated from him and they are going to have to prove it to him. To answer Mrs. Leifer's question, there is no rule of thumb and that is the problem, and the problem is if they get a bakery that manufactures, they are going to have four trucks a day, but if, for example, they have Amazon.com, they would have no idea how many trucks they would have.

Mrs. Leifer again asked how many trucks they would be getting.

Mr. Gural emphasized he doesn't know that information based upon the community that she lives, there is no rule of thumb. He said that the truck traffic at Cherryville, NJ is very different from the truck traffic here. He said they would have that information, but they are preliminary right now.

Brian Weeks wanted to know what time the DOT has proposed to do the study on 22 eastbound and 22 westbound, where it goes, he wanted to know if a Phillipsburg police officer will get billed for that time. To ease that curve, and he said that would impact what they planned on doing, so they would be contacting them and see whether they are going to follow through with that plan or not. He said apparently they must have scrapped it because it has been in the papers and talked about for years, to cut that off so that it wouldn't come around like that on eastbound. Then he was talking about the bridge on Third Street, he said you can't put a deceleration lane there because the railroad is down in that ditch. He said that would impact the only two lanes we have going eastbound; he suggested that they go in the other entrance for the eastbound traffic coming into your facility, to mandate that they come in that way rather than jam things up on Memorial Parkway.

Attorney Baumann stated that this project has nine positives and one struggle, traffic. He said there are a lot of ways to get this project going.

Councilwoman Schneider said she has a question regarding the traffic study. She said that they are probably aware that there could be the potential of an asphalt plant being built on Stryker's Road and she wants to know if their truck traffic has been taken into account in their traffic study.

Attorney Baumann said he can speak to what they are doing as far as the traffic study; none of that information has been collected other than the historic data. He said, when they go to the DOT on Tuesday, they are going to explain to them and tell them there has been a study in this area based on what they think is going to be generated and what the impacts surrounding this site are going to be. Attorney Baumann said from that point the first thing that happens is the traffic engineer then goes out and studies the intersections that they talked about, the potential build out and there are multipliers and things that need to put into their study for future development in the area. He said they need to get the basis first and that is what hopefully what they are getting. Councilwoman Schneider also said she is concerned about, such like an Amazon.com, during the holiday season, their business increases a hundred-fold and does that impact how many trucks, because of their increased business. She wants to know if we would get an increase of trucks during that time.

Mr. Gural said he is not a traffic engineer.

Councilwoman Schneider said to just to take it into account. She wanted to know if they would be able to produce that type of answer in the traffic study.

Mr. Gural said that assuming in the report that something variable, it would probably have to be built in the study.

Council President Ciesla said the big question was what Brian had brought up; the commuters coming into work, because it's already in the morning, 22 and 78 going east is very busy. She said when they put in the new traffic light by Walmart it caused a lot of accidents and it does cause a little more traffic backup. She said if that could be put into consideration and into the study as well, because now there will be an additional light.

Mr. Gural said that one of the things the DOT will probably make them do too, is the analysis.

Council President Ciesla asked if it would be on the whole strip, 22 and 78.

Mr. Gural said as to what the traffic patterns are, they are good now.

Attorney Baumann said that they were hoping for a lot of people that work more in the immediate area too, are not jumping on 22, but they're coming out, they live in town, they live Lopatcong and Phillipsburg.

Council President Ciesla said that could still be a problem; she worked seven miles from home in Parsippany and it took her 30 minutes to get home.

Mayor McKay asked Garry VanVliet if he had heard anything from the DOT envisioning any large scale improvements on 22 in this area.

Mr. VanVliet said that about three years ago, they approved the mall plan coming off 78 onto 22 (and the rest was inaudible). He said other than that, he didn't know of any other studies. He stated he would be a little concerned about Route 22 off to the Lopat property (inaudible) site distance coming around the bend from eastbound on 22 now; that there have been several fatalities there. (Inaudible) He said they have Sycamore Landing that is under construction and the egress-ingress area on eastbound area on 22 eastbound push the backup traffic a little more (inaudible). He said he didn't know how that was going to work out with the DOT site distances. He was talking about traffic going on St. James Ave., going into the Phillipsburg Mall and a left hand turn signal going into the mall and with 48' trailers and so forth, it started stacking up the intersection.

Attorney Baumann said he would think they are going to have to synchronize the lights to avoid any problems.

Mr. VanVliet speaking, but inaudible

Mayor McKay said that a service road would be ideal.

Mr. Imhoff wanted to know if the two left lanes turn into the Phillipsburg Mall allows for a U-turn to be made for those people who might work in Clinton. He also wants to know if Mr. Perrucci was designated as the official developer of the Town of Phillipsburg, where does he fit into this picture if at all and where does OPUS fit into it. Also do they have a connection with the group of Perrucci Companies?

Mr. McGrath said they weren't proposing to be able to make a U-turn out of a double left lane.

Mr. Gural wanted to be perfectly clear that he had never heard of Mr. Perrucci until six days ago when someone, a comment, was made by Steve Novak.

Attorney Baumann said that he did know Mike Perrucci and he is not involved in this project.

Mayor McKay said this was going to be a pilot program and pilot programs get a benefit from the real property, but it is other than a real estate tax. He wanted to know if that was correct. He was told yes. He wanted to know if they have an estimate on what the Lopatcong building might be; expected to pay into Lopatcong on an annual basis.

Attorney Baumann said that they may be asking for a payment in lieu of taxes, maybe ask for redevelopment area bonds. They are working on the numbers because he said they don't ask where they don't need it. The goal is, end users pay the taxes and if you are an end user and you're comparing whether they are going to locate in Lopatcong or Pennsylvania, they are going to do an analysis of the taxes and then pick the place that makes the most sense.

Council President Ciesla said that some pilot programs you can give money to the schools and she wanted to know if that was something they would consider.

Attorney Baumann said they are free to share the money with the schools; it is entirely up to Lopatcong. He said our professionals can advise us if the money they provide Lopatcong is accurate.

Councilwoman Schneider asked how long, if we go with the agreement with OPUS, what is the time frame, is there a cut-off?

Attorney Baumann stated that it was 120 days, but he hopes it doesn't take that long. He said that our redevelopment plan is outdated; they amended Phillipsburg's plan, so they are going to ask Lopatcong. He said to start with Phillipsburg if we could and use their template; if we could, to do it right away. Once it is agreed on, the governing body has to send it to the Planning Board; they have to comment on it, it comes back to council as an ordinance, and then two more hearings. They are hoping that we consider Phillipsburg's plan because it does work for this project; it would save them several weeks and money.

Council President Ciesla wanted to know if he knew the zoning through this area; if it needed to go before zoning.

Attorney Baumann said we have a redevelopment plan for this area; the new plan would be the zoning for the area.

Council President Ciesla asked Mr. VanVliet if we had to do anything with the Master Plan. (His answer was inaudible).

Gary Woolf said they were talking about a few of those westbound lanes, coming off Jugtown Mountain, because of all the facilities in Greenwich Township. That they were also talking about NJ barriers in the eastbound lane of 22 to separate 173 from Route 22 traffic and they found it backed up to the stoplight. He told Attorney Baumann good luck on his traffic study, because it took them 25 years to try and get a right hand turn lane on 57 and 519.

Mr. Weeks asked if they have thought of putting a double lane coming in by Lock Street; if they give them going in, two lanes in and one lane out, that controls how fast they come out, so that there is no backup on the highway all of a sudden. He said that you have one coming westbound, they have their own turn lane, it comes across into their lane. You have one coming eastbound and they can make their lane in, it's a double lane coming in. Mr. Weeks said that now they haven't stopped traffic and you can move your trucks faster. He said coming in off your property, to give it a double left turn lane, but the one crossing over would make it one coming in and one going out. He said what he is trying to tell them is you wouldn't have to wait for a traffic light and you wouldn't have as much traffic backing up on both sides of the highway. Going east they would have their own lane going in.

Mr. Gural said there are two lanes coming in and he knows exactly what he is saying about two lanes doing a left hand turn. He said it's already there, they just can't see it.

Gary Brown will be speaking about the environmental issues. He is an LSRP, Licensed Study Remediation Professional. He said that he started in 1973, NJ is his favorite state; he grew up here. He said this site, like many other sites, when he read the real estate market crashed in 2008, things didn't continue in a lot of redevelopment sites, and this is one of them. He said that a 25 million dollar mortgage was lost at this site. He said it is serious, it is a site to deal with, it's a site now that they can move with a lot of really good tools. He said the redevelopment has continued with the terms of the remediation. His job is to get sites moved along so that the environmental issues are dealt with so that the banks will move money so they can build things. One of the things he spoke to the leaders of Phillipsburg about was that he told them what is going on now is completely different than what's gone on in the past, and it is true. There are only two sites like this one in NJ; the other one is in Nutley. He said the difference is that these people are trying to come in and do the whole site; this site has principally not been redeveloped. He was saying that a lumber company wanted to build there because it was already paved, but the lawyers said not to buy or build anything because they don't know when the site will be cleaned up. He also said that they are doing a lot of progress with a lot of cooperation from Ingersoll Rand. He said they went to their politicians, their elected officials and said that it is almost over 20 years since they started cleaning this up; they don't own it anymore, but they can't interest people coming in here because they don't know when the remediation will be finished. He said it isn't an easy or small site, but the difference today is that they have phased plans to do the whole thing. They are not waiting for people to come in, so it is different. It is only the second site, a bit site that the DEP is aware of where everything is going to be taken down, all the old buildings and it is going to be built again. He said that when Dan and Aaron came to him and asked him what he thought about the phasing, he told them only two things; don't create a big crisis where they have a big fight with Ingersoll Rand, make it so they have time to finish what they want, but make it clear that the political officials, when mean Mayor Wyant and anyone else, they want it finished, they had enough time, they want a schedule. He said there was a meeting at the political offices, Chief of Staff and VP came up and went back to Ingersoll Rand and said that Dan and Aaron want to redevelop this site, but they can't unless you give them a schedule. He said when that happened he could call them up, he would get answers, he would get emails, if there was no answer, he wouldn't have to wait anymore. He is getting what they have. He said they are putting the reports out every few days on all the parts in the site; so now they have cooperation and a plan to do the whole site. He said that people are believing again; that is why he's getting his calls. He said the site is about 200 acres, that it started in about 1905 and it started to decline in the 1980's then slowly, building by building, people left. They have to do everything they can to redevelop the site. He stated that serious remediation started in the 1990's when Ingersoll Rand signed a consent when they found out they had bigger iron stills and they did attend to those. He also said there was an old and new landfill; one of them never had a permit. They began the plans and the last people the operations were turned over to was Flow Serve; but the operation of the manufacturing of the original equipment stopped in about 2004. That was when he came in with the idea of going building by building. He said that rail was the biggest, worst characteristic of this particular site from the logistics and manufacturing standpoint. He also said that the rail is gone and there are no loading docks' he said in the whole place, there are only five loading docks. The one company that left in December, at this particular site, made the biggest pumps in the world. There are pumps that were built here; there is one building that company still has because the Navy wants to have it. They would have to retire aircraft carriers because they're the only places. He said there was a lot of good stuff at that site. Mr. Brown said unfortunately, it was not built to bring anyone else in and nobody's going to raise all the flooring. He said that a lot of the sites are ready to go. The

property is clean because Ingersoll Rand never built there, with one exception, there's an oil plumb, but they have had that under control since before the year 2000. They want to put in new facilities because the older buildings were crumbling. There were also some landfills on the site and they capped and covered that. There are farm fields that are in good shape, no contamination there. They used to have big ponds to hold oil from coming out, that all closed. He is showing on the map, area of concern, showing oil ponds. He said they have to work through a process where every one of these areas have to be addressed and then at the end they can say that area of the site is done. He said the site was so bad and so difficult and essentially no economic opportunity that the redeveloper actually gave most of the non-building areas of the site to Phillipsburg and they set aside some money, but nothing has happened since around 2010. All these things have to be dealt with. He said the rail lines; the rail siting's have to be addressed. He said it is the largest number of areas of concern of any site in the state. He said the number is 625 and that is a lot, in 2004. That spread over about eight remediation areas and now they are down to three and only one big one is left. He said the discussions with Ingersoll Rand, is that if they keep the slabs there, if they don't want to dig things up and they have a really good forward focus redevelopment plan, they can keep those slabs there and it would act as a cap and that the DEP would allow that. However, he said not knowing what is going to happen at the site until now, without more concrete and more serious redevelopment to do; that is why they have renewed interest. He was looking at some areas on the map. He said one area was used to make pumps; unfortunately they used to sit the pumps outside after dipped in solvent, so they have some contaminated soil there. But they are going to take care of it, keeping the concrete there and one of the places this bakery might go, it could save money on redevelopment if they could go on a slab that is still there. Mr. Brown said it could be built more quickly and the site could last longer because it is double capped. If Ingersoll Rand decides to keep the slab, they are having discussions for maintaining it. He said they are very happy about that. Mr. Brown said unlike any other client he has, the people from OPUS asked him to tell them everything he thinks they should do. He told them the first thing, he would talk to Dave Zimmerman, he was the facility manager and he knows everything there is and he can tell you everything he thinks you should look for. He said he is concerned about the piping tunnels. He said there are water lines in service from 1916; having a new development working on 1916 water lines, no. They found sump pumps and hundreds of feet of asbestos pipes. That they need to consider new infrastructure, item # 1, but they have to take these things into account. So they went in the piping tunnels and reported back on how to remediate them, but the most important is to take the pipes out, build it back up and go and study the slabs. He said what loading can the slabs take, do they have integrity and what's under them, because they know the site has a lot of foundry sand. He said about four to six months of creative work, between environmental engineers, civil engineers and developers, they said it would be crazy to dig up those slabs; it would be better to leave them there and the infrastructure can go, if they can make sure they take all that stuff out. They essentially want to get the new people in and not have any surprises. He said if they dug up and tore everything down, they just increased the potential remediation costs' they increased the probability that they are going to run into more problems when the DEP doesn't require it. He said they make sure they understand where they can or can't use the foundry sand, and what the found out was, all the buildings that are built on foundry sand and have floor loadings (lbs. per square ft.) twice the industrial standards. He said that they can use the sand and they should put new lines through a new infrastructure and fill up and flatten the piping trenches and build on there. They can move it more quickly and can decrease remediation costs. If they use what's already there, they are saving money. Ingersoll Rand said they would like to submit a new remedial action work plan for the main facility. They talked to them today and said they took away the remediation work plan; they pulled out the bottom of what they wanted to do with the redevelopment. Ingersoll Rand told them they would work with them and have it back to the DEP in six to eight weeks and DEP asked Mr. Brown what he thinks they should do. Mr. Brown said they should push them to get the remediation plan back in, they have to have an open dialog with them and Ingersoll Rand tells them what they are going to do and resubmit it to the redevelopment plans as these building go down and the new buildings go up. He said that Ingersoll Rand is working with them so that they can get this property properly developed. He was showing on the plans the area where the asbestos was removed. He said that the lights are really bad there and that there are only a few, the rest are gone. The biggest problem with the site by volume is foundry sand. He was showing a map of the foundry sand.

An audience member asked what foundry sand is and Mr. Brown is explaining.

Mr. Brown said a foundry is a place where they have pots and they have really hot sand in them. He said that sand has been shaped using a mold and they pour molten metal in them and when it cools it can be any type of metal product formed. It can be brass, which is what most of the stuff here is, it can be lead and it can be iron. He said every so many cycles, that foundry sand gets dirty and they throw it out. There are pictures that they have at the site where there are six train lines are working; taking trains of foundry sand in and dumping in to the side. This stopped in 1980. He said some places on the site it is 40 feet thick, not a little foundry sand. Mr. Brown said the good news is the sand didn't have any lead in it and the arsenic levels, which are two of the metals that can be in foundry sand, are relatively low. He also said it was amazing that none of it had gotten into the ground water. He gave three reasons why; not the type of foundry sand that has the type of metals that can leach; if you came in and drilled straight down, after you got through that foundry sand you would find silt clay and it is fairly thick and then it goes into limestone. He said there were problems with ground water here, but by 2004 when the site wide studies were done by DEP, they said there was nothing in the ground water. Mr. Brown said it doesn't mean they can ignore the foundry sand, they still have to put a cover over it so people can't touch it; it isn't something you want to touch. So slowly, area by area, they put capping on it, it get de-noticed and if anyone digs it up it has to be properly managed. This is one of the largest deposits of foundry sand in NJ because the plant lasted so long. Mr. Brown was showing on the plans the remediation area status. He stated that the interesting part is that in the foundry, the work is all done. The Cameron, NFA is pending; they are having discussions with the DEP. The Lopatcong property is clean. The two storm water basins are all done. The main facility is in the remediation stage. Mr. Brown said that when they looked at this site by land area, before they sit in the main facility, which of those slabs (caps) will be the final thing. By land area, they are over 90% cleaned up because they aren't taking up the caps and making more of a mess. Mr. Brown said they spent a lot of time with the civil engineers and developers, asking how they do this. They don't want a 10 year build-out; the developer wants to build as people come in. So they told Ingersoll Rand they aren't going to come in here and have a big fight. They gave them two years to finish up what they're doing and meanwhile they aren't pushing banks and finance. They would start with a clean site and work it all the way through and do it the smartest possible way; the infrastructure, remediation and redevelopment. They have a site that changed in 2004 for redevelopment, great promise, ran into difficulty with Bear Sterns and by 2008 no one was doing anything and it fell flat. A number of years later, the military companies were still at that site with the pumps; the last one moved out at the end of last year and they only have that one little building. He said that was a significant, lasting tenant. They have a policy in place now with very good redevelopment, they have cooperation from Ingersoll Rand and they want to move forward with the remediation area. Ingersoll Rand has to finalize the cleanup plan for the main facility. He said that is only weeks away and that is what they want and need. The coordination schedule; they are working hard at it. They are here tonight and also in Phillipsburg. You're seeing the civil engineers all talking together with the environmental engineers and the environmental engineers as well as the redevelopment people figuring out how to do it. It was a big, ugly site; they don't view it that way anymore. Mr. Brown said they are down to the last stages, knowing how the remediation is going to be finished. He said Ingersoll Rand will finish up and get out of their way. They don't want them in the middle of their building process; they are doing it the smartest way. DEP told them to do it right contractually, as long as it is done right, they are licensed professionals; get it done and they will be happy. They are finishing up the new landfill; there is a cap that they had to fix. The landfill is actually closed and has been for a while. They even looked at things like storm water permitting and separation. Ingersoll Rand had all the industrial permits. They are now looking at things, since they don't have to have industrial permits and the storm water is already completely clean on half of the site. The new basin is being proposed, which is a good thing. He said he understands the questions about the cisterns and the answer is you don't want the foundry sand under the building; unfortunately, that is the answer. They still have cleanup to do there. The detention basin is designed to the safest standards so that they still get the retention.

Mayor McKay asked Mr. Brown if he was aware that there was a serious limestone problem in a lot of areas around here. Mr. Brown said that yes he know that. Mayor McKay asked if he foresees any issues with that.

Mr. Brown said the site has only had one sink-hole; it is at the top end. Lopatcong is the back entrance and that is the only one that ever occurred, according to the facility managers, in about 25 years. He isn't going to tell him there are none, but they aren't significant up here. He thinks the reason is that silt clay, the way it sheds water, he doesn't think a lot of water goes down, that

it is pretty impermeable. Mr. Brown said the incidents are very small and the reports he read said the same thing. They are working on the redevelopment DEP approvals and the DEP has promised full cooperation. They have made sure there isn't a problem with the ground water where the pond is. He said other than the oil plumb, which has been under control for a number of years; there is a small area where solvents go off site. There is a gray area on the plans that are scheduled for cleanup in the future.

Video Position: 1:45:57

Questions and comments were taken from the public.

Motion to approve on the condition that the language be amended.

Motion by: Councilman Belcaro Seconded by: Councilwoman Schneider
ROLL CALL

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

NAYS: None

R 15-114

**RESOLUTION OF THE TOWNSHIP OF LOPATCONG,
COUNTY OF WARREN, STATE OF NEW JERSEY
AUTHORIZING THE EXECUTION OF A LETTER
AGREEMENT WITH OPUS INVESTMENTS LIMITED
LIABILITY COMPANY RELATING TO THE
REDEVELOPMENT OF THE PROPERTY COMMONLY
KNOWN AS BLOCK 101, LOTS 1 AND 1.01 ON THE TAX
MAP OF THE TOWNSHIP.**

WHEREAS, the Township Council (the "**Council**") of the Township of Lopatcong (the "**Township**"), in accordance with the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the "**Redevelopment Law**"), adopted a resolution on February 1, 2006, authorizing the planning board of the Township (the "**Planning Board**") to conduct a preliminary investigation, hold hearings and make recommendations as to whether an area of the Township consisting of all properties located in the HB and ROM zones south of Route 57 to the borders of the Town of Phillipsburg, Township of Pohatcong and Township of Greenwich (the "**Study Area**") was in need of redevelopment; and

WHEREAS, on March 22, 2006, the Planning Board held a duly noticed public hearing and reviewed a report prepared by the George A. Ritter, the Township planner, entitled "Township of Lopatcong Redevelopment Area Investigation Center Street Extension – Strykers Road South" dated March 8, 2006, and adopted a resolution recommending that only the property commonly known as Block 101, Lots 1 and 1.01 on the tax map of the Township within the Study Area be considered for redevelopment under the Redevelopment Law; and

WHEREAS, on March 29, 2006, the Council reviewed the report and resolution of the Planning Board and adopted a resolution designating the property commonly known as Block 101, Lots 1 and 1.01 on the tax map of the Township as an area in need of redevelopment (the "**Redevelopment Area**") pursuant to the Redevelopment Law; and

WHEREAS, on November 1, 2006, the Council adopted an ordinance adopting a redevelopment plan prepared by George A. Ritter, entitled "Township of Lopatcong Redevelopment Plan Lots 1 and 1.01 in Block 101" originally dated August 16, 2006 (as amended, the "**Redevelopment Plan**"), providing for the development standards and goals for the Redevelopment Area; and

WHEREAS, Opus Investments Limited Liability Company (the "**Redeveloper**") is a developer with resources and a team of experts in planning, redevelopment, law, engineering, environmental issues, architecture, design, finance, and real estate development with experience suitable for the proposed redevelopment of the Redevelopment Area; and

WHEREAS, the Township has determined that it is in the best interests of the Township to enter into a negotiations with the Redeveloper for the development of a project in the Redevelopment Area; and

WHEREAS, the Township and the Redeveloper have negotiated a letter agreement for the purpose of creating a framework for the preparation and adoption of amendments to the Redevelopment Plan and the negotiation of a redevelopment agreement and financial agreement.

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

Section 1. The Mayor is hereby authorized to execute a letter agreement attached hereto as Exhibit A (the “**Letter Agreement**”), with such changes, amendments and revisions as deemed necessary by the Mayor and Town Council in consultation with Township professionals.

Section 2. In accordance with the authority under the Redevelopment Law, Opus Investments Limited Liability Company is hereby designated the redeveloper of the Redevelopment Area subject to the terms and condition of the Letter Agreement.

Section 3. The Mayor and Town Council with the consent of Town Council is hereby authorized to undertake any additional actions, including the negotiation and execution of any additional documents, required to effectuate the terms of this resolution.

Section 4. This resolution shall be effective immediately in accordance with applicable law.

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 27, 2015.

Margaret B. Dilts, CMC

Video Position: 2:45:44

Service Electric Cable Television Franchise

Mayor McKay said they are holding the public hearing to alert the residents that there is going to be a public hearing on Tuesday, September 22, 2015 at 6:00 pm in the court room. He is also inviting them to make any letters or complaints and forward them to Clerk Dilts. We will then compile them and have them available for the hearing in September.

Council President Ciesla said they would read them at the hearing. She also asked Clerk Dilts when the council put in their submission as to what they are looking to get from them. Clerk Dilts stated they could talk about it at the public hearing or negotiate after the hearing. Council President Ciesla said the contract is up at the end of this year. She stated that some of the things they are trying to do is get high speed internet to some of our buildings.

Video Position: 2:47:24

Authorize to advertise to hire a part-time laborer for 30 hours per week in the Department of Public Works.

Councilwoman Schneider said they have had some struggles in the DPW with the manpower and they have relied on seasonal help or temps, to fill in those gaps. Unfortunately, when you fill in the gaps like that, they are only allowed to work six months out of an entire year. It doesn't have to be consecutive; it could be two months here, one month there, but once it totals six months in a year's time, they cannot work anymore in that year. They would have to be hired as an employee of the town. She said they currently have four men working full-time in the DPW and

one was out, so they are now down to three. She said from past phone calls in the winter months, that they have a lot of road to cover and that they had a lot of things to do to get the DPW up to where they should be regarding a contract, equipment and there hasn't been a capital improvement plan. She said they need to us up to snap to get our residents what they need. She said this money will not create a shortfall in our budget' they will be taking it out of the DPW's operating expense. She said right now we have the funds to cover number 3 and number 4 on the agenda. Councilwoman Schneider said she was going to cover number 4 as well now. They were looking to hire one part-time and one full-time person. She said we have leaf pickup coming soon; snow and roads that are in disrepair that we are still trying to make some heads or tails with and without the manpower it just isn't happening. She said that right now it is their only alternative and they really need the help. Councilwoman Schneider said the guys do a tremendous job day after day and they have taken on other responsibilities; getting the fields in order and painting the lines. She said that they really do a lot for our town and if one gets sick or if one needs to take leave, it puts us in a really bad spot. She said there is no other way to do this except to subcontract out people and the cost for that is tremendous.

Motion to advertise to hire a part-time laborer at 30 hours per week.

Motion by: Councilwoman Schneider Seconded by: Councilwoman McCabe

Councilman Belcaro asked Brian Weeks to explain why he needs the help. Clerk Dilts said that she would call Civil Service to see if they could extend the days for the seasonal workers due to a hardship.

ROLL CALL

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

ABSTAIN: Council President Ciesla.

Video Position: 3:02:54

Motion to advertise to hire a full-time laborer for 37 ½ hours per week.

Motion by: Councilwoman Schneider Seconded by: Councilwoman McCabe

ROLL CALL

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

ABSTAIN: Council President Ciesla.

Video Position: 3:03:31

Mayor asked for a motion to close business.

Motion by: Councilwoman Schneider All in Favor.

Video Position: 3:03:45

Payment of bills in the amount of \$1,742,056.88

Motion by: Councilman Belcaro Seconded by: Council President Ciesla

Discussion: Councilwoman Schneider said that with the Holland and Knight, they were the investigators for an employee complaint. She said this firm was hired without the consent or any discussion with the Finance Committee. She said it was reported in the newspaper that the CFP secured the \$7,500.00 for this special investigator and she said this is absolutely not accurate. She said no one went to the CFO to see if that money was available. She said this was done without even going through the CFO for availability of funds. It was voted on and said yes before any CFO interaction. She said that she would like to add that the cap was \$7,500.00 and the bills came out to exactly \$7,500.00.

Council President Ciesla and Councilwoman McCabe both said that they did not.

Councilwoman Schneider said there was \$3,520.00.

Council President Ciesla said she only paid \$7,500.00; that is why she broke it up that way.

Councilwoman Schneider said that was correct, but it was \$7,500.00.

Council President Ciesla said she can only pay \$7,500.00 but the bill was probably, when they put their actual billing on there, it is going to be closer to \$15-20,000.00, which we are not paying.

Councilwoman Schneider said yes but didn't finish because it has exactly reached the cap, but \$7,500.00 for an employee complaint at \$250.00 an hour for a top notch investigator, that's second to Christie. She said there were plenty of other firms that she thinks could have taken this for a lesser price, somewhere in the area, if you wanted to give it to someone in NJ, in a county that doesn't have any ties with anyone here; not at \$250.00 per hour with a \$7,500.00 cap. She said she thinks it could have been done more efficiently and there was no interaction with the Finance Committee on who to hire. This person was hired by Council President Ciesla.

Council President Ciesla stated that he was hired by council.

Councilwoman Schneider said the he was not hired by council; because you provided them with that name and she said that is what she did the night of the meeting.

Council President Ciesla said there was not one person, that that wasn't true.

Councilwoman Schneider said that it was true and she just wanted to say that she is not authorizing the payment of those bills.

Councilwoman McCabe stated that this move on the dais of not paying the bill, the work was done, its business. She also stated it is nonsense and it is a political statement. She asked that they please move on.

Councilwoman Schneider said that it isn't political when it's the finance that she is worried about.

Mayor McKay said to just pay the bill outside of the budget. He said that now they have to go to the accountants and the state and tell them that they screwed-up the budget.

Councilwoman McCabe said that, possibly, a zero based budget isn't working.

Councilwoman Schneider stated that is not the reason why. Mayor McKay told Councilwoman Schneider to let it go.

ROLL CALL

AYES: Councilman Belcaro, Councilwoman McCabe, Councilwoman Schneider (with the exception of the two invoices for Holland and Knight), Council President Ciesla (but she as to abstain on her own because her husband paid for Naked Jake), Mayor McKay

NAYS: None

Video Position: 3:10:50

Audience Participation:

Mayor and Council entertained questions and comments from the public.

Mayor McKay asked for a motion to adjourn. Motion by Councilwoman Schneider All in Favor.

Respectfully submitted,

Margaret B. Dilts
Clerk/Administrator

Thomas M. McKay
Mayor