

TOWNSHIP OF LOPATCONG  
REORGANIZATION MEETING

7:00 pm

January 4, 2017

The Reorganization 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 go into Executive Session by Council President Pryor, seconded by Councilman Belcaro. All in favor.

R 17-32

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

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

1. Personnel
2. Litigation – COAH 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, January 4, 2017.

Margaret B. Dilts, CMC

Mayor McKay asked for a motion to come out of Executive Session. Motion by Councilman Belcaro, seconded by Council President Pryor. All in favor.

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

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

Present – Councilman Belcaro, Councilman Palitto, Councilman Wright, Council President Pryor, Mayor McKay.

The Honorable Lt. Governor Kim Guadagno introduced by Douglas Steinhardt, Republican County Chairman, swore in William Wright and James Palitto for three year terms.

Attorney Campbell noted that Council was in Executive Session for approximately 30 minutes prior to public session. At that time the topics of discussion were Personnel and Litigation regarding affordable housing.

**Public Comments** – Agenda items only. Motion by Council President Pryor. All in favor.

No comments from the public. Motion to close public comment by Councilman Belcaro, seconded by Council President Pryor. All in favor.

**Reorganization:**

**Resolution No. 17-01** – Annual Meeting Calendar.

R 17-01

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY IN REGARD TO EXECUTIVE SESSIONS AND REGULAR MEETINGS FOR THE YEAR 2017

WHEREAS, Section 113 of the Open Public Meetings Act, Chapter 231 P.L. 1975, requires that at least once a year, not later than January 10<sup>th</sup>, of such year, every public body shall post and mail to the newspapers designated by said body, a schedule of the location, time and date of each meeting of said body during the succeeding year.

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

EXECUTIVE SESSIONS of the Council shall be held at the Municipal Building, 232 S. Third Street, Lopatcong Township, Phillipsburg, New Jersey 08865 at 7:00 PM prevailing time, and REGULAR MEETINGS will be held at the same location at 7:30 PM prevailing time, on the FIRST WEDNESDAY of each month for the year 2017.

If the FIRST WEDNESDAY of any month shall fall on a legal holiday, the meeting shall be held on the following day. The dates of such meetings are as follows:

EXECUTIVE SESSIONS AND REGULAR MEETINGS

EXECUTIVE SESSIONS AND REGULAR MEETINGS

January 4, 2017 - Reorganization Meeting	
February 1, 2017	August 2, 2017
March 1, 2017	September 6, 2017
April 5, 2017	October 4, 2017
May 3, 2017	November 1, 2017
June 7, 2017	December 6, 2017
July 5, 2017	December 28, 2017

Reorganization Meeting – January 3, 2018

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, January 4, 2017.

Margaret B. Dilts, CMC

Motion by Councilman Belcaro, seconded by Council President Pryor. All in favor.

**Resolution No. 17-02** – Charge for Annual Meeting Calendar.

R 17-02

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY FIXING A REASONABLE SUM TO CHARGE FOR A LIST OF  
SCHEDULED COUNCIL MEETINGS

WHEREAS, Section 14 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the public body to fix a reasonable sum to be charged to persons who request that notice of meetings as required under the Act, be mailed to them individually; and

WHEREAS, said section further permits the public body to provide such notices free of charge to news media who so request.

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

1. Each person who requests that individual notice as required under the Act be mailed to him shall pay annually the Township of Lopatcong Twenty-five Dollars (\$25.00) to cover the cost thereof.
2. Requests for such individual notice made by news media shall be granted without cost.
3. The sum herein designated is subject to change upon the adoption of a superseding Resolution by the public body.

This Resolution shall take effect immediately.

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, January 4, 2017.

Margaret B. Dilts, CMC

Motion by Council President Pryor, seconded by Councilman Belcaro. Roll call vote:

AYES: Councilman Belcaro, Councilman Palitto, Councilman Wright, Council President Pryor, Mayor McKay.

NAYS: None

**Resolution No. 17-03** – Cash Management Plan.

R 17-03

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY ESTABLISHING A CASH MANAGEMENT PLAN

WHEREAS, P.L. 1983, Chapter 8, approved January 18, 1983 as an act concerning the Local Fiscal Affairs Law and amends N.J.S.A. 40A:5-2 and N.J.S.A. 40A:5-14; and

WHEREAS, this law requires that each local unit establish a cash management plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Lopatcong, County of Warren and State of New Jersey for the year 2017 the following shall serve as Cash Management Plan of the Township of Lopatcong.

The Chief Financial Officer is directed to use the Cash Management Plan as the guide in depositing and investing the Township of Lopatcong's funds.

The following FDIC and Government Unit Deposit Protection Act (GUDPS) approved banks are authorized depositories for deposit of funds.

Provident Bank and all other FDIC and GUDPA approved banks located in the State of New Jersey.

All warrants or checks for the disbursements of money shall be made by any two (2) of the following officials and facsimile signatures may be used:

Thomas M. McKay, Mayor  
Joseph Pryor, Council President  
Margaret B. Dilts, Clerk/Administrator  
Bernard Re, Chief Financial Officer

The Chief Financial Officer and the Clerk/Administrator are empowered to invest cash funds as bank balances will allow from time to time in order to realize revenue. The above stated officers are authorized to transfer funds for the purpose of paying bills, investing and payroll.

The following are authorized as suitable investments:

1. Interest bearing accounts in banks as authorized for deposit of local unit funds (GUDPA approved).
2. Certificates of deposit in GUDPA approved banking institutions.
3. Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America. This includes instruments such as Treasury, Notes and Bonds.
4. Government Money Market mutual funds that comply with N.J.S.A. 40A:5-1.5.1(e).
5. Any other obligations with maturities not exceeding 397 days as permitted by the State Division of Investments.
6. New Jersey Cash Management Fund.
7. Repurchase agreements (repos) of fully collateralized securities which comply with N.J.S.A. 40A:5-15(e).

Each month the Chief Financial Officer shall prepare a report for the Clerk/Administrator that consists of the following:

1. A summary of all investments made or redeemed for the month.
2. A listing of any and all financial institutions holding local unit funds.
3. The class of type of securities purchased or funds deposited.
4. Income earned on deposits and investments.
5. A listing of accounts or deposits that do not earn interest.

This document shall constitute the Cash Management Policy of the Township of Lopatcong.

Any official involved with the selection of depositories or investments shall disclose any material business or personal relationship to the Local Finance Board.

Any official who, in the course of his or her duties, deposits or invest in accordance with this plan shall be relieved of any liability or loss.

#### 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, January 4, 2017.

Margaret B. Dilts, CMC

Motion by Councilman Belcaro, seconded by Council President Pryor. Roll call vote:

AYES: Councilman Belcaro, Councilman Palitto, Councilman Wright, Council President Pryor, Mayor McKay.

NAYS: None

**Resolution No. 17-04** – Designation of Official Newspapers.

R 17-04

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY, DESIGNATING NEWSPAPERS TO RECEIVE NOTICES OF MEETINGS

WHEREAS, Section 3 (d) of the Open Public Meetings Act, Chapter 231, P.L. 1975, requires that certain notices of meetings shall be submitted to two (2) newspapers, one of which shall be designated as the official newspaper of the Township of Lopatcong; and

WHEREAS, the second newspaper designated by this body must be one that has the greatest likelihood of informing the public within the jurisdictional boundaries of this body of such meetings.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Lopatcong, County of Warren and State of New Jersey.

1. The STAR GAZETTE, Hackettstown, NJ is hereby designated as the official newspaper of the Township to receive all notices of meetings as required under the Open Public Meetings Act.
2. The EXPRESS-TIMES has the greatest likelihood of informing the public within the jurisdictional area of this body of such meetings.

This Resolution shall take effect immediately.

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren, 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, January 4, 2017.

Margaret B. Dilts, CMC

Motion by Councilman Belcaro, seconded by Council President Pryor. All in favor.

**Resolution No. 17-05** – Appointment of Township Attorney. Mayor McKay asked to appoint Mauro, Savo who submitted paperwork. He said their cost is not dissimilar to what we are paying right now. It is different but didn't think it would make a big difference in the end and he said for a long time that it is his back ground as an auditor and bank examiner that you always

change things up and the state law, not law, the controller's office has advice out there that says you should do that every five years, start thinking about it every five years but do it in ten; it is not personal he said, it's just that he thought a good thing to do and he said this the last two years. He put forth the firm of Mauro, Savo and made the motion. No second was made. Motion died on the floor.

**Resolution No. 17-06** – Reappointment of Village Medical Associates as Township Physicians.

R 17-06

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY APPOINTING PHYSICIANS FOR THE YEAR 2017

WHEREAS, the Mayor and Township Council of the Township of Lopatcong require that medical doctors be appointed for Township purposes; and

WHEREAS, these appointments are made without competitive bidding as professional services under the provisions of the Local Public Contracts Law, as provided in N.J.S.A. 40A:11-5 because said office requires services performed by persons qualified to practice recognized professions and it is not possible to obtain competitive bids.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Lopatcong that Village Medical Associates be appointed as physicians for the Township for the calendar year of 2017.

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 the Wednesday, January 4, 2017.

Margaret B. Dilts, CMC

Motion by Council President Pryor, seconded by Councilman Belcaro. All in favor.

**Resolution No. 17-07** – Defense of Municipal Appeals.

R 17-07

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY AUTHORIZING LEGAL COUNSEL TO FILE AND PROSECUTE  
ROLL-BACK TAX COMPLAINTS, COMPLAINTS TO CORRECT ERRORS IN  
ASSESSMENTS AND COMPLAINTS FOR ADDED, OMITTED AND ADDED/OMITTED  
ASSESSMENTS; DEFEND, SETTLE OR STIPULATE TO RESOLVE ALL 2016 LOCAL  
PROPERTY TAX APPEALS

WHEREAS, the County Tax Board has issued a letter of request requiring a Resolution by the Mayor and Township Council of each municipality of the County of Warren by its County Tax Administrator, Melissa Pritchett; and

WHEREAS, the said County Tax Administrator requires that the Mayor and members of the Governing Body of each municipality in the County of Warren, in order to file municipal roll-back complaints, correct errors or file added, omitted and added/omitted complaints, adopt a Resolution allowing the Municipal Attorney or any member of his firm to file and prosecute said complaints.

NOW, THEREFORE, BE IT RESOLVED on this 4<sup>th</sup> day of January 2017, by the Township Council of the Township of Lopatcong, in the County of Warren and State of New Jersey, that the Municipal Attorney for the Township, is hereby authorized to file, prosecute, defend, stipulate, modify, agree upon and otherwise perform the duties which are required of said Attorney, in the process of prosecution and/or filing of said roll-back tax complaints, complaints to correct errors in assessments for added assessments in 2016 and defending or settling all 20016/17 local property tax appeals and execute any and all stipulations relating to the same with the agreement of the Lopatcong Township Municipal Assessor.

BE IT FURTHER RESOLVED, that the Municipal Clerk is hereby directed to provide a true copy of this Resolution to the Warren County Board of Taxation, Warren County Court House, Belvidere, New Jersey 07823.

#### 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, January 4, 2017.

Margaret B. Dilts, CMC

Motion by Council President Pryor, seconded by Councilman Wright. All in favor.

**Resolution No. 17-08** – Authorize interest to be charged on Delinquent Taxes.

R 17-08

#### RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING INTEREST TO BE CHARGED ON DELINQUENT TAXES

WHEREAS, Governor Florio signed into law Assembly Bill No. 4425, Chapter 75 and Senate Bill No. 2579, Chapter 89 effective March 29, 1991 and April 4, 1991 respectively; and

WHEREAS, the Governing Body of the Municipality wishes to comply with this law; and

WHEREAS, N.J.S.A. 54:4-67 has been changed to define a tax delinquency as follows:

“Delinquency means the sum of all taxes and municipal charges due on a given parcel of property covering any number of quarters or years”; and

WHEREAS, the Governing Body may fix a penalty to be charged to a taxpayer with a delinquency in excess of \$10,000.00 who fails to pay the delinquency prior to the end of the calendar year. The penalty as fixed shall not exceed 6% of the amount of the delinquency; and

WHEREAS, the Governing Body of the Municipality may charge by Resolution, the sum of eight (8%) percent per annum of the first \$1,500.00 and eighteen (18%) percent per annum on any amount in the excess of \$1, 500.00 on taxes and assessment after the date that same would become delinquent until the date of actual payment; and

WHEREAS, most of the taxpayers of said Township of Lopatcong have had to bear an additional burden because of the fact that some taxpayers invest their funds at higher rates of interest than the penalty heretofore provided for under such statute; and

WHEREAS, the Council of the Township of Lopatcong deems it equitable and just that every taxpayer shall bear an equal share of said taxes.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Lopatcong, County of Warren that a tax delinquency shall mean the sum of all taxes and municipal charges due on a given parcel of property covering any number of quarters or years.

BE IT FURTHER RESOLVED that a penalty of 6% will be charged to a taxpayer with a delinquency in excess of \$10,000.00 who fails to pay the delinquency prior to the end of the calendar year.

BE IT FURTHER RESOLVED that the rate of interest to be charged for the non-payment of taxes or assessments shall be eight percent (8%) per annum on the first \$1,500.00 and eighteen (18%) percent per annum on any amount in excess of \$1,500.00 after the date that they would become delinquent.

BE IT FURTHER RESOLVED that no interest shall be charged if payment of any installment is made within the tenth calendar day following the date upon which the same become payable.

BE IT FURTHER RESOLVED that after the sale of property for non-payment of taxes or assessments, the property shall be subject to redemption upon the payment of eighteen (18%) percent per annum interest over and above the amount of the taxes, assessments and other charges due the municipality.

#### 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, January 4, 2017.

Margaret B. Dilts, CMC

Motion by Council President Pryor, seconded by Councilman Palitto. Roll call vote:

AYES: Councilman Belcaro, Councilman Palitto, Councilman Wright, Council President Pryor, Mayor McKay.

NAYS: None

**Resolution No. 17-09** – Authorize Tax Collector to process and cancel any Municipal Charged Refunds or Delinquencies for less than ten dollars.

R 17-09

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING THE TAX COLLECTOR TO PROCESS AND CANCEL ANY MUNICIPAL CHARGE REFUNDS OR DELINQUENCY OF LESS THAN TEN (\$10.00) DOLLARS

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey have reviewed a request by the Tax Collector of the Township of Lopatcong to allow the Tax Collector to process and cancel any property tax usage charge refund or delinquency of less than \$10.00.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Lopatcong hereby authorize the Tax Collector to process and cancel any municipal charge refund or delinquency of less than \$10.00.

#### 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, January 4, 2017.

Margaret B. Dilts, CMC

Motion by Council President Pryor, seconded by Councilman Belcaro. Roll call vote:  
AYES: Councilman Belcaro, Councilman Palitto, Councilman Wright, Council President prior, Mayor McKay.  
NAYS: None

**Resolution No. 17-10** – Adopt Robert’s Rules for fair and orderly meeting procedures.

R 17-10

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY ADOPTING ROBERT’S RULES OF ORDER AS A BASIC  
GUIDE FOR FAIR AND ORDERLY PROCEDURE IN MEETINGS

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey, that Robert’s Rules of Order Newly Revised 11<sup>th</sup> edition is hereby adopted as parliamentary authority for procedure in meetings.

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, January 4<sup>th</sup>, 2017.

Margaret B. Dilts, CMC

Motion by Council President Pryor, seconded by Councilman Belcaro. All in favor.

**Resolution No. 17-11** – Reappoint Chief of Police Jason Garcia as 911 Coordinator.

R 17-11

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY APPOINTING POLICE CHIEF JASON GARCIA AS 911  
COORDINATOR

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey are required by the State to appoint a 911 Coordinator to assist the Warren County Department of Public Safety; and

WHEREAS, the Mayor and Council decided to appoint Police Chief Jason Garcia as the 911 Coordinator.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey appoint Police Chief Jason Garcia as the 911 Coordinator for the Township of Lopatcong for the year 2017.

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, January 4, 2017.

Margaret B. Dilts, CMC

Motion by Councilman Belcaro, seconded by Councilman Palitto. All in favor.

**Resolution No. 17-12** – Reappoint Christopher Troxell as Municipal Prosecutor.

R 17-12

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY APPOINTING CHRISTOPHER TROXELL AS PROSECUTOR

WHEREAS, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Lopatcong, County of Warren and State of New Jersey that Christopher Troxell be appointed Prosecutor for the Township of Lopatcong for the year 2017 at a salary appropriated within the Salary Ordinance.

This appointment is made without competitive bidding as professional services under the provisions of the Local Public Contracts Law, as provided in N.J.S.A. 40A:11-5 because said office requires services performed by persons qualified to practice recognized professions and it is not possible to obtain competitive bids.

This Resolution shall take effect immediately.

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, January 4, 2017.

Margaret B. Dilts, CMC

Motion by Councilman Belcaro, seconded by Council President Pryor. All in favor.

**Resolution No. 17-13** – Reappoint Scott Wilhelm as Municipal Public Defender.

R 17-13

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY APPOINTING SCOTT M. WILHELM MUNICIPAL PUBLIC  
DEFENDER

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Lopatcong, County of Warren and State of New Jersey that Scott M. Wilhelm is appointed Municipal Public Defender for the year of 2017 at a salary of \$200.00 per case.

This appointment is made without competitive bidding as professional services under the provisions of the Local Public Contracts Law, as provided in N.J.S.A. 40A:11-5 because said office requires services performed by persons qualified to practice recognized professions and it is not possible to obtain competitive bids.

This Resolution shall take effect immediately.

#### 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, January 4, 2017.

Margaret B. Dilts, CMC

Motion by Council President Pryor, seconded by Councilman Belcaro. All in favor.

**Resolution No. 17-14** – Reappoint Municipal Auditor.

Mayor McKay – I just went through how I feel about people, professionals in the legal profession staying on board in the Township for long periods. I feel the same way about the auditors, it is not personal, it's nothing against them, it's just that I think that after so many years, you should change them and it just works better that way. That has been my experience for many years in audit and the examination of financial institutions and I don't think it is any different in a Township. So, I am not ready at this point to make this appointment.

Motion by Council President Pryor to appoint Nisivoccia, LLC as auditor for 2017, seconded by Councilman Wright.

Mayor McKay – The discussion is whether or not you have the authority to do that.

Council President Pryor – The court case allowed us last year.

Mayor McKay – As you are aware that court case is in court still.

Council President Pryor – And nothing changes while it is under appeal. Life goes on. Can we have the vote please Beth?

R 17-14

#### RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY APPOINTING NISIVOCCIA, LLP AS TOWNSHIP AUDITOR FOR THE YEAR 2017

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey, as follows:

WHEREAS, Nisivoccia, LLP are hereby appointed Township Auditor for the year 2017; and

WHEREAS, Nisivoccia, LLP has presented the Mayor and Council with a Professional Service Agreement outlining his services and fees; and

WHEREAS, this Resolution, of this action shall be printed once in the official newspaper of the Township of Lopatcong; and

WHEREAS, this Resolution and the Professional Service Agreement shall be on file and available for public inspection in the office of the Municipal Clerk.

This award is in accordance with N.J.S.A. 19:44A-20.5 et seq.

This Resolution shall take effect immediately.

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, January 4, 2017.

Margaret B. Dilts, CMC

Roll call vote:

AYES: Councilman Belcaro, Councilman Palitto, Councilman Wright, Council President Pryor

NAYS: None

ABSTAIN: Mayor McKay

**Resolution No. 17-15** – Reappoint Beth Dilts Qualified Purchasing Agent.

R 17-15

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY INCREASING THE BID THRESHOLD AND APPOINTING A QUALIFIED PURCHASING AGENT PURSUANT TO N.J.S.A. 40A:11-3a AND N.J.S.A.C. 5:34-5 ET. SEQ.

WHEREAS, the recent changes to the Local Public Contracts Law gave local contracting units the ability to increase their bid threshold up to \$40,000; and

WHEREAS, N.J.S.A. 40A:11-3a, permits an increase in the bid threshold if a Qualified Purchasing Agent is appointed as well as granted the authorization to negotiate and award such contracts below the bid threshold; and

WHEREAS, N.J.S.C.5:34-5 et seq. establishes the criteria for qualifying as a Qualified Purchasing Agent; and

WHEREAS, Margaret B. Dilts possesses the designation of Qualified Purchasing Agent as issued by the Director of Local Government Services in accordance with N.J.A.C.5:34-5.; and

WHEREAS, Lopatcong Township desires to take advantage of the increased bid threshold;

NOW, THEREFORE, BE IT RESOLVED, that the governing body of Lopatcong Township, in the County of Warren, in the State of New Jersey hereby increases its bid threshold to \$40,000; and

BE IT RESOLVED, that the governing body hereby appoints Margaret B. Dilts, as the Qualified Purchasing Agent to exercise the duties of a purchasing agent to N.J.S.A.40A:11-2(30), with specific relevance to the authority, responsibility, and accountability of the purchasing activity of the contracting unit: and

BE IT RESOLVED, that in accordance with N.J.A.C.5-34-5.2 the local unit Clerk is hereby authorized and directed to forward a certified copy of this resolution and a copy of Margaret B. Dilts, QPA certification to the Director of the Division of Local Government Services.

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey, do hereby certify the foregoing is a true and correct copy of a Resolution adopted by Council at a regular meeting of said governing body held on Wednesday, January 4, 2017.

Margaret B. Dilts, CMC

Motion by Councilman Wright, seconded by Councilman Belcaro. All in favor.

**Resolution No. 17-16** – Reappoint Beth Dilts as a Public Agency Compliance Officer for 2017.

R 17-16

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY DESIGNATING MARGARET DILTS AS THE PUBLIC AGENCY COMPLIANCE OFFICER AS REQUIRED BY THE DEPARTMENT OF TREASURY, DIVISION OF CONTRACT COMPLIANCE & EQUAL EMPLOYMENT OPPORTUNITY IN PUBLIC CONTRACTS

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey shall appoint Margaret B. Dilts as Public Agency Compliance Officer as mandated by N.J.A.C. 17:27-3.2 by January 10<sup>th</sup> of each year; and

WHEREAS, Margaret B. Dilts, Clerk/Administrator shall have the authority to serve as the point of contact for all matters concerning implementation and administration of the statute and its regulations; and

WHEREAS, Ms. Dilts will also be responsible for administering contracting procedures pertaining to equal employment opportunity regarding both the Public Agency and the service providers which shall include but shall not be limited to goods and services vendors, professional service vendors and construction contractors.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey approve the appointment of Margaret B. Dilts as the P.A.C.O. for the Township for the year 2017.

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, January 4, 2017.

Margaret B. Dilts, CMC

Motion by Councilman Belcaro, seconded by Council President Pryor. All in favor.

**Resolution No. 17-17** – Reappoint Lyn Gabos as Recycling Coordinator and authorize Tonnage Grant Application.

R 17-17

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING SUBMISSION OF THE 2016 RECYCLING TONNAGE GRANT APPLICATION AND THE APPOINTMENT OF A RECYCLING COORDINATOR

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 198/c. 102, established a recycling fund from which a tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to making and keeping accurate, certifiable records or materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycle and to indicate the assent of Lopatcong Township to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Governing Body of the Township of Lopatcong hereby endorses the submission of the 2016 recycling tonnage grant application to the New Jersey Department of Environmental Protection and designate Lyn Gabos as Recycling Coordinator to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated trust fund to be used solely for the purpose of recycling.

#### 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, January 4, 2017.

Margaret B. Dilts, CMC

Motion by Council President Pryor, seconded by Councilman Belcaro. All in favor.

**Resolution No. 17-18** – Appointment of Computer Services.

R 17-18

#### RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY APPOINTING NISIVOCCIA CONSULTING, LLC TO PROVIDE COMPUTER SERVICES FOR THE YEAR 2017

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

BE IT FURTHER RESOLVED that Nisivoccia Consulting, LLC is appointed to provide computer services to the Township as outlined in a Professional Service Contract.

This award is in accordance with N.J.S.A. 19:44A-20.5 et. Seq.

This Resolution shall take effect immediately.

#### 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, January 4, 2017.

Motion by Mayor McKay to appoint Lou Nisivoccia for the position. I think the correct name Beth is Nisivoccia Consulting LLC, if you don't mind. I think that's the name on his submission. Motion seconded by Council President Pryor. Roll call vote:

AYES: Councilman Belcaro, Councilman Palitto, Councilman Wright, Council President Pryor, Mayor McKay.

NAYS: None

**Resolution No. 17-19** – Appointment of Labor Attorney. Mayor McKay made a motion to appoint Mauro, Savo. No second to the motion. Motion died.

**Resolution No. 17-20** – Appoint Engineer for three-year term.

Mayor McKay - . I am not ready at this time to make that appointment.

Council President Pryor – Can I ask why Mr. Mayor?

Mayor McKay – Well I've expressed concern in the past that that engineering firm has made contributions into a certain PAC and that PAC has been used to finance the campaign of probably four of the people on this panel and I feel it is inappropriate.

Attorney Campbell – Mayor did you receive any other requests for proposals when you went out to bid?

Mayor McKay – No other requests. I just said I was not ready at this time. I'm not sure I'm not going to ever be ready but that just resonates.

Attorney Campbell – I'm just pointing out they're the only ones who submitted

Mayor McKay – And they are still in position because they

Attorney Campbell – Under Pay to Play they would have to submit in order to be appointed.

Mayor McKay – Yes.

**Resolution No. 17-21** – Reappoint Inglesino, Webster, Wyciskala & Taylor, LLC as Special Counsel.

R 17-21

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY, AUTHORIZING APPOINTMENT OF SPECIAL LITIGATION COUNSEL INGLESINO, WEBSTER, WYCISKALA & TAYLOR, LLC

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey as follows:

WHEREAS, Inglesino, Webster, Wyciskala & Taylor, LLC as hereby appointed Special Counsel for the year 2017; and

WHEREAS, IWW&T has presented the Mayor and Council with a Professional Service Agreement outlining his services and fees; and

WHEREAS, this Resolution shall be printed once in the official newspaper of the Township of Lopatcong; and

WHEREAS, this Resolution and Professional Service Agreement shall be on file and available for public inspection in the office of the Municipal Clerk.

This Resolution shall take effect immediately.

#### 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 the Council at a meeting held on Wednesday, January 4, 2017.

Margaret B. Dilts, CMC

Motion by Council President Pryor, seconded by Councilman Belcaro. All in favor.

**Resolution No. 17-22** – Council President.

Mayor McKay – I would nominate Lou Belcaro to become Council President.

Councilman Belcaro – I respectfully decline.

Mayor McKay – Is there any other.

Councilman Belcaro – I would recommend Joe Pryor who has done a good job.

Councilman Wright – Second

Mayor McKay – In the discussion portion of this all I would say is that you know you had the seniority and I always felt that that position should be rotated to give everybody a chance. That's all.

Councilman Belcaro – Well, thank you but I think Joe is doing a fantastic job.

Mayor McKay – Okay, so then.

R 17-22

#### RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY APPOINTING JOSEPH PRYOR AS COUNCIL PRESIDENT

WHEREAS, Mayor and Council put forth nominations for Council President for the year 2017; and

WHEREAS, Joseph Pryor was nominated for the appointment.

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 the appointment of as Council President for the year 2017.

#### 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, January 4, 2017.

Margaret B. Dilts, CMC

Roll call vote:

AYES: Councilman Belcaro, Councilman Palitto, Councilman Wright, Council President Pryor, Mayor McKay.



NAYS: None

**Resolution No. 17-23** – Appoint Council Liaisons to the various Municipal Dept., Boards, Commissions and Committees.

Council President Pryor – Do you want to read the appointments Beth.

Clerk Dilts – Yes I can.

Mayor McKay – Thank you Beth. I guess we need to have a motion to approve this.

R 17-23

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY BY THE GOVERNING BODY SETTING FORTH COUNCIL LIAISONS POSITIONS TO THE VARIOUS DEPARTMENTS, BOARDS, COMMISSIONS AND COMMITTEES

WHEREAS, the Council of the Township of Lopatcong, County of Warren and State of New Jersey pursuant to Ordinance No. 16-12 hereby sets forth the Council Liaison Positions for the year 2017.

Tom McKay

Environmental Commission

Joe Pryor

Administrative and Executive Personnel Liaison

Lopatcong Athletic Association

Lou Belcaro

Sewer Utility

Department of Public works

Buildings and Grounds

Bill Wright

Clean Communities/Recycling Liaison

Rent Leveling Board

Shade Tree Commission

Recreation Committee

Jim Palitto

Board of Education

EDAC

Vice Chairman Mayor's Wellness Committee

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Lopatcong, County of Warren and State of New Jersey that the liaisons to the various departments, boards, commissions and committees are hereby set forth for the year 2017.

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, January 4, 2017.

Motion by Council President to approve the slate, seconded by Councilman Palitto.

Mayor McKay – In a way of discussion I think this is in the Mayor’s purview to make these appointments and that the Council wants to do it, I feel we lose something when the Council appoints itself to do things.

Council President Pryor – They’re Council liaisons. This was discussed last year. It is pursuant to an Ordinance and if someday

Mayor McKay – An Ordinance that (inaudible).

Council President Pryor – if you want to change the ordinance and if you have the votes you can do that so

Mayor McKay – And again, I don’t know if it is within the Charter either, but I’m not a lawyer. That’s my discussion. You may take a vote.

Roll call vote:

AYES: Councilman Belcaro, Councilman Palitto, Councilman Wright, Council President Pryor, Mayor McKay.

NAYS: None

**Resolution No. 17-24** – Governing Body appointments.

Clerk Dilts – This resolution represents the governing body appointments to the various boards.

Mayor McKay – I’ll go through them. For the Planning Board.

Clerk Dilts – For the Planning Board we do need a name.

Mayor McKay – All right or someone.

Attorney Campbell – If someone wants to make a recommendation for a name and then you can read the rest of the slate.

Mayor McKay – Again I would like to name Lou Belcaro into that because he’s done it before and he indicated to me one time that he liked doing it but

Council President Pryor – Lou did you indicate to the mayor that you wanted to do it?

Councilman Belcaro – No I did not.

Mayor McKay – Not this time in the past.

Councilman Belcaro – Oh, in the past, okay, maybe in the past, I don’t recall, but at this time, I respectively decline. Thank you.

Mayor McKay- Okay, so the, we will put another name in here.

Councilman Wright – I would move to nominate Joe Pryor.

Mayor McKay – Okay, Joe Pryor.

Councilman Palitto – Second.

Mayor McKay – Is there a second okay. Now there's time for discussion – is there any discussion?

Attorney Campbell – During the discussion I recommend you read the rest of the names.

Mayor McKay – I guess we should do them all right. Added one new name to the Mayor's Wellness Campaign – Liza MacNamara – terms to expire 2017.

**Resolution No. 17-24** – Governing Body appointments.

R 17-24

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY APPROVING GOVERNING BODY APPOINTMENTS TO THE EXPIRED AND VACATED TERMS ON PLANNING BOARD, ZONING BOARD OF ADJUSTMENT, MAYOR'S WELLNESS CAMPAIGN AND RECREATION COMMITTEE

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey nominates the following people to the expired and vacated terms on all Municipal Boards:

**Planning Board**

Governing Body Appointment:

Class III –Joseph Pryor – 1-year term

**Zoning Board of Adjustment**

Governing Body Appointments:

Kathryn Devos - 4 year term expires – 12/31/2020

Fred Gary – 4 year term expires – 12/31/2020

**Mayor's Wellness Campaign**

Governing Body Appointment:

Leslie Fronczak – 1 year term expires – 12/31/2017

Cilia Waters – 1 year term expires – 12/31/2017

Lillian Daniels – 1 year term expires – 12/31/2017

Liza MacNamara – 1 year term expires – 12/31/2017

**Recreation Committee**

Governing Body Appointment:

Kelly LaFord – 3 year term expires – 12/31/2019

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey all boards are approved.

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, January 4, 2017.

Margaret B. Dilts, CMC

Roll call vote:

AYES: Councilman Belcaro, Councilman Palitto, Councilman Wright, Council President Pryor, Mayor McKay.

NAYS: None

**Resolution No. 17-25** – Appointment of Bond Counsel.

R 17-25

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING APPOINTMENT OF GIBBONS, P.C. AS BOND COUNSEL

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey that Gibbons, P.C. be appointed as Bond Counsel for the Township of Lopatcong for the year 2017.

This appointment is made without competitive bidding as a professional service under the provisions of the Local Public Contract Law, as provided in N.J.S.A. 40A:11-5.

This Resolution shall take effect immediately.

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 the Council at a meeting held on Wednesday, January 4, 2017.

Margaret B. Dilts, CMC

Motion by Council President Pryor, seconded by Councilman Belcaro. All in favor.

**Resolution No. 17-26** – Appoint Fund Commissioner as required by municipal insurer and Beth Dilts as Alternate Fund Commissioner.

R 17-26

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY APPOINTING FUND COMMISSIONER FOR 2017

WHEREAS, the Township of Lopatcong (hereinafter “Local Unit”) is a member of the Statewide Insurance Fund (Hereinafter “Fund”), a joint insurance fund as defined in N.J.S.A. 40A:10-36 et seq.; and

WHEREAS, the Fund’s Bylaws require participating members to appoint a Fund Commissioner.

NOW, THEREFORE, BE IT RESOLVED by the governing body of that James Palitto, is hereby appointed as the Fund Commissioner for the Local Unit; and

BE IT FURTHER RESOLVED that Margaret Dilts is hereby appointed as the alternate fund Commissioner for the Local Unit; and

BE IT FURTHER RESOLVED that the Local Unit’s Fund Commissioner is authorized and directed to execute all such documents as required by the Fund.

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, January 4, 2017.

Margaret B. Dilts, CMC

Motion by Council President Pryor, seconded by Councilman Belcaro. All in favor.

**Mayor's Appointments** – Appointments to the various Municipal Depts., Boards, Commissions and Committees.

Mayor McKay – Mayor's appointments to some things; see what we got here. All right, Mayor's appointments would be to reappoint Gary Woolf as Class II on the Planning Board and his term would expire 12/31/2017, Class IV Donna Schneider – her term expires 12/31/2020, and Class IV Ken Fitzsimmons to fill unexpired term of Pete Pisello and his term would expire next year at 12/31/2017. I would reappoint Alternate Tom Fischbach – his term expires 12/31/2018 under reappointment. For the Finance Committee I would appoint Joseph Pryor and Jim Palitto. I would also take some thought here who would want to serve on the Shared Services Committee. I don't know who would do this. Councilman Belcaro would like to serve and Joseph Pryor said he would continue to serve in that capacity.

Mayor McKay – Now for my own name, by the Charter, I think I'm supposed to be CEO and I think also Ex Officio member of all boards, committees, commission, associations and the Public Safety Director.

Council President Pryor – I object to all three of those. Those aren't mayor's appointments. The Charter doesn't say that.

Mayor McKay – The prior mayor always had those.

Council President Pryor – I really don't care what our mayor may or may not have done. CEO is a term that's used primarily in business. It refers to a person who makes all key decisions in all sectors and fields including operations, marketing, business development, finance, human resources. It's typically not used in government entities and the reason is titles in government generally refer to distinct legal duties and responsibilities defined by ordinance or statute. That's the case here. Implicit in the use of these titles is that the public not be misled and the general standard regarding their use be consistently applied.

Mayor McKay – (Inaudible).

Council Presidents Pryor – There is nothing in the Code. There is nothing in the Charter that defines a CEO, your position as mayor. It defines your responsibilities.

Mayor McKay – I believe the Charter says that.

Council President Pryor – There is no sense in introducing another title that's undefined and generally not used in government entities. So if you want, I'll take a vote and we'll exclude that title. Council does not recognize it. Neither is there anything in the Charter nor our Code that makes you an ex-officio member. Ex-officio is another thing that is not defined. It depends on the Charters of the individual organization. Sometimes ex-officio members vote, sometimes they don't. There is nothing in our code and there also is nothing in our Code that talks about a Safety Director.

Mayor McKay – Well, as I said for years the Mayor's had those titles and now you don't want me to have them and I don't know who wrote that for you but that was very (inaudible)

Council President Pryor – I did my own research like you should do once in a while

Mayor McKay – I did. I do it all the time.

Council President Pryor – So I'm going to you know, I'm going to object to all three of those.

Mayor McKay – There is one other the South Warren Regional Police Commissioner.

Council President Pryor – That hasn't been active in years. If you want to declare yourself a member

Mayor McKay – Well the reason I asked to do that is there is bank accounts and somebody has to sign for them and that's the title under which they sign.

Council President Pryor – Does it exist anymore Beth?

Mayor McKay- There are bank accounts. I have

Clerk Dilts – The commission does not exist anymore but there is an existing bank account that needs to be closed out.

Council President Pryor – So would he be in charge of closing it out.

Clerk Dilts – No. It would just be that he would sign the check, you know, like the other signers. You would all have to vote as a Council to close that out officially.

Council President Pryor – It makes no sense to have a member on a commission that doesn't exist.

Mayor McKay – I was only on there for the purpose of the bank account. I don't care if I'm on there or not. So I will cross it off.

Attorney Campbell – When a motion comes before the Council to close out the bank account I recommend you just add a sentence to the resolution that says and “authorize the mayor to sign on behalf of, to close out the account”. That should take care of it.

Mayor McKay – We also have the Environmental Commission we have Gerald Harkin and Twyla Bartlett they're getting reappointed for another term Their terms will end 12/31/19 both of them and a new one came in named Debbie Hamilton-Clax, she is fulfilling an unexpired term which will expire 12/31/17.

Clerk Dilts – And whose term is that?

Mayor McKay – That would have been when Mark Gural had to leave because he was on both committees. I don't know what I'm waiting for.

Attorney Campbell – Clarification and a list that you sent with your Planning Board members to Ms. Dilts earlier today, you listed that Jon Fox's term expires in 2019. It should expire when his term on the Environmental Commission expires which is the end of this year. So just for housekeeping matters.

Maher McKay – Okay

Clerk Dilts – And we did pass a resolution to that effect in May of last year.

**Business:**

**Minutes** – Approve Executive and Regular Session Minutes for December 7<sup>th</sup> and 28<sup>th</sup>, 2016. Motion by Councilman Belcaro, seconded by Council President Pryor with corrections. Roll call vote:

Clerk Dilts – I won't call on Councilman Palitto or Councilman Wright as they would have to abstain.

AYES: Council President Pryor, Mayor McKay.

NAYS: None

**Resolution No. 17-27** – Authorize Refund of Tax Duplicate Sewer Payment on Block 85, Lot 27 in the amount of \$393.28.

R 17-27

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY AUTHORIZING A REFUND OF DUPLICATE SEWER  
PAYMENT ON BLOCK 85 LOT 27

WHEREAS, Lopatcong Tax Office received a duplicate payment on Block 85, Lot 27 for sewer; and

WHEREAS, owner has already paid sewer which now has a credit of \$393.28.

NOW, THEREFORE, BE IT RESOLVED on this 4<sup>th</sup> January, 2017 that the Chief Financial Officer is authorized to issue a check in the amount of \$393.28 for the 2016 Sewer Refund on property at 335 South Sixth Street:

Hock, Peter J.  
335 South Sixth Street  
Phillipsburg, NJ 08865

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, January 4, 2017.

Margaret B. Dilts, CMC

Motion by Councilman Belcaro, seconded by Council President Pryor. Roll call vote:

AYES: Councilman Belcaro, Councilman Palitto, Councilman Wright, Council President Pryor, Mayor McKay.

NAYS: None

**Resolution No. 17-28** – Authorize Application to the Local Finance Board for Review and Approval of Non-Conforming Maturity Schedule for Bond Sale to the USDA relating to the Rt. 57 Pump Station Replacement Project.

R 17-28

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, DIRECTING APPLICATION BE  
MADE TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:2-26 (e)

WHEREAS, the Township of Lopatcong, in the County of Warren (the “Township”) desires to make application to the Local Finance Board for its review and/or approval of a nonconforming maturity schedule for a bond sale to the United States of America/Rural Development; and

WHEREAS, the governing body of the Township of Lopatcong believes that:

- (a) It is in the public interest to accomplish such purposes,
- (b) Said purposes or improvements are for the health, welfare, convenience or betterment of the inhabitants of the local unit or units,
- (c) The amount to be expended for said purposes or improvements are not unreasonable or exorbitant,
- (d) The proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the local unit or units and such purposes or improvements will not cause any undue financial burden to be placed upon the local unit or units,

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Township of Lopatcong, as follows:

Section 1. Application to the Local Finance Board for consideration by said Board of the Township’s proposed waiver for non-conforming maturity schedule is hereby approved and the Township’s Bond Counsel, along with the other representatives of the Township are hereby authorized to prepare such application and to represent the Township in the matters pertaining thereto.

Section 2. The Clerk of the Township is hereby directed to cause a copy of this resolution to be filed with the Local Finance Board as a part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record by resolution its approval as provided by the applicable New Jersey Statute.

#### 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, January 4, 2017.

Margaret B. Dilts, CMC

Motion by Council President Pryor, seconded by Councilman Belcaro. Roll call vote:

AYES: Councilman Belcaro, Councilman Palitto, Councilman Wright, Council President Pryor, Mayor McKay.

NAYS: None

**Resolution No. 17-29** – Authorize Combining Bonds Aggregating the Principal Amount Sum of \$2,150,000 Authorized by One Bond Ordinance Heretofore Adopted to Finance Part of the Cost of Various General Improvements into One Consolidated Issue of Bonds and Providing for the Form, Maturities and Other Details of Said Consolidated Issue.

R 17-29

RESOLUTION COMBINING BONDS AGGREGATING THE PRINCIPAL SUM OF \$2,150,000 AUTHORIZED BY ONE BOND ORDINANCE HERETOFORE ADOPTED TO FINANCE PART OF THE COST OF VARIOUS GENERAL IMPROVEMENTS IN THE TOWNSHIP OF LOPATCONG,



COUNTY OF WARREN, NEW JERSEY INTO ONE CONSOLIDATED ISSUE OF BONDS AND PROVIDING FOR THE FORM, MATURITIES AND OTHER DETAILS OF SAID CONSOLIDATED ISSUE.

WHEREAS, the Township Council of the Township of Lopatcong, in the County of Warren, New Jersey (the "Council"), has heretofore adopted one bond ordinance authorizing bonds to finance part of the cost of various general improvements in said Township; and

WHEREAS, it is necessary to issue bonds pursuant to said ordinances in an aggregate principal amount of \$2,150,000 and it is deemed advisable and in the best interests of the Township, for the purpose of the orderly marketing of said bonds and for other financial reasons, to combine the bonds authorized under said one ordinance into one consolidated issue in the aggregate principal amount of \$2,150,000 pursuant to the Local Bond Law, constituting Chapter 2 of Title 40A of the Revised Statutes of New Jersey; NOW, THEREFORE,

BE IT RESOLVED BY TOWNSHIP COUNCIL OF THE TOWNSHIP OF LOPATCONG IN THE COUNTY OF WARREN, NEW JERSEY that:

Section 1. There shall be issued bonds of the Township in the following principal amounts pursuant to the following bond ordinance:

A. \$2,150,000 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. #2009-11)

**"BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$3,430,000 FOR IMPROVEMENTS TO THE SANITARY SEWER SYSTEM IN AND BY THE TOWNSHIP OF LOPATCONG, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$3,265,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION"**

heretofore finally adopted. The period of usefulness stated in said ordinance is 40 years.

Section 2. The bonds referred to in Section 1 hereof are sometimes hereinafter collectively referred to as the "Bonds." The Bonds of said issue shall be issued as one bond and shall be dated the date of issuance and delivery, and will be issued in fully registered form.

The Bonds shall bear interest at the rate of Two and Seventy-Five hundredths (2.75%) per centum on the unpaid principal balance, payable in seventy-nine (79) equal installments of \$44,484.00 commencing July 26, 2017 and on each January 26 and July 26 thereafter, and one final installment on January 26, 2057, in an amount equal to the unpaid balance thereof, plus accrued interest thereon to such date.

The Bonds are redeemable at the option of the Township in whole or in part at any time prior to maturity upon notice as required herein at 100% of the principal amount to be redeemed (the "Redemption Price"), plus in each case accrued interest to the date fixed for redemption.

Notice of redemption shall be given by mailing by first class mail in a sealed envelope with postage prepaid to the registered owners of the Bonds not less than thirty (30) days, nor more than sixty (60) days prior to the date fixed for redemption. Such mailing shall be to the owners of such Bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Township of a duly appointed bond registrar.

If notice of redemption has been given as provided herein, the Bonds called for redemption shall be due and payable on the date fixed for redemption at the Redemption Price, together with accrued interest to the date fixed for redemption. Interest shall cease to accrue on the Bonds after the date fixed for redemption and no further interest shall accrue beyond the redemption date.

Section 3. It is hereby found, determined and declared that the average period of usefulness of the improvements or purposes for which the said Bonds are to be issued, taking into consideration the amount of such Bonds to be issued for said improvements or purposes, is 40 years.

Section 4. The Bonds shall bear interest from their date based on their outstanding principal amount at the rate to set forth in Section 2 hereof, shall be payable as to principal in lawful money of the United States of America at the office of Rural Development in Mt. Laurel, New Jersey, or such other place (if any) as may be designated in writing by the registered owner, payable semi-annually on the 26th day of January and July in each year until maturity, commencing on July 26, 2017, by check or draft mailed on such interest payment date to the owners thereof registered as such as of each next preceding July 1 and January 1. Interest on the Bonds shall be calculated on the basis of a 360-day year of twelve 30-day calendar months.

Section 5. The Bonds shall be signed by the Mayor or Deputy Mayor and the Township Chief Financial Officer, by their manual or facsimile signatures, and the corporate seal of the Township shall be affixed thereto, or imprinted or reproduced thereon and shall be attested by the manual or facsimile signature of the Clerk or Deputy Clerk of the Township.

Section 6. The Bonds and the registration provisions endorsed thereon shall be in substantially the following form:

(FORM OF BOND)

No. 2017-G-\_\_

UNITED STATES OF AMERICA

STATE OF NEW JERSEY

TOWNSHIP OF LOPATCONG,

IN THE COUNTY OF WARREN

GENERAL OBLIGATION BOND, SERIES 2017

The TOWNSHIP OF LOPATCONG, a municipal corporation of the State of New Jersey (the "Township") hereby acknowledges itself indebted and for value received promises to pay to the United States of America (also referred to herein as "Payee") or successor thereto, or registered assigns, the principal sum of Two Million One Hundred Fifty Thousand Dollars (\$2,150,000) and to pay interest on the unpaid principal balance thereof at the rate of Two and Seventy-Five Hundredths (2.75%) per annum, in seventy-nine (79) equal installments of \$44,484.00 commencing on July 26, 2017 and on each January 26 and July 26 thereafter, and one (1) final installment on January 26, 2057, in an amount equal to the unpaid principal balance hereof, plus interest accrued thereon to such date, unless all or any portion hereof shall have been paid earlier in accordance with the terms hereof. Principal hereof and interests accrued thereon when due or upon prior redemption as herein provided, shall be payable at the office of Rural Development ("Rural Development") in Mt. Laurel, New Jersey, or at such other place (if any) as may be designated in writing by the Payee or other registered owner (the "Payment Office") in any coin or currency of the United States of America that at the time of payment is legal tender for the payment of public and private debts therein.

Payments made on the indebtedness evidenced by this instrument regardless of when made, shall be applied first to interest due through the date of payment and next to the principal. Upon surrender of this bond and the written request of the registered holder thereof satisfactory to the Township, this bond will be transferred to a new registered owner. No transfer of this bond shall be valid unless recorded on the books of the Township kept for this purpose in the Office of its Chief Financial Officer and noted on the back of this bond.

The Bonds are redeemable at the option of the Township in whole or in part at any time prior to maturity upon notice as required herein at 100% of the principal amount to be redeemed (the "Redemption Price"), plus in each case accrued interest to the date fixed for redemption.

Notice of redemption shall be given by mailing by first class mail in a sealed envelope with postage prepaid to the registered owners of the Bonds not less than thirty (30) days, nor more than sixty (60) days prior to the date fixed for redemption. Such mailing shall be to the owners of such Bonds at their respective addresses as they last appear on the registration books kept for that purpose by the Township of a duly appointed bond registrar.

If notice of redemption has been given as provided herein, the Bonds called for redemption shall be due and payable on the date fixed for redemption at the Redemption Price, together with accrued interest to the date fixed for redemption. Interest shall cease to accrue on the Bonds after the date fixed for redemption and no further interest shall accrue beyond the redemption date.

This Bond is one of an authorized issue of bonds of the Township and is issued pursuant to the Local Bond Law, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey, a resolution of the governing body of the Township entitled: "Resolution Combining Bonds Aggregating the Principal Sum of \$2,150,000 Authorized by One Bond Ordinance Heretofore Adopted to Finance Part of the Cost of Various General Improvements in the Township of Lopatcong, County of Warren, New Jersey Into One Consolidated Issue of Bonds and Providing for the Form, Maturities and Other Details of Said Consolidated Issue" adopted January 4, 2017 and by virtue of a certain bond ordinance referred to therein.

The full faith and credit of the Township are hereby irrevocably pledged for the punctual payment of the principal of and interest on this Bond according to its terms. This Bond shall not be or be deemed to be a debt or liability of the State of New Jersey or a pledge of the faith and credit of the State of New Jersey.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this Bond exist, have happened and have been performed, and that the issue of bonds of which this is one does not exceed any limitation imposed thereon by said Constitution or statutes.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, THE TOWNSHIP OF LOPATCONG has caused this Bond to be executed in its name by the manual or facsimile signatures of its Mayor or Deputy Mayor and its Township Chief Financial Officer, and its corporate seal (or facsimile thereof) to be affixed, imprinted or reproduced hereon, and this Bond and said seal to be attested by the manual or facsimile signature of the Township Clerk or Deputy Clerk, and this Bond is dated the 26th day of January 2017.

ATTEST:

THE TOWNSHIP OF LOPATCONG

---

M. Beth Dilts  
Township Clerk

---

Thomas McKay  
Mayor

---

Bernard Re  
Chief Financial Officer

The following abbreviations, when used in the inscription on this bond, shall be construed as though they were written out in full according to applicable laws or regulations (additional abbreviations may also be used though not in the following list):

TEN COM	as tenants in Township	UNIF GIFT MIN ACT
TEN ENT	as tenants by the entireties	__Custodian__ (Cust) (Minor)
JT TEN	as joint tenants with right of survivorship and not as tenants in Township	under Uniform Gifts to Minors Act (State)

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

PLEASE INSERT SOCIAL SECURITY OR OTHER IDENTIFYING NUMBER OF ASSIGNEE (FOR COMPUTER RECORD ONLY)

---

(Please Print or Typewrite Name and Address of Transferee)

---

the within bond, and all rights thereunder, and hereby irrevocably constitutes and appoints

---

Attorney, to transfer the within bond on the books kept for the registration thereof, with full power of substitution in the premises.

Dated:

NOTICE: The signature to this assignment must correspond with the name as it appears upon the first page of the within bond in every particular, without alteration or enlargement or any change whatever.

CERTIFICATE AS TO LEGAL OPINION

The undersigned Clerk of the Township of Lopatcong, New Jersey hereby certifies that a true and correct copy of the original legal opinion of the law firm of Gibbons P.C., Newark, New Jersey as to the validity of the issue of Bonds of which the within bond is one is available for inspection at the Office of the Clerk of the Township of Lopatcong, New Jersey and a copy thereof may be obtained by the registered or beneficial owner hereof upon request.

---

Township Clerk

Section 6. The Township Chief Financial Officer is hereby authorized and directed (a) to cause a copy of the written opinion with respect to the Bonds which is to be rendered by the firm of Gibbons P.C. (complete except for omission of its date) to be printed or referred to on the Bonds, and at the time of the original delivery of payment for the Bonds and when such written opinion is rendered, to cause the Township Clerk to certify to the truth and correctness of such copy of opinion by executing on each of said Bonds, by manual or facsimile signature, a certificate subjoined to each such copy, and to file a signed duplicate of such written opinion in such Clerk's office and at each place at which the Bonds are payable, (b) to cause the applicable CUSIP number (if any) assigned for each of said Bonds by the CUSIP Service Bureau of Standard & Poor's Corporation of New York, New York, to be printed on each of the Bonds, and (c) to cause, in the event that the Bonds shall qualify for issuance of any policy of municipal bond insurance at the option of the purchaser thereof, such legend or reference (if any) of such insurance to be printed (at the expense of such purchaser) on the Bonds.

Section 7. Upon the date of issue of the Bonds, being the date of delivery of the Bonds to the purchaser and the payment of the purchase price thereof, the Township Chief Financial Officer is hereby authorized and directed as of said date of issue, to execute and deliver to said purchaser (a) an arbitrage certification with respect to the Bonds under and for the purpose of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and (b) an accompanying opinion of Gibbons P.C., as of said date of issue with respect to said arbitrage certification for the purposes of said Section 148.

Section 8. The proceeds of the Bonds shall be applied in the amounts and for the purpose provided in Section 1 hereof, and to pay and fund any bond anticipation notes theretofore issued for such purpose and then outstanding.

Section 9. The Mayor or Deputy Mayor and Township Chief Financial Officer are hereby authorized as is the Township Clerk or Deputy Clerk, to execute all documents necessary for the sale and delivery of said Bonds.

Section 10. The Bonds are hereby authorized to be sold to United States Department of Agriculture, Rural Development, Mt. Laurel, New Jersey (the "Purchaser") at a purchase price of \$2,150,000.



Section 11. This resolution shall take effect immediately.

Motion to approve by Council President Pryor, seconded by Councilman Belcaro.

AYES: 5

NAYS: 0

ABSTAIN: 0

ABSENT: 0

Roll call vote:

AYES: Councilman Belcaro, Councilman Palitto, Councilman Wright, Council President Pryor, Mayor McKay.

NAYS: None

**Resolution No. 17-30** – Approve temporary Municipal and Sewer Utility Budget.

R 17-30

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY APPROVING TEMPORARY MUNICIPAL AND SEWER UTILITY BUDGET FOR 2017

WHEREAS, N.J.S.A. 40A:4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the 2017 Municipal and Sewer Budgets, temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided; and

WHEREAS, the date of this resolution is within the first thirty days of January, 2017; and

WHEREAS, the total appropriations in the 2016 Budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance, is the sum of \$6,695,824.13; and

WHEREAS, total temporary appropriations shall not exceed 26.25% the total of the appropriations in the 2016 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance in said 2016 budget or in the sum of \$1,757,653.83 for the Current Fund and \$421,984.50 for the Sewer Operating Fund.

NOW, THEREFORE, BE IT RESOLVED that the following appropriations be made and that a certified copy of this Resolution be transmitted to the Chief Financial Officer for the record:

Current Fund	\$1,627,586.00
Sewer Utility Operating Fund	\$ 375,775.00

As temporary appropriations for the year for the purpose identified by the title herein below listed and in the sum set aside such titles:

CURRENT FUND

GENERAL GOVERNMENT:

Acct. No.

Administrative and Executive:

Other Expenses:

10510120	Postage	\$3,000.00
10510220	Computer Services	\$5,000.00
10510320	Code Book Update	\$ 500.00
10510420	Misc. Other Expenses	\$1,000.00

Mayor and Council:

10511010	Salaries & Wages	\$5,500.00
----------	------------------	------------

Municipal Administration:

10512010	Salaries & Wages	\$60,000.00
10512020	Other Expenses	\$ 7,500.00

Financial Administration:

10513010	Salaries & Wages	\$31,000.00
10513020	Other Expenses	\$ 6,500.00
10513521	Audit Services	\$ 7,750.00

Revenue Administration (Tax Collection):

10514510	Salaries & Wages	\$ 2,500.00
10514520	Other Expenses	\$ 2,500.00

Tax Assessment Administration:

10515010	Salaries & Wages	\$10,500.00
10515320	Miscellaneous Other Expenses	\$ 500.00

Legal Services and Costs:

10515520	Other Expenses	\$49,250.00
----------	----------------	-------------

Engineering Service and Costs:

10516520	Other Expenses	\$15,000.00
----------	----------------	-------------

Liability Insurance:

10521020		\$43,750.00
----------	--	-------------

Workers' Compensation Insurance:

10521520		\$25,000.00
----------	--	-------------

Group Insurance for Employees:

10522020		\$175,000.00
----------	--	--------------

Unemployment Insurance:

10522520		\$ 1,000.00
----------	--	-------------

Municipal Land Use Law (N.J.S.A. 40:55D-1):

Planning Board

10518010	Salaries & Wages	\$ 4,100.00
----------	------------------	-------------

10518320	Miscellaneous Other Exp.	\$ 2,900.00
<u>Zoning Board of Adjustment:</u>		
10518510	Salaries & Wages	\$ 2,000.00
10518520	Other Expenses	\$ 500.00
<u>Rent Board</u>		
10520110	Salaries & Wages	\$ 1,500.00
<u>Environmental Commission:</u>		
10520220	Other Expense	\$ 125.00
<u>Shade Tree Commission:</u>		
10520320	Other Expense	\$ 625.00
<u>Garbage and Trash Removal:</u>		
105375095	Other Expense	\$ 2,450.00
<u>PUBLIC SAFETY:</u>		
<u>Fire:</u>		
	Miscellaneous Other Expense	
10526420	Fire Company No. 1	\$ 2,500.00
10526520	Fire Company No. 2	\$ 2,500.00
<u>Police:</u>		
10524010	Salaries & Wages	\$625,000.00
<u>Emergency Management Services:</u>		
10525210	Salaries & Wages	\$ 1,100.00
10525220	Other Expenses	\$ 100.00
<u>Prosecutor:</u>		
10527510	Salaries & Wages	\$ 5,500.00
<u>First Aid Contribution:</u>		
10526020	Other Expenses	\$ 2,000.00
<u>STREETS AND ROADS:</u>		
<u>Street and Road Repairs and Maintenance:</u>		
10529010	Salaries & Wages	\$ 95,000.00
10529020	Other Expenses	\$ 35,000.00
10528500	Other Expenses-Salt and Grit	\$ 50,000.00
<u>Public Buildings and Grounds:</u>		
10531010	Salaries & Wages	\$ 3,500.00
10531020	Other Expenses	\$ 7,500.00
<u>HEALTH AND WELFARE:</u>		
<u>Animal Control Fund:</u>		
10534010	Salaries & Wages	\$ 2,000.00
10534020	Other Expenses	\$ 100.00
<u>RECREATION AND EDUCATION:</u>		
<u>Parks and Playgrounds:</u>		

10537120	Other Expenses	\$ 10,000.00
<u>Pool:</u>		
10537410	Salaries & Wages	\$ 540.00
10537420	Other Expenses	\$ 35,000.00

UTILITIES:

10543020	Electricity	\$ 25,000.00
10544020	Telephone (Exclude Equip. Acq.)	\$ 15,000.00
10544220	Cable	\$ 800.00
10546620	Gas (Natural or Propane)	\$ 8,000.00
10544820	Fire Hydrant Service	\$ 40,000.00
10544920	Water	\$ 2,000.00
10546020	Gasoline	\$ 20,000.00

UNIFORM CONSTRUCTION CODE:

Building Sub-Code Official:

10519610	Salaries & Wages	\$ 30,000.00
10519620	Other Expenses	\$ 2,300.00

Fire Safety Inspector:

10519810	Salaries & Wages	\$ 5,000.00
10519820	Other Expenses	\$ 500.00

Zoning Officer:

10520010	Salaries & Wages	\$ 2,500.00
10520020	Other Expenses	\$ 425.00

STATUTORY EXPENDITURES:

10547220	Contributions to Social Security System (OASDI)	\$72,000.00
----------	--	-------------

TOTAL OPERATIONS WITHIN "CAP" \$1,589,815.00

OPERATIONS EXCLUDED FROM "CAPS":

Municipal Debt Service

10693520	Interest on Bonds	\$37,771.00
----------	-------------------	-------------

TOTAL CURRENT FUND \$1,627,586.00

SEWER UTILITY OPERATING FUND

Salaries and Wages	\$ 25,000.00
Other Expenses	\$345,575.00
Contribution to Social Security System (OASI)	\$ 1,500.00
Interest on Bond Anticipation Notes	\$ 3,700.00

TOTAL SEWER UTILITY OPERATING FUND \$375,775.00

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, January 4, 2017.

Margaret B. Dilts, CMC

Motion by Councilman Belcaro, seconded by Councilman Palitto. Roll call vote:

AYES: Councilman Belcaro, Councilman Palitto, Councilman Wright, Council President Pryor, Mayor McKay.

NAYS: None

**Macada Properties** – Discuss request for sewer allocation for Block 85, Lots 5 and 5.02 – Coordinated Health located at 222 Red School Lane.

Council President Pryor – I’m going to recommend this be tabled as the sewer engineer has not reviewed this. I did not follow some of what he was saying. Paul mentioned that it is not in agreement with what they submitted to P’burg.

Engineer Sterbenz – There’s some conflicts between the paperwork that was submitted to the Council in December for tonight’s meeting and paperwork that was submitted previously to the Town of Phillipsburg. We need to reconcile that difference in the paperwork which involves the gallonage request.

Council President Pryor – I’m recommending you just table it.

Mayor McKay – Okay.

**Morris County Co-op – Resolution No. 30-A** -Approve membership fee in the amount of \$1,100.00. On recommendation of Engineer Sterbenz that we renew our membership to the Co-op.

R 17-30A

RESOLUTON OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY RENEWING MEMBERSHIP IN THE MORRIS COUNTY  
COOPERATIVE PRICING COUNCIL

AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE MORRIS COUNTY  
COOPERATIVE PRICING COUNCIL TO RENEW MEMBERSHP THEREIN FOR THE  
PERIOD OF OCTOBER 2016 THROUGH SEPTEMBER 30, 2021

WHEREAS, the Morris County Cooperative Pricing Council (“MCCPC”) was created in 1974 to conduct a voluntary cooperative pricing system with municipalities, boards of educations and other public bodies located in the County of Morris and adjoining counties; and

WHEREAS, the purpose of the MCCPC is to provide substantial savings on various goods and services to its members through the cooperative public bidding process; and

WHEREAS, Township of Lopatcong desires to enter into an Agreement with the MCCPC which is administered by Randolph Township as Lead Agency to renew its membership in the MCCPC for the period of October 1, 2016 through September 30, 2021.

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

1. Mayor and Council of the Township of Lopatcong hereby authorize the execution of an Agreement with the Morris County Cooperative Pricing Council by the Township of Randolph as Lead Agency dated October 1, 2016 pursuant to N.J.S.A. 40A:11-11(5). Said Agreement is for renewal of membership in the MCCPC for a five (5) year period from October 1, 2016 through September 30, 2021.
2. The Township of Lopatcong Clerk is hereby directed to submit a copy of this adopted Resolution along with an executed Agreement to Randolph Township as Lead Agency of the MCCPC.
3. This Resolution shall take effect immediately upon final passage according to law.

4. All appropriate Township of Lopatcong officials are authorized and directed to perform all required acts to affect the purpose of this Resolution.

CERTIFICATION

I, Margaret B. Dilts, Clerk of the Township of Lopatcong, County of Warren and State of New Jersey hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Council at a meeting held on Wednesday, January 4, 2017.

Margaret B. Dilts, CMC

Motion by Council President Pryor, seconded by Councilman Belcaro. Roll call vote:  
AYES: Councilman Belcaro, Councilman Palitto, Councilman Wright, Council President Pryor, Mayor McKay.  
NAYS: None

**Resolution No. 17-31** – Authorize application to the DOT for Baltimore Street.

R 17-31

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN, STATE  
OF NEW JERSEY AUTHORIZING SUBMISSION OF GRANT APPLICATION FOR  
BALTIMORE STREET ROADWAY IMPROVEMENT PROJECT

NOW, THEREFORE, BE IT RESOLVED that the Council of the Township of Lopatcong, County of Warren and State of New Jersey formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2017-00165 to the New Jersey Department of Transportation on behalf of the Township of Lopatcong.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Lopatcong and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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, January 4, 2017.

Margaret B. Dilts, CMC

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 by Councilman Belcaro, seconded by Council President Pryor. Roll call vote:  
AYES: Councilman Belcaro, Councilman Palitto, Councilman Wright, Council President Pryor,  
Mayor McKay.  
NAYS: None

**Lopatcong School Choice Week** – Council discussed and on Council President Pryor’s opinion,  
the matter was tabled to the next meeting.

**Special Meeting** – Mayor McKay said we need to schedule a mid-month meeting to pay bills.

Council President Pryor – I did have a question about the bills after many votes and so on and a lot of  
trouble you resubmitted your bill for your attorney’s on the lawsuit?

Mayor McKay - Yes he requested that I do that

Member Pryor – Who requested, your lawyer did?

Mayor McKay – Yes.

Council President Pryor - Did you explain to the CFO the history?

Mayor McKay – Um, it would take a long time to explain that. I gave him a little bit of a tiny bit of a  
background on it.

Council President Pryor – I’ve had a chance to review the bill and I have some questions. You submitted  
it – there’s 13 charges relating to a Recall. I didn’t know that was part of the lawsuit. There’s two  
charges relative to your military service. I didn’t know that was a Council issue. There’s two discussions  
relative to the election. There’s a discussion relative to the Republican Committee. There’s various  
agendas. There’s 140 emails which are not described. Fifteen phone calls which are not described. Do  
you think this whole bill should be submitted to the Township?

Mayor McKay – I’m following the instructions of my attorney. He said bring that

Council President Pryor - Do you, you know what these charges are. Do you think the discussion of the  
election should be billed to the Township?

Mayor McKay – If it had to do with some of the reasons that this lawsuit

Council President Pryor – What could the election do with it? The election results, the one was over a  
newspaper article. There’s discussions about emails. The underlining emails are kind of cool. The locked  
pavilion at Rally Point. That’s nonsense. That had nothing to do with the lawsuit. That was an easy  
issue. There’s one here addressed Joey Pryor’s proposed resolution thank you for the respect. I bring  
that to everybody’s attention. If you want to

Councilman Belcaro – How much is the bill Joe?

Council President Pryor – It’s almost \$16,000. I think if, um,

Doug Steinhardt – That bill was submitted to the town for payment?

Council President Pryor – Yeah I think if anybody wants to OPRA it

Doug Steinhardt – It’s now a public record?

Council President Pryor – It’s a public record now. I would encourage you to OPRA that bill and go  
through some of the underlying emails – what he said to his attorney I’m sure is privileged but the  
underlying emails are not and you decide for yourself whether this is a proper bill to be submitted to the  
town.

Doug Steinhardt – (Inaudible) paying for political charges.

Mayor McKay – Are you giving comment?

Doug Steinhardt – I'm asking a question to Mr. Pryor. I'm assuming you are not entertaining paying for it.

Council President Pryor – We're not paying any bills. We, he concluded this in part; he included this in his complaint. The judge did not award it. He submitted it once before, it was rejected and he submitted it again Friday. So I'm questioning both the submissions. Of course his lawyer asked him to submit it, he wants to get paid and I'm questioning the bill itself. When you look at the bill, it's a hodge-podge of stuff; a lot has nothing to do with the lawsuit so I'm questioning the Mayor about it.

Mayor McKay – He told me, he sent me the bill and he said please submit this for payment. He said when you come to me when you (inaudible) kind of problems, you are entitled to representation. If you are not getting it

Council President Pryor – You didn't look at the bill.

Attorney Campbell – Mayor I looked at the bill and there was several times you should have called my office about it. You never did. So I would recommend in the future you do that because you could get advice. There's stuff about Rice Notices on there. Mr. Wenner is your labor counsel. You could have called him.

Council President Pryor – I would encourage anyone who is interested to OPRA this bill. OPRA the underlying emails and you decide for yourself if this is, if this should have been done in this manner.

Mayor McKay – And if you do that you can OPRA the, um, bills from Mr. Lavery's office that have been submitted by Mr. Bell or Mr. Bell's office.

Council President Pryor – You can, they were, you can.

Mayor McKay – And look at all the things that you asked them for. That's the way these things work and mine is very small in comparison to other things that have been spent around here.

Council President Pryor – So if it's small, but it's not appropriate, it's okay?

Mayor McKay – I don't know that it is not appropriate, I am not a lawyer.

Council President Pryor – You didn't look at it.

Attorney Campbell – Mayor for the record, my office submitted zero bills for this litigation to the Township. The Township has not paid a dime for my offices involvement.

Mayor McKay – I said I corrected it, it's Mr. Bell's.

Attorney Campbell – I just wanted to be clear.

Mayor McKay- Mr. Bell's.

Councilman Belcaro – Just to remind the folks that the Mayor is suing the Councilmembers so that's what this is about.

### **Council Reports:**

Councilman Wright – Thanked the residents for their vote of confidence in November for electing myself and Jim for Council – we guarantee we will not let you down and we will stick it out for our full term.

Council President Pryor – No report.

Councilman Palitto – Thanked the people of Lopatcong for their support. He looks forward to the opportunity to serve Lopatcong and keep Lopatcong a great place to live.



Councilman Belcaro – No report.

Report of Chief of Police – Monthly report provided by Police Chief Jason Garcia.

Report of Engineer – Wordsworth Lane’s sink hole has been fully remediated. He will present the total costs at the mid-month meeting. There is a grant to improve South Second Street between Edward’s and the Rt. 22 right-of-way. There was a funding mechanism created last year. Plans are finished and can be put out to bid in the next 30 days so he asked for Council to permit this.

Council President Pryor – Just had a question when you say put out to bid, then how long would they be out on the street?

Engineer Sterbenz – I believe the bids will be advertised for a period of 30 days.

Council President Pryor – Do they have to go to DOT before we can award or is it subject to DOT approval?

Engineer Sterbenz – They would have to approve our action. Our action would be the award of a contract. That would lock our monies in and we would have to ability to request 75% of our monies at that point.

Council President Pryor – So then job start of up might be April?

Engineer Sterbenz – April or later. I may advise that later in the spring as school is getting out.

Motion by Council President Pryor, seconded by Councilman Belcaro. Roll call vote:  
AYES: Councilman Belcaro, Councilman Palitto, Councilman Wright, Council President Pryor, Mayor McKay.  
NAYS: None

**SWRMAC** – County Resolution to support budget for South Warren Municipal Alliance with regard to Drug and Alcohol awareness programs funded by federal monies. The resolution requires the mayor’s signature. Motion by Council President Pryor, seconded by Councilman Belcaro. All in favor.

Mayor McKay asked to schedule the mid-month meeting for January 18<sup>th</sup> to pay bills at 7:00 pm.

**Department Reports** – Motion by Councilman Belcaro, seconded by Council President Pryor. All in favor.

**Audience Participation:** Motion by Council President Pryor. All in favor.

John Betz – Consider Social Security, Medicare and Medicaid facing the nation.

Juniper Leifer – 32 Jade Lane – Congratulated Mr. Palitto and Mr. Wright. She directed a comment to Mayor McKay about his legal bill and said we may have to come up (inaudible) for about breaking up that bill a little bit though.

Ed Schuster – South Sixth Street – So much traffic and asked about South Sixth Street.

Lori Ciesla – Noted that a crewmember, from Zuccarro Construction, who did the work on the sinkhole came up to her car about ice in the parking lot – so thought he was very considerate.

Was sorry that Paul did not get appointed again this year as the engineer. She indicated that he donates every year to Community Day. She noted that Councilman Belcaro, Councilman Palitto, Councilman Wright and Council President Pryor are a dream team and thought the Township would do well with their governance.

She requested that any donations that come in for Recreation be set up in a trust account for this committee's use only.

Tim Weiss – Asked Mr. Pryor – the bill that was presented by the mayor from that attorney – is that attorney related to the law firm that the mayor was trying to hire for recommending that we hire for town council.

Council President Pryor – It was from the Caldwell Law Firm which did not come up tonight. The night he announced the lawsuit he also attempted to hire that firm as township attorney that night.

Tim Weiss – No, I know that happened in the past, that's why I was just wondering.

Council President Pryor – Yeah he, Mr. Caldwell did not submit on any appointments for this, you know, meeting.

Time Weiss – I would just say to Council, as a taxpayer, you cannot pay a nickel of that bill because there is only so much that we can afford to pay and this nonsense as far as I'm concerned, I'm not an attorney it needs to stop and we need to move forward. We can't just continue to appeal, appeal, appeal, because I'm expected to pay for it.

Council President Pryor – The trial court rejected it. Council rejected it. So the next way it would come up is if something happened during an appeal.

Tim Weiss – And for Mr. Mayor for you to say that you just submitted because your attorney told you to submit, you're attorney works for you. You have the right to say to your attorney I think this is too much; it's time to stop. Thank you very much Mr. Pryor and the rest of Council.

Mayor McKay –It should be noted that more than that has already been spent by Mr. Pryor for his own counsel.

Council President Pryor – I'm sorry what did you say

Mayor McKay – I said more than that is already been spent by you for your defense for you and your

Council President Pryor – We did and let me clarify that; when we report that figure, it also included what was spent on the Clerk's defense and they were defending three Council people and we won. So obviously our attorney worked harder at it. You lost so what was your attorney worth?

Mayor McKay – Hard to say, you know, it was an honest attempt to rectify a situation.

Motion to close public comment – Motion by Councilman Belcaro, seconded by Councilman Wright. All in favor.

Motion to adjourn the meeting by Council President Pryor, seconded Councilman Wright. All in favor.

Respectfully submitted,

Margaret B. Dilts

Thomas M. McKay

Clerk/Administrator

Mayor