

TOWNSHIP OF LOPATCONG  
COUNCIL MEETING  
7:00 pm

March 1, 2017

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

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

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

Present – Councilman Belcaro, Councilman Palitto, Council President Pryor, Mayor McKay. Also present were Attorney Campbell and Engineer Sterbenz.

Motion to come out of Executive Session by Councilman Belcaro seconded by Council President Pryor. All in favor.

Resolution No. 17-42 - Attorney Campbell reported that Council was in Executive Session for approximately 40 minutes. The topics of discussion were as listed on the agenda. EMS, Personnel – Finance Dept./Construction Dept., Contractual – PHS Roadway Improvement Project, Contractual – OPUS Road, Contractual – Compensation Plan.

**Proclamation:** Presented to John Fritts, Construction/Bldg. Subcode/Zoning Officer by Council President Pryor upon his retirement.

**Emergency Squad Award Ceremony:** Lieutenant Scott Bisci, Officer Travis Smith, EMS providers Frank Gara and Michael Verdjak, Lopatcong Fire Department First Responders Fire Chief Matthew Pisciotto and Assistant Fire Chief Brandon Stires.

**New Jersey Transit** – Superintendent of Lopatcong School District Rainie Roncoroni spoke to Council regarding the bus that will pick up students along Red School Lane. The cost would be \$.75 each way. She asked to post the information on the Township website the routes for pickup. The bus will stop wherever there is a student.

**Public Comment** –

Eric Johnson – 361 Stonehenge Drive – Questioned No. 9 under New Business - OPUS DOT application. He represented the Planning Board regarding the traffic study and the counts being used for their study.

**Old Business:**

**Minutes** – Approve Executive and Regular Session Minutes for February 1, 2017. Motion by Council President Pryor, seconded by Councilman Palitto. Roll call vote:

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

NAYS: None

**Ordinance No. 17-01** – Second reading and public hearing to Amend, Revise and Supplement Chapter 47, “Police Department,” to eliminate the Position of Police Commissioner. Motion to open the floor for a public hearing by Councilman Belcaro, seconded by Council President Pryor. No public comment. Motion to close public hearing by Councilman Belcaro, seconded by Councilman Palitto.

Ordinance No. 2017-01

SECOND NOTICE OF AN ORDINANCE

NOTICE is hereby given that a regular meeting of the Township Council of the Township of Lopatcong, County of Warren and State of New Jersey, held on Wednesday, March 1, 2017 at the Municipal Building, 232 South Third Street, Phillipsburg, New Jersey, the following Ordinance was presented and passed on the final reading. The Ordinance was then ordered to be published according to law by title only.

**AN ORDINANCE OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN, STATE OF NEW JERSEY, TO AMEND, REVISE AND SUPPLEMENT CHAPTER 47, "POLICE DEPARTMENT," OF THE CODE OF THE TOWNSHIP OF LOPATCONG TO ELIMINATE THE POSITION OF POLICE COMMISSIONER.**

Said Ordinance may be read and inspected at any time at the Office of the Municipal Clerk, Lopatcong Township Municipal Building, 232 S. Third Street, Phillipsburg, New Jersey Monday through Friday 9:00 am to 4:30 pm.

Margaret B. Dilts, CMC

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

Roll call vote:

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

NAYS: Mayor McKay

**Larken Settlement Agreement** – Approved amended Settlement Agreement. Attorney Campbell said this is as discussed in Executive Session. One sentence was changed from what was approved last time. Motion to approve the amended Settlement Agreement with Larken by Council President Pryor, seconded by Councilman Palitto. Roll call vote:

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

NAYS: None

**New Business:**

**New York Life Ins. Co.** – Mr. Michael Raub addressed life insurance policy offer for employees.

Next three resolutions were adopted on motion by Council President Pryor, seconded by Councilman Belcaro.

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

NAYS: None

**Resolution No. 17-43** – Authorizing refund of Tax Sale Certificate No. 2016-013 and Premium on Block 64, Lot 2 in the amount of \$961.70.

R 17-43

**RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING REFUND OF REDEMPTION MONIES TO OUTSIDE LIENHOLDER ON BLOCK 64, LOT 2**

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on October 12, 2016, a lien was sold on Block 64, Lot 2, also known as 414 South Second Street in Lopatcong Township for 2015 delinquent sewer; and

WHEREAS, this lien known as Tax Sale Certificate No. 2016-013 was sold to US Bank Cust for Pro Cap 4 & Crdtrs for a Premium of \$500.00; and

WHEREAS, Ocwen Financial Corporation, lender for property owners has satisfied the redemption amount on Certificate No. 2016-013 in the amount of \$461.70.

NOW, THEREFORE, BE IT RESOLVED on this 1<sup>st</sup> day of March, 2017 that the Chief Financial Officer be authorized to issue a check in the amount of \$961.70 for the redemption of Tax Sale Certificate No. 2016-013 and Premium to:

US Bank Cust for Pro Cap 4 & Crdtrs  
50 S. 16<sup>th</sup> Suite 2050  
Philadelphia, PA 19102

#### CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at the Reorganization Meeting held on Wednesday, March 1, 2017.

Margaret B. Dilts, CMC

**Resolution No. 17-44** – Authorizing refund of Tax Sale Certificate No. 2014-064 on Block 116.12, Lot 12 C0074 in the amount of \$64.69.

R 17-44

#### RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING REFUND OF REDEMPTION MONIES TO OUTSIDE LIENHOLDER ON BLOCK 116.12, LOT 12 C0074

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on June 25, 2014, a lien was sold on Block 116.12, Lot 12 C0074, also known as 74 Limerick Lane in for 2013 delinquent sewer taxes; and

WHEREAS, the 21<sup>st</sup> Mortgage Corporation has satisfied the redemption amount previously on Certificate No. 2014-064, the lienholder was paid with the exception of a sub payment date 9/26/2014.

NOW, THEREFORE, BE IT RESOLVED on this 1<sup>st</sup> day of March 2017 that the Chief Financial Officer be authorized to issue a check in the amount of \$64.69 for the 9/26/2014 sub payment plus interest to:

Stuart Lasher  
P.O. Box 83  
Milltown, NJ 08850-0083

#### CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at the Reorganization Meeting held on Wednesday, March 1, 2017.

Margaret B. Dilts, CMC

**Resolution No. 17-45** – Authorizing refund of duplicate sewer payment on Block 64, Lot 7 in the amount of \$50.00.

R 17-45

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY AUTHORIZING TO REFUND SEWER PAYMENT OF  
DUPLICATE PAYMENT FOR TAX YEAR 2016

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey that warrants be drawn to the previous owner listed below in the designated amounts representing duplicate sewer payment made as follows for the tax year 2016.

<u>Block &amp; Lot</u>	<u>Name of Payee</u>	<u>Amount</u>
64 7	Estate of Barbara Peterson 434 Cattell Street Easton, PA 18042	\$50.00

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey have approved the refund made rather than applying this payment to the open sewer charges.

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at the Reorganization Meeting held on Wednesday, March 1, 2017.

Margaret B. Dilts, CMC

**Police Department Security Cameras** – Approve purchase from Fox Brothers for Upgrade to Alarm System @ \$160.00, Upgrade to CCTV System @ \$510.00 and Installation of CCTV System @ \$2990.00. Motion to approve by Council President Pryor, seconded by Councilman Palitto. Roll call vote:

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

NAYS: None

**Safe and Secure Grant** – Approve submission of Safe and Secure Grant for years 2015/16. Motion to approve submission by Council President Pryor, seconded by Councilman Belcaro. Roll call vote:

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

NAYS: None

**Pool/Pavilion Contracts/Pool Memberships/SwimTeam Memberships** – Approve applications and rental fees with no increase in rates for 2017. Motion to approve by Councilman Belcaro, seconded by Council President Pryor. Roll call vote:

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

NAYS: None

**Resolution No. 17-46** – Authorize transfer between the 2016 Budget Appropriation Reserves.

R 17-46

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY AUTHORIZING TRANSFER BETWEEN THE 2016 BUDGET  
APPROPRIATION RESERVES

WHEREAS, various 2016 bills have been presented for payment this year, which bills represent obligations of the prior fiscal year and were not covered by order number and/or recorded at the time of transfers between the 2016 Budget in the last two months of 2016; and

WHEREAS, N.J.S.A. 40A:4-59 provides that all unexpended balances carried forward after the close of the fiscal year are available until lapsed at the close of the succeeding year to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from the unexpended balances to those which are expected to be insufficient during the first three months of the succeeding year.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Lopatcong, County of Warren and State of New Jersey, (2/3 of the majority of the full membership concurring herein) that the transfers in the amount of \$9,440.00 be made between the 2016 Budget Appropriation Reserves as follows:

ACCOUNT:	FROM:	TO:
SALARIES AND WAGES		
Municipal Administration	\$4,700.00	
Police Department	\$4,740.00	
OTHER EXPENSES		
Planning Board		\$250.00
Rent Board		\$250.00
Fire Company No. 1		\$3,800.00
First Aid Contribution		\$5,140.00

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, March 1, 2017.

Margaret B. Dilts, CMC

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

**Municipal Park Property Problems** – Discussion around the Rally Point – markings in the ground. Council President Pryor showed the cross country course photos. He noted that Phillipsburg High School has been using our park; the high school teams. The course is painted on and the photo shows four months after it was put down. Since there are new things that have been added to the park this is no longer appropriate. Council President Pryor said there should be an agreement in place going forward. This would coincide with the ordinance. Also suggested is that since Attorney Campbell is addressing a whole host of things with the PHS School, she would add to the list as requested.

**OPUS DOT Application** – Council President Pryor prepared a letter to be sent to the DOT which builds on the two previous letters regarding the traffic study on the Rt. 22 corridor. He noted he would like to copy Senator Doherty. He felt the DOT’s first response was wishy-washy. Attorney Campbell did review this letter also. Council President Pryor explained that this issue originated at the Planning Board and there was a lot of discussion concerning the

traffic impact on the corridor all the way from Bates St. to the intersection right before 78. The applicant produced a preliminary study which the Planning Board did see which used a calculation that concluded that he would actually reduce traffic on Rt. 22 and he used the maximum use of the site from 50, 60 years ago and applied current traffic counts, patterns and said that would be the existing use. This use never existed. The opinion of counsel was it was direct access to the state highway and beyond the Planning Board's jurisdiction. It was to be determined by way of permit by the DOT. It fell to Council and a letter was drafted noting the procedure made no sense. OPUS responded. A second letter was sent to the DOT and a response came back that our concerns would be considered. A week ago a package was received regarding the permit at the light out there and OPUS did stick to their argument that the traffic would be decreased. So this letter references the previous letters and gives more reasons why it is deficient. Motion by Councilman Belcaro to approve, seconded by Councilman Palitto. All in favor.

**Announcement** – Easter Egg Hunt is to be held on April 8<sup>th</sup> at 10:00 am at the Municipal Park with a rain date of April 15<sup>th</sup> at 10:00 am.

### **Council Reports:**

Councilman Belcaro – Reported that the DPW is going around the town pruning the trees. Beginning April 15<sup>th</sup> the DPW yard will be open for brush drop-off from 8:00 am to 12:00 noon.

Councilman Palitto – Lopatcong PTA is holding a Day of the Arts this Saturday at the Middle School beginning at 10:00 am. This past Monday and yesterday assemblies were held on anti-bullying at both the middle school and the elementary school. The schools also held one this past Monday for the parents. Reported that he is still looking for members for EDAC. He will be attending the County EDAC meeting on Monday, March 13<sup>th</sup> and will hopefully gather some ideas for our own EDAC Committee.

Council President Pryor – Had three things; the LAA's football clinic with the Philadelphia Soul is schedule for April 9<sup>th</sup> at the park. This is Philadelphia's Arena Football Team – co-players a cut below the NFL - but a lot to offer for the kids. The LAA will also hold a baseball clinic on May 7<sup>th</sup> at the park and that will feature several pro-players as well. Their annual golf outing is scheduled for June 8<sup>th</sup> at Architects Golf Club. Their contract does call for them to be responsible for lining all fields at the park. I understand the DPW, for years past, provided this service which will be eliminated going forward this year. The contract needs to be finalized and would like the Council to do this the next meeting. Attorney Campbell will reach out to them in this regard.

Council spoke to Chris of the Rutgers Cooperative Extension/William Penn Water Resources Program regarding the rain garden and one with one of his assistants about what the town was interested in but he said he was looking for one demo project in each town; one rain garden per town because of limitations on their budget. They indicated that the Municipal Building is not feasible and they were not interested in cisterns but a project adjacent to the pool or a project near the Lopatcong Fire Dept. on Strykers. The park and pool would be the preference. The project would be approximately \$2500.00. There are two gardens proposed for the fire company and the cost would double. A representative from Rutgers will be visiting the area next week, mostly likely the 7<sup>th</sup> so further recon the sites and then it will be discussed again.

Thirdly, in talking to the Mayor of Harmony and they recently joined the Government Energy Aggregation Program and when you sign up you have the ability aggregate energy usage in your town in order to bid and obtain the bulk rate from a third party energy supplier. Mostly likely folks have received phone calls about an opportunity to reduce their electric bill. At the town level, it goes out under an RFP inviting third party suppliers who are licensed and registered with

the New Jersey BPU to bid on your town and you get a supplier and a rate and that is offered to all residents and businesses and it's offered on an opt out basis. What that means is if you do nothing, you are signed up and if you don't want to do it, you opt out. Your local utility continues to service your account and serve your property and they do the service in town and they're responsible actually for the delivery of the power. It's the generation that you're getting at a cheaper rate. Now why do you do this on a town wide level when it's just cheaper you have economy of scale; this third party supplier gets, you know, thousands of customers at once. That's the program. A number of towns have signed up; Harmony is probably one of the smallest. This is something that should be evaluated once a savings is determined; it may prove attractive.

Mayor McKay – The information I saw, you really couldn't draw that conclusion. You weren't sure exactly what the savings would be.

Council President Pryor – It's out there.

Attorney Campbell – (Inaudible) One important thing to note, like Council President Pryor said, it is an opt out program. If you missed the first post card and didn't opt out and you get your bill and it's lower and you don't want it to be lower or you don't like where it is coming from or whatever, you can opt out at any time. So there is really no risk. Anyone who has solar is not part of the program. If you already use another provider, I don't know if you're part of this it may just be for those who have JCP & L for both sides.

Mayor McKay – And all these contracts are for 20 months for something, did I read?

Council President Pryor – I actually, Harmony gave me their contract and I think it is in the neighborhood of two years if it's twenty months

Talking over each other

Attorney Campbell – To get it up and running it took several months to get to that.

Council President Pryor – What did they do, did they bring somebody to talk

Attorney Campbell – They had a public portion and they had somebody come in and speak to the residents and then I think they had a postcard that went out to everyone's (inaudible). It is my understanding they are up and running and they are getting their new provider.

Council President Pryor – Yeah the contract is dated December or something like that; it's just last year. So I don't know if there is interest in learning more.

Mayor McKay – I personally have interest in exploring it further. It came to me through other means but I think we should look into it.

Council President Pryor – Well, there's folks you can reach out to and there's information to get but to be honest with you, I have a full plate. I was wondering if maybe Jim Palitto, you're a little light on some of these assignments, would you be interested in, we can all still work with you but if you could take point on this, that would be great.

Councilman Palitto –Okay.

Mayor McKay – All right. My report, I have very little. I had a question about what happened with the Recycling Tonnage Grants. Are those done? I think you had thought

Clerk Dilts – You contracted with Lyn Gabel in January who’s done it for the last few years.

Mayor McKay - All right so we are moving along. We don’t want to lose those. The Annual Memorial Day Candlelight Ceremony is going to be held at our park on Sunday, May 28<sup>th</sup> at 7:30 pm. I think we’re going to put that on the website and we have a report of the engineer. Is there a report from the engineer?

Engineer Adam Wisniewski – No, Mr. Mayor.

Report from Chief of Police – Chief Garcia gave his monthly report.

**Department Reports** – Motion by Councilman Belcaro, seconded by Councilman Palitto. All in favor.

**Payment of Bills** - \$1,433,416.23 are the total bills. Council President Pryor asked if Mr. Caldwell’s bills were on the bill list. Clerk Dilts confirmed there Mr. Caldwell’s bills were not listed. Motion by Council President Pryor, seconded by Councilman Belcaro. Roll call vote:  
AYES: Councilman Belcaro, Councilman Palitto, Council President Pryor, Mayor McKay.  
NAYS: None

**Audience Participation:**

John Betz – Commenting that Senator Doherty should be copied on the correspondence with the Traffic situation regarding Rt. 22 and OPUS. Commented on the RFP on electricity and proper notice to the residents.

Eric Johnson – Commented on the alternative energy choices and said it is not a no risk situation. He explained his personal situation regarding this.

Juniper Leifer – Announced the seminar on Stormwater Regulations to be held at the Phillipsburg Library on Monday evening.

Jim Mengucci – 801 Belvidere Road – He noted that he was not speaking for the Phillipsburg Board of Education nor the administration. He said he text the athletic director to find out if it was the intent to keep cross country events off Lopatcong property and he did respond in the affirmative.

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

Respectfully submitted,

Margaret B. Dilts, CMC  
Clerk/Administrator

Thomas M. McKay  
Mayor