

TOWNSHIP OF LOPATCONG
COUNCIL MEETING
6:30 pm

June 7, 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, Councilman Wright, 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.

Resolution No. 17-65 - Attorney Campbell reported that Council was in Executive Session for approximately minutes. The topics of discussion are as listed on the agenda.

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.”

Public Comments – Agenda items only. No comments.

Old Business:

Minutes – Approve Executive Sessions and Regular Session for May 3, 2017 and Special Budget Workshop April 19, 2017. Motion by Council President Pryor, seconded by Councilman Palitto. Roll call vote:

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

NAYS: None

Ordinance No. 17-03 – Second reading and public hearing to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank. Motion to hold a public hearing by Council President Pryor, seconded by Councilman Belcaro. All in favor. No questions from the public. Motion to close the public hearing by Council President, seconded by Councilman Wright. All in favor.

Ordinance No. 2017-03

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, June 7, 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.

**CALENDAR YEAR 2017
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

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. 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

2017 Budget Adoption – Motion to open the public hearing by Councilman Palitto, seconded by Councilman Wright. All in favor. No comments. Motion to close the public hearing Council President Pryor, seconded by Councilman Belcaro. All in favor. Motion to approve the 2017 Budget. Motion by Council President Pryor, seconded by Councilman Wright. Clerk Dilts presented a resolution for the adoption of the budget and read the municipal amount at \$4,727,675.35, Open Space Recreation Farmland Historic Preservation Trust Fund levy equals \$261,283.00. Motion to adopt 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

Compensation Plan – Jersey Professional Management – Quotes were received from two companies interested in the preparation of the plan. Jersey Professional Management was the favorable company and will prepare the plan for a fee of \$16,600.00. Motion by Council President Pryor, seconded by Councilman Wright. Roll call vote:

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

NAYS: None

Ordinance No. 17-02 – Second reading and public hearing to require Large Hardened Buildings to Install Radio Booster Equipment to Support Interior Radio Communications with Law Enforcement Officers, Firefighters and Emergency Medical Personnel when Radio Communication Deficiencies Exist. Motion to hold a public hearing by Council President Pryor, seconded by Councilman Belcaro. No comments from the public. Motion to close public hearing by Council President Pryor, seconded by Councilman Palitto. All in favor.

Ordinance No. 2017-02

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, June 7, 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 CREATING CHAPTER §136 TO REQUIRE LARGE HARDENED BUILDINGS TO INSTALL RADIO BOOSTER EQUIPMENT TO SUPPORT INTERIOR RADIO COMMUNICATIONS WITH LAW ENFORCEMENT OFFICERS, FIREFIGHTERS AND EMERGENCY MEDICAL PERSONNEL (EMERGENCY FIRST RESPONDERS) WHEN RADIO COMMUNICATIONS DEFICIENCIES EXIST

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 Wright. Roll call vote:

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

NAYS: None

LAA Contract – Attorney Campbell explained at the last meeting Council was provided a list of open outstanding items that needed to be addressed. Motion to approve the contract with changes 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

New Business:

S. First and Edward St's. Four-Way Stop – Engineer Sterbenz looked into accident history at this particular intersection, site distance obstructions, etc. A certification would have to be provided to support an ordinance to install the four-way stop. Title 39 lists an exception to this requirement and noted those that included the stop within 500 feet of a recreational field. Council President Pryor noted this intersection has a site distance problem. The hedges on the corner property need to be addressed and cut back. Engineer Sterbenz will take a closer look and bring a draft ordinance to the next meeting if a four-way stop, in his, opinion would be necessary.

Resolution No. 17-68 - Wastewater Collection Contract Chapman – Contract with Chapman is for a two year term. There is an extension of one year on this contract in lieu of going out to bid. This has been done in the past when satisfied with the company's performance. There will be a small percentage increase in fees.

R 17-68

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING EXTENSION OF CONTRACTS TO CHAPMAN, INC., FOR A ONE YEAR PERIOD

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey accepted bids for the maintenance of the Township's Waste Water Collection System on June 25, 2015; and

WHEREAS, Chapman, Inc., submitted the only bid for the maintenance of the Township's Waste Water Collection; and

WHEREAS, Chapman's total bid for a 24-month period was \$124,553.00. The bid comprises a lump sum of \$55,553.00 in required services and \$69,000.00 in allowances which may or may not be needed; and

WHEREAS, Chapman, Inc., has been the licensed operator for the Township of Lopatcong since 2009; AND

WHEREAS, as part of the contract the Council opted to extend the services provided for one year at the rate stipulated in the contract.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey to extend the contract for the maintenance of the Township's Waste Water Collection System to Chapman, Inc., for a 12 month period.

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, June 7, 2015.

Margaret B. Dilts, CMC

Motion to extend the contract 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

Ordinance No. 2017-04 – First reading to amend Salary Ordinance to put in place a step level increase for Pool Lifeguards. Mayor McKay read aloud the ordinance. Motion by Council President Pryor, seconded by Councilman Belcaro. All in favor.

2017-04

AN ORDINANCE FIXING THE SALARIES, RETAINERS AND WAGE RATES OF MUNICIPAL POOL LIFEGUARDS OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY

BE IT ORDAINED by the Council of the Township of Lopatcong, County of Warren and State of New Jersey that the WAGE RATES for Municipal Pool Lifeguards for 2018 are as follows:

Level 1 - \$8.40 per hour
Level 2 - \$9.90 per hour
Level 3 - \$10.90 per hour
Level 4 – \$12.00 per hour

Lifeguards scheduled to work pool parties contracted separately will be paid a party rate of \$3.00 per hour additional to their regular level rate of pay. This will take effect for all parties scheduled after the adoption of the Ordinance scheduled for the July Council meeting. For the 2017 season, lifeguards returning from 2016 season working a four-hour shift will receive a food voucher for each shift. The Township will purchase a t-shirt and sweatshirt for returning 2016 Lifeguards for 2017 season. A 50 cent per hour increase will also be applied to seasoned lifeguards hourly rate of pay. These additional perks will only apply to seasoned lifeguards who have worked at the Municipal for prior to the 2017 season.

This Ordinance shall take effect immediately upon passage and publication according to law (N.J.S.A. 40:69A-181 (b)).

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Township of Lopatcong held on Wednesday, June 7, 2017 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Council to be held on July 5, 2017 at 7:30 pm or as soon thereafter as the Township Council may hear this Ordinance at the Municipal Building, 232 S. Third Street, Phillipsburg, NJ at which time all persons interested may appear for or against the passage of said Ordinance.

Margaret B. Dilts, CMC

Ordinance 2017-05 – First reading to Amend Ordinance No. 15-06 to authorize Township CFO to pay certain Bills, Claims and Invoices between meetings. Mayor McKay suggested a list of those reoccurring bills be noted. These reoccurring bills are utilities, debt payment, payroll, etc. CFO Re explained the reoccurring bills including wire transfers for debt service along with certain businesses such where we purchase our gasoline. CFO Re will bring a list next meeting for further consideration to update this ordinance. Motion to authorize first reading by Council President Pryor, seconded by Councilman Wright. Roll call vote:

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

NAYS: None

Security Cameras – Purchase of security cameras at a cost of \$1270.00 and new monitor for Pool building at \$960.00 from Fox Brothers Alarms. Clerk Dilts explained that the Township purchases new security cameras each year. Motion to authorize purchase by Councilman Wright, seconded by Councilman Palitto. Roll call vote:

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

NAYS: None

Chapter 132 “Heat, Rental Properties” - Council President Pryor requested the matter be placed on the agenda for discussion. He received numerous phone calls, the weather was such this year that people had some cold apartments and there is a state law that the states if the weather falls below certain temperatures the landlord must provide heat between certain dates. You can extend that and it was thought that it was. There was first reading of an ordinance a few years back but second reading did not follow. Council President Pryor asked to look into this further and have discussion with the tenants and landlord and come back with a proposal next month.

Consent Agenda:

Motion to move the entire Consent Agenda by Councilman Belcaro, seconded by Councilman Palitto.
Roll call vote:

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

NAYS: None

Resolution No. 17-67 – Renew liquor license for Strykers Golf Club and Brass Rail, Inc.

R 17-67

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF CERTAIN LIQUOR LICENSES

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey have received the following applications for liquor license renewal:

Strykers Golf, LLC., License No. 2115-33-003-007

Brass Rail, Inc., License No. 2115-33-004-005

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey that the applications for renewal of the above named liquor license holders be approved pursuant to N.J.S.A. 33:1-12-26 from July 1, 2017 to June 30, 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 a meeting held on Wednesday, June 7, 2017.

Margaret B. Dilts, CMC

Resolution No. 17-69 – Refund Homestead Rebate Credit on exempt property known as Block 62, Lot 2 in the amount of \$542.37.

R 17-69

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING TO REFUND HOMESTEAD REBATE CREDIT APPLIED ON EXEMPT PROPERTY FOR TAX YEAR 2017 – 2014 REBATE APPLIED 2Q2017

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey that warrants be drawn to the property owners listed below in the designated amounts representing credit applied on taxes as follows for the tax year 2017.

<u>Block & Lot</u>	<u>Name of Payee</u>	<u>Amount</u>
Block 62, Lo 2	Daniel Eckhardt, Jr. 212 South Second Street Phillipsburg, NJ 08865	\$542.37

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 refunds made on this exempt property rather than applying these payments to 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 a meeting held on Wednesday, June 7, 2017.

Resolution No. 17-70 – Refund Sewer Overpayments for tax year 2017 on Block 116, Lot 24 ID18833 in the amount of \$1355.85.

R 17-70

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING TO REFUND SEWER OVERPAYMENTS FOR TAX YEAR 2017

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey that warrants be drawn to the property owners listed below in the designated amounts representing overpayments on sewer as follows for the tax year 2017. Sewer Software estimated 1Q 2017 based on average four quarters and when Aqua sent actually readings billing was overcharged that business owner asked to be refunded.

<u>Block & Lot</u>	<u>Name of Payee</u>	<u>Amount</u>
Block 116, Lot 24 ID 18833	Lopatcong Corner Associates, LLC 1250 Rt. 28, Suite 101 Branchburg, NJ 08876	\$1355.85

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 refunds made rather than applying these payments to the 2017 sewer taxes due.

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, June 7, 2017.

Margaret B. Dilts, CMC

Resolution No. 17-71 – Authorize Redemption of Tax Sale Certificate No. 2016-003 and Premium on Block 2, Lot 44.08 in the amount of \$2,221.22.

R 17-71

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING REFUND OF REDEMPTION MONIES TO OUTSIDE LIENHOLDER ON TAX SALE CERTIFICATE NO. 2016-003 AND PREMIUM ON BLOCK 2, LOT 44.08

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on October 12, 2016, a lien was sold on Block 2, Lot 44.08 also known as 405 North Prospect Street for 2015 delinquent sewer; and

WHEREAS, this lien known as Tax Sale Certificate No. 2016-003 was sold to US Bank Cust for Pro Cap 4 & CRDTRS for a Premium of \$700.00; and

WHEREAS, Corelogic on behalf of their Caliber Home Loans, lender for property owners, has satisfied the redemption amount on Certificate No. 2016-003 in the amount of \$1521.22.

NOW, THEREFORE, BE IT RESOLVED on this 7th day of June 2017 that the Chief Financial Officer be authorized to issue a check in the amount of \$2,221.22 for the redemption of Tax Sale Certificate No. 2016-003 and Premium to:

US Bank Cust for Pro CAP 4 & Crdtrs.
50 S. 16th St., Suite 2050
Philadelphia, PA 19102

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, June 7, 2017.

Margaret B. Dilts, CMC

Resolution No. 17-72 – Authorize Refund Tax Over-payments for Tax Year 2017 – Block 129, Lot 12

R 17-72

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING TO REFUND TAX OVERPAYMENTS FOR TAX YEAR 2017

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey that warrants be drawn to the property owners listed below in the designated amounts representing overpayments on taxes as follows for the tax year 2017.

<u>Block & Lot</u>	<u>Name of Payee</u>	<u>Amount</u>
Block 129, Lot 12	STARS SPEEDY TITLE 95 Methodist Hill Drive, Suite 400 Rochester, NY 14623 RE: Saggese B129, L12	\$1979.18

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 refunds made rather than applying these payments to the 2017 taxes due.

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, June 7, 2017.

Margaret B. Dilts, CMC

Resolution No. 17-72A – Authorizing Redemption of Tax Sale Certificate No. 2014-043 on Block 107, Lot 5 *Updated*

R 17-72A

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE 2014-043 ON BLOCK 107, LOT 5 *UPDATED*

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on June 25, 2014, a lien was sold on Block 107, Lot 5, also known as 33 Canterbury Road for 2013 delinquent sewer taxes; and

WHEREAS, this lien known as Tax Sale Certificate No. 2014-043 was sold to Stuart Lasher for 18% interest; and

WHEREAS, Corelogic on behalf of Selene Finance for property owners has satisfied the redemption amount on Certificate 2014-043 in the amount of \$2,404.10. In addition satisfied a sub-payment for this lien 2014-043 in the amount of \$238.01.

NOW, THEREFORE, BE IT RESOLVED on this 7th day of June, 2017, that the Chief Financial Officer is authorized to issue a check in the amount of \$2,642.11 for the redemption of Tax Sale Certificate No. 2014-043 to:

Stuart Lasher
PO Box 83
Milltown NJ 08860-0083

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 a meeting held on Wednesday, June 7, 2017.

Margaret B. Dilts, CMC

Resolution No. 17-73 – Authorizing Redemption Monies to Outside Lienholder and Premium on Block 116.14, Lot16 C0048

R 17-73

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING REDEMPTION OF MONIES TO OUTSIDE LIENHOLDER AND PREMIUM ON BLOCK 116.14, LOT 16 C0048

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on October 12, 2016, a lien was sold on Block 116.14, Lot 16 C0048 also known as 48 Limerick Lane for 2015 delinquent sewer; and

WHEREAS, this lien known as Tax Sale Certificate No. 2016-040 was sold to US Bank Cust for Pro Cap 4 & Crdtrs for a Premium of \$900.00; and

WHEREAS, the property owners have satisfied the redemption amount on Certificate No. 2016-040 in the amount of \$835.81.

NOW, THEREFORE, BE IT RESOLVED, on this 7th day of June 2017 that the Chief Financial Officer be authorized to issue a check in the amount of \$1,735.81 for the redemption of Tax Sale Certificate No. 2016-040 and Premium to:

US Bank Cust For Pro Cap 4 & Crdtrs.
50 S. 16th S., 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 a meeting held on Wednesday, June 7, 2017.

Margaret B. Dilts, CMC

Resolution No. 17-74 – Authorizing Redemption of Tax Sale Certificate No. 2016-040 and Premium on Block 116.14, Lot 16 C0048 in the amount of \$1735.81.

R 17-74

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING REFUND OF REDEMPTION MONIES TO OUTSIDE LIENHOLDER ON BLOCK 116.14, LOT 16 C0048

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on October 12, 2016, a lien was sold on Block 116.14, Lot 16 C0048 also known as 48 Limerick Lane for 2015 delinquent sewer; and

WHEREAS, this lien known as Tax Sale Certificate No. 2016-040 was sold to US Bank Cust for Pro Cap 4 & Crdtrs for a Premium of \$900.00; and

WHEREAS, the property owners has satisfied the redemption amount on Certificate No. 2016-040 in the amount of \$835.81.

NOW, THEREFORE, BE IT RESOLVED on this 7th day of June 2017 that the Chief Financial Officer be authorized to issue a check in the amount of \$1,735.81 for the redemption of Tax Sale Certificate No.

2016-040 and Premium to:

US Bank Cust For Pro Cap 4 & Crdtrs
50 S. 16th St., Suite 2050
Philadelphia, PA 19102

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, June 7, 2017.

Margaret B. Dilts, CMC

Resolution No. 17-75 – Authorizing Tax Overpayments for tax year 2017 on Block 130, Lot 8 in the amount of \$5082.90.

R 17-75

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING REFUND OF PROPERTY TAX OVERPAYMENTS FOR TAX YEAR 2017

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey that warrants be drawn to the property owners listed below in the designated amounts representing overpayments on property tax by mortgage company as follows for the tax year 2017.

<u>Block & Lot</u>	<u>Payee</u>	<u>Amount</u>
Block 130, Lot 8	Wells Fargo Home Mortgage P.O. Box 10368 Tax Dept. Des Moines, IA 50306-0368 Loan No. 8000412388	\$5082.90

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 refunds made rather than applying these payments to the 2017 property taxes due.

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, June 7, 2017.

Margaret B. Dilts, CMC

Council Reports:

Councilman Wright – Reported that the Pool’s 50th Anniversary took place on the 27th and everything was very nice and there was a nice turn out. Ms. Ciesla thanked everyone who came to the celebration. The original committee members came; some in their 90's now. There was a reenactment of the ribbon cutting. Everyone really enjoyed looking at the memorabilia. ShopRite donated the food and they raised about \$700.00. The Recreation Committee will purchase a microwave oven for the snack bar. The people there represented what the community was, is and should be - people helping people – coming together. The original committee raised all the money for the pool themselves. They worked on it; building the buildings, selling bonds, a true community effort.

Councilman Wright read four bills on the record that didn't make it to the official bills list– Music in the Park – Matt Piazie \$500.00, John Nemeth \$500.00, Bruce Jepson \$400.00 and Jesse Rivera \$350.00 – totaling \$1750.00.

CFO Re- stated in order for the department to function due to his part-time status, the bills have to be in a week before the meeting. It costs a lot of money to do manual checks.

Council President Pryor – Received emails from Marial Segara, she is a reporter on a public radio show called Market Place. She is doing a piece on towns where malls are in decline and the impact to the town. She involved Mayor Kern as well. He does not know the specifics but will return a call to speak to her. Attorney Campbell said there is a tax appeal pending and recommended that he not speak on the subject.

At a previous meeting there was conversation on the traffic on Rt. 22 and the impact to the Ingersoll development and Council agreed that a conversation with Senator Doherty might provide assistance. The Senator did write a letter to the DOT which included his request that serious consideration be given to the Township's concerns including its petition that a thorough analysis be conducted of all signalized intersections on State Highway 22 between Rt. 78 and Bate Street in Phillipsburg. His staff reached out and talked to the DOT before the letter was written.

Council President Pryor showed a picture of the rain garden that would be planted at the pool. Once installed, there should be signage. The next step would be an agreement with Rutgers spelling out all the steps and the engagement of others to assist in the installation.

The County Solid Waste Financing Authority sponsors an annual drop off with regard to disposing of electronics. There has been a delay in scheduling because of the disposal of this equipment. Abilities of Northwest New Jersey, AERC and Best Buy is taking these electronics.

Councilman Belcaro – DPW will be conducting road repairs, curb work and basin reconstruction. There are projects slated for the use of the grant money from the USDA - \$850,000. There are two projects that will be going out to bid; one will be to replace the forcemain as the Stonehenge Pump Stations. The second one is a variety of improvements to the Stonehenge Pump Station.

A particular spot on Baltimore Street has an odor problem that is being addressed by Chapman our wastewater maintenance consultant.

Councilman Palitto – Next week there is a Board of Education Meeting honoring teachers of the year as well as scholarships. Eighth Grade Graduation will also be next Thursday at 6:00 pm at the middle school.

EDAC meeting will be scheduled later this month; still looking for interested members. Asked the Mayor to reappoint Kathryn Devos. Councilman Palitto made the motion, seconded by Councilman Belcaro. Roll call vote:

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

NAYS: None

Engineer Sterbenz – The Township received a grant from the State of New Jersey to construct sidewalks on Belvidere and Strykers Roads. There needs to be a kickoff meeting with the Dept. of Transportation. The Dept. cancelled the meeting because they are undergoing renovations. That meeting will be rescheduled.

Received and opened bids on May 25th for the South Second Street Improvement Project. One bid was received on the project and it was too high – recommended rejection of the bid and Engineer Sterbenz will modify the plans to remove some improvements in order to reduce costs and go back out to bid again. Motion to reject the bid by Council President Pryor, seconded by Councilman Belcaro. All in favor. Motion to authorize Engineer Sterbenz to modify the plans and put the project out for bid again. Motion by Councilman Belcaro, seconded by Council President Pryor. All in favor.

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

Payment of Bills – Bills List totaling \$1,320,330.00 adding \$1750.00 – four checks added by Councilman Wright. Motion to approve by Councilman Wright, seconded by Councilman Belcaro.

Roll call vote:

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

NAYS: None

Audience Participation:

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

George Scherrer – 32 Kyle Drive. First concern is lower Strykers Road that it is not holding up well. Engineer Sterbenz noted the road improvements were done 13 years ago. The county reconstructed the Greenwich section and that was done approximately five years later. Engineer Sterbenz noted the road is aging and maintenance is needed. He also noted that at the time of Warren Heights being built there was limits on the number of bedrooms which would reduce tax impact with regard to schools. Sycamore Landing is now being built and there is three bedroom units being built. Attorney Campbell noted there is an affordable housing component which requires up to three bedrooms. Engineer Sterbenz confirmed the number of three bedroom units at ten.

Harvey Walters – 325 S. Third Street – Thank the Council past and present, Beth and Mr. Sterbenz, Citizens of Lopatcong – He thanked each and every one of us for all the help given to him over the years.

John Betz – Asked Council President Pryor if he was going to seriously look at the hearing ordinance for Brakeley Gardens. Council President Pryor acknowledge he was definitely looking into the matter. Thanked Council President Pryor for including Senator Doherty in the DOT matter with regard to the Ingersoll Rand tract.

Eric Johnson – 361 Stonehenge Drive – Followed up with conversations he has had over the past 3 ½ years regarding the speed issue on Stonehenge Drive. There has been no reduction in the speed of the traffic after additional signage was put in place. The average car's speed goes between 35 and 45 mph. The mph is 25. What is the next step? Police enforcement, speed study – no sure what to do next. Council President Pryor will talk to the chief. Councilman Wright noted the past two days they have been running radar at the pump house in both directions.

John Betz – Asked if anything has gone forward with the Piazza tract area. Attorney Campbell said not yet.

Jill McCormick -234 Arbor Drive – parent of two lifeguards. Thirteen out of 19 lifeguards employed by Lopatcong Township – 18 lifeguards come united. She was not intending to speak but she was taken aback and utterly flabbergasted at the response of the Council to the request of the lifeguards. She told the public in room what the guards were being paid and the area rates being paid to lifeguards. The guards after talking about this for years and years got together and decided to stand up for themselves and ask for a reasonable wage. She said they are an incredible bunch of kids and excellent students. Returning guards are extremely reliable. Their certifications are \$300.00 every three years plus responsible for purchasing their own uniforms. She thought as a community they should be rewarded for their good work. She wanted the Council to encourage and work with the guards on this effort. She thought Council gave them no choice about their decision on this matter. Each and every lifeguards intends to hand in a letter of resignation tonight.

Dennis Drake – Byron Drive – Wanted to let Council know that not only does he live in Lopatcong but he is the head coach of the summer swim team and knows each and every one of the guards. They are mature and responsible and at the pool they are the first responders. Early in the late 80's he made \$8 at a community pool. He thought the guards deserve a fair pay rate. He would like to see the guards be treated fairly.

Peter Grenyo – Greenwich Township – he decided to come and show support for them. He didn't want to waste a lot of time repeating what was just said but wanted to offer his opinion on what goes on here. He has a little bit of back ground in municipal government in Greenwich. He understands how this process works. He knows there are financial concerns but accused the Council of hiding behind an exception for municipal government to pay them less than federal minimum wage. Nobody is making an attempt on this committee or in past committees to raise the rate of pay. However you have proactively tried to spend a couple thousand dollars on security equipment for the pool which really doesn't do anything but catch an act of vandalism or theft after it's already happened. It would have been nice to see somebody proactively want to do something for them. What Mr. Drake said is correct – no disrespect to Police and EMT's in the town, they are the true first responders. A child falls in the pool, they may be dead before anybody else responds. They have incurred costs out of their own pocket even to the point of buying their own uniforms and coming with their own. He said he did not mean any disrespect and it is not the fault of the Township Clerk she should not turn down her paycheck when it is offered to her but it is absolutely ludicrous that this Township pays your Township

Clerk a salary that is more than the combined salary of Township Clerk's of two neighboring towns at the same time and you're going to sit here and say we can't afford several thousand dollars more a year to pay them for the season.

Clerk Dilts - Well that's uncalled for and you really don't know what you're talking about.

Peter Grenyo – Ms. Dilts this is public comment I would appreciate you keep your mouth shut. Thank you.

Attorney Campbell - Okay you're going be, we're going to remove you. She will be quiet and wait for you to be done

Peter Grenyo - This is public comment. This is public comment

Attorney Campbell - but you don't tell someone to shut their mouth. That is not allowed in public comment. She informed him of the Township's Decorum Ordinance and

Peter Grenyo went on to address his concerns.

Olschewski – Highlands Way – He said there will be a second reading on the ordinance next meeting for raising the rates. Today is not the end of where you want to be and encourage them to show up.

Megan McCormick - 234 Arbor Drive. The ordinance is for next year and they were talking about this year. She thought the offer of \$7.75 was insulting. She submitted her resignation letter.

Jack Eagleburger – He read and submitted his resignation letter.

John Betz – Noted the second reading and said if you are intending on resigning he asked them to wait until after the second reading was proposed for the next meeting.

Lori Ciesla – Talked about RFP's to raise money for Community Day. The Recreation Committee is interested in one to help pay for rides and possibly one to pay for fireworks. Attorney Campbell said she would work with Beth if Council was interested to seek sponsors for events. Knows the kids (lifeguards) but knows the money was very tight, particularly in 2013, when taxes had to be raised and cut the budget by one million dollars. Things are getting a little better and finally were able to give an increase to the employees here. Was anybody contacted about the pool salary issue? Attorney Campbell said can't answer this because the individuals are pool employees. Certain salaries in this Township protected by NJ Statute and Peter Grenyo is not correct. Some area pools are getting huge amounts of donations and therefore paying more. The Township is at a disadvantage because there is another pool in the area being heavily subsidized.

Councilman Wright – Asked Attorney Campbell to explain to them why the Council can't address this.

Attorney Campbell – Asked the Council to not discuss the pool lifeguard issue as they are employees and they are protected by the Town and require notices to discuss in private. The group here tonight can be issued Rice Notices for next month and heard in Executive Session.

Peter Grenyo – His son was Rice Noticed. He understands the issue and they aren't looking for action in the public portion of the meeting. He said there was an attempt for these kids to have a meeting outside of this meeting to speak to Mayor McKay. He noted that these lifeguards understand what is going on, very fully, and they are making their own decision on what they want to do.

Attorney Campbell – Noted Council explained to the one employee in Executive Session it's position and why it is doing, why it didn't do what was asked to be done. Offered Ms. Dilts as Administrator to go over all the concerns these guards would have.

Peter Grenyo – Said he understood and they understand the situation.

Councilman Wright – Asked when was the first time someone was notified?

Peter Grenyo – Stated they reached out to Mayor McKay initially, via email, and had difficulty scheduling a meeting so that meeting never happened. Ms. Dilts was made aware of their concerns and held a meeting last Thursday night here at the Township building.

Councilman Wright – He asked about the first time because he thought now it is a little late.

Peter Grenyo – He said 2 ½ weeks ago this started.

Attorney Campbell – This matter did not come to Council until Ms. Dilts brought it. This is the first opportunity, but from what Council has heard, there has been some misinformation provided to some of the employees about how things can be paid, what can be paid, things like that so this is what Ms. Dilts can relay to them to answer their questions. She thought that Council did not want the lifeguards to resign but where we are, why it is too late, and what we are trying to do for next year and what we can do for this year which maybe too little for them but it is understood. If they wish to continue, Council will give them till Friday to rescind their resignation but they came here with a demand tonight. She thought a week ago this was found out.

Peter Grenyo – Said a proposal was made to go to \$7.75 an hour

Attorney Campbell – She thought this was very efficient for municipal government. She reiterated that he said he knows a lot about municipal government. It works very slowly.

CFO Re – Beth did come to me and said what can we do this year? It is not her fault we can't pay this this year. He said his daughter runs an aquatic center in another town but the Township can't get to there until next year. It is no one's fault up here.

Attorney Campbell – You can't compare rates with a statutory employee.

Olschewski - (Inaudible)

Attorney Campbell – Told Mr. Olschewski to please stop.

Peter Grenyo – He said they are aware of the concept of an “Emergency Reserve Fund”. So he thought the point

Attorney Campbell – Absolutely, the town cannot pay them from the Emergency Reserve.

Peter Grenyo – They are well aware that the concept exists in this world where an employee gets sick and that employee can't come to work and they continue to get paid their salary. However, he said the employer needs to bring another employer to do that job and there are ways to cover that funding. They are aware that unexpected events occur all the time and people can have ways

Attorney Campbell – Deciding they need more money is not an unexpected event. Employee getting sick is an unexpected event. Everyone knew what they were being paid when they signed up this year.

Peter Grenyo – If all the lifeguards resign and you do not have enough of a staff to operate a pool

Attorney Campbell – That would be the Township's problem and I think they have contingency plan in place. She was concerned he was advocating for the lifeguards and providing them the wrong information.

Peter Grenyo – They're seeing first, evasiveness, that's what they're seeing

Attorney Campbell – Told him absolutely not.

Peter Grenyo – They've seen disrespect

Attorney Campbell – Absolutely not, and I take great exception to that

Peter Grenyo – They've seen that they've been insulted. They are the ones telling you that they've been insulted

Attorney Campbell – And it sounds like you are the one who is telling them they are insulted. You're the one telling them what the law is and you are giving them a lot of misinformation.

Peter Grenyo – Out of everybody here, I know two of them; my son and my son's friend. He said he was not doing anything.

Attorney Campbell – When one is given misinformation

Peter Grenyo – He was going to stop because he didn't need to continue going through this.

Eli Mallory – 214 Arbor Drive in Stewartsville. Pointed out that Ryan wasn't the only employee who wanted to come into Executive Session – he wanted to come also.

Attorney Campbell – Maybe I miss said it unfair – the law requires a certain amount of notice.

Clerk Dilts – The whole group wanted to come in but it was going to be between you and Ryan, the decision.

Eli Mallory – They never really communicated who was going to come in but they both did actually want to come in. He expressed he was insulted that Attorney Campbell implied they weren't smart enough and Peter Grenyo was speaking for him.

Attorney Campbell – Some of the misinformation I was hearing was the same misinformation I was hearing out of him. That is all that was meant.

Eli Mallory – You put one seventeen year old against a group of adults.

Clerk Dilts – Said she went out of her way when she heard the rumor about you all being upset about your salaries. I went out of the way to contact the manager to put in place a meeting so I could get your thoughts and went to the CFO to try to figure out what else we could do. She said she made a good faith effort to talk to you and take what was talked about to the Council. She said she couldn't make decisions regarding the salary but gathered the information on their behalf.

Attorney Campbell – Said they all have the right to a private session. There is legal paperwork that has to be done. We tried to accommodate the request as quickly as possible.

Dennis Drake – Noted that simple decisions can take from a few months to a year sometimes. Is there an ordinance that is necessary for part-time salaries?

Attorney Campbell – Confirmed that there is a salary ordinance for all employees.

Dennis Drake – Asked what the range is?

Attorney Campbell – There is a range, but by resolution to set the salaries.

Dennis Drake – Asked what happens when an employee resigns and emergency hiring is necessary. What's the plan? Are you going to give them a hint? Are the guards being taken seriously he asked.

Attorney Campbell – She guaranteed that they were being taken seriously.

Dennis Drake – When there is an emergency hiring, there is a little more leeway.

Attorney Campbell – An emergency hiring is different than an increase in salary. Waiting too long is not an emergency.

Dennis Drake – Stated this is an emergency the town has to deal with.

Attorney Campbell – She said that is what they have to operate in, is what is an emergency legally and at this point, there is no emergency.

Dennis Drake – If they all resign and part of the emergency plan is because it is now considered an emergency, you have to make 17 emergency hiring's – some of this can be a renegotiated contract he said and would this open the door for increased salaries.

Attorney Campbell – Perhaps in a bind if someone else would be hired – rehiring employees who are already employees at a higher salary is not an emergency and you are doing an end run around the law and that is not acceptable. The budget is set and certain lines items cannot be moved around.

Dennis Drake – Argued the points and if seventeen guards resigned maybe the Township maybe has some leeway to increase salaries.

Attorney Campbell – Disagreed and said it was not legal.

Dennis Drake – Asked, as head coach of swim team, he wanted to know what the plan is. They represent a huge chunk of memberships to the pool.

Ryan Grenyo – Noted the Council avoided their request by proposing an ordinance to increase salaries in the 2018 year. He noted that an increase to \$10.00 would be an increase of \$30,000 needing to be paid out. He again asked about the Rice Notice noting Attorney Campbell's explanation and that they all wanted to get in the meeting. They were denied and only had one representative.

Attorney Campbell – This was trying to address the matter this month – she could have said I'll put you all on for next month and you can all come in next month. She didn't want to do that because she knew you wanted to be heard immediately – she made an adjustment for that. She pointed out that Ms. Dilts is not just the Township Clerk; she is the Administrator and supervisor of all employees including the pool employees.

Ryan Grenyo – What would be the time period for current meeting and not next meeting.

Attorney Campbell – That would depend she said and because this came through a rumor, through staff member at the pool, this didn't come through a channel – an email was sent

Ryan Grenyo – We attempted to

Attorney Campbell – Stated that what Councilman Wright was trying to understand, when that came in, but this Council as a whole did not know about your concerns until Ms. Dilts informed them and asked them to address it.

Ryan Grenyo – Thought the offer was insulting and resigned effective immediately – he noted he was discouraged by lack of concern.

Attorney Campbell – Noted you don't have to read your whole letter – you can just say you have the same letter. This is a common practice.

Kendra Bayne – Noted she had the same letter.

Marlee McCormick – Read the letter and resigned.

Francesco Palmasano – Read the letter and resigned.

Quincy Herdlein – He understands this put the Township in a tight spot and short notice. Same letter and resigned.

Angela Saggese – Noted she had the same letter.

Kaizen Frith – Hamilton Drive – Also had the same letter.

Olivia Powers – Joy Place – She has the same letter.

Jackie Powers – Joy Place – She noted she had same letter.

Emma Mallory – Arbor Drive – Had the same letter

Eli Mallory – Arbor Drive – He had 8 letters for everyone who could not be there. He noted that they are getting offered more money at other pools.

Jill McCormick – Arbor Drive – She didn't know how the salary wasn't reviewed for ten years. These kids have talked for years. She heard something about Friday. Can anything change between now and the second reading she asked.

Attorney Campbell – Council's position is if anyone including the eight people who weren't present, if there is a change of heart between now and Friday, they are more than welcome to come back in and rescind their resignation and are welcome to continue their employment at the pool. Council does not want them to leave.

Jill McCormick – Confirmed they were offered a 50 cent per hour raise.

Council President Pryor – Confirmed that is the offer.

Jill McCormick – Asked where that money was coming from.

Council President Pryor – That is what we can grab out of the budget.

Jill McCormick – From where.

Attorney Campbell – Within the various line items you can't move but in the salary line item the CFO examined this. She noted that maybe this will put the pool in a bad spot but this is as much wiggle room within the pool salaries. Next year, we have an ordinance and it will have to be budgeted.

Jill McCormick – She understood this was last minute and asked if there was any way to re-look at this.

CFO Re – Prepared the budget and Council depends on the help he provides them and did not see this and usually when people leave at the end of the season they'll let you know. In other towns he was in, kids came in and said something. They're part-time people here – the town tries to do the best they can.

Jill McCormick – She said she hoped the Council would give them some credit. The email wasn't sent until three weeks ago and a learning process for them.

Attorney Campbell – Council has put in place other things for this year – food voucher, purchase of clothing, and the 50 cents etc. The town is attempting to educate and do what they can and show a sign of good faith for next year.

Olschewski – Highlands Way – Why didn't we amend the budget and wait. Who is taking care of making sure that everybody in the township is getting a raise and not some?

Councilman Wright – Our Mayor is the guy.

Olschewski – The Township should be making sure that everybody is getting their equal share when it comes to raises.

Quincy Herdlein – Noted how democracy moves slow.

Council President Pryor – The budget is the budget, an ordinance is being put in place for next year, we can adjust the whole program but nothing will happen over the next month. You have an offer and you have to decide what you want to do.

Eli Mallory – Didn't understand the contingency plan and the budget.

Mayor McKay – Our hands are tied because of the legalities.

Councilman Belcaro – Noted the money is not there for what you're asking for because the budget has been approved. There was a workshop – this came in too late. Hoped the guards would reconsider because Council wants to work with them. This is a lesson going forward and should help each other.

Peter Grenyo - Hoped everybody realizes they did come too late but \$7.75 isn't going to cut it for them.

Motion to close public comment by Council President Pryor, second by Councilman Belcaro.

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

Respectfully submitted

Margaret B. Dilts
Clerk/Administrator

Thomas M. McKay
Mayor

