

TOWNSHIP OF LOPATCONG

COUNCIL MEETING

6:30 pm

October 5, 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.

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

Resolution No. 16-122 - was passed to hold an Executive Session. Attorney Campbell stated Council was in Executive Session for 1 hour. The topic of discussion was a personnel matter regarding the Police Dept. and Finance, Contractual – USDA loan, Litigation – Pension matter, Contractual – Court matter and Attorney/Client Privilege and Litigation – Tax appeal to the Phillipsburg Mall.

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.”

Prayer followed by Oath of Allegiance

Present: Councilwoman Reitemeyer, Councilwoman McCabe, Council President Pryor, Mayor McKay. Also present Attorney Campbell and Engineer Sterbenz.

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

John Betz – Brakeley Gardens – Commented on Agenda Item No. 12 under New Business – Senior Housing.

Eva Rigett – Brakeley Gardens – Comments on the need for Senior Housing for their special needs.

Geri Homestead – Asked the Council to look into Senior Housing.

Olschewski – Highlands Way – Questioned Agenda Item No. 3 – attorney’s fees and has it been done in the past. No. 11 – If other quotes were received.

Motion to close the public comment by Councilman Belcaro, seconded by Councilwoman Reitemeyer. All in favor.

Proclamations – Retired Crossing Guards Metal Troxell and May Keenan were presented with Proclamations.

Chief of Police Report – Chief Jason Garcia gave his Report for the month of September.

Old Business:

Minutes – Approve Executive and Regular Session Minutes for August 3 and August 15, 2016. Motion by Councilwoman Reitemeyer, seconded by Councilwoman McCabe. Roll call vote: AYES: Councilman Belcaro – August 3, 2016, Councilwoman McCabe, Councilwoman Reitemeyer – August 15, 2016, Council President Pryor, Mayor McKay.

NAYS: None

ABSTAIN: Councilman Belcaro – August 15, 2016, Councilwoman Reitemeyer – August 3, 2016

Ordinance No. 2016-16 – Second reading and public hearing of Capital Ordinance to purchase two police vehicles and computer equipment. Motion to open for a public hearing by

Councilwoman Reitemeyer, seconded by Council President Pryor. No comments from the public. Motion to close the public hearing by Councilwoman Reitemeyer, seconded by Councilwoman McCabe. All in favor.

Ordinance No. 2016-16

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, October 5, 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 TO APPROPRIATE \$100,000.00 FROM THE 2016 CAPITAL IMPROVEMENT FUND OF THE GENERAL CAPITAL FUND FOR THE PURCHASE OF TWO POLICE VEHICLES FOR THE TOWNSHIP OF LOPATCONG POLICE DEPARTMENT

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 on second reading by Councilwoman Reitemeyer, seconded by Council President Pryor. All in favor.

Phoenix Advisors – Refunding Bond Ordinance – Contract – Motion to approve by Councilwoman Reitemeyer, seconded by Councilwoman McCabe. Roll call vote:
AYES: Councilman Belcaro, Councilwoman McCabe, Councilwoman Reitemeyer, Council President Pryor, Mayor McKay.
NAYS: None

New Business:

Resolution No. 16-123 – Authorize Title 39 for the Phillipsburg High School property.

R 16-123

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY APPROVING APPLICATION FOR TITLE 39 FOR PHILLIPSBURG HIGH SCHOOL LOCATED ON BLOCK 2, LOT 44

WHEREAS, the Council of the Township of Lopatcong finds it in the interest of public safety to accept the application of the Phillipsburg School District requesting Title 39 that motor vehicle statutes as specified in N.J.S.A. 39:5A-1 be made applicable to their property known as Block 2, Lot 44.

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

- (1) That Title 39 as herein be applied and accepted to have motor vehicle laws made applicable to their property. This application will take effect upon approval by the Commissioner of Transportation as authorized under N.J.S.A.39:5A-1.
- (2) That after approval has been granted by the Commissioner of Transportation, traffic regulations then shall be set up by the Township of Lopatcong Police Department and adopted by the municipal governing body by Ordinance. This Ordinance then must be approved by the Commissioner of Transportation. Signs shall then be installed and enforcement shall begin.
- (3) That all signs, posts, bolts or other necessary material be installed and paid for by

applicant; work shall be checked by the local Police Department to ensure that the installation meets State and Federal specifications.

(4) That all resolutions or portions thereof inconsistent with this resolution are hereby repealed.

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, October 5, 2016.

Margaret B. Dilts, CMC

Motion to adopt this Resolution by Councilwoman Reitemeyer, seconded by Council President Pryor. All in favor.

Resolution No. 16-130 – Authorize increase not to exceed \$10,000 for Bell, Shivas & Safolo, P.C. with regard to McKay v. Pryor, et al.

R 16 - 130

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING ADDITIONAL FUNDS TO PROVIDE ONGOING DEFENSE FOR COUNCILMAN JOE PRYOR, COUNCILMAN LOU BELCARO AND COUNCILWOMAN MAUREEN MCCABE IN THE MATTER OF MCKAY V. PRYOR, ET ALS., DOCKET NO. WRN-L-39-16. PAYABLE TO JOSEPH J. BELL, ESQ. FROM THE LAW FIRM OF BELL, SHIVAS & FASOLO, P.C.

WHEREAS, on February 1, 2016, Mayor Thomas McKay filed suit against three Township Council people and the Township Clerk; and

WHEREAS, Council President Joe Pryor, Councilman Lou Belcaro and Councilwoman Maureen McCabe were named as defendants in their capacity as Council members; and

WHEREAS, Council President Joe Pryor, Councilman Lou Belcaro and Councilwoman Maureen McCabe are seeking a legal defense in this litigation pursuant to the Indemnification Section of the Township Code (Section 16); and

WHEREAS, Lopatcong Township Code Section 16-6(B) allows the Township to hire an attorney and to pay same directly; and

WHEREAS, Council President Joe Pryor, Councilman Lou Belcaro and Councilwoman Maureen McCabe have requested that the Township hire Joseph J. Bell, Esq. from the law firm of Bell, Shivas & Fasolo, P.C. in Rockaway, New Jersey to provide their defense at the same rate as the current Township Attorney; and

WHEREAS, Litigation is ongoing in this matter and funds shall be increased not to exceed \$10,000 without prior approval of the Township Council.

NOW, THEREFORE, BE IT RESOLVED by Township Council of the Township of Lopatcong, County of Warren, and State of New Jersey authorize the increase in funds not to exceed \$10,000 in defense of this matter.

CERTIFICATION

THIS IS TO CERTIFY that the above is a true copy of a Resolution adopted by the Township Council of the Township of Lopatcong at a meeting of said Township Council conducted on Wednesday, October 5, 2016.

Margaret B. Dilts

Councilwoman Reitemeyer – Mayor McKay I would like to respectfully request that I am not party to this lawsuit, I am not involved in the lawsuit but I would like to request as a taxpayer and on behalf of the residents that you reconsider moving forward with this appeal and costing more money in litigation.

Mayor McKay – I don't know if this is the appropriate venue to discuss that

Councilwoman Reitemeyer – And it might not. I just wanted to express my request that you think about that.

Mayor McKay – Well, more simply put to my understanding, is that some things that were going on here weren't being done appropriately. I sought legal counsel. Legal counsel advised me on how to proceed. I proceeded the way legal counsel told me I should precede in order I could get things back on track you know, and that's still where I'm at; I just want to get things back on track. I want to have the authorities and the responsibilities clearly defined and in accordance with our charter and I don't know how I can let that go. We could have negotiated, talk it over if that's what you are suggesting.

Council President Pryor – You lost, you lost on the trial decisively; all nine counts so there's nothing to negotiate at this point. Judge decided on the law and he decided on your complaint.

Mayor McKay – Yes and my attorney advised me that he didn't think that the judge applied the law the way it should have been applied. He advised that I should appeal to the higher courts, to the appellate court because that's not local and they might have a more different view on the matter.

Councilwoman McCabe – The court wasn't local either and you lost definitively.

Council President Pryor – It's your choice (inaudible) nonsense.

Councilwoman McCabe – Well, but you are costing the town money and

Mayor McKay – No, you are costing the town money if you would have concurred that yeah we were doing things wrong and we could have fixed it a long time ago but instead you had to be, you wouldn't deal with it and then you took the position. What else can I do?

Councilwoman McCabe – We did deal with it. We followed the laws of the State of New Jersey and our Charter and you still insist.

Member Pryor – And the judge decided on that, so you know better than the judge, I guess.

Councilwoman McCabe – And the judge decided.

Mayor McKay – I don't know but I follow the advice of counsel.

Councilman Belcaro – Listen this is your opinion that you thought things were wrong so let's move on, it's not. Your opinion is just that – an opinion and your attorney is hosing you so let's move on.

Councilwoman McCabe – You are spending money of this town needlessly.

Mayor McKay – No, you're spending the money; it's your defense that's being

Councilman Belcaro- You are showing a total disregard for all the taxpayers. He doesn't care how much this is going to cost all of you.

Council President Pryor – You know, I fail to understand the logic here. You sued us. We didn't sue you – you sued us.

Mayor McKay – Mmmhmm on the advice of counsel that's what he suggested we do.

Council President Pryor – You lost – all nine counts and the judge used adjectives I’ve never seen in a decision before – convoluted

Mayor McKay – That’s exactly why I am going to the appeals court – I think you might see something else there but I don’t know yet. I can only

Council President Pryor- And what are you going to bring that’s new? Do you know you can’t introduce new facts at the appellate division? I don’t know, I’m amazed

Councilwoman Reitemeyer – It won’t be decided tonight. I

Council President Pryor – You’re the one that wants to go for (inaudible) we have to defend ourselves.

Councilwoman Reitemeyer – I wanted to just express my opinion.

Councilwoman McCabe – We have to defend ourselves against an appeal that is being filed late by your attorney. The same one that you wanted to use for this township’s attorney, so that in itself says everything – that’s all I’m saying.

Council President Pryor – Do you think it is ethical to appoint your personal attorney township attorney?

Councilman Belcaro – Can you imagine if one of us did that? If I would bring my personal attorney here, can you imagine this? I mean can you imagine the outcry, you know, how dare you bring your own personal attorney.

Council President Pryor – You have a business relationship

Mayor McKay – Yeah, for this one purpose that’s all and he was to be interim attorney until a new attorney could be appointed.

Councilman Belcaro – Wow. We would never hear the end of it if we would use our own personal attorney here. Never hear the end of it but it’s okay. He wants to do his own attorney here, that’s okay. I don’t get it. So can we move on?

Council President Pryor – Yeah, I make a motion we authorize an increase of \$10,000 to Bell, Shivas to defend us in the second lawsuit.

Councilman Belcaro – I second it.

Roll call:

AYES: Councilman Belcaro, Councilwoman McCabe, Councilwoman Reitemeyer, Council President Pryor.

NAYS: None

ABSTAIN: Mayor McKay

Attorney’s Fees – Council authorizes Bell, Shivas to seek attorney’s fees from Mayor McKay for both the trial and appellate portions of the Mayor’s lawsuit in conjunction with the Mayor’s appeal. Motion by Council President Pryor, seconded by Councilwoman McCabe. Roll call vote:

AYES: Councilman Belcaro, Councilwoman McCabe, Councilwoman Reitemeyer, Council President Pryor.

NAYS: None

ABSTAIN: Mayor McKay

Resolution No. 16-124 – Authorize application to Dept. of Transportation for funding for Infrastructure Improvements to improve Pedestrian Environment.

R 16-124

AUTHORIZING THE TOWNSHIP OF LOPATCONG TRANSPORTATION

**ALTERNATIVES PROJECT AND THE APPLICATION FOR TRANSPORTATION
ALTERNATIVES FUNDING TO MAKE INFRASTRUCTURE IMPROVEMENTS THAT
WILL IMPROVE THE PEDESTRIAN ENVIRONMENT**

WHEREAS, the Township of Lopatcong is applying for funding to construct pedestrian safety improvements along Upper Belvidere Road (CR 646); and

WHEREAS, the Township of Lopatcong proposes to install sidewalk and other necessary pedestrian safety improvements primarily along the north side of Upper Belvidere Road from N 1st Street to Willdew Avenue; and

WHEREAS, the grant application is identified as TA-2016-Lopatcong Township-00047; and

WHEREAS, the project will help to continue and improve the promotion and encouragement of pedestrian access and safety; and

WHEREAS, maintenance of the facility, once constructed, will be assumed by the Township of Lopatcong with the exception of (1) local ordinances that places maintenance responsibility with each individual property owner, and (2) those crosswalks on State or County Highways;

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Lopatcong that it hereby supports the submission of a grant application for the Transportation Alternatives Program within the State of New Jersey Department of Transportation and authorizes the Mayor, Administrator and the Municipal Clerk to execute any and all documents necessary and related to the submission of said grant application or grant agreement. Certified as a true copy of the Resolution adopted by the Lopatcong Township Council at a duly convened meeting held on
On this 5 day of October, 2016

Municipal Clerk

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL
(Clerk)

(Presiding Officer)

Motion to adopt this Resolution by Councilwoman McCabe, seconded by Councilwoman Reitemeyer. Roll call vote:

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

NAYS: None

NJDOT Reduced Speed Limit on Belvidere and Roseberry Streets - Authorize Paul Sterbenz to work with P'burg, the P'burg BOE, Chief Garcia, The County and NJDOT in implementing a reduced speed zone along Roseberry Street and Belvidere Road during school hours. A traffic study will determine the length of the school zone which will be conducted by the County. Town of Phillipsburg would have to make a similar request of the County. Motion by Council President Pryor, seconded by Councilwoman McCabe. Mayor McKay asked for a motion to authorize Paul to work with P'burg, the P'burg BOE, the Phillipsburg Mayor, the Police Chiefs in both towns and the County and Jersey DOT in implementing a reduced speed zone along Roseberry Street and also on Belvidere Road in both directions for the appropriate distance during school hours. Council President Pryor noted the motion was made earlier. Mayor McKay called for a roll call vote:

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

NAYS: None

Council President Pryor – Asked to have a companion resolution to reduce the speed limit along the Scenic Ridge area. Engineer Sterbenz said this would be east of Buckeley Hill Road.

Motion by Council President Pryor, seconded by Councilwoman McCabe. Roll call vote:

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

President Pryor, Mayor McKay.

NAYS: None

Resident Fred DeStefano – Lives off of Belvidere Road in the Scenic Ridge Development. His issue is the traffic in the morning; a very heavily traveled road and looking for a reduced speed and markings on the road because there is a school in the immediate area. Council President Pryor noted he is familiar with the area, noted the deficiencies and asked Paul to take a look at this area as well. Paul stated that in his letter to the county he would note the complaints received from residents in the area regarding the safety of the pedestrian crossing and to include this in the study. A grant application was submitted to the DOT with include enhancements to this exact location to improve visibility and safety for pedestrians.

Report on Accessing the Lopatcong Park – Eric Johnson addressed the report he put together regarding the use of the park as an access to the Phillipsburg High School property. Council President Pryor stated that he was not opposed out of the gate on this but there would be a number of hurdles to go through to make an intelligent decision on this. He also noted that the school Superintendent George Chando commented that they do not have a position on this as yet; it's their fence, their lot and they hold the key and the Board of Education will review this. Chief Garcia noted that there would be a lot to consider and talked about going forward. A further discussion on the 10th of November will take place.

Resolution No. 16-125 – Set forth a policy requiring the Tax Assessor to notify the CFO and Governing Body of all Tax Appeals filed by June 1st of each year.

R 16-125

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY SHALL SET FORTH A POLICY REQUIRING THE TAX
ASSESSOR TO NOTIFY THE CHIEF FINANCIAL OFFICER AND GOVERNING BODY OF
ALL TAX APPEALS FILED BY JUNE 1ST OF EACH YEAR

WHEREAS, Active monitoring management of a municipality's ratable base is fundamental in helping ensure fiscal stability; and

WHEREAS, a policy shall be established as a matter of information that the Tax Assessor shall inform the Chief Financial Officer and the Governing Body each year before June 1st all the tax appeals filed.

NOW, THEREFORE, BE IT RESOLVED that the Tax Assessor of the Township of Lopatcong, County of Warren and State of New Jersey shall inform the Chief Financial Officer and the Governing Body of all tax appeals filed before June 1st of each year.

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, October 5, 2016.

Margaret B. Dilts, CMC

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

Resolution No. 16-126 – Set forth a policy regarding outside employment for municipal officials.

R 16-126

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY SETTING FORTH A POLICY FOR OUTSIDE EMPLOYMENT
FOR MUNICIPAL OFFICIALS

WHEREAS, the Township of Lopatcong, County of Warren and State of New Jersey recognizes that some employees may wish to work for compensation outside of their employment; and

WHEREAS, the Township also recognizes the potential for a conflict between such employment

and the employee's position; and

WHEREAS, outside employment must not compete, conflict with or compromise, either in substance or appearance, the Township's interests or adversely affect job performance and the ability to fulfill all responsibilities to the Township; and

WHEREAS, employees are cautioned to consider carefully the demands that additional work activity will create before accepting outside employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel or refusal to work overtime or different hours. If outside work activity causes or contributes to job-related problems, it must be discontinued and if necessary, normal disciplinary procedures will be followed to deal with the specific problem; and

WHEREAS, prior to accepting outside employment, the employee must submit a proposal for outside employment in writing providing the name of the proposed employer, the job title, duties, location and the schedule to the Township Administrator for review and approval. Any changes to the employment going forward will have to be reviewed and approved.

NOW, THEREFORE BE IT RESOLVED, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey do hereby approve this policy and said policy will be added to the Township Personnel Policy and Procedure Manual.

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, October 5, 2016.

Margaret B. Dilts, CMC

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

Resolution No. 16-127 – Designate the Tax Collector and Municipal Clerk to monitor Pilot Agreements to ensure compliance.

R 16-127

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY DESIGNATING THE TAX COLLECTOR AND MUNICIPAL CLERK TO MONITOR PILOT AGREEMENTS

WHEREAS, the Mayor and Council Township of Lopatcong, County of Warren and State of New Jersey does hereby recognize Payment in Lieu of Taxes are often used as a tool for economic development; and

WHEREAS, the Mayor and Council recognize the importance of monitoring PILOT Agreements to ensure recipients comply with all terms, including but not limited to timely payments and reporting; and

WHEREAS, the Mayor and Council designate the Tax Collector and Municipal Clerk as officials who will monitor all Pilot Agreements; and

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council set for the a process that each year during the month of January the Tax Collector and Municipal Clerk shall meet with the Finance Committee to review all exemptions and abatements granted under N.J.S.A. 40A:20-1 et seq. and N.J.S.A. 40A:21-1 et seq.

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, October 5, 2016.

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

Redevelopment Authorities – Findings and Conclusions relating to authorities. Question No. 9 of the Best Practices is looking for an answer to this question. Engineer Sterbenz stated that Redevelopment Authority provisions that the Township Council is using in in the Township ordinances Chapter 171 and it was adopted in 2002. The State created the Local Development Housing Board that allowed for redevelopment in the State of New Jersey. The ordinance defines the redevelopment responsibilities of the Township Council. The ordinance follows the state statute and essentially parallels the provisions in the state law. The Township is handling things appropriately and efficiently. The new high school is on a redevelopment site. The municipal pool property is also a redevelopment site as well as the Ingersoll-Rand site.

Best Practices Checklist 2016/17 – The Council, this evening, discussed the Best Practices Checklist. Clerk Dilts went through the questions with John Mooney our auditor as well as Township Attorney Katrina Campbell. The Township has met 90% in order to collect the entire amount of state aid. This year there were 30 questions as opposed to 50 in the past. It shall be noted that no questions were asked from the public.

Nisivoccia Consulting – Email Accounts – Quote to migrate to Gmail accounts. Clerk Dilts indicated the Township has a number of new police officers working at the high school and they need to be able to access email from wherever they are. Our consultant Nisivoccia has recommended Gmail accounts. Also municipal building employees have been experiencing problems with running out of space, etc. This will represent a savings to the Township but will provide bigger benefits as larger mailboxes, easy access. Ms. Lori Ciesla is our Technology Consultant and she noted that everyone will keep their address. This is a business Gmail account. The outlook account will remain on our server so those file can be accessed continuously. The cost is \$3756.00 over all saving \$156.00. Motion by Councilwoman McCabe, seconded by Councilman Belcaro. Councilwoman Reitemeyer asked is we can make this contingent on clarifying the point regarding paying for Outlook. Roll call vote:

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

NAYS: None

Senior Housing – John Betz – Resident of Brakeley Gardens. Mentioned a letter written containing numerous signatures and he gave this to Beth for circulation to Council. This involves housing seniors over the next 10 to 15 years in the entire nation. Clymer Village is a one to two year wait. Housing should provide first consideration to Lopatcong residents. Apartments at Brakeley could have adjustments made for seniors. Council President Pryor discussed Clymer Village and their operation. Mayor McKay said he would contact Clymer Village and engage them with some of these ideas. Council President Pryor would be willing to reach out to HUD and Salem Management.

Mayor's Wellness Committee – Presentation on Weight Loss Campaign. Councilwoman Reitemeyer stated she has been in contact with Leslie Fronziak to put together a weight loss campaign. She has contacted St. Luke's and is waiting to hear. Councilwoman Reitemeyer suggested she contact the dietician at ShopRite who promotes healthy lifestyles. She would like the campaign to begin after the first of the year.

Resolution No. 16-128 and 16-129 – Authorize redemption of Tax Sale Certificates. Motion by Council President Pryor, seconded by Councilwoman Reitemeyer. Roll call vote:

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

NAYS: None

OUTSIDE LIENHOLDER ON BLOCK 17, LOT 16

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on September 23, 2015, a lien was sold on Block 17, Lot 16 also known as 313 Park Avenue for 2014 delinquent sewer; and

WHEREAS, this lien known as Tax Sale Certificate no. 2015-006 was sold to US Bank Cust for PC4 & CRDTRS for a Premium of \$700.00; and

WHEREAS, Corelogic, Inc., escrow company for the property owners has satisfied the redemption amount on Certificate No. 2015-006 in the amount of \$708.45.

NOW, THEREFORE, BE IT RESOLVED on this 5th day of October 2016 that the Chief Financial Officer be authorized to issue a check in the amount of \$1408.45 for the redemption of Tax Sale Certificate No. 2014-006 and Premium to:

US Bank Cust for Pro Cap 4 & Crdtrs
50 S. 16th 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 the Reorganization Meeting held on Wednesday, October 5, 2016.

Margaret B. Dilts, CMC

R 16-129

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE
NO. 2014-028 ON BLOCK 99, LOT 1

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on June 25, 2014, a lien was sold on Block 99, Lot 1 also known as 198 Strykers Road for 2013 delinquent taxes; and

WHEREAS, this lien known as Tax Sale Certificate No. 2014-028 was sold to US Bank as Cust for Actlien Holding for 18% interest; and

WHEREAS, the property owner has satisfied the redemption amount on Certificate No. 2014-028 in the amount of \$36,032.88.

NOW, THEREFORE, BE IT RESOLVED on this 5th day of October 2016 that the Chief Financial Officer is authorized to issue a check in the amount of \$36,032.88 for the redemption of Tax Sale Certificate No. 2014-028 to:

US Bank as Cust for Actlien Holding
50 S. 16th 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 the Reorganization Meeting held on Wednesday, October 5, 2016.

Margaret B. Dilts, CMC

Resolution No. 16-131 – Approve contract award to Savin Engineers for smoke testing, not to exceed \$40,000.00.

R 16-131

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN, STATE OF NEW JERSEY AUTHORIZING AWARD OF CONTRACT TO SAVIN ENGINEERS, P.C. FOR SANITARY SMOKE TESTING NOT TO EXCEED THE AMOUNT OF \$40,000.00

WHEREAS, the Township of Lopatcong Sewer Engineer Dan Madden received and reviewed a proposal to smoke test approximately 39,000 linear feet of sanitary sewer lines throughout the Township; and

WHEREAS, the proposal was submitted by Savin Engineers, P.C. of Bridgewater, New Jersey; and

WHEREAS, the company has been found to be qualified and the proposal was found to be in compliance with the Local Public Contracts Law under the bid threshold; and

WHEREAS, the unit cost is \$0.65/LF for 39,000 linear feet totaling \$25,350.00. Lump sum project costs would not exceed \$40,000.00; and

WHEREAS, quote received from other company at lower rate but they were unable to meet the work deadline set forth in the Township’s requirements.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LOPATCONG, at its meeting on Wednesday, October 5, 2016, that a contract be awarded to Savin Engineers, P.C. for total project not to exceed \$40,000.00; and

BE IT FURTHER RESOLVED that the costs will be applied to the USDA Loan/Grant.

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, October 5, 2016.

Margaret B. Dilts, CMC

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

Resolution No. 16-132 – Approve contract award to Franc Environmental for the cleaning and CCTV inspection of various lines throughout the Township not to exceed \$12,000.00.

R 16-132

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN, STATE OF NEW JERSEY AUTHORIZING AWARD OF CONTRACT TO FRANC ENVIRONMENTAL FOR CCTV INSPECTION AND CLEANING OF GRAVITY SEWER PIPES NOT TO EXCEED THE AMOUNT OF \$12,000.00

WHEREAS, the Township of Lopatcong Sewer Engineer Dan Madden received and reviewed a proposal to CCTV Inspection and Cleaning of Gravity Sewer Pipes not to exceed the amount of \$12,000.00; and

WHEREAS, the proposal was submitted by FRANC Environmental, Inc., of New Jersey; and

WHEREAS, the company has been found to be qualified and the proposal was found to be in

compliance with the Local Public Contracts Law under the bid threshold; and

WHEREAS, the unit cost is \$1.25/LF for 4,000 linear feet totaling no more than \$12,000.00; and

WHEREAS, quote received from other company at lower rate but they were unable to meet the work deadline set forth in the Township's requirements.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LOPATCONG, at its meeting on Wednesday, October 5, 2016, that a contract be awarded to FRANC Environmental, Inc., for total project not to exceed \$12,000.00; and

BE IT FURTHER RESOLVED that the costs will be applied to the USDA Loan/Grant.

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, October 5, 2016.

Margaret B. Dilts, CMC

Motion to award a contract to Franc Environmental by Council President Pryor, seconded by Councilwoman Reitemeyer. Roll call vote:

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

NAYS: None

Delaware Park Engine Co., No. 1 – Approve application for Thomas Reynolds and Brad Fagan to Delaware Park Engine Co., No. as recommended by Fire Chief Pisciotto. Motion by Council President Pryor, seconded by Councilman Belcaro. All in favor.

Executive Session Personnel Matter – Councilwoman McCabe made a motion to authorize Beth to take action, seconded by Council President Pryor. Roll call vote:

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

NAYS: None

Executive Session Personnel/Litigation Matter - Councilwoman McCabe made a motion to authorize Katrina to send a letter, seconded by Councilwoman Reitemeyer. Roll call vote:

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

NAYS: None

Council Reports:

Councilwoman Reitemeyer – Reported that Recreation has Dogs of Lopatcong Contest going on now and everyone can vote through Facebook. The winners will be on a calendar with proceeds going towards the dog park. There are 26 dogs.

Councilman Belcaro – DPW started picking up leaves on October 1st. Residents can bring them down to the garage if they choose to. The contracts awarded this evening to Franc Environmental and Savin Engineering is work related to the USDA loan/grant funds. There is a list of ten items some of which has been completed – North Prospect Street sewer pipe, resetting of the manhole frames, new Rt. 57 Pump Station flow meter and a portable fuel tank. What still needs to be completed is the Stonehenge Pump Station improvements, inspection of the sewer line between Stonehenge Drive and Baltimore Street, inflow infiltration in the Brakeley Park area, repair of sewer line on Rt. 22 and the Stonehenge force main lining breaks. The grant funds are \$850,000.00.

Council President Pryor – The Township used to share court with Harmony and in June we lost them to Belvidere for shared court services. There is a town interested in sharing and we hope to get an acceptable offer between now and the end of the year.

Councilwoman McCabe – Under Bldgs. and Grounds, the DPW is in the process of doing the winterizing to buildings and facilities not in use over the winter. The LAA contract is still in process and should be finalized shortly. The Medicare open enrollment period is October 15 to December 7th and senior citizens can contact the Warren County Division of Aging and Disability services to review the Medicare program. Flu shots are being administered around Warren County and the list will be posted on the website.

Mayor McKay – Does not have a report. He did speak to Mayor Ellis and asked to thank the Environmental Commission for cleaning up the stream in their town.

Engineer Sterbenz – Reported that a meeting was held today to look at the operation of the traffic signal at the new high school including protocol with any problems with the signal between now and the time that the County takes over the signal in the future. Regarding the operation of the signal changes, they will be made to the timing of the signal to try and get motorists into the high school in the morning from Roseberry Street because of some difficulty. There will be changes made with the signal for afternoon dismissal trying to get the motorists out of the high school. There is some discussion of prohibiting right hand turns at reds at certain times of the day to eliminate conflicts between pedestrians and motorists as well.

Chief Garcia – Announced that the Police Dept. has teamed up regarding community relations efforts and every Tuesday in October from 5 pm to 7 pm they are asking the community to stop out and meet the officers.

Approve Dept. Reports - Motion by Councilwoman Reitemeyer, seconded by Councilwoman McCabe. All in favor.

Payment of Bills – \$1,429,301.27 plus \$384.00 relating to Registrars Conference. Motion by Councilwoman McCabe, seconded by Council President Pryor. Council President Pryor recused himself from the JMT bills. Councilwoman Reitemeyer recused herself from the Verizon bills. Roll call vote:

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

NAYS: None

Audience Participation: Motion by Councilwoman Reitemeyer, seconded by Councilwoman McCabe. All in favor.

Brian Weeks – Reported that the 25 MPH speed limit signs are up on Stonehenge Drive.

Wade Cassese – Lived in Lopat his whole life since a little boy. His mother still lives on South 8th Street. He told the Mayor that in his opinion, as well as a lot of people in Lopat, is that he should withdrawal the lawsuit. He opened the Sunday paper and was disgusted that Lopatcong is again the paper. He thought everyone was going to be on the same page here and start working and it does not seem that way from what he reads in the paper and what he sees tonight. He asked him to get rid of it and commented that of course your lawyer is going to tell you to keep going because he is making money on you; well not on you but the Township so just very disgusted. He is proud, he lives in Lopat, I think Lopat is a great community and he has two kids. He thinks it is a great place to live. It looks terrible in the paper all the time. He was a police officer for 25 years; you are going to have disagreements with people. He said the Mayor was put here in the office to do the job that you were supposed to do and get along with people; put your differences aside and do the job.

Juniper Leifer – Thanked Mr. Cassese and wanted to say something on a similar vein but maybe a little bit different. She talked to Mayor McKay and said thank you for sticking to your guns for this community; she knows a lot of his supporters don't come here to these meetings but one thing she is certain of she said is that they have a very good pulse on this community. She said she speaks to hundreds of people election after election after election and she knows where they stand and she knows how they feel and the outcry from the public; seeking change wanting to get

things in order in our community, both politically and financially. There were loud cries and when he got here he was, unfortunately, met with unbelievable obstruction and was prevented from making the changes he promised the taxpayers.

Councilwoman McCabe – Said a court decision is on the website. So there is no miscommunication, the residents should read that and the issues are spelled out very clearly.

Lori Ciesla – 12 Meadowview Drive – The dog park pictures are on line. There was some submitted after the fact and she will post them. October 10th at 7:00 pm there will be a recreation meeting held at the park and everyone is invited. The 50th anniversary of the pool is next year and a reenactment of the pool opening from 50 years ago is what they would like to recreate. They want to invite back people from that point in time. She announced dates upcoming and the scheduled events.

As far as the court appeal she felt there were a lot of things the Township could do with that money. In 2015 a lot of the same questions came up about the auditor, the attorneys and a lot of research was done; people on Council, and we had those answers. In 2016 this emerged in the form of a lawsuit. So far today, she thought \$30,000 has been spent. She didn't understand why this is being done; the judgment is very clear. The law is very clear and the goal is to hire an attorney who is going to be paid more money and in her personal opinion is less competent because he did not even file the appeal on time. She asked the suit be dropped too. The money could be used on roads, park improvements, bathrooms, etc. If he did make promises to the people they were not legal and could not be kept and the residents should not have to pay for that. The quote in the paper the Mayor said he wished he was dealing with people whose level of professionalism was what he was accustomed to. All he can do is go along and do the best that he can. She personally took offense to this. She said in Executive Session there had been screaming and swearing at her and leaning over her and when regular session resumed and the Mayor could not find his paper or he was lost, she helped him and Karina helped him. He should thank us she said. The Township kept going despite his behavior.

Councilman Belcaro – He too spoke to the taxpayers of the Township and they are angry and frustrated about what is going on and now with the appeal when is this going to end? He asked to read the opinion that the Express Times placed in their newspaper and he noted he never saw them put an opinion in the newspaper before. Councilman Belcaro read the whole opinion. This 60 page opinion is on the website. The opinion provided a conclusion to his mayoral powers and Mayor McKay filed an appeal of Judge Miller's decision because he and his attorney thought Judge Miller misapplied the law. Councilman Belcaro said by his actions he shows a disrespect and disregard. He came in here to do change and promised the taxpayers – since he has been in office there has been multiple lawsuits from Township employees.

Mayor McKay – What? Name them he asked. There are no multiple lawsuits.

Councilman Belcaro – And has cost the Township attorney fees to defend and now with this lawsuit in January and the appeal he is costing the Township a lot of money; he is a liability to our Township and how much more can we take of wasting taxpayers money. This is what I hear from the taxpayers that we are wasting time and tax dollars; yours and mine and everybody up here. I am here to say today I'm demanding that you step down and resign.

Mayor McKay – No.

Councilman Belcaro – He is a disservice; this has become a disservice to this community. It is an embarrassment and it has to stop. Where does it stop? He will not stop with this

Mayor McKay – I will not stop. All right you're concerned, your main concern is that I am costing the Township money in litigation fees but you had no problem spending a couple hundred thousand dollars to insure the construction of an asphalt plant.

Councilman Belcaro- No you are wrong. The Township had to defend it status and you are wrong again.

Mayor McKay – Well it's (inaudible) and I don't think they had to. Also another problem with \$300,000.00, nearly, of COAH funds being misspent.

Councilwoman McCabe – Not true.

Mayor McKay – And you make these things up, you know, and nobody, I don't agree talking about suing the Town employees; I don't know about that. The only one I knew about was Degan and that was totally separate from me. I don't even know what she sued over. I don't even know the status of that but it was in the newspapers. I tried to do a good job here and there is a force in these parts that doesn't want that to happen and so I took the only road I thought I could take to get the authority that I think I have from the existing charter. And the way things were done with the last mayor, and that is all I ask for and nobody wanted that. They wanted to have all the authority invested to the Council which is not an administrative body but it's rather a legislative body, so I did what I think is right. I tried to negotiate too, but nobody wanted to, so you know, I'm trying to do the best I can for the people of this town. I take nothing out of this job other than the little bit of money that they give you as a stipend. I'm not building up a business based upon my contacts that I put together by sitting on this Council. I'm not getting a job out of it. I'm not getting remuneration or any other pecuniary gain, so all I'm doing, you know, is get things going here again and it's been a rough ride to say the least. An unjustifiably rough ride, so.

Council President Pryor – Well, I don't think anybody here is getting any gain. I certainly had other things to do after I retired. I'm here to try and do what's good for the town. I will, I'm not going to get in a debate. The lawsuit speaks for itself. That decision is 60 pages long. The judge evaluated every count. It's on the website, read it and come to your own conclusion how valid that lawsuit was. That's all I say. You can all think for yourselves. Read it, you see if it was worth appealing.

Councilwoman McCabe – You know, I'd just like to add that the force that you are speaking of are the laws of the State of New Jersey and the Ordinance of this Township. You were elected Mayor of this Township. Your powers are with the Mayor with advice and consent of Council. You are not the sole dictator and until you get that straight

Mayor McKay – I had that straight. I had that straight all along.

Councilwoman McCabe – No, actually, you didn't.

Mayor McKay – (Inaudible) I never even heard a dispute up here; everything was 100% yes and nobody

Council President Pryor – It's called leadership.

Mayor McKay – No it's the way it was run, you know.

Council President Pryor – It's called leadership.

Mayor McKay – And I came in and I opened it up. I started talking to people. I started letting people have a say.

Councilwoman McCabe – You started misinterpreting the law but we're not going to go there.

Mayor McKay – I'm not a lawyer.

James Mengucci – Are we still in Audience Participation.

Mayor McKay – No.

Councilman Belcaro – We didn't close out yet.

James Mengucci – Okay good. You rode in here on the winds of change. I know I left my council seat. I was not defeated in an election. Mr. Baker was not defeated in an election. Mr. Steinhardt was not defeated in an election. Mr. Curry stepped down to become a judge. Mr. Camporine was not defeated in an election. You had five guys together up here for 12 years. So what you are basically saying, as far as I'm concerned Mayor, is that the Township voters, for a period of 12 years, democrats, republicans voted for the same five guys. Sounds to me like

you're, that the voters of the Township, not us, the voters were totally ignorant.

Mayor McKay – No I think the voters voted for whom they were given the opportunity to vote for. The way it looks when I look at it is that every year you would run two democrats first year, two republicans the second year and the mayor the third year so the people, there was no contested election.

James Mengucci – No my first two terms Mayor, which shows you how little you know, my first two terms I had five democrats run against me in the primary.

Mayor McKay – In the 90's, yeah, but after 2000

James Mengucci – You said the, we ran things. Two and two; I had five, look it up Mayor, look at your facts

Mayor McKay – I did.

James Mengucci – And that's part of the problem with the newer people who rode in here, is the fact that they don't care; they don't care enough to look into the facts. You may not agree with what we did, but how the hell are you going to know where you are going if you don't know where you've been. Look at the facts and learn how this Township got to the point that it's at. You rode in here on the winds of change, everybody is corrupt. You've proven absolutely nothing and you've cost us a fortune. You will be a one term Mayor because I have talked to the people of this Township too. I'm a lifelong resident. People still come to me for opinions on this Township. You will be a one term Mayor, trust me.

Mayor McKay – Thank you Jim. Anyone else? So I'll take a motion to adjourn.

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

Respectfully submitted,

Margaret B. Dilts, CMC
Clerk/Administrator

Thomas M. McKay
Mayor