

TOWNSHIP OF LOPATCONG
COUNCIL MEETING
7:00 pm

July 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.

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 Prayer followed by Oath of Allegiance

Present: 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 Wright. All in favor.

Resolution No. 17-76 was adopted to hold an Executive Session. Attorney Campbell stated Council was in Executive Session for approximately 43 minutes. Topics of discussion are as listed on your agenda. There will be one matter to be addressed after the swearing in.

Swear In: Kaleb Wisner and Dean Berrigan were sworn in as Police Officers for the Township of Lopatcong.

Attorney Campbell asked for approval of the matter that was discussed in Executive Session. Motion to approve by Councilman Wright, seconded by Council President Pryor. Roll call vote:
AYES: Councilman Palitto, Councilman Wright, Council President Pryor and Mayor McKay
NAYS: None

Public Comment – Motion by Councilman Wright to open Public Comment, seconded by Council President Pryor. All in favor. No comments. Motion to close by Councilman Wright, seconded by Councilman Palitto. All in favor.

Old Business:

Minutes – Approve Executive Sessions – 2 parts and Regular Session Minutes for June 7, 2017. Motion to approve as amended in Executive Session by Council President Pryor, seconded by Councilman Palitto.

AYES: Councilman Palitto, Councilman Wright, Council President Pryor, Mayor McKay with the exception of the Part 2 of Executive Session.

NAYS: None

Ordinance No. 2017-04 – Second reading and public hearing to amend Salary Ordinance to put in place a step level increase for Pool Lifeguards. Motion to open for a public hearing by Councilman Wright, seconded by Council President Pryor. All in favor. No public comment. Motion to close public hearing by Councilman Wright, seconded by Councilman Palitto.

Ordinance No. 2017-04

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, July 5, 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 FIXING THE SALARIES, RETAINERS AND WAGE RATES OF MUNICIPAL

POOL LIFEGUARDS OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY

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 Palitto, Councilman Wright, Council President Pryor, Mayor McKay.

NAYS: None

Ordinance No. 2017-05 - First reading to amend Chapter 183 entitled Heat, Rental Properties, regulating heat to rental properties. Council President Pryor noted this was discussed last month. The beginning of May was cold this year and a number of letters came in from people who were concerned about the heat all in Brakeley Gardens. The heating season is defined in the State Housing Code is October 1 to May 1. They don't tell you the heat must be on or off but a performance standard as criteria is set. The temperature in the apartment should be 68 degrees from 6 am to 11 pm with remaining hours the temperature to be at least 65 degrees. The landlords are responsible to meet that performance criteria. Several years ago there was a proposal to extend this one full month in either direction. That was withdrawn and never had a second reading. The reason it was withdrawn was the landlord said it would result in additional costs that would be passed onto the renters. Mr. Betz has become a spokesman for the residents at Brakeley Gardens and a meeting was held with him and Mr. Donovan an owner/manager for the complex today. Council President Pryor thanked both gentlemen for coming and complimented them on the way the meeting was conducted. One of the criteria looked at was the weather data and it was determined that May was the more problematic month. The proposal put forth to both sides is to adopt a local ordinance extending the period to May 15th; two weeks. Mr. Donovan agreed to this.

ORDINANCE NO. 17-05

ORDINANCE OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN, STATE OF NEW JERSEY TO AMEND, REVISE AND SUPPLEMENT CHAPTER 132, "HEAT, RENTAL PROPERTIES," OF THE CODE OF THE TOWNSHIP OF LOPATCONG TO ADD AN ORDINANCE REGULATING HEAT PROVIDED TO RENTAL PROPERTIES.

WHEREAS, there exists a statutory minimum requirements for the provision of heat by landlords.

WHEREAS, N.J.S.A.40:48-2 provides that a municipal government may make, amend, repeal and enforce such ordinances that it deems necessary for the preservation of the public health, safety and welfare of the municipality and its inhabitants.

WHEREAS, the Township Council has received complaints from Township residents that the statutory minimum requirement for heat is not sufficient because unseasonably cold spring and fall months in Lopatcong have caused temperatures inside apartments to be very cold.

WHEREAS, the Council of the Township of Lopatcong, County of Warren, State of New Jersey, has determined that Chapter 132, "Heat, Rental Properties," of the Code of the Township of Lopatcong shall be amended, revised and supplemented to add Section to regulate the provision of heat to rental properties.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Township of Lopatcong, County of Warren, State of New Jersey that Chapter 132 of the Code of the Township of Lopatcong shall be amended, revised and supplemented as follows:

Section 1:

§132 Heat, Rental Properties

§132-1 Heat Requirements.

- a. Every owner of a dwelling, who permits to be occupied any dwelling unit or lodging unit therein under any agreement, express or implied, to supply or furnish heat to the occupant thereof, shall supply heat adequate to maintain therein a minimum inside temperature in all habitable rooms, bathrooms, and water closet compartments of 68 degrees Fahrenheit between the hours of 6:00 A.M. and 11:00 P.M., and 65 degrees Fahrenheit between the hours of 11:00P.M. and 6:00 A.M. from October 1 of each year to the next succeeding May 15.
- b. In absence of a contract or agreement to the contrary, an owner shall be obligated to provide heat whenever heating facilities are under the control of the owner or whenever two or more dwelling units or lodging units are heated by a common facility.

§132-2 Enforcement.

The provisions of this Chapter may be enforced by the Warren County Board of Health or the zoning officer of the Township of Lopatcong or another agent so designated by the Township Council.

§132-3 Violations.

Any person who violates any provision of this Chapter, upon conviction thereof, be liable to a penalty of not more than \$1,000 or imprisonment for not more than 90 days, or both, for each violation. Each day that said violation continues shall be deemed a separate and distinct violation.

Section 2:

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder off this Ordinance shall not be affected thereby.

Section 3:

Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 4:

Effective Date. This Ordinance shall take effect upon final passage and publication as provided by law.

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 July 5, 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 August 2, 2017 at 7 p.m. or as soon thereafter as the Township Council may hear this Ordinance at the Municipal Building, 232 S. Third Street, Phillipsburg, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Margaret B. Dilts, CMC
Township Clerk

Motion to adopt ordinance on first reading by Council President Pryor to extend the period from May 1 to May 15, seconded by Councilman Wright. Roll call vote:

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

NAYS: None

New Business:

Resolution No. 17-77 – Renew liquor license for Santram Liquors July 1, 2017 to June 30, 2018.

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:

Santram Liquors, Inc. – 2115-44-001-003

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, July 5, 2017.

Margaret B. Dilts, CMC

Motion to adopt this Resolution by Councilman Wright, seconded by Councilman Palitto. All in favor.

USDA Special Projects – Stonehenge Drive Force Main Replacement Project and Stonehenge Drive Pump Station Improvements Project:

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

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

NAYS: None

Relative to the Contract award all documents must be executed:

1. Letter from Attorney Campbell stating her opinion relative to the bid opening.
2. RD442-22 Opinion of Council Relative to Rights-Of-Way document.
3. RD Form 442-21 Right-Of-Way Certificate executed by presiding official.
4. Budget Information to reflect the actual bid price and the necessary changes in line items.
5. Compliance Statement
6. Any other documentation presented for signature necessary to begin the project.

Dan Madden informed the public that bids were received on Thursday the 29th for the two projects. We had only one bidder for the Force Main Project; Dulaine Construction and two bidders for the second project and the recommendation is for the lower bidder, Blooming Glen Contractors, Inc.

Motion to approve Mayor McKay to execute documents 1-6 on behalf of the Township by Councilman Wright, seconded by Council President Pryor. Roll call vote:

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

NAYS: None

Award of Contracts – Contingent upon the availability of funds and the review and concurrence of the Township's attorney and the USDA.

Resolution No. 17-78 -Award Contract for Stonehenge Drive Force Main Replacement Project to Dulaine Contracting, Inc., in the amount of \$524,351.50.

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AWARDED BID TO DULAINE CONTRACTING, INC., IN THE AMOUNT OF \$524,351.50 FOR THE STONEHENGE DRIVE FORCE MAIN REPLACEMENT PROJECT AND

AUTHORIZES THE MAYOR AND TOWNSHIP CLERK TO EXECUTE THE CONTRACT

WHEREAS, the Township of Lopatcong, County of Warren and State of New Jersey received one bid for the Stonehenge Drive Force Main Replacement Project; and

WHEREAS, Dulaine Contracting, Inc., of P.O. Box 526, Gladstone, NJ 07934 was the low responsible bidder; and

WHEREAS, This recommendation is contingent upon the availability of funds and the review and concurrence of the Township's Attorney and the USDA; and

WHEREAS, Dulaine Contracting, Inc., is awarded the contract in the amount of \$524,351.50; and

WHEREAS, Mayor McKay and Township Clerk Beth Dilts are hereby authorized to execute the contract.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey that Dulaine Contracting, Inc. of P.O. Box 526 Gladstone, NJ was awarded the bid for the Stonehenge Drive Force Main Replacement Project in the amount of \$524,351.50 and the Mayor and Township Clerk are authorized to execute the contract.

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, July 5, 2017.

Margaret B. Dilts

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

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

NAYS: None

Resolution No. 17-79 – Award Contract for Stonehenge Drive Pump Station Improvements Project to Blooming Glen Contractors, Inc., in the amount of \$221,200.00.

R 17-79

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AWARDED BID TO BLOOMING GLEN CONTRACTORS, INC., IN THE AMOUNT OF \$221,200.00 FOR THE STONEHENGE DRIVE PUMP STATION IMPROVEMENT PROJECT AND AUTHORIZES THE MAYOR AND TOWNSHIP CLERK TO EXECUTE THE CONTRACT

WHEREAS, the Township of Lopatcong, County of Warren and State of New Jersey received two bids for the Stonehenge Drive Pump Station Improvements Project; and

WHEREAS, Blooming Glen Contractors, Inc., P.O. Box 55, Skippack, PA 19474 was the low responsible bidder; and

WHEREAS, This recommendation is contingent upon the availability of funds and the review and concurrence of the Township's Attorney and the USDA; and

WHEREAS, Blooming Glen Contractors, Inc., is awarded the contract in the amount of \$221,200.00; and

WHEREAS, Mayor McKay and Township Clerk Beth Dilts are hereby authorized to execute the contract.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey that Blooming Glen Contractors, Skippack, PA was awarded the bid for the Stonehenge Pump Station Improvements Project in the amount of \$221,200.00 and the Mayor and Township Clerk are authorized to execute the contract.

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, July 5, 2017.

Margaret B. Dilts

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

Consent Agenda:

Resolution No. 17-80 – Authorize property tax refund on Block 130, Lot 8 in the amount of \$5082.90 for tax year 2017.

R 17-80

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING TO PROPERTY TAX OVER PAYMENTS 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>Name of Payee</u>	<u>Amount</u>
Block 130, Lot 8	Stephanie Hilgenberg 35 Kyle Drive Phillipsburg, NJ 08865 Loan No. 80000412388	\$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, July 5, 2017.

Margaret B. Dilts, CMC

Resolution No. 17-81 – Authorize refund of Homestead Rebate Credit on exempt property for tax year 2017, 2014 rebate applied 2Q2017 on Block 32, Lot 28 in the amount of \$415.10.

R 17-81

RESOLUTION OF THE TOWNSHIP OF LOPACONG, 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 32, Lot 28	Morris Ray & Jane Schmidt 715 Charles Road Phillipsburg, NJ 08865	\$415.10

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 certify the foregoing to be a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, July 5, 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, July 5, 2017.

Margaret B. Dilts, CMC

Resolution No. 17-82 – Authorize refund of Tax Sale Certificate No. 2016-031 and Premium on Block 108, Lot 24 in the amount of \$3,322.92.

R 17-82

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF
NEW JERSEY AUTHORIZING REFUND OF REDEMPTION MONIES TO OUTSIDE
LIENHOLDER ON BLOCK 108, LOT 24

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on October 12, 2016, a lien was sold on Block 108, Lot 24 also known as 248 Stonehenge Drive for delinquent sewer and recorded in the Warren County Clerk's Office; and

WHEREAS, this lien was known as Tax Sale Certificate No. 2016-031 was sold to Stuart Lasher for a Premium of \$1,300.00; and

WHEREAS, Home Point Financial Corp. for the property owners has satisfied the redemption amount on Certificate No. 2016-031 in the amount of \$2,022.94.

NOW, THEREFORE BE IT RESOLVED on this 5th day of July 2017 that the Chief Financial Officer be authorized to issue a check in the amount of \$3,322.94 for the redemption of Tax Sale Certificate No. 2016-031 and Premium to:

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

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, July 5, 2017.

Margaret B. Dilts, CMC

Resolution No. 17-83 – Authorize refund of Tax Sale Certificate No. 2014-011 and Premium on Block 32, Lot 15 in the amount of \$4,673.02.

R 17-83

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF
NEW JERSEY AUTHORIZING REFUND OF REDEMPTION MONIES TO OUTSIDE
LIENHOLDER ON BLOCK 32, LOT 15

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on June 25, 2014 a lien was sold on Block 32, Lot 15 also known as 860 Red School Lane for delinquent sewer and recorded in at the Warren County Clerk's Office on 9/2/14 Book 6059, Pg. 174; and

WHEREAS, this lien, known as Tax Sale Certificate No. 2014-011 was sold to US Bank Cust. For PC4 First Trust Bank for a Premium of \$1,000.00; and

WHEREAS, Wells Fargo, mortgage company for the property owners has satisfied the redemption amount on Certificate No. 2014-011 in the amount of \$3,673.02.

NOW, THEREFORE, BE IT RESOLVED on this 5th day of July 2017 that the Chief Financial Officer be authorized to issue a check in the amount of \$4,673.02 for the redemption of Tax Sale Certificate No. 2014-011 and Premium to:

US Bank Cust. For PC4 First Trust Bank
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, July 5, 2017.

Margaret B. Dilts, CMC

Resolution No. 17-84 – Authorize refund of Tax Sale Certificate No. 2016-026 and Premium on Block 99, Lot 135 C0604 in the amount of \$22,154.38.

R 17-84

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 135 C0604

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on October 12, 2016, a lien was sold on Block 99, Lot 135 C0604, also known as 604 Honeybrook Circle for delinquent taxes and recorded in at the Warren County Clerk's Office on 11/16/16, Book 6372, Pg. 190; and

WHEREAS, this lien known Tax Sale Certificate No. 2016-026 was sold to US Bank Cust. For BV002 Trust & Creditors for a Premium of \$13,100.00; and

WHEREAS, Affinity Federal Credit Union, mortgage company for the property owners has satisfied the redemption amount on Certificate No. 2016-026 in the amount of \$9,054.38.

NOW, THEREFORE, BE IT RESOLVED on this 5th day of July 2017 that the Chief Financial Officer be authorized to issue a check in the amount of \$22,154.38 for the redemption of Tax Sale Certificate No. 2016-026 and Premium to:

US Bank Cust. For BV002 Trst & 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, July 5, 2017.

Margaret B. Dilts, CMC

Resolution No. 17-85 – Authorize refund of duplicate tax payment on Block 95, Lot 38 and Block 95, Lot 39 in the amount of \$3,647.00 and \$1,210.66 respectively for tax year 2017.

R 17-85

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

ON BLOCK 95, LOT 38 AND BLOCK 95, LOT 39

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 95, Lot 38	AMGS Holdings, LLC	\$3,647.00
Block 95, Lot 39	210 Strykers Road Phillipsburg, NJ 08865	\$1,210.66

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 in the amount of \$4,857.66 on this property rather than applying these payments to the 2017 tax year.

CERTIFICATION

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

Margaret B. Dilts, CMC

Resolution No. 17-86 – Authorize refund of tax overpayments for tax year 2017 on Block 129, Lot 12 in the amount of \$1979.18.

R 17-86

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING TO REFUND TAX OVER PAYMENTS 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, Ste 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, July 5, 2017.

Margaret B. Dilts, CMC

Resolution No. 17-87 – Authorize tax billing for tax year 2017 be changed to exempt on property known as Block 93.01, Lot 9.

R 17-87

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING TAX BILLING FOR TAX YEAR 2017 TO BE CHARGED TO

EXEMPT PROPERTY AS OF CLOSING ON BLOCK 93.01, LOT 9

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey that the property owners listed below in the designated amounts representing an overpayment of 2017 taxes that should be exempt property as follows for the tax year 2017.

<u>Block & Lot</u>	<u>Name of Payee</u>	<u>Amount</u>
Block 93.01, Lot 9	Robb, Scott & Kristina	\$1,396.50

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 exempt status of resident from documentation provided to the Assessor's Office and ask that Tax Collector remove 2017 to this property as of date of closing.

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, July 5, 2017.

Margaret B. Dilts, CMC

Council Reports:

Councilman Palitto – An EDAC meeting was held last month. Looking to meet every fourth Tuesday of every month. Ideas were hatched at the last meeting to support businesses in town and looking to generate new business.

Council President Pryor – Reported he received a design for the Rain Garden at the pool which Council shall review. This would require an agreement before it can be implemented.

Council President Pryor provided an update on the Mayor's suit against Council. The Plaintiff's brief has been filed; that's the Mayor. The Defendants brief, which included Council President Pryor, Councilman Belcaro, and Maureen McCabe, has been filed. The Plaintiff had the option of filing a rebuttal; he did not file that. That option is now gone. There has been no request for oral arguments. So the case is in the hands of the court and a decision will be made by the judges.

Council President Pryor also commented on the Planning Board not wanting to rehash things but felt a response to some things and an explanation was necessary. He reported that he raised concerns at the Planning Board Meeting of April 27th regarding possible conflicts of interest. He encouraged everyone to watch the tape of this meeting or review the minutes. Planning Board members are officers of the Township and are held to a special standard. He said it basically says where a member or his immediate family has a direct or indirect financial interest or personal involvement, so it is much broader than just an involvement, that might reasonably be expected to impair its objectivity or independence of judgement would then be held in a conflict of interest. It was proposed by the Planning Board that it was none of Council's business while State Law and the Municipal Code grant the Township Council the authority to get involved with perceived conflicts of interest. Council is empowered to remove a member, any member except the Mayor after a hearing. So as Council President, as Council's representative, I feel I have both a right and a duty to address potential conflicts of interest on the Board. At the April 27th meeting, it was agreed that all concerns would be reduced to writing. This would be put in a form of a letter. The Board would then have time to review the letter and develop their own letters which would then be submitted to the Department of Community Affairs as a package. To his knowledge, this has been done. Council President Pryor felt he had an obligation to respond to comments made by the Mayor at the April 27th meeting as well as additional comments he made at the Planning Board's meeting of May 31st. If the public wants to OPRA Request the letter, concerns were raised in good faith and have been documented with great care. The Mayor characterized them in terms such as speculative, nuances and ridiculous. He encourages everyone to OPRA Request the letter and decide for themselves. The second thing Council President Pryor mentioned was at the meeting of May 31st which he was not present, the Mayor spoke quite a bit about him; he won that debate because he was not there to speak on behalf of himself. Tonight he took the opportunity to ask Mayor McKay – Did you attend an anti-asphalt plant fund raiser at Bruno's.

Mayor McKay responded – Hmm and asked if he was being interrogated?

Council President Pryor – Said yeah.
Mayor McKay – Did I attend – yeah.

Council President Pryor – Well, you denied that, that night; you said it was a heinous accusation.

Mayor McKay – What? I didn't deny it; I never denied it.

Council President Pryor – You said it was a heinous accusation.

Mayor McKay – Your accusation was that I, that I got free pizza, that I

Council President Pryor – No, no, no, you know what, I ask everybody to read it, you decide for yourself.

Mayor McKay – I don't want to talk about it.

Council President Pryor – I didn't think you would. He was particularly feisty at the meeting on May 31st. He stated at the meeting that I was not there, that I was the only one who raised conflicts of interest. None of these people raised a conflict of interest; I was the only one. I believe Mr. Johnson, Mr. Olschewski, and Ms. Schneider all accused me of a conflict of some sort. Correct?

Mayor McKay – I don't know what you're talking about- this is the Town Council meeting. If you want to go

Council President Pryor – Well you raised these – I wasn't there. I'm bringing up tonight. Then there was the granddaddy of all accusations which came directly from the Mayor to the floor and you felt you had to raise this at a public meeting. I hope to get the nuances right; he says “yeah you know that, could it be Joe that you are behaving in this fashion; some might say it could be, I'm not saying that you are but maybe you're trying to get on the Bridge Commission. Ahh who gets on the Bridge Commission? Well maybe that's what you're trying to do”. That, you know an accusation of the Mayor

Mayor McKay – That's a question.

Council President Pryor – Now he's made it in public.

Mayor McKay – That's a question.

Council President Pryor – I ask you at the next meeting, you said it's a rumor going around. I ask you tonight what's the source of the rumor. What'd you hear? Where did you hear the rumor?

Mayor McKay – (Inaudible)

Council President Pryor – Would it surprise anyone if I felt that you were the source of the rumor?

Mayor McKay – I don't know. Is that what you want to say?

Council President Pryor – I don't know. Why would I be on the. Do you know what it takes to get on the Bridge Commission?

Mayor McKay – I don't, I have no idea.

Council President Pryor - You have no idea.

Mayor McKay – Nope.

Council President Pryor – Do you know what they get paid? Nothing.

Mayor McKay – To be a commissioner?

Council President Pryor – Yeah.

Mayor McKay – I don't know that. I can't

Council President Pryor – Why, why would I want to be on it? Why would you say that at a public meeting?

Mayor McKay - Why would people want to be on it, because they deal

Council presidential Pryor – Why would I want to be on it? Have I ever mentioned it?

Mayor McKay – Well, it seems like a lot of people leave here and go on it.

Council President Pryor – Well, that's a lot of logic

Mayor McKay – Yeah, I thought maybe that was (inaudible) I don't know.

Council President Pryor – Did you ever read Judge Miller's decision?

Mayor McKay – Yeah, a long time ago.

Council President Pryor – Yeah, I bet you didn't. Here's what he said “conflict of interest rules are important, are imposed, and enforced to discourage improper activity and ensure the public trust. It does not give license to an attack by pure speculation upon a public official where there is not a scintilla of evidence to suggest any wrongdoing or improper influence”. I give weight to Judge Miller's words. Again, I encourage you to OPRA my letter. I give a full discussion; I give full documentation. I give weight to Judge Miller's words. In closing, you said “while I was not there, we should only be conducting the business of the Board”. I ask you, does that mean the potential conflicts of interest are not the business of the Board?

Mayor McKay – Legitimate conflicts of interest.

Council presidential Pryor – All right. We'll leave it at that. Please OPRA my letter read it and you decide for yourselves if they're legitimate. Read the minutes of that meeting and the Mayor says nonsense, heinous; you decide for yourselves. I bring that up today and I won't bring it up again.

Mayor McKay – I don't know if all of you know what this is. This is Mr. Pryor's, says that some people on the Planning Board are, have conflicts of interest with respect to the asphalt industry and that they cannot be trusted to be unbiased in any kind of dealing that might have happened in the past or might be happening in the future with respect to the asphalt industry. So, that's what he is talking about.

Councilman Wright – He really didn't have a report but noted he was working with the Chief of Police and would let him explain in his report.

Chief of Police – Reported on the Police Department projects being worked on. A permanent Municipal Building Medicine Drop Box is forthcoming. Just received approval from the DEA and noted this is a process still in motion. Security measures would be in place to make sure the box is secured in the building. Is seeking a federal grant in the amount of \$120,000 over a three-year period for the cops hiring program to offset salaries. Another grant through the State Attorney General's office for community policing and is looking to partner with the Greenwich Police Department. Facebook Page has been established for public safety information. He provided the police summary report for June.

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

Payment of Bills - \$1,419,648.18. Motion by Councilman Wright, seconded by Council President Pryor. Roll call vote:

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

NAYS: None

Audience Participation – No comments.

Engineer Sterbenz – Reported the bid documents for South Second Street were updated and the project was readvertised for bid. The bids will be received and opened on the 13th. There will be a report for the next meeting. A request to reduce the performance guarantee on the Sycamore Landing Project was received and will be addressed at the next meeting also.

Council President Pryor – Noted the hedges on South First Street and Edward were cut down. Brian Weeks reported that he met with the homeowner and those hedges preventing proper site lines were cut

down. There is still a problem with cars parking on the right hand side of Edward. The Chief of Police said this issue was addressed also.

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

Respectfully submitted,

Margaret B. Dilts
Clerk/Administrator

Thomas M. McKay
Mayor