

TOWNSHIP OF LOPATCONG  
COUNCIL MEETING

September 2, 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 Council President Ciesla. All in favor.

Attorney Campbell reported that Council was in Executive Session for approximately 50 minutes. Topics of discussion were Contractual regarding the Interlocal Agreement with Phillipsburg School District regarding construction of Belvidere Road Intersection, Attorney/Client Privilege regarding Lopatcong Mount Laurel DJ Action, Personnel discussion Special Investigative Report, Litigation – Lopatcong vs. Town of Phillipsburg, Attorney/Client Privilege regarding complaint by resident regarding encroachment on right-of-way and not on your list an update of the Imhof vs. Township of Lopatcong Lawsuit. The meeting minutes from Executive Session will be available at such time as the need for confidentiality no longer exists. In addition to let the public know, two items will be added to old business; they are actually No. 1 and 2 from Executive Session, but they already authorized attorney to work with Phillipsburg and Phillipsburg School District regarding Interlocal for the extension of Belvidere Road and No. 5 authorize attorney to consent to Larken’s intervention of Affordable Housing Declaratory Judgment action. So those two items will be under Old Business.

R 15-115

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND THE  
STATE OF NEW JERSEY AUTHORIZING AN EXECUTIVE SESSION

WHEREAS, there are presently pending matters to be considered in Executive Session concerning possible matters listed:

1. Attorney/Client Privilege – Lopatcong Mt. Laurel DJ Action
2. Litigation – Lopatcong vs. Town of Phillipsburg
3. Personnel - Discuss Special Investigation Report
4. Attorney/Client Privilege regarding complaint by resident regarding encroachment on right-of-way
5. Contractual - Interlocal Agreement with Phillipsburg School District regarding construction of Belvidere Road Intersection
6. Litigation - Imhof vs. Township of Lopatcong Lawsuit

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Lopatcong, County of Warren and the State of New Jersey that the Council is authorized to hold an Executive Session.

BE IT FURTHER RESOLVED that the Council of the Township of Lopatcong will make said matters public within approximately 30 days of said meeting or until such a time as confidentiality of the matters is no longer required.

#### CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at the Reorganization Meeting held on Wednesday, September 2, 2015.

Margaret B. Dilts, CMC

**Public Comment** – Motion to open public comment agenda items only by Councilwoman Schneider, seconded by Council President Ciesla. All in favor.

Eric Johnson – 351 Stonehenge Drive – Looking at No. 7 under New Business. Excellent idea and needs to be pursued so Lopatcong kids have access to the high school and also use Lopatcong Park for bikers and walkers to the high school.

Marla Endick – 10 Byron Drive – At a special meeting Ms. Ciesla stated names for the special investigator were provided by conflict counsel. She wanted to know who the conflict attorney was and who recommended this person to Ms. Ciesla. Katrina Campbell said John Carbone who is an attorney that the Township has used on numerous occasions. She thought something funny going on. Questioned the sign ordinance and whether it had first reading.

Juniper Leifer – 32 Jade Lane - She felt Council was generally failing the public. Felt majority of Council completely and utterly compromised their integrity and morality. Attacks on the mayor since before he walked through the door and on Donna Schneider are a disgrace. Not right to hurt and damage people and ruin people through the rumor mill and spreading information that is blatantly false. She has been at every meeting since the mayor has taken office and assured everyone he has not behaved in anyway like a bully. She thought it ashame that it goes on meeting after meeting.

Mayor McKay closed the public comment agenda items. Motion by Councilwoman Schneider, seconded by Council President Ciesla. All in favor.

Motion to go into Old Business by Councilwoman Schneider, seconded by Councilman Belcaro. All in favor.

#### **Old Business:**

#### **Video Position – 13:04**

**Minutes** – Approve Executive and Regular Session Minutes for June 3, 2015. Motion by Council President Ciesla, seconded by Councilwoman McCabe. Roll call vote:

AYES: Councilman Belcaro, Councilwoman McCabe, Council President Ciesla

NAYS: Councilwoman Schneider, Mayor McKay

**Ordinance No. 2015-10** – Second reading and public hearing to Amend Chapter 243 “Zoning and Land Use”, Article X “Sign Regulations” of the Code of the Township of Lopatcong. Motion to open for the public hearing. Mayor McKay said he was at the Planning Board meeting and they suggested edits to the document that they were given. Clerk Dilts stated that the Planning Board Attorney was going to send a resolution with the comments and it has not been received as yet.

Attorney Campbell said there are two places in the ordinance where it says four instead of six and there was discussion and Council has an option – they can either go forward with the ordinance as it is, they can say that it is a typographical error although you are changing from four to six so I don't know if I would recommend that. Instead what she recommended was you can go forward with the change to the ordinance so you have something in place before the election and then you can do those changes. She thought there were other changes recommended but would take more time by other members of the public, and things like that, and that could be done separate and apart from this so as not to confuse you or you could make those changes now and do first reading again. The problem with that is that you wouldn't have this adopted until the middle of October and I know that the concern was to get a standard for the size of signs before the election so it is up to Council but those are really your two, my two recommendations; if either go forward with this and make those changes later or you do first reading again, that's up to Council.

Mayor McKay – Well that's a lot of options.

Attorney Campbell – It's just two.

Mayor McKay – Just two.

Attorney Campbell – Two options – you can do second reading and make those changes and then later make those other changes or you can do first reading again changing those two places from four to six and have a second reading in October.

Mayor McKay – I don't think it will matter so I'll, what we'll do is second reading now.

Attorney Campbell – And then I would open it up to the public.

Mayor McKay – Open it up to the public. Alright, the public can speak on this matter. Anyone have anything they would like to say. Motion to open the floor to the public on the matter of the sign ordinance

Motion by Councilwoman Schneider, seconded by Councilwoman McCabe. All in favor.

Marla Endick – 10 Byron Drive – For those who may not be aware of what's happening. We're changing our sign ordinance basically to now say that previously a permit was required if a sign was greater than 4 sq. ft. and now we are changing it and Katrina can speak as to the reason why because she's claiming there's case law that supports this. Now we are saying that signs can be up to 6 sq. ft. throughout the Township without the requirement of needing a permit. Um, I took a look at the ordinance that you wrote Katrina. I have the copy here and I have the original, and when I originally read this, there literally, I could find content wise, real substantiated information. The only real change in the ordinance was changing the permit to say signs can now be up to 6 sq. ft. instead of 4 before requiring a permit. Can you share with us your basis of determining that we need to rewrite a Township ordinance because signs need to be bigger in order for a permit to be required?

Attorney Campbell- Sure, first I can tell you there were three substantial changes. First was that there was an exception to the sign ordinance for new born babies and something else. We removed that. That's not acceptable; we can't have an exception based on content. I asked that that be, I recommended that be removed. Second, I re-adjusted the permit process itself to provide for a very clear, a standard set in the ordinance and I would say to back up, this is not the clearest ordinance, this is not the best ordinance. I was not asked to re-write this ordinance to make it user friendly or wonderful. I was asked to look for invalid sections and change them as quickly as possible. Mr. Sterbenz and I discussed that perhaps Council, if they want a more user

friendly ordinance, maybe next year, Council, or it could be this year but you would have to do it, you can't start one ordinance at the end of the year and then go to the second reading in the next. So maybe next year would be better. Maybe they want to authorize Mr. Sterbenz and I, the planner and the engineer to sit down and make it a more user friendly because I know that was some concerns.

Marla Endick – Yes, cause it's, it's just as confusing as it ever was. Yes.

Attorney Campbell – That was not my job, my role. I tried to do it as quickly as possible, just fix the things that were in my opinion, invalid. So, the first was the exceptions that shouldn't be there. The second, the permit process it needed to be more defined as to who makes the decision, how long that person has to make the decision and what needs to be included in the application and what happens if they don't make the decision in time, and what happens when they do make the decision. So, that was the other. That whole section, in its entirety, was removed and replaced.

Marla Endick – Yeah and it is much clearer. Really what my question is is how did you come to determine that 4 sq. ft. was just too small and we need to now make them bigger if we need to go get a permit.

Attorney Campbell – Case of state v. Miller 83 NJ 4402 is a 1980 case. Limitations on signs may be imposed if the allowable square footage is not determined in an arbitrary manner. The signs when, if any, must be large enough to permit viewing from the road both by persons in vehicles and on foot. Inadequate sign dimensions may strongly impair the free flow of perfected speech and in this particular case, it says in the context of Milltown Borough, is who they were looking at the ordinance here, the limitation to 6 ft. imposed is probably inadequate. So, in Milltown they felt that six wasn't even good. So, the standard is that you can view the signs from the road and by foot by all people. So, I am not qualified to make that decision, so, I contacted the Township's expert Mr. Sterbenz and I asked him cause it was actually my inclination; I saw six here maybe we should go eight. I don't know and Mr. Sterbenz was the one who said based upon the neighborhoods in Lopatcong, it is his opinion that six is enough to, four was not, and six is enough and I actually talked to your planner George Ritter today and he agrees that four is way too small and that six is probably the minimum that you should have. So that is what I based my recommendation for and (inaudible).

Marla Endick – And, now we'll be much safer now with having those 6 ft. signs

Attorney Campbell – Stay safer.

Marla Endick – Well they'll be much more easy to read yeah. Okay, so, that's your rational. Okay thank you.

Juniper Leifer – 33 Jade Lane – First of all based on the comments that were just made I'm not sure why we would engage in spending tax payer money and spending all of this time to create an ordinance that is not necessarily effective. I would think that our objective would be to improve the ordinance so that it does its job. So that's just a strange reality. I'm curious if the case law that you cited is that in reference to business signs or temporary lawn signs.

Attorney Campbell – In this particular, it's all signs. You can't, I shouldn't say you can't, differentiate. There is a different standard for commercial signs so if you look in the Township Code there is an advertising sign section and we've zoned them out on the highway and we zone them so we can't see a billboard on Stonehenge, but aside from that you cannot say political signs can be this size and if I want a sign on my yard that says I Love My Cats, it can be this size

Juniper Leifer – But the case law that you cited what was the issue at hand in that case?

Attorney Campbell – I don't remember but it is for all signs.

Juniper Leifer – I'm just curious about that. It seems real strange. I guess I do support the idea of moving forward with it because as you said we do have an election coming up and I think that it is important that, uh, we are all on the same page as to what the parameters are for the size of the signs. Um, clearly we are rushing this through just in regard to the campaign, as you stated that that was the only purpose was to fix it up to handle the issues that were currently at hand and not even to make it an effective ordinance. So, that is a shame and I think that because of that, Mr. Belcaro, I think that something that you didn't realize and really take to heart is that there is a distinct difference between that which you can claim to be legal and that which you can claim to be ethical and just because you can wrap this up and tie it up in a nice little bow and make it appear as if it's a completely legitimate argument, the fact is, this is truly unethical behavior. You are using your

Attorney Campbell – Your comments should be about the ordinance. (Inaudible – do to disruption).

Juniper Leifer – Yes and I believe it is unfair for a councilman to use his position on council to manipulate the laws of our Township to suit his campaign. You made a mistake. Listen, the facts are the facts, and I understand that you created a story that works very well and you're right.

Councilman Belcaro – Created a story. You're a story teller right now just standing there.

Juniper Leifer – That's all good and fine.

Councilman Belcaro – And you know what I think people have to stop telling stories.

Juniper Leifer – If I could just finish my comment.

Councilman Belcaro – Your comments, your wrong in every aspect of it.

Juniper Leifer – That's actually not true Lou.

Councilman Belcaro – We need to move on.

Juniper Leifer – Your, your sign

Councilman Beclaro – It is your opinion (inaudible).

Juniper Leifer – I would like to finish my comment please. Your signs were inappropriately sized. You were asked to either get the permits or to remove the signs. You threatened to sign the Township or you gave some letter of some kind and now we are changing the laws. You cannot change that chain of events.

Councilman Belcaro – The ordinance as it was written is unenforceable. The Board of Adjustment could not enforce that. Now what part of that don't you understand? I cannot help you.

Juniper Leifer – I understand that perfectly well.

Councilman Belcaro – I do not understand.

Juniper Leifer – There is a difference between what is legal and what is ethical.

Councilman Belcaro – The ordinance is not enforceable.

Juniper Leifer – and you are using your position on Council to manipulate the laws to suit your campaign and now the taxpayers of this community are footing the bill.

Councilman Belcaro – It puts us on even playing field – that’s what it does. The old ordinance people, it was unenforceable – this new can be enforceable and that’s the difference.

Juniper Leifer – And this all came out of a campaign.

Councilman Belcaro – No it did not.

Andy Horun – I have a quick comment. 13 Windsor Lane. With regard to the case that you cited can you just tell me that citing?

Attorney Campbell – Sure it is 83 NJ 402-1980 State v. Miller.

Andy Horun – NJ means what so people understand?

Attorney Campbell- That’s that New Jersey Supreme Court.

Andy Horun – New Jersey Supreme Court back in 1980 is that what you said? 1980 made a decision about the how big a sign could be or shouldn’t be.

Attorney Campbell – I actually mentioned this last meeting and I don’t know if everyone was here; when I gave Council a detailed memo on all the changes I made and all the case law. I don’t normally do that but I thought it was important and all of the cases I cited are either New Jersey Supreme Court cases or the US Supreme Court because these cases don’t stop at the law division they go to the top.

Andy Horun – I understand that.

Attorney Campbell – And these cases are so well decided law since 1980.

Andy Horun – So, in essence, the way the statute in town was drafted, if somebody challenged it based on the New Jersey Supreme Court case, that person would prevail. I that correct?

Mayor McKay – We were out of compliance for 35 years?

Attorney Campbell- No. One of the changes that I asked, that you recommend that you change was put in the late 90’s or early 2000’s. So the ordinance gets changed along the way.

Councilman Belcaro – And I would just like to add one thing. This ordinance was never enforced prior to this. Never and there had been signs throughout the town that stay up all year long that exceed 4 sq. ft. and nobody has done nothing. Ironically our signs came up, and someone complained. How ironic is that folks – tell me about being targeted. Okay they were removed and put back up because it was enforceable.

Mayor McKay – Further comments on the sign ordinance. Have seen none and hear none, a motion that we close the public hearing.

Motion to close the public hearing by Council President Ciesla, seconded by Councilwoman McCabe. All in favor.

Mayor McKay – Discussion. I’ve heard what some people have said out here and I think it would have been better if we would have revised the entire sign ordinance. This is confusing and people don’t understand it, generally, but I guess that’s not what’s going to happen so I guess we should proceed to a vote to adopt this law.

Council President Ciesla – The only thing I want to say is it isn’t perfect but at this point in time, it is also not enforceable. I, for one, don’t want to see sixty foot signs up for any reasons whether it says I love my cat or vote for so and so, I really don’t.

Councilman Belcaro – You know just to clear it up you don’t have to put a six square foot sign up. That’s the max. Okay.

Attorney Campbell – Before you need a permit.

Councilman Belcaro – Before you need a permit.

Attorney Campbell – Doesn’t mean you can’t have (inaudible).

Councilman Belcaro – You don’t have to, that is the limit and if anyone doesn’t know what a six square foot sign is, I draw your attention to my right here on the wall and there is a painting here and that is approximately six square feet in size. So you don’t have to go that big. You go as small as you like.

Mayor McKay – Okay where are we with this?

Clerk Dilts – You just need a motion to adopt.

Mayor McKay – All right we need a motion to adopt. Motion by Council President Ciesla, seconded by Councilwoman McCabe. We need a roll call:

AYES: Councilman Belcaro, Councilwoman McCabe, Council President Ciesla

NAYS: Councilwoman Schneider, Mayor McKay

#### ORDINANCE 2015-10

#### SECOND READING OF AN ORDINANCE

NOTICE is hereby given that a regular meeting of the Township Council of the Township of Lopatcong, County of Warren and State of New Jersey, held on Wednesday, September 2, 2015 at the Municipal Building, 232 South Third Street, Phillipsburg, New Jersey, the following Ordinance was presented and passed on the final reading. The Ordinance was then ordered to be published according to law by title only.

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

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

Margaret B. Dilts, CMC

**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 (Approved at August 5<sup>th</sup> meeting) – Payment terms for consideration. Attorney Campbell reported this was on the agenda last meeting and was under the Consent Agenda so I wasn't sure Council really had a chance to understand what they were voting on and also the terms for the payment plan weren't provided. She asked that this be put on again. Basically, this is a resident who is facing tax sale and they have requested that they be given a payment plan for their tax and sewer and basically there is a law that allows the town to do that take them off the tax sale list and give them a payment plan. The rules are that once you get a payment plan you may never get another payment plan again and when I say you, that property, so this could change hands six times and the town can never give a payment plan again. She indicated it's a serious thing for the property but also your taking something off the tax sale list and you're potentially not being paid for in this case the recommendation is 36 months for this payment. To date the outstanding taxes are \$7,881.02 and the outstanding sewer is \$766.39. My office provided an amortization schedule to the tax collector that if you approve it, that's what the payment plan will be but basically like I said it is 36 months but is purely up to the Council whether they wish, there is a statutory authority that allows you to do it but under no means are you obligated. This is a decision of Council not by the tax collector.

Mayor McKay – Motion to reapprove this? Motion by Council President Ciesla, seconded by Councilwoman Schneider. Roll call vote:

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

NAYS: None

**Phillipsburg High School Interlocal Agreement Expansion of Belvidere Road** – Authorize the attorney to work with the Town of Phillipsburg and the Phillipsburg School District regarding the Interlocal Agreement for the Expansion of Belvidere Road. Mayor McKay asked for a motion to approve. Motion by Council President Ciesla, seconded by Councilwoman McCabe. Roll call vote:

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

NAYS: None

**Larken – Declaratory Judgment Action Affordable Housing** - Authorize attorney to grant consent to Larken to intervene on the Declaratory Judgment Action regarding Affordable Housing. Mayor McKay asked for a motion to approve. Motion by Council President Ciesla, seconded by Councilwoman McCabe. Roll call:

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

NAYS: None

**New Business:**

**Video Position: 37:08**

**Lorrain Rossetti CFO Rice Notice** – Attorney Campbell explained the Rice Notice which anytime Town Council wants to discuss the performance of an employee, they are required by law to give what's known as a Rice Notice which comes out of case law. It provides the employee to have themselves discussed in Executive Session or Regular Session. Ms. Rossetti

has elected to have her discussion in public. So everyone is clear this is just like as if Council was in Executive Session. Ms. Rossetti was concerned this would be an interrogation of her. She may not be provided an opportunity to speak. It is merely to discuss her performance. A discussion ensued by Council over their concerns.

**Special Investigation Report** – Attorney Wenner said special counsel was authorized by this Council to perform an investigation regarding an employee complaint against members of Lopatcong Township. That report was issued and he advised Council against discussing the contents of the report, the allegations contained therein. There were recommendations made in the report if the Council wants to take certain actions regarding the report they can do that but please do not delve into the details; names, allegations, anything else. Council President Ciesla stated due to the investigation, the findings of the investigation, and pending lawsuits, I'm making a motion to have the Clerk/Administrator no longer report up to the Mayor but to report instead to myself as the Council President. Councilwoman McCabe said this is a recommendation that was made and she seconded the motion. Roll call vote:

AYES: Councilman Belcaro, Councilwoman McCabe, Council President Ciesla

NAYS: None

ABSTAIN: Councilwoman Schneider, Mayor McKay

Council President Ciesla – Next action to take is to begin the process of engaging and finding appropriate training for the issues outlined in the report. Motion by Council President Ciesla, seconded by Councilwoman McCabe who stated that is absolutely something that is required.

Roll call vote:

AYES: Councilman Belcaro, Councilwoman McCabe, Councilwoman Schneider (noted everyone including volunteers should have this training), Council President Ciesla, Mayor McKay.

NAYS: None

Council President Ciesla – Stated there are recommendations for disciplinary actions but would not make a motion at this meeting. That will be determined along with Council and a redacted reported will be prepared for release.

**Belvidere Road Appraisal** – Authorize appraisal work for Belvidere Road properties. Attorney Campbell stated there are four pieces of property in the Township of Lopatcong, three of which we need a temporary work easement. This is to provide a report with all four appraisals to use to negotiate with property owners. The low bidder was Robert Heffernan Associates of Oldwick at \$3,000. Motion to approve by Councilwoman Schneider, seconded by Councilwoman McCabe.

Roll call vote:

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

NAYS: None

**Department of Transportation Trust Fund** – Engineer Sterbenz reviewed with the Council. This is for physical year 2016. There is a component in the Transportation Trust Fund that is available for municipal and county road projects. The application is due before October 20<sup>th</sup>, 2015. A resolution will be adopted at the October meeting. Mayor McKay suggested Baltimore Street and made a motion, seconded by Councilwoman Schneider. Roll call vote:

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

NAYS: None

**Bid Rejection** – Reject bids received on August 5, 2015 for emergency road and sewer repair work. Motion to reject bids by Councilwoman Schneider, seconded by Councilman Belcaro.

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

NAYS: None

**Survey South Second Street** – Authorize Maser Consulting, PA to survey South Second Street between Edward and the Route 22 right-of-way. The Township has a grant to improve this roadway. Motion to authorize Maser Consulting, PA to perform survey work by Councilwoman Schneider, seconded by Councilwoman McCabe. Roll call vote:

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

NAYS: None

**Lopatcong Pool Site Used for Path for Phillipsburg High School Students** – An agreement was put in place back in 2000 with the Township and the Phillipsburg Board of Education which provided for various improvements needed to provide access to the high school. Engineer Sterbenz felt the roadway was feasible for this use. Road Department Superintendent Brian Weeks spoke about his concerns about allowing the access to the park and roadway. Further discussion took place. Mayor McKay asked Councilman Belcaro and Councilwoman McCabe to be on the committee to look into the matter further.

**Service Maintenance Agreement with Jack Lehr Electric** – Quotes were received for the various Township owned buildings to provide services with the lowest/responsible quote provided by Jack Lehr Electric in the amount of \$6,080.00. Brian Weeks informed the Council that HT Lyons was the previous company to service our heating and cooling systems. Councilwoman McCabe made a motion to approve Jack Lehr Electric, seconded by Councilwoman Schneider. Roll call vote:

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

NAYS: None

**Agenda Meeting Guidelines** – Council President Ciesla and Councilwoman Schneider put together a policy for meeting agendas. Mayor McKay stated that the numerous agendas provided with updates to the meeting business was less than desirable and would accept this policy. Motion to approve by Councilwoman Schneider, seconded by Councilman Belcaro. Roll call vote:

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

NAYS: None

**Visitor's Log** – A Policy was put together to tract visitors coming and going. Clerk, Assessor, Collector and CFO and Mayor would log in their visitors. Motion by Councilman Belcaro, seconded by Council President Ciesla. Roll call vote:

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

NAYS: None

**DWP Positions** – Advertise for these two positions. Council discussed the costs for advertising these positions in the Express Times. It was suggested to run it on the Express Times online only. Mayor McKay made a motion to approve running an ad in the Express Times online only for up to \$250.00. Mayor McKay made an amended motion to approve running an ad in the Express Times online only for up to \$471.00 by Councilman Belcaro, seconded by Councilwoman McCabe.

Roll call vote:

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

NAYS: None

Councilman Belcaro asked to pull No. 10 under the Consent Agenda. He stated this is the final balance for Dulaine Contracting for the project which has been ongoing for two years now. The credit has not been taken out for not finishing Baltimore Street which has to be negotiated. He will be in touch with Dan Madden our Sewer Engineer to work through this. Engineer Sterbenz suggested rejecting the payment due to the fact that there are inaccuracies. Motion to reject payment to Dulaine Contracting for the work completed on the Rt. 57 Pump Station in the amount of \$29,162.69 by Councilwoman Schneider, seconded by Councilman Belcaro. Roll call vote:

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

NAYS: None

**Consent Agenda:**

**Video Position – 2:35:03**

Mayor McKay made a motion to approve the Consent Agenda, seconded by Councilman Belcaro. Roll call vote:

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

**NAYS: None**

**ABSTAIN: Councilwoman McCabe – No. 9**

**Fall Cleanup** - Approve quote for Fall Cleanup from LMR Disposal, LLC – 4 Rear Load Packers, 2 at Lopatcong Pool and 2 at Stryker’s Road Fire House. The cost for each Rear Load Packer will be \$600.00 and \$78.00 per ton for all debris in packers. LMR will provide 8 – 30 yd. Roll-Off Containers, 4 at each location. The haul rate will be \$250.00 per container and \$74.00 per ton for all of the debris in containers. 100% of rebate to be paid to town. These rates are all inclusive of all fuel and environmental fees.

**Sustain Abilities Electronics Recycling** - Approve Sustain Abilities to collect Electronics Recycling at Fall Cleanup. There will be a \$10.00 fee charged for CRT Monitors and TV’s up to 32” and \$40 for Certified Data Destruction.

**PTA Pool Pass Donation** - Approve donation of Family Pass to Lopatcong Pool for 2016 season for the Lopatcong PTA Fundraiser.

**Resolution 15-116** – Authorize redemption of Tax Sale Certificate No. 2014-032 and Premium on Block 99, Lot 91 in the amount of \$22,472.06.

R 15-116

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 99, Lot 91 C0014, also known as 14 Overlook Drive in Lopatcong Township, for 2013 delinquent taxes; and,

WHEREAS, this lien, known as Tax Sale Certificate #2014-032, was sold to John Lami for a premium of \$11,000.00 and,

WHEREAS, Capital One Bank, escrow company for property owners, has satisfied the redemption amount on Certificate #2014-032 in the amount of \$11,472.06 and,

NOW, THEREFORE, BE IT RESOLVED on this 2<sup>nd</sup> day of September, 2015, that the Chief Financial Officer be authorized to issue a check in the amount of \$22,472.06 for the redemption of Tax Sale Certificate #2014-032 and Premium to:

John Lami  
307 West Shore Trail  
Sparta, NJ 07871

#### 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, September 2, 2015.

Margaret B. Dilts, CMC

**Proclamation** - Supporting the Drive Sober or Get Pulled Over 2015 Statewide Crackdown.

#### PROCLAMATION SUPPORTING THE DRIVE SOBER OR GET PULLED OVER 2015 STATEWIDE CRACKDOWN

WHEREAS, approximately one third of all fatal traffic crashes in the United States involve drunk drivers; and

WHEREAS, impaired driving crashes cost the United States almost \$50 Billion a year; and

WHEREAS, 27% of motor vehicle fatalities in New Jersey in 2013 were alcohol related; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the summer season and the Labor Day holiday, in particular, are traditionally times of social gatherings which include alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *Drive Sober or Get Pulled Over 2015 Statewide Crackdown*; and

WHEREAS, the project will involve increased impaired driving enforcement from August 21 through September 7, 2015; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

THEREFORE, BE IT RESOLVED, that Lopatcong Township declares its support for the *Drive Sober or Get Pulled Over 2015 Statewide Crackdown* from August 21 through September 7, 2015 and pledges to increase awareness of the dangers of drinking and driving.

**Civil Service Appointment** - Appoint Mark Fornaciari as Plumbing Subcode Official per Certification of Eligibles OL1500960.

**Verizon** - Approve Mayor execute release provided by Verizon for the purpose of completing an account review for anticipated savings in a new State Discount Program.

**Resolution No. 15-117** – Appoint William Mennen as Judge for both Lopatcong and Harmony Court.

R 15-117

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY APPOINTING WILLIAM MENNEN AS JUDGE FOR  
LOPATCONG MUNICIPAL COURT TO FULFILL THE TERM OF JUDGE BRUCE JONES

WHEREAS, the Municipal Division of the Superior Court of New Jersey has requested a temporary appointment be made for a Judge to fulfill the term of Bruce Jones; and

WHEREAS, William Mennen has been appointed to fulfill the term of Bruce Jones; and

WHEREAS, the term shall expire on December 31<sup>st</sup>, 2015.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey that William Mennen shall be appointed to fulfill the term of Municipal Judge Bruce Jones December 31<sup>st</sup>, 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 the Reorganization Meeting held on Wednesday, September 2, 2015.

Margaret B. Dilts, CMC

**Twilight Gymnastics 5 K Race** - Approve Twilight Gymnastics & Cheerleading held a 5K race through Lopatcong Park on Saturday, October 17, 2015, with a rain date of Sunday, October 18, 2015 as a fundraiser for Feline Urban Rescue and Rehab.

**Dulaine Contracting, LLC** - Approve payment to Dulaine Contracting, LLC for work completed on the Rt. 57 Pump Station Project in the amount of \$29,162.69.

**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.

**Council Reports:**

Council President Ciesla – Recreation – Movies at the Pool Program ended for the season. This was done mostly on donations. Community Day – Donations have been drying up so next year if there is intent for fireworks that will have to be put in the budget. Fireman Brandan Stires asked about talking to Council with regard to employment in the Department of Public Works. Shade Tree Commission – Complaint – Motion by Council President Ciesla to refer encroachment matter over to the Shade Tree Commission for their next meeting and also authorize Attorney Campbell to send the parties a letter advising the matter will be heard at that meeting, seconded by Councilwoman McCabe. Roll call vote:

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

NAYS: None

Lopatcong School Superintendent – Mrs. Roncoroni would like to attend the next meeting to give the public and update.

Recreation Committee – Interested in acquiring an easement to use Smith Street for a walking/biking path. First Baptist Church owns this road. Council President Ciesla asked Attorney Campbell to send a letter asking the church to entertain this matter.

Buckley Hill Intersection – Engineer Sterbenz will meet with Brian Weeks DPW Superintendent to look at this intersection for improvements.

LAA – President Ken Lutz and about 30 volunteers painted the Field House and Shed. Paint was donated by Sherwin Williams. The other supplies were donated by former Mayor Steinhardt.

Councilwoman McCabe – Thanked Lori and the Committee for all the work for Community Day. LAA – They are looking to establish a 5013C. Currently they are under the umbrella of the Township. A special meeting will take place on September 14<sup>th</sup>. Payment of Bills – Last meeting a payment of a legal bill was approved to pay from the COAH account. That needs to be corrected and the bill charged to another account as funds cannot come from COAH. Attorney Campbell caught this error.

Councilman Belcaro – The pump station is up and running. Contractors are working on the decommission of the Baltimore Street Pump Station. Sewer Rates - NJSA 40A:26A -10.1 establishes requirements/criteria to be met for senior/disabled to apply for sewer fee discounts. Councilman Belcaro felt this should be investigated further to see if it can be applicable to the Township.

Councilwoman Schneider – Reported at the last meeting to hire two DPW employees. Seasonal help can only be employed six months in a year's time. Civil Service allowed the Township to keep them an additional period of time. She felt she did her best to put the right person in the finance office by putting in a temporary, or share a service with another town, but she said she would agree to put an ad in the newspaper for a finance clerk according to the civil service guidelines. She asked to follow Lorraine's recommendation. She felt Lorraine is doing a great job and she trusts her judgment. Councilman Belcaro felt she should be a part of the interview process. Councilwoman Schneider asked to authorize Beth to put the ad for a part-time permanent clerk on the Express Times website and the Township website at a fee the same as the DPW to run to the 22<sup>nd</sup> of September.

Council President Ciesla asked if September 19<sup>th</sup> could be designated as a town wide yard sale.

Mayor McKay – Concerned that the legal budget is \$7,000 over. Council President Ciesla said we did not charge anything to Planning Board's legal and thought that one bill from Jack Carbone was actually Planning Board. Mayor McKay echoed that everyone did a good job on the Recreation Committee for Community Day. Mayor McKay mentioned \$25,000 was coming in from Aqua New Jersey to reimburse the Township for the truck. Attorney Campbell will reach out to Aqua and find out.

**Payment of Bills - \$4507.28.** Motion to pay bills by Councilwoman Schneider, seconded by Council President Ciesla. Roll call.

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

NAYS: None

**Department Reports** – Council President Ciesla, seconded by Councilwoman McCabe. All in favor.

**Audience Participation:**

**Video Position: 3:17:07**

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

Yvonne Reitenmeyer – 27 Browning Court - Thanked the Council on behalf of the PTA for the pool membership donation.

Dave Lorimar - 809 Rugby Road – Excited to hear about the potential developer for the I-R tract. They expressed their need for tax abatements but did not have answers to question on traffic impact and mitigation. Urged the Council to do the due diligence with these folks.

Juniper Leifer – 32 Jade Lane – She informed the Council that a tree expert was coming to their Environmental meeting next Tuesday to talk about native plant and tree issues in the area- everyone is welcome to attend. Liked the idea of finding an alternative way to drop off the kids going to the new high school. She felt no blame for a mistake with the CFO and we just need to fix it and move on and not penalize her and make a punishment retroactive – not fair in her eyes. She clarified to Council who she is and not a fair characterization of how she represents herself. Darn shame about this investigation and the Mayor being blocked from communicating with the Clerk. Focused more on the obstruction of the Mayor and preventing the town from moving forward. She thought this an issue of ethics and instructed the Council to think long and hard about the way you are abusing the power of your majority. Juniper also talked about the sign ordinance when she brought it to the attention of the Council 4 years ago.

Harvey Walters 325 S. Third Street – Asked how many hours the CFO is supposed to work, hours per week and what are her hours.

Olchewski – Highlands Way – Had question about the investigation. Who leaked it to the press? And why don't you care who leaked it to the press? Who got the report and who was able to send it to the newspaper? Only somebody who gets the report. Who authorized signing blank checks to the Clerk? Mayor authorized check for Easter Egg Hunt and the practice has changed. Asked the Mayor if he was going to investigate the resolution. Councilwoman Schneider stated she will. What happened to the missing COAH funds? Councilwoman McCabe said there are no missing COAH funds. What happened to the fireworks for Community Day?

Pete Pisella - 50 Buckley Hill Drive – Said it was disheartening sitting in the crowd and watching the Council. Donna rolls her eyes or snickers when Maureen says something, when Donna makes mention of something, Maureen rolls her eyes or Lori whispers over here or the Mayor makes little comments when he hears Maureen and Lori talk. Somebody has to start it somewhere and until that happens either you all need to go and six different people from this crowd will get up and do it. It would be nice to see for a few months you stop fighting.

Eric Johnson – 361 Stonehenge Drive – Asked Engineer Sterbenz about the traffic study on Buckley Drive. He asked to have this study finished. Talked about the pool site and being more pedestrian friendly. Really wants to see kids walk and bike through the high school. Engineer Sterbenz will come back to Council with a quote for the traffic count.

Marla Endick – 10 Byron Drive – Asked whose job it is to write resolutions. Does it not concern anyone that the resolution is not in the minutes? Council President Ciesla said many motions are turned into resolutions. She did not see the terms. Attorney Campbell said the terms were talked about in Executive Session and the motion to make that offer was made in regular session. It was memorialized in a resolution.

Mayor McKay asked for a motion to come out of Audience Participation by Councilwoman Schneider, seconded by Councilman Belcaro. All in favor.

Mayor McKay stated meeting adjourned.

Respectfully submitted,

Margaret B. Dilts  
Clerk/Administrator

Thomas M. McKay  
Mayor