

TOWNSHIP OF LOPATCONG
COUNCIL MEETING

6:00 pm

May 4, 2016

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.

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.”

Motion to go out of Executive Session by Councilwoman Schneider, seconded by Council President Pryor. All in favor. Attorney Campbell read allowed the Executive Session topics.

Attorney Campbell stated Council was in Executive Session for 1.5 hours. Topics of discussion are as listed on agenda.

R 16-70

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 – LAA matter
Personnel – Tax/Sewer Dept.
Personnel – DPW
Litigation – Sewer Litigation
Litigation – COAH Litigation Update

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, May 4, 2016.

Margaret B. Dilts, CMC

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

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

Payment of Bills - Council President Pryor recused himself from Vendor 3628 under Sewer Operating Fund. Motion to approve payment of bills in the amount of \$3,111,387.52 by Councilwoman Schneider, seconded by Councilwoman McCabe. Roll call vote:
AYES: Councilman Belcaro, Councilwoman McCabe, Councilwoman Schneider, Council President Pryor, Mayor McKay.

NAYS: None

Public Comment – Agenda Items – Motion by Councilwoman Schneider, seconded by Councilwoman McCabe. All in favor. No comments from the public. Motion to close by Councilwoman Schneider, seconded by Councilman Belcaro. All in favor.

Old Business:

Video Position: 8:27

Minutes: Approve Executive and Regular Session Meeting Minutes of March 21 and April 6, 2016 and Special Meeting Minutes of April 27, 2016. Council President Pryor asked to table the Executive Session minutes of March 21st due to an entry he felt was incorrect. Attorney Campbell noted there was a discussion regarding the COAH Litigation and some of the numbers might not be accurate. Motion by Councilwoman Schneider to approve all minutes except Executive Session of March 21st, seconded by Councilwoman McCabe. Roll call:

AYES: Councilman Belcaro, Councilwoman McCabe, Councilwoman Schneider recused from herself from April 27th and the second Executive Session on April 6 – yes for everything else, Council President Pryor, Mayor McKay.

NAYS: None

ABSTAIN: Councilwoman Schneider – Executive Session No. 2 on April 6 and April 27th Special Meeting minutes

Ordinance No. 2016-10 – Second reading and public hearing to Mandate Direct Deposit for Municipal Employees. Motion to hold a public hearing by Councilman Belcaro, seconded by Councilwoman Schneider. All in favor. Brian Weeks stated some of the part-time employees don't want to do this. Attorney Campbell said seasonal do not have to do this by law. Councilwoman Schneider also stated that full-time employees who are against it can talk to the CFO. Motion to close by Councilwoman Schneider, seconded by Councilwoman McCabe. All in favor.

Ordinance No. 2016-10

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, May 4, 2016 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.

AN ORDINANCE OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN, STATE OF NEW JERSEY, TO MANDATE DIRECT DEPOSIT FOR MUNICIPAL EMPLOYEES BY THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN, STATE OF NEW JERSEY, PURSUANT TO N.J.S.A. 52:14-15f

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 Ordinance by Councilwoman Schneider, seconded by Council President Pryor. Councilman Belcaro asked CFO Saponaro what steps would be necessary if an employee does not want to do direct deposit. CFO stated the employee would have to make a request of the administrator and would be brought back to Council. Councilwoman McCabe asked about the current process noting if you don't want direct deposit you would just request it. CFO Saponaro said there is no real set procedure. Councilman Belcaro felt this procedure only has to go to the CFO for approval.

AYES: Councilwoman Schneider, Council President Pryor, Mayor McKay

NAYS: Councilman Belcaro, Councilwoman McCabe

Ordinance No. 2016-12 – Second reading and public hearing to Establish Finance Committee, Liaisons to Departments and Municipal Engineer. Councilwoman Schneider made a motion to

hold a public hearing, seconded by Councilwoman McCabe. All in favor.

Mayor McKay – Essentially what this is, the township attorney comingled three matters; Finance Committee, Liaisons to departments and the hiring of the municipal engineer and put it into one ordinance. I don't know why but that's what happened.

Attorney Campbell- I think I explained two meetings ago why I recommended you do it that way and anytime Council could have voted to take them separately. I did it so you didn't have to advertise three separate ordinances two times, savings you six advertisements. You only did two. They are all administration items.

Mayor McKay – Well all right. Does anyone else have any questions on these; any comments. No okay then I'll take a motion to come out of public hearing. Motion by Council President Pryor, seconded by Councilwoman Schneider. All in favor.

Ordinance No. 2016-12

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, May 4, 2016 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
ADD CHAPTER 3, "ADMINISTRATION," ARTICLE I, "COUNCIL
LIAISONS," ARTICLE II "FINANCE COMMITTEE," AND ARTICLE III
"MUNICIPAL ENGINEER"**

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 the Ordinance by Council President Pryor, seconded by Councilwoman McCabe.

Mayor McKay – I don't think these things belong together. I don't think that the Council has the right to appoint the municipal engineer. I believe that is a mayoral responsibility and so that is how I feel about these things. Anyone else?

Council President Pryor – I do know that it doesn't make it a council appointment. It is a mayoral appointment with advice and consent and so on and so forth.

Attorney Campbell – Correct.

Councilwoman McCabe – Yes that's the (inaudible).

Mayor McKay – My understanding is that that position is purely just a mayoral appointment. So, we will vote to adopt.

AYES: Councilman Belcaro, Councilwoman McCabe, Council President Pryor

NAYS: Councilwoman Schneider, Mayor McKay

Ordinances 10-04 and 16-05 – Motion to adopt ordinances.

Mayor McKay - Motions were, apparently the microphones were not working and Beth could not establish who made the motions. These have to do with the borrowing of money to fix the

Prospect Street sewer problem and improvement work on S. Second Street. The amounts were \$50,000 and \$300,000 respectively. So, what we will do here is redo the

Attorney Campbell – This is the one where we were going through them pretty quickly and we did motions and you opened it and then we missed one of the votes on adoption and we went back and the tape cut out and so she couldn't hear the vote taken so they were both approved but she could not hear who made the motion and because it is money we are just going to ratify them and do them again.

Mayor McKay – All right. Do I have a motion. Councilwoman Schneider made the motion, seconded by Councilwoman McCabe. Roll call vote:

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

NAYS: None

USDA Loan – Amendment to approve additional work under the loan/grant submitted by Sewer Engineer Dan Madden. Council President Pryor recused himself from this matter completely.

Dan Madden – This document is required by the USDA to continue using the funds that were allocated. We did not use it all for the pump station so there was about a million dollars left over so this is for other projects that we plan to design and this is the cost for the engineering fees. This is based on a document from the Engineering Joint Counsel. It is based on percentage of construction costs and that's the number that came up.

Mayor McKay – And that number is \$326,000.

Dan Madden – That is the total for both jobs.

Mayor McKay – Oh that's both jobs. The increase is \$148,000.

Dan Madden – Correct and that covers design and construction, inspections.

Mayor McKay – For those in the audience this had to do with the grant we got from the federal government and part of it is grant and part of it is loan. We used about 2 million of it right.

Dan Madden – Roughly yes.

Mayor McKay – To do the work so far on the sewer system. Discussion was held some meetings back as to whether or not to use the remaining million dollars to kind of fix up all the little problems we have in the sewer system throughout the Township in as much as I think it's 20% is grant

Dan Madden – I believe it is 23%

Mayor McKay - 23% so out of the million \$230,000 is grant and we have to borrow the rest then it would be kind of silly to let that go. We don't get grants like that too frequently. I mean you do this work. So that's what we want to do, we want to get all the things fixed up that we know about in the sewer system that are problematic at this time. So we want to get the Council to vote to approve this. Motion by Councilman Belcaro, seconded by Councilwoman McCabe.

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

NAYS: None

Police Dept. Official Apt. – Approve Jason Garcia as Chief of Police and Scott Bisci permanently as Lieutenant in the Police Department.

Mayor McKay – Assuming this is all passed through Civil Service.

Attorney Campbell – So last month we swore them in as acting because we were still waiting for some paperwork from Civil Service. All of that paperwork has come in and now you can officially appoint them in their titles.

Mayor McKay – So with pleasure I appoint these two gentlemen to their new positions in the Police Department and I look for a second.

Council President Pryor – I'd like to second them, I watched Scott grow up and I watched Jason wrestle in high school so.

Councilwoman Schneider – Just a quick question before we go any further, do we have a copy of the resolution?

Attorney Campbell- No.

Councilwoman Schneider – Okay. Just making a motion.

Councilwoman Schneider – Okay we don't

Attorney Campbell – You'll enter a contract but this is just to

Mayor McKay – This is just all right cause I

Councilwoman Schneider – Okay just want to make sure.

Mayor McKay – Okay we have a second, we've had our discussion. Roll call:

Attorney Campbell – We'll memorialize it, we will put it down on paper.

Councilwoman Schneider – Okay.

Roll call:

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

NAYS: None

Resolution No. 16-71 - Change term of Planning Board member who sits on Environmental Commission to expire the same time – 12/31/2017.

Mayor McKay – The way that is now is that this individual has a term on the Planning Board that expires I believe in 2019 but his Environmental Commission appointments expires in 2017. Now the law requires that they have to coincide so we have to make them coincide because it is the law and that is correct. I, we've looked at that and we know it's true so. I'll take a resolution to change the term of Planning Board member Jon Fox on the Planning Board to his termination date would now be 12/31/2017.

R 16-71

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY ADJUSTING THE TERM OF CLASS IV MEMBER OF THE PLANNING BOARD TO EXPIRE SAME TIME AS ENVIRONMENTAL COMMISSION MEMBERS APPOINTMENT

WHEREAS, a Class IV Member of the Planning Board of the Township of Lopatcong, County of Warren and State of New Jersey is also a member of the Environmental Commission; and

WHEREAS, the term of the Class IV member must expire the same time as the Environmental Commission term.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor correct for the record the term of the Planning Board appointment of the Class IV member to expire the same time as the Environmental Commission.

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, May 4, 2016.

Margaret B. Dilts, CMC

Motion by Mayor McKay, seconded by Councilwoman McCabe.

Councilwoman Schneider – Do we have a resolution number?

Mayor McKay – To be numbered. Any other discussion? Okay roll call please:

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

NAYS: None

COAH Shared Services Defense Agreement – Vicinage 13 – Authorize Mayor to execute Shared Services Defense Agreement. Motion by Councilwoman Schneider, seconded by Councilwoman McCabe. Roll call vote:

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

NAYS: None

PHS Intersection Improvement – County Sidewalk Agreement – Mayor McKay asked for a motion to approve the County Sidewalk Agreement. Motion to approve by Council President Pryor, seconded by Councilwoman Schneider. Roll call vote:

Council President Pryor – I assume this is standard agreement Paul?

Engineer Sterbenz – Standard agreement and Katrina reviewed and no problems with it.

Attorney Campbell – I've reviewed it and have no problem with it. Phillipsburg got the same one and they've already approved it.

Council President Pryor – And it requires us to adopt an ordinance.

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

NAYS: None

New Business:

Video Position: 34.00

Resolution No. 16-72 – Approve payment plan for some employees to collect health benefit contributions from 2015 to date.

Mayor McKay – Apparently there was some employees where there was glitch in how their health benefit payments were being collected. Is that correct?

Attorney Campbell – They weren't.

Mayor McKay – They weren't being collected from payroll deduction?

CFO Saponaro – Yes.

Mayor McKay – Okay and we are in the process of making that work.

CFO Saponaro – Yes, with the new payroll we already have the numbers and the information necessary and I want to be able to work with the employees who have been affected by this issue.

Mayor McKay – Okay we want to be certain that all employees get the benefits they are entitled to. I will take a motion to approve?

**A RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN,
STATE OF NEW JERSEY, AUTHORIZING THE TOWNSHIP CFO TO ENTER
PAYMENT PLANS WITH EMPLOYEES FOR 2015 HEALTH BENEFIT
CONTRIBUTIONS**

WHEREAS, Chapter 78, P.L. 2011 requires all public employees and certain public retirees contribute toward the cost of health care benefits coverage based upon a percentage of the cost of coverage; and

WHEREAS, the Township Chief Financial Officer has brought to the Township Council's attention that an error was made in 2015 and several employees' mandatory contributions were not deducted from their paychecks; and

WHEREAS, a few recently hired employees may also owe some contributions for 2016; and

WHEREAS, the Township must collect these contributions from its employees; and

WHEREAS, the Chief Financial Officer has requested authorization to enter payment plans with employees who owe contributions for 2015 and 2016.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Lopatcong authorize the Township Chief Financial Officer to enter payment plans with all employees who did not make their mandatory health benefit contributions for 2015 and/or 2016.

CERTIFICATION

I, Beth Dilts, Municipal Clerk for the Township of Lopatcong, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Township Council at their May 4, 2016 meeting.

Beth M. Dilts
Municipal Clerk

Motion to approve this Resolution by Councilwoman Schneider, seconded by Councilman Belcaro. Roll call vote:

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

NAYS: None

Resolution No. 16-73 - Change Fund – Establish Change Fund for Pool Operations in the amount of \$700.00.

R 16-73

**RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY AUTHORIZING CHANGE FUND FOR POOL GATE/SNACK BAR
AND RECREATION PROGRAM**

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey want to make available a small quantity of currency for Pool/Snack Bar and Recreation Program; and

WHEREAS, these funds are to be carried on the municipality's balance sheet as an asset and checks are to be written on the general checking account.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey do hereby approve this change fund in the amount of \$700.00 for Pool Snack Bar/Gate Office and Recreation Program.

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, May 4, 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

Resolution No. 16-74 – Authorizing Redemption of Tax Sale Certificate No. 2014-062 on Block 116.10, Lot 8 C0138 and Premium in the amount of \$4,420.55.

R 16-74

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING REFUND OF REDEMPTION MONIES TO OUTSIDE LIENHOLDER ON BLOCK 116.10, LOT 8 C0138

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on June 25, 2014 a lien was sold on Block 116.10, Lot 8 C0138 also known as 138 Limerick Lane for 2013 delinquent sewer; and

WHEREAS, this lien, known as Tax Sale Certificate No. 2014-062 was sold to US Bank Cust for Actlien Holding for a Premium of \$1,500.00; and

WHEREAS, Wells Fargo, lender for property owners, has satisfied the redemption amount on Certificate No. 2014-062 in the amount of \$2920.55.

NOW, THEREFORE, BE IT RESOLVED on this 4th day of May 2016 that the Chief Financial officer be authorized to issue a check in the amount of \$4,420.55 for the redemption of Tax Sale Certificate No. 2014-062 and Premium to:

US Bank Cust for Actlien Holding
50 S. 16th Street, 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, May 4, 2016.

Margaret B. Dilts, CMC

Motion by Councilwoman Schneider, seconded by Councilwoman McCabe. Roll call vote:

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

NAYS: None

Proclamation – Older Americans Month

Older Americans Month
May 2016

WHEREAS, the month of May is traditionally designated by the US Department of Health and Human Services as Older American Month; and

WHEREAS, the theme for Older Americans Month 2016 is “Blaze a Trail” to acknowledge how older adults are discovering new interests and becoming involved in new activities are giving back to their communities and setting an example for future generations; and

WHEREAS, the older residents of Lopatcong Township have made countless contributions and sacrifices to ensure a better life for our residents; and

WHEREAS, Township of Lopatcong is committed to raising awareness about issues facing older Americans and helping all individuals to thrive in communities of their choice for as long as possible; and

WHEREAS, Township of Lopatcong encourages and supports all efforts that help our older residents take control of their health, safety and well-being.

NOW, THEREFORE BE IT RESOLVED by the Township of Lopatcong does hereby proclaim May 2016 to be Older Americans Month in Lopatcong.

Residents of all ages are encouraged to take the time this month to recognize our older citizens as vital contributors who enhance every aspect of our community.

Dated this 4th day of May, 2016.

Motion to approve by Councilwoman Schneider, seconded by Councilwoman McCabe. Roll call vote:

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

NAYS: None

Ordinance No. 16-13 – First reading to Amend, Revise and Supplement Chapter 7 “Bills, Claims & Voucher Approval” to Revise the Procedure for Payment of Claims.

ORDINANCE 2016-13

AN ORDINANCE OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN, STATE OF NEW JERSEY, TO AMEND, REVISE AND SUPPLEMENT CHAPTER 7, “BILLS, CLAIMS & VOUCHER APPROVAL,” OF THE CODE OF THE TOWNSHIP OF LOPATCONG TO REVISE THE PROCEDURE FOR PAYMENT OF CLAIMS.

WHEREAS, the Township Council of the Township of Lopatcong wishes to revise Chapter 7 of the township Code to ensure compliance with the Township Charter

NOW, THEREFORE, BE IT ORDAINED, by the Township of Lopatcong, County of Warren, State of New Jersey, as follows:

Section 1:

Chapter 7. Bills, Claims & Vouchers

§ 7-1. Documentation of claim required.

Any person claiming payment from the Township of Lopatcong shall first submit a detailed statement of the items or demand necessitating such claim to the Chief Financial Officer, specifying particularly how the bill or demand is made up, and a certification from the party claiming payment that it is correct. No bill, claim or demand shall be considered for payment unless the voucher has attached to it or includes a certification of a department head or other municipal official responsible for certain functions or of his duly designated representative having personal knowledge of the facts that the goods have been received by or the services rendered to the Township of Lopatcong and that those services and goods are consistent with any existing contract or purchase order. The Chief Financial Officer shall have the duty to audit,

warrant and make recommendation on all claims and bills.

§ 7-2. Submission of claim to Township.

The bill or claim duly certified shall be presented to the Municipal Clerk for inclusion in the agenda of the next immediate formal meeting of the governing body, and it shall be the duty of the Chief Financial Officer to examine all bills or claims submitted for payment in order to ascertain if proper administrative procedures have been followed. All claims or bills to be considered by the governing body shall be listed systematically without preference, and said list shall be made available to every member of said governing body prior to formal action by that body.

§ 7-3. Consideration by Township Council.

Claims shall be considered by the finance committee and approved by the governing body, except that said governing body may reject any claim presented to it, stating the reason for such rejection. Any disapproved claim shall be referred back to the Chief Financial Officer with such instructions as the governing body may give at the time of disapproval.

§ 7-4. Records.

It shall be the duty of the Municipal Clerk to record all claims in the official minutes or through an appropriate claims register, indicating that the governing body has by formal action approved the same, with appropriate record as to any claims disapproved or rejected. All records pertaining to approved and disapproved bills or claims shall be available for public inspection.

§ 7-5. Disbursements.

After the Chief Financial Officer has certified that the claims have been approved, she shall forthwith prepare the necessary checks (bank check or draft) for the payment thereof, which said checks shall be signed by the Mayor and Chief Financial Officer. After the checks have been prepared for the payment of claims, the Chief Financial Officer shall record them in proper books of account, and the checks shall thereafter be mailed to the claimants.

Section 2:

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 3:

Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 4:

Effective Date. This Ordinance shall take effect upon final passage and publication as provided by law.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Township of Lopatcong held on May 4, 2016, 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 June 1, 2016 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, CMC

Township Clerk

Attorney Campbell – Explained that this is a mechanism that takes out the reading of the list of bills – antiquated procedures in the ordinance. You still have to approve a list – you don't have to read every item – the way it read before; you were supposed to read expenses.

Mayor McKay – And we never did that. I know it would take a long time. That was good 75 years ago when there was 8 bills. Yeah, I know. So I'll take a motion to approve this.

Motion by Councilwoman Schneider, seconded by Councilwoman McCabe. Roll call:

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

NAYS: None

DOT Application – Safe Routes to School – Discuss.

Mayor McKay – I don't know if there is any documents on this other than I had sent something to Jason on that to maybe look into the grants. There were grant possibilities. Why did this get on the list besides that?

Council President Pryor – Well it's due at the end of June.

Engineer Sterbenz – June 27th we had a resolution adopted to support filing of the application and there is some work on this application over and above what you normally would do. We also need to get support from the school district on this.

Mayor McKay – They have representation on here so they'll know we're working on this. Yeah this is a really good thing if we can get some money.

Engineer Sterbenz – You're not going to want to go in for \$100,000. Its federal money and there is a lot of paperwork associated with this type of grant application so you're going to want to do something in the \$300 to \$500,000 range.

Mayor McKay – I think we should try and do it. I think this is something the Township has long needed. We don't really have a lot of sidewalks in a lot of places. This would tie everything together hopefully so the kids could walk to school.

Council President Pryor – And the other thing Paul, I understand it is limited to K-8.

Mayor McKay – Okay, what kind of numbers are we thinking that it would cost us to make this application Paul?

Engineer Sterbenz – You're looking at \$2,500 to \$3,000 to put the application together. That includes doing a cost estimate, the application forms, reaching out to the board of education, working with the administration. I'll have a resolution prepared.

Council President Pryor – Do you have anything in mind? Country Hills has sidewalks so you'd be looking at other kind of traffic calming or lights, flashing lights things like that. Strykers, I guess Strykers has some gaps in sidewalks.

Engineer Sterbenz – We have to be careful on Strykers Roads because we obtained a grant a few years ago at the request of the public on Strykers Road between Rt. 57 and Powderhorn Drive and after we got the grant the public said they didn't want the sidewalks and luckily the DOT allowed us to transfer the monies to Third Street and we were able to not lose the monies and used them in some capacity here in the Township so to me that was a logical area to put sidewalks but the public did not see that after we applied.

Councilwoman Schneider – Paul, further down by the fairgrounds aren't there some sections there that have no sidewalk? That weren't the same as the first location that you were going to put them in?

Engineer Sterbenz – The fairgrounds, that's well north, in fact some of the fairgrounds is in Harmony Township.

Councilwoman Schneider – No, I mean on Strykers Road before the fairgrounds. Along Strykers Road down by Vista Court.

Engineer Sterbenz – Yeah there's quite a bit in the way of gaps so that could be a location.

Mayor McKay – I think the idea would be to find the best way to protect the children walking to school right so that's

Engineer Sterbenz – By the way, it could be multiple, the application could have multiple locations identified that had that in other projects of ours so you could identify Strykers Road where Donna is talking about and there could be some other area that there's a missing link and you may also put that into the application.

Councilwoman McCabe – Would that require then the homeowners, the property owners to give some sort of easements or something because now let's say they have front lawns that go straight to the curb, to the street so if we are going to make putting in a sidewalk

Engineer Sterbenz – If it's in the right-of-way and topographically it's fairly level and it wouldn't require any grading on the properties and the property owners consent would not necessarily be needed.

Councilwoman McCabe – So now the property owners have to shovel their sidewalk.

Councilwoman Schneider – I think that is a safe way; a lot of people walk and jog and walk to school up and down Strykers and I think it would be a lot safer to have some sidewalks there, the way people speed up and down Strykers Road.

Mayor McKay – The main roads are Red School and Strykers

Council President Pryor – Do we need to authorize Paul to put together an application?

Mayor McKay – Yes, I think so right cause there's money involved.

Council President Pryor – I'll make that motion.

Mayor McKay – All right thank you. Do we have a second?

Councilwoman Schneider – Second.

Mayor McKay – Any further discussion. Vote please roll call

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

NAYS: None

Mayoral Appointments –

Mayor McKay – I'm making the appointment of Gale Hicks to the Rent Leveling Board. She was recommended by the Chair of the Rent Leveling Board Ms. Huff.

Attorney Campbell – That's a mayoral appointment with the advice and consent of Council.

Mayor McKay – Yes that's why I'm putting the name out there for

Council President Pryor – I've seen Ms. Hick's volunteer form. I think she's more than qualified and I'm making that motion.

Councilwoman Schneider – Second.

Mayor McKay – Any further roll call please?

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

NAYS: None

Mayor McKay – Thank you Council for that. I think we still have an opening on the Rent Leveling Board because Mr. Mengucci I believe he stepped down. If anyone knows anyone that wants to be on Rent Leveling Board please let them contact us.

Councilwoman Schneider – Just one opening?

Mayor McKay – One opening yeah.

Announcement: Veteran’s Rally Point – May 29th, 2016 – 1:00 pm

Councilwoman McCabe – We have to do Number 8.

Councilwoman Schneider – Because it’s on, it’s not on the agenda

Mayor McKay – No excuse, it was on mine I just didn’t look at it. Authorize payment to Dulaine Contracting in the amount \$8,095.23 for work completed on the Rt. 57 Pump Station Project. Motion by Councilwoman Schneider, seconded by Councilman Belcaro. Discussion?

Council President Pryor – Yeah again, I had a connection with that way back and it is probably best if I recuse.

Councilman Belcaro – This bill is due to extra work. It is a Change Order. The second one includes the flow meter transmitter that was requested by the Phillipsburg

Mayor McKay – Phillipsburg yeah so we can they can report directly on the flow. Okay that’s all good stuff.

Councilman Belcaro – And then in the next month, in June, we’ll do a final close out on the contracts with Dulaine.

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

NAYS: None

Mayor McKay – Announced the Veterans Rally Point. He pointed out there would be a black hawk helicopter there to help with the festivities and it should be a very nice thing. So we make that announcement to you.

Council Reports:

Video Position: 46.10

Councilman Belcaro – Noted that any finalizing of the Dulaine Contract will be discussed at the end of the month. 98 Stonehenge Drive – The history of water seeping through the ground was a mystery for a while. DPW went in there on a number of occasions and found no evidence of any leak coming from what they can see. Chapman hired a contractor to excavate the force main but did not find any evidence of any sewerage. So what they believe is that there is fluid bubbling up to the surface is just plain ground water. So in a nut shell it is not sewer so it is not a health issue.

Councilwoman Schneider – DPW – one of our newest employees has resigned effective May 13th. Richard Kisselbach was a talented, cordial and great employee.

Two weekends ago an underage teenager came to my door suggesting I sign a petition. I asked his name and found out he was a high school student. I wonder if he was paid to do this or why he would go around as an underage voter not eligible to vote and petition for signatures. Just so everyone knows it is a violation of election law to be under 18 and solicit signatures for petition because an underage teenager does not represent the voting public. This petition and signatures may be challenged do to this violation which brings me to yet another violation of election law. It has been brought to my attention that you, Mr. Pryor, have been soliciting signatures for petition in the municipal building. It is an election law violation to solicit signatures for petition

in or around the municipal building and you should know better than that.

Council President Pryor – I did not solicit anything well I did not solicit anything within the municipal building.

Councilwoman Schneider – I'm not done, I'm not finished with my report. Okay. Okay I'm not finished with my report. As you know Lopatcong has already violated this election when the clerk did almost the same thing by soliciting residents to vote for specific candidates so for the residents of Lopatcong, they may suffer a legal challenge because of this violation again. These residents didn't even know this is a violation. Our residents should not be pressured into anything when entering this building and to response saying you never did that, I, our residents would not lie and for a reason for someone telling me that, I can't imagine that why the residents would lie about something like this, so again, it has put our township in the middle of possible legal challenges and by the way, any member of the public could challenge this petition. That is my report thank you.

Mayor McKay – Maureen.

Councilwoman McCabe – Following up I know we made the announcement Veterans Rally Point – May 29th. It's going to be a big deal so if you happen to be in town and you're around, 1:00 up at the park would be the ceremony. Many are invited – it is a big deal. Bill Nixon and his team and many volunteers have been working hard on this. 2:00 is the black hawk landing - 3:00 softball games. So it is going to be a community event. There's going to be food; hopefully it will be a nice day and good weather and we can enjoy the weekend.

Secondly, recycling. I am in charge of recycling this year. We are working on a report. We did receive an extension because of missing documentation but we are going to get that done and it's in progress. Other recycling issues – Warren County is going to have a shredding event on May 14th. I'll post that on the website. This is free to the public. Medicine drop locations will be posted as well. Medicine in your cabinet that is expired you can get rid of quickly by going to a drop off site.

Council President Pryor – Three things – the sewer laterals Lou and I were asked to look at last month. I distributed an updated policy for discussion. Brian's looked at it, Paul's looked at it, Dan's looked at it. There is nothing we have to do tonight; you have a month to chew on it. Hopefully we can adopt something next month.

Mayor McKay – It has kind of been a contention as to who is responsible for what when it comes to the underground pipes.

Council President Pryor – I think what's written is, gives you some history and it makes a proposal. We passed the ordinance on the sewer discount and we have to implement it. I'll be working with Beth and Rachel on how those applications get processed. We hope to do that over the next month. The third thing is we distributed an offer from Pohat for shared court services. That's on the table and that should be discussed sometime in the near future.

Mayor McKay – Yeah along with any other kind of discussions we could have with respect to the court you know, should we, we'd be the ones who survive, and should we invite other towns to it. I think this is an opportunity to find the best possible and I'm sure you agree what way to do this.

Council President Pryor – I think you know, I know the police would like to keep it here. The trick there is to find a partner or just keep it here without a partner. You have several options and they all have to be looked at.

Councilwoman Schneider –I forgot one thing. We have to make a motion to hire some seasonal workers with the DPW.

Mayor McKay – Would you like to make that motion?

Councilwoman Schneider – Yes, I would like to make a motion to hire two possibly three maximum seasonal workers, as per the DPW contract, effective immediately. It will be listed on

the League of Municipalities and the Township website. So if you know if anyone is interested, please have them send their resumes in thank you. So motion to do that, seconded by Councilwoman McCabe. Any further discussion?

Councilwoman McCabe – Seasonal employees – so no benefits.

Councilwoman Schneider – No benefits.

Mayor McKay – That’s correct. Okay roll call:

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

NAYS: None

Engineer Sterbenz – The Phillipsburg High School Roadway Improvement Project the work started last week during the middle of the week. The contractor is off to a good start. Working in Stage 1 in Lopatcong Township on the north side of Belvidere Road. Curbing has been installed and he is setting up the road widening area to be paved. The contractor has called the utility company since the curbing is in right now to arrange for the pole relocation work to start in that particular area. I will be following up with the utility companies here in a few days to make sure that they have that request and they are going to be scheduling the work accordingly. Most of the shop drawings have been approved at this point both by our office and the County engineer’s office. County is doing spot checks a well. One issue came up – couple of catch basins at the corner of Hillcrest that have been determined to be in poor condition. They were supposed to be just reset to the new grades so there are catch basins that have to be rebuilt and this will cost about \$3,000 to do it. I checked with the County to see if they have availability with their road department to do it and the answer is no. I will be authorizing the contractor to replace those particular catch basins. I’ll try to find some savings within the job to try and offset those costs. If I cannot do that, obviously that extra cost will have to be shared between the three parties and involved with the Interlocal Agreement. So I will be authorizing that work to be done tomorrow. Any questions

Mayor McKay – Yes, we had been lead to believe or I was of the assumption that the County would waive their fees with respect to this project given that it is for a school and given that it is a County road and we shouldn’t be building this to begin with, in my opinion, but it is what it is. So have they come through with that and are they inspecting and doing all their engineering work for free?

Engineer Sterbenz – They are inspecting and they are not charging for their inspections. They’re also not charging for any administrative work including review work on the project.

Mayor McKay – All right because at the meeting, at the construction meeting they had talked like they were going to but they’re not.

Engineer Sterbenz – They’re not.

Mayor McKay – Okay that’s good.

Councilwoman Schneider – Mayor are you saying you didn’t want the road at all or are you saying we shouldn’t have paid for the road that was necessary?

Mayor McKay – Oh I think the County should have.

Councilwoman Schneider – But it was necessary right?

Mayor McKay – Well you have school there, you got to make a safe way into the school. It’s just a matter of, I don’t think it was financially planned out very well.

Engineer Sterbenz – Also the County’s – I apologize Mayor, the County is also going to be accepting the traffic signal at the inclusion of construction and will be paying the electricity costs

Mayor McKay –And the maintenance.

Engineer Sterbenz – and the maintenance, that’s my understanding yes.

Mayor McKay – That’s a decent number, yeah.

Engineer Sterbenz – So none of the towns are going to be involved with that moving forward. Once it is built and it’s accepted by the County.

Mayor McKay – All right. Thank you Paul.

Engineer Sterbenz – Also, just from what Councilman Belcaro referenced before the North Prospect Street sewer project, as you may recall we did obtain the easements last year. That project is fully designed – we are hoping to get a quote below \$40,000 to do that work so we did not have to publically bid that project. We have not obtained any quotes less than \$40,000. I have to take a look at doing something the plan to try and take some costs out of it – so that’s what I’m involved with right now. The goal is to do that and get some quotes again and try and get that below \$40,000 and get this project built and Dan has that in his grant application so the costs would be reimbursed to the Township in the future which is a good thing.

Mayor McKay – Do we have any department reports – Police Dept. This is a new feature; I’ve asked the new chief that he might want to come and report on what’s going on in the Police Dept. This is the first time he is doing it so.

Chief Garcia – Good evening Mayor. First I’d like to thank you for your support and I look forward to working with all of you moving forward. But, um, I have a Police Summary Report for April 2016. Police Dept. had 852 logged in activities and amongst those 5 reports of thefts, 10 reports of harassment, 3 reports of disputes of civil matters, 7 reports of domestic violence, 4 reports of criminal mischief, 3 reports of burglary, 3 reports of robbery, 2 warrant arrests and 6 criminal and other arrests. Traffic violations that were cited for moving violations 18 issued, for non-moving violations there was 35 issued throughout the month, motor vehicle crashes within the jurisdiction there was 17 this month with 5 reported injuries and one resulted in arrest for driving while intoxicated.

Mayor McKay – Thank you chief.

Councilwoman Schneider – That’s great. I’m glad we have that report – really great feature.

Mayor McKay – Yes it is. All right none of the other departments have a report.

Councilwoman McCabe – Do we need to, Executive Session item 1 – do we need to authorize Katrina to do something to write a letter.

Councilwoman Schneider –I don’t think so, we didn’t do it the last time.

Councilwoman McCabe – I think we did the last time.

Mayor McKay – I’m not a lawyer.

Attorney Campbell – Yeah we did, it can’t hurt.

Councilwoman McCabe – So I’ll make a motion to authorize Katrina to write a letter based on our discussions in Executive Session.

Council President Pryor – I’ll second it.

Mayor McKay – Any discussion? Roll call:

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

NAYS:

Department Reports: Motion to approve Department Reports by Councilman Belcaro, seconded by Councilwoman Schneider.

AYES: Councilman Belcaro, Councilwoman McCabe, Councilwoman Schneider, Council

President Pryor, Mayor McKay.

NAYS:

Audience Participation:

Video Position: 1:04:49

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

John Betz – 225 Red School Lane – He represents the Brakeley Gardens Tenants Organization and he noted the appointment of Gale Hicks. Confirmed Jim Mengucci left. He was concerned about the rent rolls and wanted to know how long until the board starts functioning. He thought the board was six to seven months behind. He asked Katrina if there were any regulations on the rent roll updates. Attorney Campbell indicated the rolls are being worked on. He also asked Mayor McKay when the next meeting is. He talked about the debate on the Planning Board and thought maybe the Senator and Assemblyman should be approached about the traffic situation. He was concerned about the wildlife education building on the IR track be accessed by a footbridge in the future.

Juniper Leifer – 32 Jade Lane – Asked Paul to go back to the sidewalk grant and suggested a possibility for the sidewalks. Environmental Commission is excited about the Rain Barrel Event. She also spoke to people around town (Overlook) kid asking for signatures on petition.

Raine Roncoroni – Superintendent of Lopatcong School District – Welcomed the Council to come to the next meeting to support the recognition of the retirees as well as honoring teachers of the year on May 10. June 7th honors will be going to graduates that will receive scholarships from PTA and LEA.

Douglas Mace – 98 Lynnfield Terrace – Asked about the utilization of sewer funds for the municipal budget – how is that coming and termination of that procedure. Trench repair on the force main on Baltimore Street is one of the worst he has seen.

Ed Schuster – South Sixth Street – Made everyone aware that Beth Dilts' mother passed away last night. He gave condolences to her and the family. Second issue, Councilwoman Schneider accused the President of getting signatures here – that was my problem but you said, “Why would a resident lie”? A resident wouldn't lie but your Council President would? Just bringing that out. Statements for the Mayor – last month at the meeting you were asked about your military service. Now, Art Quest is displaying banners and he talked to them in the afternoon – banner with picture and information to be displayed from Memorial Day to when Musikfest starts. He gave him the contact name. Sent emails requesting military documents. People talk outside Lopatcong about our reputation. If you are not a veteran that is a terrible insult to veterans.

Marla Endick – 10 Byron Drive – Suggested an investigation for election violations. That might settle the matter.

Lori Ciesla – 12 Meadowview Drive – She explained to Juniper that her flyer for the rain barrel event was not posted yet because Beth is waiting for the Certificate of Insurance. Provided numbers for the budget for Recreation which included music in the park which Bill Nixon wanted to announce at the Rally Point. Wanted to know about the procedure for the employees attending funerals. This was discussed and Council suggested an interoffice memo. Mayor McKay made a motion to close the building at 10:45 am till 12:15 so employees could attend the mass, seconded by Council President Pryor. Roll call:

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

NAYS: None

The Recall Petition- to be eligible to vote in the State of New Jersey you have to be 18 by the time of the General Election. The law has changed, 17 year olds can now register as long as they will be 18 by the General Election. Challenges can be made at the Republican County Committee meetings. She indicated Councilwoman Schneider was a certified challenger for a Democratic candidate and she will make a challenge regarding that.

Motion to adjourn by Council President Pryor, seconded by Councilwoman McCabe. All in favor.

Respectfully submitted,

Margaret B. Dilts
Clerk/Administrator

Thomas M. McKay
Mayor