

TOWNSHIP OF LOPATCONG  
COUNCIL MEETING  
7:00 pm

April 5, 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.

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 Council President Pryor, seconded by Councilman Palitto. 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.”

Resolution No. 17-47 - Attorney Campbell reported that Council was in Executive Session for a little over a half hour. The topics of discussion are as listed on the agenda. EMS, Personnel – Construction Dept., Attorney/Client Privilege - Sewer Matter and Contractual – OPUS Road. We did not discuss No. 3 Contractual – LAA. We will go back into Executive Session at the end of the meeting to discuss both that and a Personnel matter regarding the Police Department.

**Presentation- Phillipsburg Library** – Deb Messling discussed the library and its current status without funding from Warren County. She noted a savings to the Township in library tax. Council President Pryor noted that there would have to be a complete evaluation on both sides which he would be willing to take a look into. Council President Pryor asked for a copy of their existing budget.

**Public Comment** – Motion by Council President Pryor, seconded by Councilman Wright. All in favor.

Ernie Gallant – 245 Aurora Street – In regards to presentation just given he noted the use of the library and did not want his taxes going to the WC Library. Thought Warren County Freeholders were negligent in their decision.

John Betz – Thanked Joe for bringing up personal membership regarding the library.

Motion to close by Council President Pryor, seconded by Councilman Palitto. All in favor.

**Old Business:**

**Minutes** – Executive and Regular Session for March 1, 2017. Motion to approve by Councilman Palitto, seconded by Council President Pryor. All in favor.

**New York Life Insurance Proposal** – Michael Raub will make a presentation to the employees. Motion to approve by Council President Pryor, seconded by Councilman Wright. All in favor.

**New Business:**

**Property Lien** – As discussed in Executive Session a lien is proposed for property known as Block 11, Lot 13. Council President Pryor made a motion to authorize this, seconded by Councilman Wright. Roll call vote:

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

NAYS: None

**Planning Board Appointment** – Mayor McKay made the appointment of Carlos Correa to fulfill Mark Gural’s unexpired term until 12/31/2018.

**911 Interlocal Agreement Telecommunications Services** – Authorize Mayor to execute this agreement with the County of Warren. Last agreement last ten years. 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. 17-48** – Award Non-Fair and Open Professional Service Agreement with Louis Izenberg, MAI, SRA of Izenberg Appraisal for Shared Restricted Appraisal Report regarding Phillipsburg Mall Tax Appeals.

R 17-48

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING THE APPROVAL AND EXECUTION OF A NON-FAIR AND OPEN PROFESSIONAL SERVICES AGREEMENT WITH LOUIS S. IZENBERG, MAI, SRA OF IZENBERT APPRAISAL FOR SHARED RESTRICTED APPRAISAL REPORT REGARDING PHILLIPSBURG MALL TAX APPEALS

WHEREAS, the Township of Lopatcong and the Township of Pohatcong are presently Defendants with respect to tax appeals filed by Phillipsburg Mall, LLC c/o Namdar Realty; and

WHEREAS, after consultation with Katrina Campbell, Esq., Counsel for the Township of Lopatcong and upon review of the proposal of Louis S. Izenberg, MAI, SRA, annexed hereto as Exhibit “A”, both Townships have determined that it would be mutually beneficial and cost effective to share in the cost of retaining Louis S. Izenberg, MAI, SRA to prepare a restricted appraisal report.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lopatcong, County of Warren and State of New Jersey that Louis S. Izenberg, MAI/SRA is hereby retained by the Township of Lopatcong to prepare a restricted appraisal report for use at trial by both Lopatcong and Pohatcong Townships for a cost not to exceed \$12,500.00.

BE IT FURTHER RESOLVED, that the Township of Lopatcong, shall contribute pro-rata 30% of the cost of the appraisal based upon the approximate percentage of the Mall that is located respectively within the Township of Lopatcong and the Township of Pohatcong.

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, April 5, 2017.

Margaret B. Dilts, CMC

Motion by Councilman Wright to approve, seconded by Council President Pryor. Roll call vote:

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

NAYS: None

**Illusion Maker** – Authorize two programs at the elementary school at a cost of \$600.00 each to be funded by the Clean Communities Grant. No motion- denied.

**Resolution No. 17-35A** – Public Comment on Aerial Spray Program – gypsy Moth. Approve no pesticide application between time frame of 6:45 am to 7:45 am as discussed by the Phillipsburg School District and Lopatcong School District. Council President Pryor made a motion to open the floor for public comment, seconded by Councilman Wright. All in favor. No comments from the public. Robin Wodzisz asked that the time be extend to 8:15. Close public comment motion by Council President Pryor, seconded by Councilman Palitto. All in favor.

R17-35A

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY DECLARED THE GYPSY MOTH A PUBLIC NUISANCE AND AUTHORIZE THE DEPARTMENT OF AGRICULTURE TO CONDUCT AN AERIAL SPRAYING

WHEREAS, the gypsy moth *Lymantria dispar*, has been found heavily defoliating tree and plant growth in the Township of Lopatcong; and

WHEREAS, continued destruction of foliage may result in loss of valuable forest lands and trees; and

WHEREAS, the Township Council of the Township of Lopatcong has determined that a gypsy moth control program should be instituted with the State of New Jersey Department of Agriculture and that application for any Federal and State funds available be authorized.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Township Council of the Township of Lopatcong that the gypsy moth is declared to be a public nuisance and the protection of vegetation or plant life therefrom is deemed to be a subject matter of public welfare and that all measures deemed necessary in compliance with the State of New Jersey Department of Agriculture recommendations is hereby authorized to suppress this forest and shade tree pest.

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify that this Resolution was adopted by the municipal governing body at an open public meeting which was duly advertised to the citizens of the municipality in accordance with the law, pursuant to the Open Public Meetings Act, N.J.S.A. 10:4-9.

I also certify that this municipality has or will comply with the notice provisions required by N.J.S.A. 4:7-39.

I further certify the above to be a true and correct copy of a resolution adopted by the Township Council at a regular meeting of that body held on April 5, 2017.

Margaret B. Dilts, CMC

Motion to adopt this Resolution by Council President Pryor for shut down time of 6:45 to 7:45 am, seconded by Councilman Wright. All in favor.

**Jack Lehr Electric Service Agreement** – Renew Maintenance Agreement with Jack Lehr Agreement in the amount of \$6,100.00 for 2017. This agreement covers all our buildings. Motion by Councilman Wright, seconded by Council President Pryor. Roll call vote:

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

NAYS: None

Mayor McKay requested No. 9 to be moved to New Business.

**Resolution 17-57** – Authorize Emergency Temporary Appropriations of 2017 Operating Budget – Current Fund \$922,508.00 and Sewer Operating - \$132,650.00.

Mayor McKay – I took a quick look through it and he discussed it with the CFO but he was unable to do anything about it now cause it is already out. There is a couple of things like the Planning Board that has OEM less than a \$1,000 allocated to it. I don't know if it would be enough to run our meetings. So, I noticed that and also notice there was \$5,000 for legal that I didn't know what that was, not sure what that is. So, could you tell us about that?

Clerk Dilts – I wish you would have told me something ahead of time, I would have asked today but when they put forth – it's a formula so it is 26.25% of the total appropriations from last year and they go through and put enough money in there to get you through the first couple of months. Now the Planning Board you are paying my salary out of it and any legal advertising for the reorganization. Any other business, bills that come in, invoices are charged against escrow for the hearings that we hold

Mayor McKay – Right that's

Clerk Dilts- you know, from the applicants.

Mayor McKay – Applicant money, yeah.

Clerk Dilts – So, I think we're you know, very close, probable enough to get us through till we introduce our budget and we might have to do another 1/12 again

Mayor McKay – Yeah, 1/12 would have been \$24,000 last issue, 1/12 would have been \$2,000 so he didn't realize it. He had looked at some preliminary thing that was done a year before and it was light then so he just copied and went with it. Didn't have time to look at it. So.

Clerk Dilts – I'm sure we can get through it.

Mayor McKay – Well, you know, there's concern. You don't want to not have, you know, a meeting and have all kinds of applicants pounding on the door because we don't have enough money to pay the attorney in the budget.

Attorney Campbell – They applicants pay the attorney.

Mayor McKay – Well, not the Planning Board attorney.

Clerk Dilts – Yeah, they absolutely do the resolutions and stuff yeah, it's all charged against them. The hearings are charge to them.

Mayor McKay – I thought the attorney was paid out of the current fund.

Council President Pryor – He just processed a bunch of Tony's vouchers out of escrow.

Mayor McKay – Well, if they come out of escrow then we should be able to do it. Yeah okay that was a concern. Now the other thing is the \$5,000 for legal for unidentified legal. What's that?

Council President Pryor – My only guess is he's taking legal from last year and (inaudible).

Secretary Dilts – So, anything that comes about as in an invoice would be paid out that.

Mayor McKay – So, no one knows what it is. I didn't see it till I got here.

Secretary Dilts – There is just so much money so that if you need to pay a bill, it is charged to that. It is increased from the first or I don't know this could even be the third resolution (inaudible) it just keeps us moving along in the process until the budget is adopted.

Council President Pryor – I understand. It's just a formula (inaudible) a mistake. So I am going to make the motion we adopt the temporary appropriation.

Councilman Wright – Second.

Roll call vote:

AYES: Councilman Palitto, Councilman Wright, Council President Pryor

NAYS: Mayor McKay

R 17-57

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY AUTHORIZING EMERGENCY TEMPORARY  
APPROPRIATIONS OF 2017 OPERATING BUDGET FOR THE TOWNSHIP OF  
LOPATCONG

WHEREAS, an emergent condition has arisen with the respect to the timely adoption of the 2017 Municipal Budget and certain contracts, commitments or payments are to be made prior to the final adoption of the 2017 Municipal Budget and no adequate provision has been made in the 2017 temporary budget for the aforesaid purposes, and

WHEREAS, N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for said purpose to add to the temporary budget, and

WHEREAS, the total emergency temporary appropriation resolutions (not including temporary debt appropriations) adopted in the year 2017 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A 40A:4-20) including this resolution total:

Current Fund	\$922,508.00
Sewer Operating	\$132,650.00

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

1. Emergency temporary appropriations be and the same are hereby made for the titles of the appropriation in the amounts indicated below.
2. That said emergency temporary appropriations will be provided for in the 2017 Municipal Budget under the titles indicated.

**CURRENT FUND:**

10510022	Admin & Exec-Admin OE	1,000.00	10522021	Grp Insurance OE	75,000.00
----------	--------------------------	----------	----------	------------------	-----------

10510120	Postage	450.00	10524010	Police S&W	150,000.00
10510220	Computer Services	2,000.00	10524020	Police OE	8,000.00
10511010	Mayor & Council S&W	1,315.00	10526449	Fire Co. - Delaware Park	750.00
10512010	Administration S&W	14,500.00	10529016	Roads S&W	33,000.00
10512020	Administration OE	2,500.00	10529066	Roads OE	6,500.00
10513010	Finance S&W	12,500.00	10531070	Buildings & Grounds	7,500.00
10513020	Finance OE	4,250.00	105375099	Garbage & Trash OE	2,000.00
10513521	Audit Services	7,750.00	10543036	Electricity OE	5,000.00
10514510	Revenue Adm S&W	750.00	10544022	Telephone OE	5,000.00
10514528	Revenue Adm OE	2,500.00	10544622	Gas-Propane/Natural	5,000.00
10515010	Assessment S&W	2,925.00	10544821	Fire Hydrant Service	15,000.00
10515331	Assessment OE	900.00	10544999	Water	750.00
10515541	Legal OE	5,000.00	10546021	Gasoline	6,500.00
10516521B	Engineering OE	4,000.00	10547120	PERS	140,363.00
10518327	Planning Board OE	967.00	10547520	PFRS	312,248.00
10518525	Zoning Board of Adjust OE	250.00	10649010	Court S&W	7,700.00
10519610	Bldg Sub-Code S&W	10,000.00	10547220	Social Security	10,000.00
10521021	Liability Insurance	21,000.00	10680121	Highlands Grant	9,840.00
10521520	Workers Compensation	24,000.00	10693620	Interest on Notes	47,223.00
10519819	Fire Safety S&W	1,800.00	10693720	Payment on Notes	649,191.00
10520124	Rent Board OE	2,000.00			
<b>SEWER UTILITY OPERATING FUND:</b>					
7650110	Salaries and Wages	7,100.00			
7650136	Other Expenses	125,000.00			
7654021	Social Security	550.00			

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, April 5, 2017.

Margaret B. Dilts, CMC

**Consent Agenda:**

Motion by Council President Pryor, seconded by Councilman Palitto to approve. Roll call vote:  
 AYES: Councilman Belcaro, Councilman Palitto, Councilman Wright, Council President Pryor, Mayor McKay.

NAYS: None

**Resolution No. 17-49** – Authorize redemption of Tax Sale Certificate No. 2016-033 and Premium on Block 115.01, Lot 11 C0163 in the amount of \$20,554.37

R 17-49

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING REFUND OF REDEMPTION MONIES TO OUTSIDE LIENHOLDER ON BLOCK 115.01, LOT 11 C0163

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on October 12, 2016, a lien was sold on Block 115.01, Lot 11 C0163, also known as 163 Horseshoe Court for 2015 delinquent sewer; and

WHEREAS, this lien, known as Tax Sale Certificate No. 2016-033 was sold to FWDSL & Associates for a Premium of \$13,000.00; and

WHEREAS, Shellpoint Mortgage, lender for property owners has satisfied the redemption amount on Certificate No. 2016-033 in the amount of \$7,554.37.

NOW, THEREFORE, BE IT RESOLVED on this 5<sup>th</sup> day of April 2017 that the Chief Financial Officer be authorized to issue a check in the amount of \$20,554.37 for the redemption of Tax Sale Certificate No. 2016-033 and Premium to:

FWDSL & Associates  
17 W. Cliff Street  
Somerville, NJ 08876

#### 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, April 5, 2017.

Margaret B. Dilts, CMC

**Resolution No. 17-50** – Authorize redemption of Tax Sale Certificate No. 2016-042 and Premium on Block 133, Lot 26 in the amount of \$3,077.15.

R 17-50

#### RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING REFUND OF REDEMPTION MONIES TO OUTSIDE LIENHOLDER ON BLOCK 133, LOT 38

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on October 12, 2016, a lien was sold on Block 133, Lot 26 also known as 38 Byron Drive for 2015 delinquent sewer; and

WHEREAS, this lien, known as Tax Sale Certificate No. 2016-042 was sold to FWDSL & Associates for a Premium of \$1,200.00; and

WHEREAS, Corelogic Tax Services, lender for property owners, has satisfied the redemption amount on Certificate No. 2016-042 in the amount of \$1,877.15.

NOW, THEREFORE, BE IT RESOVLED on this 5<sup>th</sup> day of April 2017, that the Chief Financial Officer be authorized to issue a check in the amount of \$3,077.15 for the redemption of Tax Sale Certificate No. 2016-042 and Premium to:

FWDSL & Associates  
17 W. Cliff Street  
Somerville, NJ 08876

#### 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, April 5, 2017.

Margaret B. Dilts, CMC

**Resolution No. 2017-51** – Authorize redemption of Tax Sale Certificate No. 2016-013 and Premium on Block 43, Lot 12 in the amount of \$13,600.70.

R 17-51

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY AUTHORIZING REFUND OF REDEMPTION MONIES TO  
OUTSIDE LIENHOLDER ON BLOCK 43, LOT 12

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on September 23, 2015, a lien was sold on Block 43, Lot 12, also known as 611 Lynda Road for 2014 delinquent sewer; and

WHEREAS, this lien, known as Tax Sale Certificate No. 2015-013 was sold to Stuart Lasher for a Premium of \$1,000.00; and

WHEREAS, Wells Fargo, lender for property owners, has satisfied the redemption amount on Certificate No. 2015-013 in the amount of \$12,600.70.

NOW, THEREFORE, BE IT RESOLVED on this 5<sup>th</sup> day of April 2017, that the Chief Financial Officer be authorized to issue a check in the amount of \$13,600.70 for the redemption of Tax Sale Certificate No. 2015-013 and Premium 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, April 5, 2017.

Margaret B. Dilts, CMC

**Resolution No. 17-52** – Authorize redemption of Tax Sale Certificate No. 2014-007 and Premium on Block 23, Lot 9 in the amount of \$10,893.21.

R 17-52

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY AUTHORIZING REFUND OF REDEMPTION MONIES TO  
OUTSIDE LIENHOLDER ON BLOCK 23, LOT 9

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on June 25, 2014, a lien was sold on Block 23, Lot 9, also known as 593 Belvidere Road for 2013 delinquent sewer; and

WHEREAS, this lien, known as Tax Sale Certificate No. 2014-007 was sold to US Bank Cust for Actlien Holding for a Premium of \$2,500.00; and

WHEREAS, City National Bank, lender for property owners has satisfied the redemption amount on Certificate No. 2014-007 in the amount of \$8,393.21.

NOW, THEREFORE, BE IT RESOLVED on this 5<sup>th</sup> day of April 2017, that the Chief Financial Officer be authorized to issue a check in the amount of \$10,893.21 for the redemption of Tax Sale Certificate No. 2014-007 and Premium to:

US Bank as Cust For Actlien Holding  
50 S. 16<sup>th</sup> St., Suite 1950  
Philadelphia, PA 19102

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at the Reorganization Meeting held on Wednesday, April 5, 2017.

Margaret B. Dilts, CMC

**Resolution No. 17-53** – Authorize redemption of Tax Sale Certificate No. 2016-025 and Premium on Block 99, Lot 91 C0014 in the amount of \$3,916.99.

R 17-53

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY AUTHORIZING REFUND OF REDEMPTION MONIES TO  
OUTSIDE LIENHOLDER ON BLOCK 99, LOT 91 C0014

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on October 12, 2016, a lien was sold on Block 99, Lot 91 C0014, also known as 14 Overlook Drive for 2015 delinquent sewer; and

WHEREAS, this lien, known as Tax Sale Certificate No. 2016-025 was sold to FWDSL & Associates LP for a Premium of \$1,400.00; and

WHEREAS, Altisource on behalf of lender for property owners, has satisfied the redemption amount on Certificate No. 2016-025 in the amount of \$2,516.99.

NOW, THEREFORE, BE IT RESOLVED on this 5<sup>th</sup> day of April 2017, that the Chief Financial Officer be authorized to issue a check in the amount of \$3,916.99 for the redemption of Tax Sale Certificate No. 2016-025 and Premium to:

FWDSL & Associates  
17 W. Cliff Street  
Somerville, NJ 08876

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, April 5, 2017.

Margaret B. Dilts, CMC

**Resolution No. 17-54** – Authorize redemption of Tax Sale Certificate No. 2014-023 and Premium on Block 85, Lot 58.01 in the amount of \$3,761.62.

R 17-54

RESOLUTION OF TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE  
OF NEW JERSEY AUTHORIZING REFUND OF REDEMPTION MONIES TO OUTSIDE  
LIENHOLDER ON BLOCK 85, LOT 58.01

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on June 25, 2014, a lien was sold on Block 85, Lot 58.01 also known as 600 Guy Road for 2013 delinquent sewer; and

WHEREAS, this lien, known as Tax Sale Certificate no. 2014-023 was sold to US Bank Cust For PC4 First Trust Bank for a Premium of \$1,000.00; and

WHEREAS, Citi mortgage on behalf of lender for property owners has satisfied the redemption amount on Certificate No. 2014-023 in the amount of \$2,761.62.

NOW, THEREFORE, BE IT RESOLVED on this 5<sup>th</sup> day of April 2017, that the Chief Financial Officer be authorized to issue a check in the amount of \$3,761.62 for the redemption of Tax Sale Certificate No. 2014-023 and Premium to:

US Bank Cust for PC4 First Trust Bank  
50 S. 16<sup>th</sup> St., Suite 2050  
Philadelphia, PA 19102

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at the Reorganization Meeting held on Wednesday, April 5, 2017.

Margaret B. Dilts, CMC

**Resolution No. 17-55** – Memorialize hire of Joseph Rossi Provisionally as Construction Official/Bldg. Sub Code Official and Zoning Officer pending Civil Service Certification.

R 17-55

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY MEMORIALIZING PROVISIONAL APPOINTMENT OF JOSEPH  
ROSSI PART-TIME AS CONSTRUCTION OFFICIAL, BLDG. SUB CODE OFFICIAL AND  
ZONING OFFICER

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey hereby authorized the Civil Service Provisional Appointment of Joseph Rossi as a Part-Time Construction Official, Bldg. Sub Code Official and Zoning officer; and

WHEREAS, Joseph Rossi part-time hours are as follows:

Monday – 9:00 am to 12:00 pm, Tuesday 11:30 am to 2:30 pm and Wednesday 9:00 am to 12:00 pm. Zoning hours on Friday 9:00 am to 12:00 pm with appointments on Thursday evenings after 5:00 pm; and

WHEREAS, Joseph Rossi will be paid a salary of \$25,000 for Construction Official, Bldg. SubCode Official and \$8,000 for Zoning officer.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey hereby memorialize the provisional appointment of Joseph Rossi pending Civil Service Certification.

#### 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, April 5, 2017.

Margaret B. Dilts, CMC

**Resolution No. 17-56** – Appointment of Brett Morrow as Alternate Municipal Prosecutor as requested by the Court Administrator.

#### R 17-56

#### RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING APPOINTMENT OF ALTERNATE MUNICIPAL PROSECUTOR AS REQUIRED BY THE MUNICIPAL

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey shall appoint Brett Morrow as Alternate Municipal Prosecutor; and

WHEREAS, Mr. Morrow's office is located at 1734 Route 31 North, Clinton, NJ; and

WHEREAS, this appointment is required by the Municipal Court Division located in Somerville, New Jersey.

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 appoint Brett Morrow Alternate Municipal Prosecutor as required by the Municipal Court Division located in Somerville, New Jersey.

#### 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, April 5, 2017.

Margaret B. Dilts, CMC

**Announcement** – Easter Egg Hunt – April 8<sup>th</sup> at 10:00 at the Municipal Park – Rain Date April 15<sup>th</sup> at 10:00 am. Special Council Workshop Meeting – Budget - Thursday, April 13, 2017 at 7:00 pm. Special Council Meeting - Introduction of the Municipal Budget – Wednesday, April 19, 2017.

#### **Council Reports:**

Councilman Palitto – Talked about EDAC. Attended the county meeting last month and got some ideas of what can be done in our town. He noted he will schedule a town EDAC meeting for later this month or earlier next month. He also noted he is also looking for members. He asked to put this on the website because other Boards are listed but this one is not.

Councilman Wright – Lori Ciesla offered a report for the Recreation Committee some of whom were present also. She noted they are looking for Recreation to be set up as their own trust fund

which would require a budget line item in the budget. When they get donations right now, they are going into MRNA and CFO Dobes use to track it but we can't charge anything against those donations. She noted last year a budget line item was shared with Brian, Super of Roads.

Council President Pryor said this was discussed with the auditor last year and he said it was possible to do that.

Ms. Ciesla said there are businesses who would like to establish a relationship with us but because we are under the Township, a bidding process would be necessary to establish as required under the Local Publics Contract Law. Would like Council to approve both Beth and Katrina establish an RFP.

Attorney Campbell noted this is through Competitive Contracting – a hybrid between the formal RFP process and a bid.

Councilman Wright made a motion to allow Beth and Katrina to look into and work with the Rec. Committee, seconded by Council President Pryor. Roll call vote:

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

NAYS: None

Council President Pryor – Third annual Tim Ballis Baseball Clinic May 7th, along with pro-players for the kids. Contact Ken Lutz for more information. June 8<sup>th</sup> is the golf outing at Architects Golf Club. Rain Garden project has been delayed due to rain and snow. March 29<sup>th</sup> Rutgers came out and surveyed several sites at the pool and the Strykers Fire House. Brian Weeks met us at the pool and pointed out considerations concerning utilities and the need to maintain access to the gate at the snack bar. Concerns with kids trampling through the garden were raised by Beth which he intends to address.

Litigation updates – Asphalt plant whether you are for, against or neutral – oral arguments were held before the appellate division in Newark on Tuesday, March 28<sup>th</sup>. I understand that really concludes the lawyers work. It's before the appellate court and what remains now is the decision from the judges. It is up to the judges when they might issue something.

McKay vs. me and others – after two extensions, the Mayor's attorney submitted his brief which I understand was yesterday. Counsel's response is due May 4<sup>th</sup> and the Mayor's rebuttal is due ten days thereafter. That means briefs will be before the court by mid-May barring additional extensions and then there's the possibility of oral arguments if the decision is made to have oral arguments then that would further extend the schedule and when they are concluded then it's before the judges. So, that's purely a factual report on the schedule.

Engineer Sterbenz – As I indicated a couple of weeks ago in an email to you the Township is a recipient of a \$380,000 grant from the Safe Routes to School Fund for sidewalk and pedestrian safety improvements on Belvidere Road as well as on Strykers Road. These are all locations adjacent to schools. It is a tremendous grant award for the Township. A DOT meeting would be the next step.

He also reported the Police Department has given him documentation on the accidents on Rt. 22 in the area between Rt. 57 and the mall. He will address a letter to the DOT Commissioner in order to get some attention to this matter.

He reviewed the Capital Budget for the Township which included those having to do with roads in the Township. He reported at a meeting a few weeks ago that there was a lot of paving done over a five to seven year period. The pace of that has slowed down due to the economy. An

analysis was prepared on the roads around seven years ago which needs to be updated. He asked the Council if they want him to go forth and prepare an update.

Mayor McKay – Asked if it would be a short report and confirmed it would be inexpensive.

Council President Pryor – Said, he agreed that a five year projection was what they are looking for.

Engineer Sterbenz – Confirmed he would just do an analysis on the remaining roads not re-paved for planning purposes.

**Chief of Police** – Chief Garcia gave his monthly report. Noted the following events: April 1<sup>st</sup> through the 21<sup>st</sup> – initiative on statewide crackdown on distracted driving called You Drive, You Text, You Pay. Family Guidance of Warren County will be hosting an event April 6<sup>th</sup> from 7 to 8 pm – The Truth About Heroin. This would be an educational program. April 13<sup>th</sup> 7 to 8 pm at the Warren County Community College there will be a criminal justice career fair. Lopatcong Police will be involved with that. Host Operation Take Back in the municipal building in the Police Department a program nationwide 10 to 2 pm for anyone who wants to drop off old medications on Saturday the 29<sup>th</sup> of April.

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

**Payment of Bills** - \$1,286,969.12 –

Council President Pryor – Asked to confirm Mayor McKay's legal bills are not on the bills list. Correct?

Clerk Dilts – No.

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

**Audience Participation:**

Motion to open by Councilman Wright, seconded by Councilman Palitto. All in favor.

Olschewski – Highlands Way – Asked about the Illusion Maker Program that is funded by a grant. Wanted to know what else would the Township be doing with the money. Council President Pryor noted the many ways in which the money could be spent on. He asked on behalf of the Planning Board about a joint session for any discussions with Larken so all can be on the same page. Council President Pryor noted that is closed session business involving litigation which is a matter for Council. He noted Gary VanVliet was asked into the closed session and asked to invite Eric so we have some insides on what is going on. Attorney Campbell stated the purpose was not to invite someone in so they can tell other people. The purpose was to invite him in for his knowledge and historical background. Council can invite whomever they want into Executive Session. It doesn't change that it is Executive Session. What you are saying she said is to invite Eric in so he can tell the rest of you exactly what Joe is saying

Mr. Olschewski – Said he was not sure why she said that or how you heard that.

Attorney Campbell – Stated you just said let Eric in so the rest of us know is what you just said.

Mr. Olschewski – So, he thought that somebody on the Planning Board should be having some

Attorney Campbell – At the time when it's ready for the Planning Board to know about it, the Council intends to have me write a very comprehensive memo explain in detail everything and perhaps a joint session would be appropriate. The litigation is still ongoing.

Lori Ciesla – 12 Meadowview Drive. She thanked Engineer Sterbenz for all he does – especially the recent sidewalk grant. She asked is the Clean Communities Grant could be used to buy additional garbage receptacles. Council President Pryor said yes to that. She asked about the Tax Appeal on the Phillipsburg Mall how these malls are expanding on ideas other than shopping and suggested EDAC reach out to the folks at the Mall.

Brian Weeks – Regards to Lori and the receptacles at the park. The problem is not the receptacles but the garbage being put into the garbage receptacle. They just leave the garbage on the ground.

John Betz – Brakeley Garden Tenants Organization. Mr. Betz read from Rent Control Statutes in particular cancellation of meetings. Would like the Rent Leveling Chairwoman to be a liaison between Salem Management and the tenants. Attorney Campbell suggested to Mr. Betz that if he has a specific issue that needs to be discussed to let the Board Secretary know about it.

Clerk Dilts – Asked to go back to Resolution No. 17-57 regarding the Temporary Appropriations. She indicated this is the Mayor's charge and should he know the budget items. She noted that if he had questions, that is what the CFO is there for and is in the office often enough to accommodate him. She suggested that since the budget is being prepared that he reach out to the chair people of all his Boards to let them know to get their budget requests in.

Mayor McKay – I thought they had done so. We'll have to work on that again.

John Betz – Noted the library loan access.

Mayor McKay – Motion to come out of public session by Council President Pryor, seconded by Councilman Wright. All in favor.

Mayor McKay – Received complaints on unoccupied houses making the area look blighted. Brought this up before – he asked for an inventory on these homes for tracking. Notices go to the both Zoning and the Tax Collector. The Police Department follows up on these complaints. Attorney Campbell will prepare a standard letter that can be mailed out along with an outline to get through this. Chief Garcia did state his department is on top of it.

Mayor McKay said Phillipsburg Mayor is approaching the County to reduce the traffic speed as it approaches the new high school and assume Lopatcong is on board also. Engineer Sterbenz noted that Lopatcong generated the request originally and the County is waiting for Phillipsburg to actually submit their letter.

Motion to go into Executive Session by Council President Pryor, seconded by Councilman Wright. All in favor.

Attorney Campbell indicated the session should be no more than 30 minutes. Discussion will entail Contractual regarding the LAA and personnel regarding the Police. Action maybe taken.

R 17-58

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. Contractual – LAA
2. Personnel – Police Department

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, April 5, 2017.

Margaret B. Dilts, CMC

Motion to resume Regular Session by Council President Pryor, seconded by Councilman Wright. All in favor.

Council President Pryor made a motion to approve the LAA Contract and authorize Mayor McKay to sign after the LAA signs off, seconded by Councilman Wright. All in favor.

Motion to adjourn the meeting by Council president Pryor, seconded by Councilman Palitto. All in favor.

Respectfully submitted,

Margaret B. Dilts  
Clerk/Administrator

Thomas M. McKay  
Mayor