

TOWNSHIP OF LOPATCONG  
COUNCIL MEETING

December 2, 2015

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

Prayer followed by Oath of Allegiance

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

Present: Councilman Belcaro, Councilwoman McCabe, Councilwoman Schneider, Council President Ciesla, Mayor McKay. Also present was Attorney Campbell and Engineer Sterbenz.

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

Attorney Campbell stated that Council was in Executive Session for approximately 1 hour and 20 minutes. Topics of discussion were Personnel - interviews for CFO position, Potential Litigation- request for reimbursement of medical expenses, Contract – banks, Litigation – Imhof settlement and Attorney/Client Privilege Hall vs. Lopatcong GRC decision. The minutes will be available at such time when confidentiality no longer exists.

R 15-142

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

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

1. Personnel – Interview for CFO Position.
2. Potential Litigation – Request to reimburse medical expenses related to incident in the municipal building on May 20, 2015.
3. Contract – Banks.
4. Litigation – Imhof settlement.
5. Attorney/Client Privilege – Hall vs. Lopatcong GRC decision.

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.

NOW, THEREFORE, BE IT 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, December 2, 2015.

**Public Comment:** Agenda items.

**Video Position:** 2:11

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

Yvette Day – 32 Meadowview Drive – Clarification on the second reading of the ordinance. She stated that this is not a bad idea and aware of the benefits. Her concerns are there is not the proper due diligence as far as the proper paperwork for a seamless transition. How are the bills going to be paid while this transition is going on? She also was concerned about the insurance coverage. Council President Ciesla said the LAA still have work to do; this ordinance is saying that when the LAA leaves, the Township will recognize them.

Joe Baumann – OPUS Group. Gave update on the project. In Phillipsburg they completed the Redevelopment Plan and the Site Plan Application. The Redevelopment Agreement has been signed, etc. He said he recognized the ordinance on the agenda this evening but noted a number of steps that will come after that that will take several months.

Eric Johnson - 361 Stonehenge Dr. – Ordinance for the Recreation Committee he asked it to read in full and also the LAA Ordinance too.

Motion to close the public comments by Mayor McKay, seconded by Councilwoman Schneider. All in favor.

**Old Business:**

**Video Position:** 11:02

**Minutes** – Executive Session and Regular Session Minutes for October 7<sup>th</sup> and 21<sup>st</sup>, 2015. Tabled until the next meeting so Mayor McKay could provide the clerk with corrections he said he had corrections to both sets of the meeting minutes. Table till next meeting by Council President Ciesla, seconded by Councilwoman Schneider. All in favor.

**Ordinance No. 2015-11** – Second reading and public hearing to Amend, Revise and Supplement the Code of the Township of Lopatcong to Create Chapter 25, entitled “Executive Session”. Motion for public hearing by Councilwoman Schneider, seconded by Councilman Belcaro. All in favor. No comments. Motion to close public hearing by Council President Ciesla, seconded by Councilwoman McCabe. All in favor.

## ORDINANCE 15-11

### 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, December 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 TO AMEND, REVISE AND SUPPLEMENT THE CODE OF THE TOWNSHIP OF LOPATCONG TO CREATE CHAPTER 25, “EXECUTIVE SESSION”.

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

Motion to adopt this Ordinance 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

**Ordinance No. 2015-12** – Second reading and public hearing to acknowledge the Lopatcong Athletic Associations’ Formation as a Non-Profit Organization and the Official Athletic Association of the Township. Motion to hold a public hearing by Councilwoman Schneider, seconded by Council President Ciesla. All in favor. Council President Ciesla read the entire ordinance. Attorney Campbell explained there is no code regulating the LAA but there is an Ordinance No. 1997 Section 3 that basically says the Township recognizes the LAA as its own. This is the only paragraph in it, it says “Township Council has elected to establish the LAA to further the social, intellectual and athletic development of the children of Lopatcong and that said association shall be governed by the by-laws that are on file with the Municipal Clerk”. Attorney Campbell said it is in essence superseding that ordinance and it’s saying that you are going to recognize the LAA as it currently is but when it becomes a non-profit organization you will recognize it as the official athletic provider of the Township of Lopatcong. The reasons Council President Ciesla went from \$10,000 to \$ 0 was because Attorney Campbell provided the opinion that the Township would not have the authority and the auditors agreed to give any donation to any non-profit organization. The Council can enter a contractual agreement with organizations for services provided. So there will be contractual agreements for use of the fields and things of the like. So if the town chooses in advance to provide some monetary payment it would have to be for a service provided. The bylaws are what actually govern the LAA and they were created by the LAA and ratified by Council. The governance and the finance is a LAA entity. There is a code section about the LAA having priority for use of the fields – 157-6 is a Code Section – the LAA gets priority and then other organizations within Lopatcong; a tiered system. Councilwoman Schneider reiterated to Council that if the ordinance is passed on second reading it does not begin immediately. Council President Ciesla said it begins as in any ordinance after the second reading; 20 days after but it says that Lopatcong Township will recognize them as they are now and in their future form and will say what the town will do for them. So if they decide not to form the 501C3, they will remain under the Township with nothing being changed. The contract will outline all the details. Councilwoman Schneider asked if it is known how much money they have in their accounts in order to pay out and the insurance. Attorney Campbell stated the ordinance stands forever so once they do leave you won’t be providing them with insurance. Just like the old ordinance, we always provided them with insurance but the ordinance I read to you did not say anything about insurance. It wasn’t in the old one and it is not in this one. Attorney Campbell said if that ordinance was not on the books already, she would probably advise Council that they wouldn’t need anything because the LAA is going to do what they are going to do. The bylaws are going to say when they can demand their money back, when they can leave; all that stuff is in their bylaws so had you not had the 97 ordinance out there, there would not be a need. Mayor McKay said there is not mention in the ordinance of a written contract between the parties. Attorney Campbell said technically you don’t have to have a written contract. The LAA wants to have a written contract with the town. Attorney Campbell said they can go out on their own, get their own insurance, do everything on their own and never look back. Mayor McKay said they have to enter into a contract for the use of the fields. Council President Ciesla said technically the ordinance states they have first

priority at no charge. Councilwoman Schneider said it does not address the DPW going out on a Sunday. Council President Ciesla said the fields belong to the Township and the DPW would have to address that. As far as the maintenance for ball games, this will be placed in the contract. Attorney Campbell said that the LAA will have to provide insurance not only to the kids but to the Township as well. Council President Schneider asked if there is a baseball team run by Lopatcong and 60 kids in Lopatcong want to do their own, how will they be recognized – they won't have first priority. Council President Ciesla said they don't have first priority now; the LAA has first priority. Motion to open public hearing by Councilwoman Schneider, seconded by Mayor McKay. All in favor.

Brian Weeks – 208 South Seventh – We already do that guys. It is not as if we are trying to create anything different here. We have teams that come in. Adult teams that are in this public too that pay taxes besides our kids. We have a lacrosse team that comes in, in the spring. They are bumped to wherever we can fit them. They do not take priority over any sport here. This town controls that sport. They fit wherever we want to put them. I don't think anything changes there because we do it already. We have the control; it is our fields, our town. It just gives them the permission to make sure they play cause they are our official town teams. Anybody else wants to come in, there's room, more power to them.

Mayor McKay – If nothing changes then why are we doing this?

Council President Ciesla – Because you had an ordinance. Katrina explained that we had an ordinance on the books that you need to update.

Ernie Gallant – 245 Aurora Street – I had a question; you mentioned about extending the insurance until the LAA had their insurance.

Attorney Campbell – You have them on your insurance policy now so

Ernie Gallant – But once they become a non-profit you can't do that correct?

Council President Ciesla – Right.

Ernie Gallant – Once their official. So it's only until that time.

Juniper Leifer – 32 Jade Lane – Just a quick comment about the language of the ordinance as you guys can see often times you were looking back at these laws digging them up, they haven't been looked at or revisited in years or decades so I'm wondering if the language is not somewhat vague and maybe you can read it to me again. The line where you say "as they are now and in their future form", in the future form does it specify as a non-profit?

Council President Ciesla – As a non-profit organization (inaudible) under the Township.

Juniper Leifer – Okay good because I just want, you know, there should definitely, you know, become some other form of organization we might not be able to support them. But the as they are now part is to me potential vague 20, 30, 40 years from now.

Councilwoman Schneider – Anyone else.

Mayor McKay- You know, I guess my only thing with this is the this language where the Township Council will continue to allow the LAA to use Township recreational fields, buildings and equipment in a manner of which they are currently accustomed to using them. To me that is not descriptive. It doesn't really say anything, it doesn't specify what they're supposed to do and I think, you know, that should be tightened up.

Councilwoman McCabe – In the contract.

Mayor McKay – It doesn't specify (inaudible) contract.

Council President Ciesla – And you have an ordinance on the books. Again, you don't have to approve it.

Attorney Campbell – Attaching to this a copy of Section 156, 157-6 if you think that would be helpful to anyone reading it you can always put Section 156 attached or see Section 156 of the Township Code if you think a direction to

Mayor McKay – Is there such urgency to doing this that it can't wait until it is put in better form?

Council President Ciesla – No.

Councilwoman McCabe – No

Mayor McKay – What is the urgency.

Council President Ciesla – They need to get going and they need to know that you are going to support them. So it is up to you when it comes to vote whether or not you are going to support them. Right now, you don't have a contract (Council talking over each other).

Mayor McKay – We have to, we represent the Township and make sure the Township's interests are properly balanced with the interests of the LAA and it means that, you know, this contract that you wrote and didn't have an attorney do, needs to be tightened up.

Councilwoman McCabe – It is an ordinance.

Mayor McKay – Or this ordinance then maybe we should do that first and then so we go forward in a more, you know, professional fashion.

Council President Ciesla – Cause you (inaudible) want to be specific, you want to sit here and say 150 bats, 250 helmets; you don't put that in an ordinance.

Mayor McKay – (Inaudible) talking about that at all. What we're saying. How do you know what I'm talking about?

Council President Ciesla – That's what we're talking about. I don't know what you're talking about but I (inaudible)

Mayor McKay – I'm talking about where we're saying about the custom and the manner to which they're used to using that language and I think you should say that that's going to be subject to a written contract between the Township and the LAA which would be renewed annually and that way everybody knows what's coming. If you leave it open anything can come.

Council President Ciesla – I just don't see how you would ever take anything away from the children. I don't even understand why it's an issue.

Councilwoman Schneider – No one's talking about taking anything anyway for the children. And I got, you know, I just want to clarify something and then hopefully maybe we can move on. For the past year and a half, because if you don't support 100% of something that has been put on your desk, you are automatically considered a hater of those people. If you don't support the fire truck, now I'm a fire truck hater. If you don't support exactly the wording in this and

you'd like to have more clarification, now I'm a child hater. It really needs to stop and no one; no one up here does not support the LAA. Look, I don't have children in the LAA. Unfortunately, with my situation, it is very difficult, but I support them in almost everything they do. Every flower that comes my way, every pizza, anything that comes my direction I buy it. I donate, I support, I do all of that because they deserve it. It doesn't mean I hate them because I want something to be in a better form.

Marla Endick – 10 Byron Drive – I just echo what you say Donna. It's a shame when people are expressing concern about the financial implications of different things, if they questioned it, then they are called haters of things. It's just insane. You guys are supposed to represent the taxpayers. The question is, I heard a mention of contract a few times but I am unclear is there going to be a written contract that the Township signs and the LAA drafts that lays out somewhere this is how much we get for this or we get that? Is there going to be something official drafted so the Township knows what they are in for financially? I know there is vague language in the ordinance that says you are supposed to give \$10,000.

Council President Ciesla – No we took it out.

Councilwoman Schneider – We just took that out.

Marla Endick – It got took out because I got a copy of the ordinance from you, Beth, yesterday. So it's been taken out since.

Councilwoman Schneider – No it is still the old copy. No we don't have an amended copy. It's still the same copy but what they're saying is well we'll just take this out, we'll add that here

Marla Endick – Okay.

Councilwoman Schneider – and instead of waiting until next month to have a clean copy

Marla Endick – So, I missed that the \$10,000 was going to be taken out. I was under the impression at the last meeting was there not an agreement that Katrina was going to be rewriting this ordinance or there was a request made?

Council President Ciesla – I gave it to the attorney before the last meeting and since then it's been reviewed.

Marla Endick – Okay, it's been reviewed and you gave your blessing on it.

Attorney Campbell – I said they can't give the money.

Marla Endick – Okay

Council President Ciesla – In the ordinance.

Mayor McKay – In second readings, if you make a substantive change, you got to go back to first reading.

Marla Endick – Yeah, I just think it behooves you guys just to make sure the financial obligations are clearly listed out as to what this actually means. Unfortunately I don't know how it works right now at the LAA but underneath the Township, I know they charge fees and admissions and stuff for sports. I don't know if the money goes into an account and that stays with them and has nothing to do with the Township. I'm just wondering how does all that

change. If they become a non-profit then they're on their own. They get the profits of everything that comes in but the Township just financially supports by a certain amount of money a year.

Council President Ciesla – If they choose too.

Attorney Campbell – The town can only give them financial money in exchange for a service. So, you can't just give them money. So, if they line the fields, they're going to do repairs to buildings, then in a contract, this Council will have to decide what that's worth and put a dollar on it but you can't give them money because you can't make donations and

Marla Endick – And again, love the LAA. My kids participate. Think it's great. Just think we need to be responsible. Can someone please explain the contract? What is the contract?

Council President Ciesla – You can go to the LAA meeting on December 15<sup>th</sup>.

Marla Endick – Who signs the contract?

Council President Ciesla – I would guess Council would have to ratify it.

Marla Endick – So, if it involves Council, can you guys

Attorney Campbell – It would have to come back here.

Marla Endick – Okay, so can you enlighten us about what the contract, is how it works?

Council President Ciesla – They have to put it together.

Mayor McKay – It's not mentioned in this ordinance that there will be a contract.

Marla Endick – That's another, exactly.

Mayor McKay – I suggest we need to put that in there. I think we need, that's a very small change. This will be in the contract and it will be reviewed annually and this way (inaudible).

Marla Endick – Okay, that would be nice.

Inaudible due to people talking over each other.

Mayor McKay – Well, you say (inaudible) so we are just clarifying it.

Yvette Day – Katrina could, I apologize I don't mean (inaudible). I just need, Katrina could you explain to me again what the, it spells out the formation and then once it becomes separate from the town how does then that not separate us, separate the LAA then today for 20 days from now? I'm still now clear because within the ordinance it says the formation and separates.

Attorney Campbell – It says we recognize them as they are now which is under us and then we recognize them as their official athletic provider if they form a non-profit organization.

Yvette Day – It says if

Council President Ciesla – It says in its future form as a non-profit organization

Yvette Day – Separate from the town.

Council President Ciesla – Separate from the Township.

Yvette Day – So, then, how does that not release it from the town's (inaudible)?

Council President Ciesla – It doesn't because they're as it is now they are still under the town. They are not officially a 501C3. They haven't come. They haven't dissolved and still they haven't come before Council and said they dissolved. There's more stuff they need to do on their end which you can address at the LAA meeting on December 15<sup>th</sup>.

Resident – (Inaudible)

Councilwoman Schneider – They are but for some reason I don't know why we can't wait until the next meeting to give a proper copy to all of us so we are all on the same page with this. That's all.

Council President Ciesla – Any other comments?

Mayor McKay – I would like to read the change I'd like to make.

Attorney Campbell – How about Section 5 at the very end; comma, as details in a written contract between the parties

Mayor McKay – To be finalized by and the date.

Council President Ciesla – I don't think you need to put a date on there.

Mayor McKay – Then we should say it should be reviewed annually at the Township Reorganization

Council President Ciesla – They may not want to do an annual contract. They may one

Attorney Campbell – (Inaudible) that would be for you when you are negotiating what you

Council President Ciesla – When you are negotiating.

Mayor McKay – We just want to make sure everybody knows what is expected.

Attorney Campbell – I think putting in a written contract is (inaudible).

Mayor McKay – Take a motion to close public comment.

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

Motion to adopt with the changes by Mayor McKay, seconded by Councilwoman Schneider.  
Roll call vote:

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

NAYS: None

## ORDINANCE 15-12

### NOTICE OF A SECOND READING

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, December 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, ACKNOWLEDGING THE LOPATCONG ATHLETIC ASSOCIATION'S FORMATION AS A NON-PROFIT ORGANIZATION AND RECOGNIZING THE LOPATCONG ATHLETIC ASSOCIATION AS THE OFFICIAL ATHLETIC ASSOCIATION OF THE TOWNSHIP

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

**Ordinance No. 2015-13** – Second reading and public hearing of the Cable Franchise Renewal Ordinance. Motion to hold public hearing by Mayor McKay, seconded by Councilwoman Schneider. No comments from the public. Attorney Campbell said it is a renewal for 15 years. Council President Ciesla said Service Electric is the only cable company who has laid lines for the town so unless somebody buys their lines or somebody else pays to lay their lines through the Township. Mayor McKay asked if anyone has provided them with our wish list. Attorney Campbell said it is laid out in the ordinance. Motion to close public hearing by Council President Ciesla, seconded by Councilwoman McCabe. All in favor.

Ordinance No. 2015-13

SECOND NOTICE 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, December 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 REPLACING CHAPTER A249, "CABLE TELEVISION FRANCHISE," OF THE CODE OF THE TOWNSHIP OF LOPATCONG TO RENEW THE CABLE FRANCHISE ORDINANCE.

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

Motion to adopt 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

**Resolution No. 15-143** -- Memorialize hiring Richard Kisselbach and Todd Richards as full-time Laborers in the Department of Public Works.

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY MEMORIALIZE THE HIRE OF RICHARD KISSELBACH AND TODD RICHARDS AS FULL-TIME LABORERS IN THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey do hereby memorialize the hire of Richard Kisselbach and Todd Richards as Laborers full-time pursuant to the New Jersey Civil Service Commission; and

WHEREAS, Richard Kisselbach and Todd Richards shall be paid a salary of \$20.00 per hour pursuant to the Township Salary Ordinance; and

WHEREAS, Richard Kisselbach and Todd Richards shall adhere to the terms and conditions as outlined by the Department of Public Works Contract and the Township Employee Personnel and Policy Manual; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey that Richard Kisselbach and Todd Richards do hereby memorialize the hire as Laborer full-time in the Department of Public Works.

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, December 2, 2015.

Margaret B. Dilts, CMC

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

**Redevelopment Plan** – Attorney Campbell stated that there are, in her opinion, three distinct steps in the process for the redeveloper. The first that her office recommends is to amend the Redevelopment Plan. There is one on the books now from 2007 that will need to be updated. George Ritter is working on this. The second step is to sign the Redeveloper’s Agreement and third, sign the Financial Agreement that the Mayor discussed. They are all separate and apart from each other and can be done separately. The ordinance requires first and second reading and in between it has to go to the Planning Board. Katrina said it was her request to put it on the agenda because she heard the Redevelopment Plan was coming. This will have to be put on the agenda for reorg. agenda. Katrina will reach out to George tomorrow and have him send it ASAP.

Motion to table the amendment of the Redevelopment Plan until the January 2016 Reorg. Meeting by Councilwoman Schneider, seconded by Councilwoman McCabe. All in favor.

**Imhof Settlement** – Authorize approval. Mayor McKay asked for a motion to approve the Settlement Agreement by Councilwoman Schneider, seconded by Mayor McKay.  
Roll call vote:

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

NAYS: None

**Carbone Invoice** – Approve revised invoice submitted by Mr. John Carbone in the amount of \$2,082.18 regarding the Imhof litigation. Katrina sent everyone a memo indicating that two invoices from Mr. Carbone were for the improper rate. The rate is to be \$125.00. The first invoice was paid at the rate of \$200.00. She adjusted the amount which she indicated is now \$2,082.18. 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

**Shade Tree Appointment** – Mayor McKay noted he had an add-on item to appoint Matt Herzner to the Shade Tree.

**Fire Truck** – Mayor McKay noted that the pumper should be re-advertised. Councilman Belcaro said the agreement back in October was that if it was not sold by November 30<sup>th</sup> we would sell to Oxford. Mayor McKay said there were two stages. Councilman Belcaro said we need to stick to the agreement. Council President Ciesla said she spoke to Oxford's fire chief today and they are still interested. They would like to check out the truck because it was sitting outside for months. Katrina will prepare the proper paperwork as soon as Council hears they are still interested. Council President Ciesla made a motion to allow the fire chief the ability to come out and look at the trucks and see if they are still interested, seconded by Councilwoman McCabe. Roll call vote:

AYES: Councilman Belcaro, Councilwoman McCabe, Council President Ciesla

NAYS: Councilwoman Schneider, Mayor McKay

**New Business:**

**Video Position: 1:00:52**

**Resolution No. 15-144** - Authorizing redemption of Tax Sale Certificate No. 2013-017 and Premium in the amount of \$25,919.76 on Block 99, Lot C0604.

R15-144

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY AUTHORIZING REFUND OF REDEMPTION OF MONIES TO  
OUTSIDE LIENHOLDER ON BLOCK 99, LOT C0604

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on June 19, 2013, a lien was sold on Block 99, Lot 136 C0604, also known as 604 Honey Brook circle for 2012 delinquent taxes; and

WHEREAS, this lien, known as Tax Sale Certificate No. 2013-017 was sold to US Bank Cust for BV001 Trust for a Premium of \$7,000; and

WHEREAS, Affinity Federal Credit Union, lender for new property owners, has satisfied the redemption amount on Certificate No. 2013-017 in the amount of \$18,919.76.

NOW, THEREFORE, BE IT RESOLVED on this 2<sup>nd</sup> day of December 2015 that the Chief Financial Officer be authorized to issue a check in the amount of \$25,919.76 for the redemption of Tax Sale Certificate No. 2013-017 and Premium to:

US Bank Cust for BV001 Trust  
50 S. 16<sup>th</sup> St., Suite 1950  
Philadelphia, PA 19102

CERTIFICATION

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

Margaret B. Dilts, CMC

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

Mayor McKay asked for a vote for the next two Resolutions. Motion by Councilwoman Schneider, seconded by Council President Ciesla. Roll call vote:  
AYES: Councilman Belcaro, Councilwoman McCabe, Councilwoman Schneider, Council President Ciesla, Mayor McKay.  
NAYS: None

**Resolution No. 15-145** – Authorizing redemption of Tax Sale Certificate No. 2015-022 and Premium in the amount of \$2,131.11 on Block 99, Lot C0206.

R 15-145

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY AUTHORIZING REFUND OF REDEMPTION MONIES TO  
OUTSIDE LIENHOLDER ON BLOCK 99, LOT 23 c0206

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on September 23, 2015, a lien was sold on Block 99, Lot 23 C0206 also known as 206 Bald Eagle Drive for 2014 delinquent sewer taxes; and

WHEREAS, this lien, known as Tax Sale Certificate No. 2015-022 was sold FWDSL & Associates LP for a Premium of \$1,200.00; and

WHEREAS, Lerta, mortgage company for property owners, has satisfied the redemption amount on Certificate No. 2015-022 in the amount of \$931.11.

NOW, THEREFORE, BE IT RESOLVED on this 2<sup>nd</sup> day of December 2015 that the Chief Financial Officer is authorized to issue a check in the amount of \$2,131.11 for the redemption of Tax Sale Certificate No. 2015-022 and Premium to:

FWDSL & Associates LP  
17 W. Cliff Street  
Somerville, NJ 08876

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, December 2, 2015.

Margaret B. Dilts, CMC

**Resolution No. 15-145A** – Authorizing redemption of Tax Sale Certificate No. 2014-024 and Premium in the amount of \$5,730.14 on Block 104, Lot 11.

R 15-145A

**RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING REFUND OF REDEMPTION MONIES TO OUTSIDE LIENHOLDER ON BLOCK 104, LOT 11**

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on September 23, 2015, a lien was sold on Block 104, Lot 11 also known as 11 Browning Court for 2014 delinquent sewer taxes; and

WHEREAS, this lien was known as Tax Sale Certificate No. 2015-024 was sold to US Bank Cust for BV001 Trust & Crdtrs for a Premium of \$3,000.00; and

WHEREAS, Nationalstar Mortgage, LLC, mortgage company for property owners has satisfied the redemption amount on Certificate No. 2015-024 in the amount of \$2,730.14.

NOW, THEREFORE, BE IT RESOLVED, on this 2<sup>nd</sup> day of December 2015 that the Chief Financial Officer be authorized to issue a check in the amount of \$5,730.14 for the redemption of Tax Sale Certificate No. 2015-024 and Premium to:

US Bank Cust for BV001 Trust and Crdtrs  
50 S. 16<sup>th</sup> St., Suite 2050  
Philadelphia, PA 19102

**CERTIFICATION**

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

Margaret B. Dilts, CMC

**Ordinance No. 2015-14** – First reading to Amend, Revise and Supplement of the Code of the Township of Lopatcong to make revisions to requirements outlined in Chapter 53 entitled “Recreation Committee”. Councilwoman McCabe read allowed the entire ordinance.

**ORDINANCE NO. 15-14**

**ORDINANCE OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN, STATE OF NEW JERSEY TO AMEND, REVISE AND SUPPLEMENT THE CODE OF THE TOWNSHIP OF LOPATCONG TO AMEND CHAPTER 53, “RECREATION COMMITTEE,” SECTION 1, “COMMITTEE CREATED; TITLE; MEMBERSHIP; TERM; VACANCIES.”**

**WHEREAS**, the Council of the Township of Lopatcong, County of Warren, State of New Jersey, does not feel it is necessary for a member of the Township Council to be required to be a member of the recreation committee because it is advisory in nature.

**WHEREAS**, the Council of the Township of Lopatcong, County of Warren, State of New Jersey, feels it is best for the members of this advisory committee to be chosen by a majority vote of the entire governing body.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Township of Lopatcong, County of Warren, State of New Jersey that the Code of the Township of Lopatcong Section 53, "Recreation Committee," Section 1, "Committee Created; Title; Membership; Term; Vacancies," shall be amended as follows:

Section 1:

**§ 53-1. Committee created; title; membership; term; vacancies.**

- A. Pursuant to the authority vested in the Council of the Township of Lopatcong, there is hereby established a Recreation Committee to be known as the "Recreation Committee of the Township of Lopatcong," which shall consist of seven members appointed by the governing body, ~~the Mayor with the consent of Council~~ one of whom shall be a member of the municipal governing body and all of whom shall be residents of the Township. The members of said Committee shall serve without compensation except as hereinafter provided.
- B. ~~The Committee~~ The Mayor shall designate one of the members to serve as Chairman and presiding officer of the Committee. The terms of office of the first Committee members shall be for one, two or three years, to be designated by the governing body ~~Mayor~~ in making its ~~his~~ appointment, so that the terms of approximately 1/3 of the members will expire each year, and their successors shall be appointed for terms of three years and until the appointment and qualification of their successors. The Township Council may remove any member of the Committee for cause, on written charges served upon the member and after a hearing thereon at which the member shall be entitled to be heard in person or by counsel if so desired by the member.
- C. A vacancy on the Committee occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Township of Lopatcong held on December 2, 2015, and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Council to be held on December 30, 2015 at 7 p.m. or as soon thereafter as the Township Council may hear this Ordinance at the Municipal Building, 232 S. Third Street, Phillipsburg, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Margaret B. Dilts, RMC  
Township Clerk

Motion to approve by Council President Ciesla, seconded by Councilman Belcaro. Roll call vote:  
AYES: Councilman Belcaro, Councilwoman McCabe, Council President Ciesla  
NAYS: Councilwoman Schneider, Mayor McKay

Councilwoman Schneider left the meeting at 8:43 pm.

**Fire Equipment Replacement** – Authorize purchase of fire equipment lost in Greenhouse Fire in Harmony Township on June 4, 2015 estimated at a cost of \$5500.00. The insurance company will reimburse less the deductible once they receive receipts. Motion by Council President Ciesla, seconded by Councilwoman McCabe. Roll call vote:

AYES: Councilman Belcaro, Councilwoman McCabe, Council President Ciesla, Mayor McKay.  
NAYS: None

### **Council Reports:**

Councilman Belcaro – Rt. 57 project is complete 100%. The demolition of the old concrete housing on Baltimore is also completed. Sewer Engineer, Dan Madden, will determine the final quantities for the project and settle any claims associated with the four month delay caused by JCP&L Co. There will be a credit for the final paving on Baltimore Street.

The sewer leak on Stonehenge Drive has been sporadic. They have not yet determined where it is coming from but keeping an eye on the situation.

The NJDEP conducted an inspection and found four violations which will be addressed by Sewer Engineer, Dan Madden.

Council President Ciesla – Rabies Clinic is this Saturday at the DPW from 9:30 to 11:30 am. Dog Licenses are due in January and the rabies vaccination must be good through November 1<sup>st</sup> of next year. If the license is not renewed before June of 2016, there will be a fine assessed.

Recreation will hold a meeting on December 14<sup>th</sup> to discuss the potential for a dog park in town. This is open to the public. Recreation will hold an Eats and Beats fundraiser event on January 24<sup>th</sup>, snow date the 31<sup>st</sup> from 5:00 to 9:00 pm. More information will be released as it comes along.

The appointment of Matt Herzer to the Shade Tree will now allow them to hold a meeting. January is the next meeting. There is an outstanding complaint against the Shade Tree which might have to be addressed by the Council.

Technology – The website will have to be upgraded next year.

School Board – Breakfast is scheduled for December 10<sup>th</sup>.

Bank Contacts – Will be reviewed to see where the Township can get the best deal for the money. Money was lost going to PNC Bank. Either they can match what we had with the old bank or switch back to the old bank.

Social Media Issues – Council President Ciesla said she a letter was put together and will be reviewed by Attorney Campbell.

Court – Harmony Township has put the Council on notice that it will be pulling out and suggested looking into shared services.

Administrative Policy – Suggested changes such as passwords, locks, etc., when an employee leaves their position. Council President Ciesla made a motion to change the locks on the assessor and the CFO's doors once a replacement has been hired, seconded by Councilwoman McCabe. Roll call vote:

AYES: Councilman Belcaro, Councilwoman McCabe, Council President Ciesla, Mayor McKay  
NAYS: None

Council President Ciesla also noted that Council should not have keys to any statutorily controlled offices. This should be discussed at the next Executive Session.

At the beginning of the year a policy was put together and sent to Council by the CFO stating the Mayor instituted a policy where certain purchase orders had to be signed off by the liaison of that department. There are a lot of problems getting the checks out the door. A few checks can't be locked up in the Mayor's office needing signatures and holding up the process. The policy needs to be reviewed.

Council President Ciesla noted that the Bond Refunding Program that the auditors and the bond counsel suggested was never acted upon and now the rates have changed and savings is \$50,000 less. Every little penny helps. She suggested next year this is looked into. Councilwoman McCabe said she would look into this.

Council President Ciesla addressed the public with a farewell speech. She thanked the voters and many people she enjoyed working with; she especially thanked her family, the Township employees, her fellow council, former Mayor Steinhardt and Council President Camporine, the many professionals. She said she would still be an advocate for the Township.

Councilman Belcaro presented and read allowed a Proclamation to Council President Ciesla. Councilman Belcaro made a motion, seconded by Councilwoman McCabe on the Proclamation. All in favor.

Councilwoman McCabe – The LAA is moving forward with their issues noting that one of the director's against the 501C3 suddenly had a change of heart realizing the benefits and potential for grants and donations. Thanked the LAA for their hard work.

Bldgs. and Grounds – heat went out at Fire Company No. 2 and has been repaired.

EDAC Committee had another meeting last week and decided to assist the Recreation Committee in the Eats and Beats Event. Shop Lopatcong Cards will expire this month and noted purchasing one today will still save money.

Veterans have a fundraiser flyer on the website for the purchase of an engraved paver brick. A mailing will go out to all the residents. They are working on a beautiful addition to the park and this fundraiser will help offset the costs.

Homestead Rebate – 2013 rebate is extended until the end of this year; December 31<sup>st</sup>, 2015. Qualification and links are on the Township website.

Lopatcong School District – Senior Community Partnership breakfast is being held on December 10<sup>th</sup> from 9:00 at the middle school.

Councilwoman McCabe thanked Lori Ciesla for all the work, effort and energy she brought to the numerous positions on Town Council. She has been the object of many verbal attacks and she came back with the research; the who, the what, the when and where. She thanked her for her tireless work for the Township of Lopatcong.

Mayor McKay – Because of an incident at the Township Municipal Building a medical expense was incurred that the Township would reimburse. The amount is \$250.00. Mayor McKay made the motion, seconded by Councilwoman McCabe. Roll call vote:

AYES: Councilman Belcaro, Councilwoman McCabe, Council President Ciesla, Mayor McKay  
NAYS: None

An offer will be made to an applicant for Chief Financial Officer and if accepted will begin in January. Motion by Council President Ciesla, seconded by Councilwoman McCabe. Roll call vote:

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

NAYS: None

Clerk Dilts – Reported that through the solar panels on the Township owned buildings, SRECS were earned - 93 SRECS since January and they were sold for \$255.00 each totaling revenue of \$23,715.00. The budget estimated the revenue to be \$15,000.

Brian Weeks – Informed the public that the leaf pickup is ending. Once the road is swept the road will be considered done for the season. Brian asked Councilman Belcaro to get in touch with Dan Madden the Sewer Engineer, the sliding gate at the new pump station was installed incorrectly. The gate should slide on the outside. This will need to be addressed.

Engineer Sterbenz – I have no report. Council President Ciesla inquired as to any recourse the Township would have because the grant for Baltimore Street was not approved. Engineer Sterbenz recommended the Township apply again.

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

**Payment of Bills** - \$133,310.81. Motion by Council President Ciesla to approve, seconded by Councilman Belcaro. Roll call vote:

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

NAYS: None

**Audience Participation:**

**Video Position: 1:47:59**

Juniper Leifer – 32 Jade Lane – She thought that the Coordinated Health Facility’s sign could be utilized by the Township and Fire House No. 2 for providing communication to the public.

Ed Schuster – South Sixth Street – Thanked Council President Ciesla for her service noting she did a good job and will have less stress. He said he was disappointed that everybody cannot work together. He asked if the stop sign at Dana and South Sixth is that in the works with the state to install a sign. Engineer Sterbenz noted that Council would have to amend the ordinance to allow for a sign. Same for First and Baltimore Street. He also commented on the paving of the remaining roads in Morris Park.

Brian Weeks – Thanked Lori Ciesla for her service and that it was great working with her.

Olschewski – Highlands Way – Who is handling the social media the first of the year on?

James Mengucci – Belvidere Road – Said goodbye to his friend Lori. Thanked her for her service.

Sean Leahy – Kyle Drive – Thanked Mr. Pryor and some of the Council members for attending the LAA meeting. The invitation was open at a time when the LAA is trying to create a new partnership with the Township. He said it was so upsetting to see the discord amongst the Council and asked for it to be changed. He noted that he respected the position but was shocked the Mayor who voted no did not attend the last LAA meeting. He invited him to attend the next meeting. Mayor McKay said this is the first time he has been invited.

Matt Herzer – 8 Overlook Drive – Thanked Council for the appointment to the Shade Tree Commission. He suggested reaching out to the school for help with the technology.

Motion to close Audience Participation by Council President Ciesla, seconded by Councilman Belcaro. All in favor.

Motion to adjourn the meeting by Councilman Belcaro, seconded by Council President Ciesla. All in favor.

Respectfully submitted,

Margaret B. Dilts  
Clerk/Administrator

Thomas M. McKay  
Mayor