

TOWNSHIP OF LOPATCONG
SPECIAL COUNCIL MEETING

6:30 pm

March 21, 2016

The Special 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.

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.”

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

Present: Councilman Belcaro, Councilwoman McCabe, Councilwoman Schneider, Council President Pryor, Mayor McKay. CFO Saponaro, Attorney Campbell and Engineer Sterbenz were also present.

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

Attorney Campbell reported that Executive Session was approximately one hour long. The topics of discussion were Attorney/Client Privilege – Affordable Housing Litigation and Attorney/Client Privilege – Phillipsburg High School/Belvidere Intersection Improvement.

R 16-60

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:

Attorney/Client Privilege – Affordable Housing Litigation
Attorney/Client Privilege – Phillipsburg High School/Belvidere Intersection
Improvement

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, March 21, 2016.

Margaret B. Dilts, CMC

Public Comment – Motion by Councilwoman Schneider, seconded by Councilwoman McCabe. All in favor.

Donna Drake – Resident Delaware Park – In favor of the intersection improvements. Her daughter was in an accident at that intersection and felt that there would be many more if these improvements were not installed as needed.

Resident Pohatcong Township – Came to listen to the proceedings regarding the vote for the funding for the intersection improvements at the new high school. He thought the funding was to come from the state and what happened to change that.

Motion to close public hearing by Councilwoman Schneider, seconded by Councilman Belcaro. All in favor.

Old Business:

Ordinance No. 16-02 – Second reading and public hearing of Bond Ordinance for the Intersection Improvements at Belvidere Road and Roseberry Street Reconstruction Project. Councilwoman Schneider made a motion to open for a public hearing. Mr. Olschewski asked about where the finances stand and who is financing what. Mayor McKay explained the finances and the bonding to the public. Engineer Sterbenz provided the breakdown - \$300,000 grant from DOT, Town of Phillipsburg and Lopatcong are contributing \$233,333 each and school district donating \$283,333 = \$1,050,000 – the estimated cost. Donna Drake asked to make a right hand turn only if there is a hold up on the work. Motion to close the public hearing by Councilwoman Schneider, seconded by Councilman Belcaro.

ORDINANCE NO. 16-02

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$850,000 FOR INTERSECTION IMPROVEMENTS AT BELVIDERE ROAD AND ROSEBERRY STREET IN AND BY THE TOWNSHIP OF LOPATCONG, IN THE COUNTY OF WARREN, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$728,500 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION.

BE IT ORDAINED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LOPATCONG, IN THE COUNTY OF WARREN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1:

The improvement described in Section 3 of this Bond Ordinance (the “Improvement”) is hereby authorized to be undertaken by the Township of Lopatcong, in the County of Warren, New Jersey (the “Township”) as a general improvement. For the said Improvement there is hereby appropriated the amount of \$850,000, consisting of a grant from the New Jersey Department of Transportation in the amount of 300,000, such sum being in addition to the sum of (a) \$100,000 received from the Town of Phillipsburg and (b) \$21,500 as the down payment (the “Down Payment”) required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the “Local Bond Law”). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments or capital improvement purposes. No down payment is required by the Local Bond Law in connection with the portion of the Improvement described in Section 3(a) in the amount of \$300,000 as the purpose authorized herein involves a portion of the Improvement funded by a State grant in the amount of \$300,000 from the Department of Transportation as permitted under N.J.S.A. 40A:2-11c.

SECTION 2:

In order to finance the additional cost of the Improvement not covered by application of the Down Payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$728,500 pursuant to the provisions of the Local Bond Law (the “Bonds”). In anticipation of the issuance of the Bonds and to temporarily finance said Improvement or purposes, negotiable bond anticipation notes of the Township are hereby authorized to be issued in the principal amount not exceeding \$728,500 pursuant to the provisions of the Local Bond Law (the “Bond Anticipation Notes” or “Notes”).

SECTION 3:

(a) The Improvements hereby authorized and the purposes for the financing of which said obligations are to be issued is for intersection improvements at Belvidere Road and Roseberry Street, including installation of a traffic signal, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvement is \$728,500.

(c) The estimated cost of the Improvement is \$850,000 which amount represents the initial appropriation made by the Township.

SECTION 4:

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the municipal finance officer of the Township (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Township Council of the Township at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 5:

The capital budget of the Township is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Township Clerk and is available for public inspection.

SECTION 6:

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvement described in Section 3 of this Bond Ordinance is not a current expense, and is a capital improvement or property that the Township may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the Improvement, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for such purpose, according to the reasonable life thereof computed from the date of the Bonds authorized by this Bond Ordinance, is 20 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Township, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this Bond Ordinance by \$728,500 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$100,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

Any funds or grant monies received for the purpose described in Section 3 of this Ordinance shall be used for financing said Improvement by application thereof either to direct payment of the cost of said Improvement or to the payment or reduction of the authorization of the obligations of the Township authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvement shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this Bond Ordinance.

SECTION 8:

The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this Bond Ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Township reasonably expects to pay expenditures with respect to the Improvement prior to the date that Township incurs debt obligations under this Bond Ordinance. The Township reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Township under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the cost of the Improvement is \$728,500.

SECTION 10:

This Bond Ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

**TOWNSHIP OF LOPATCONG
WARREN COUNTY, NEW JERSEY**

PUBLIC NOTICE

BOND ORDINANCE STATEMENTS AND SUMMARIES

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Township of Lopatcong, in the County of Warren, State of New Jersey on March 21, 2016 and the 20 day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Clerk's office for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: Bond Ordinance Providing An Appropriation Of \$850,000 For Intersection Improvements At Belvidere Road And Roseberry Street In And By The Township Of Lopatcong, In The County Of Warren, New Jersey And Authorizing The Issuance Of \$728,500 Bonds Or Notes Of The Township For Financing Part Of The Appropriation.

Purpose(s): For intersection improvements at Belvidere Road and Roseberry Street, including installation of a traffic signal.

Appropriation: \$850,000

Bonds/Notes Authorized: \$728,500

Grants (if any) Appropriated: \$300,000 grant from the New Jersey Department of Transportation.

Section 20 Costs: \$100,000

Useful Life: 20 Years

M. Beth Dilts, Clerk

Motion to adopt this ordinance by Council President Pryor, seconded by Councilman Belcaro.

Roll call vote:

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

NAYS: None

Both Councilwoman McCabe and Councilwoman Schneider were in favor of this work being completed due to safety concerns with the children. Attorney Campbell said a letter was received from the Superintendent of the Phillipsburg School District and from Mayor Ellis of Phillipsburg both committing to this project and acknowledging our cost estimates and when the money is needed it will be provided.

Municipal Bldg. Heat Pump Replacements – Approve quote from Jack Lehr Electric for replacement of two heat pumps and two air-handling units in the municipal building at a cost of \$27,466.00. Motion to approve by Councilwoman Schneider, seconded by Council President Pryor. Roll call vote:

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

NAYS: None

Resolution No. 16-57 and No. 16-58 – Motion to adopt both resolutions by Councilwoman Schneider, seconded by Councilwoman McCabe. Roll call vote:

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

NAYS: None

Resolution No. 16-57 – Establish a Dedication by Ryder for Municipal Special Master.

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY REQUESTING APPROVAL OF THE DIRECTOR OF THE
DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATION BY
RIDER FOR THE MUNICIPAL SPECIAL MASTER N.J.S.A. 50-27D-119 AN N.J.A.C. 5:23-
4.12

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when revenue is not subject to reasonable accurate estimates in advance; and

WHEREAS, State Chapter or Statute allows municipalities to receive amounts cost incurred for State Purpose; and

WHEREAS, N.J.S.A. 40A:4-39 provides that the Director and Division of Local Government Services may approve expenditures of monies by dedication by rider.

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

1. Mayor and Township Council hereby request permission of the Director of the Division of Local Government Services to pay expenditures for State purpose as per N.J.S.A. 40A:4-39.
2. The Municipal Clerk of the Township of Lopatcong is hereby directed to forward two certified copies of this resolution to the Director of Local Government Services.

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, March 21, 2016.

Margaret B. Dilts, CMC

Resolution No. 16-58 – Establish Dedication by Ryder for Regional Special Master.

R 16-58

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY REQUESTING APPROVAL OF THE DIRECTOR OF THE
DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATION BY
RIDER FOR THE REGIONAL SPECIAL MASTER N.J.S.A. 50-27D-119 AND N.J.A.C. 5:23-
4-12

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when revenue is not subject to reasonable accurate estimates in advance; and

WHEREAS, State Chapter or Statute allows municipalities to receive amounts cost incurred for State Purpose; and

WHEREAS, N.J.S.A. 40A:4-39 provides that the Director and Division of Local Government Services may approve expenditures of monies by dedication by rider.

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

1. Mayor and Council Committee hereby request permission of the Director of the Division of Local Government Services to pay expenditures for State purpose as per N.J.S.A. 40a:4-39

2. The Municipal Clerk of the Township of Lopatcong is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

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, March 21, 2016.

Margaret B. Dilts, CMC

Resolution No. 16-59 – Temporary appropriations of 1/12 of the 2016 Budget appropriated to the General Fund in the amount of \$523,180.17 and the Sewer Utility Fund in the amount of \$124,338.33.

R 16-59

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING TEMPORARY APPROPRIATIONS OF 1/12 OF THE 2016 BUDGET APPROPRIATED TO THE GENERAL FUND IN THE AMOUNT OF \$523,180.17

WHEREAS, an emergent condition has arisen in that the Township is expected to enter in contracts, commitments or payments prior to the 2016 Budget and no adequate provision has been made in the 2016 temporary Budget for the aforesaid purposes; and

WHEREAS, N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for said purposes; and

WHEREAS, the total emergency temporary appropriation resolutions adopted in the year 2016 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$647,518.50.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Lopatcong, in the County of Warren, State of New Jersey, (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-20.

1. Emergency temporary appropriations be and the same and hereby made in the amount of \$647,518.50 as follows:

General Fund	\$523,180.17
Sewer Fund	\$124,338.33
2. Said emergency temporary appropriations will be provided for in the 2016 Budget.
3. That on certified copy of this resolution be filed with the Director, Division of Local Government Services.

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 on Wednesday, March 21, 2016.

Margaret B. Dilts, CMC

Motion to adopt this resolution by Councilwoman Schneider, seconded by Councilwoman McCabe. Roll call vote:

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

NAYS: None

Payment of Bills – Motion by Councilwoman McCabe, seconded by Councilwoman Schneider. Council President Pryor will abstain on the JMT, Inc. bill. Roll call vote:

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

NAYS: None

Public Comment: Motion by Councilwoman Schneider, seconded by Councilwoman McCabe. All in favor.

Joe Imhof – Aurora Street – Addressed the Council regarding his litigation Imhof v. Township of Lopatcong asking for reimbursements of his costs and attorney fees.

Olschewski – Highlands Way – Addressed Council regarding payment of attorney fees and costs back to Mr. Imhof regarding his litigation.

Juniper Leifer – Jade Lane – Asked about the other sending districts contributing to the Belvidere Road Intersection Improvement project expense for the high school.

Eric Johnson – Stonehenge Drive – Questions regarding sewer bills – quadrupled sewer rates and would like to see the pool credit increased – right now \$35.

John Betz – Asked about the Rent Leveling Board – questioned how the Chair, Vice-Chair were chosen and confirmed there would be one more person for the board to be complete.

Ed Schuster – Asked about the release of the Executive Session minutes to the public.

Motion to close public hearing by Councilwoman Schneider, seconded by Councilwoman McCabe. All in favor.

Engineer Sterbenz – Noted that Ordinance 16-02 had been adopted by the Council and the next step would be to award the contract for the intersection work. There were four bids received - low bidder was Zuccaro, Inc. All references checked out.

R 16-56

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING AWARD OF CONTRACT TO ZUCCARO, INC., FOR THE PHILLIPSBURG HIGH SCHOOL ROADWAY IMPROVEMENT PROJECT

WHEREAS, the Township of Lopatcong, County of Warren and State of New Jersey received and opened bids on February 11, 2016 for the Phillipsburg High School Roadway Improvement Project; and

WHEREAS, the low bid for the project was submitted by Zuccaro, Inc. (“Zuccaro”) of Saddle Brook, New Jersey; and

WHEREAS, the low bidder has been found to be qualified and the bid was found to be in compliance with the contract documents and technical specifications; and

NOW, THEREFORE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LOPATCONG at its meeting held on March 21, 2016 that a contract be awarded to Zuccaro in the amount of \$734,849.50.

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the NJDOT’s Bureau of Local Aid.

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 Monday, March 21, 2016.

Margaret B. Dilts, CMC

Motion to award the contract by Councilman Belcaro, seconded by Councilwoman Schneider.

Roll call vote:

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

NAYS: None

Mayor McKay asked for a motion to adjourn the meeting. Motion by Councilman Belcaro, seconded by Council President Pryor. All in favor.

Respectfully submitted,

Margaret B. Dilts, CMC
Clerk/Administrator

Thomas M. McKay
Mayor