

TOWNSHIP OF LOPATCONG  
COUNCIL MEETING

September 6, 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 Belcaro, Councilman Wright, Council President Pryor, Mayor McKay. Also present were Attorney Campbell and Engineer Adam Wisniewski

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

Resolution No. 17-110 - was adopted to hold an Executive Session. Attorney Campbell stated Council was in Executive Session for approximately one hour and 40 minutes. Topics of discussion were two personnel matters and a possible receivership of Block 102, Lot 101.

**Public Comment –**

John Betz – 225 Red School Lane Y-14. Asked which committees and boards were open for appointments this evening. Asked about the VanCleeef sewer allocation.

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

**Old Business:**

**Minutes** – Approve minutes of Executive and Regular Sessions for August 2 and 17, 2017. Motion to approve by Councilman Wright, seconded by Councilman Palitto. Roll call vote:  
AYES: Councilman Palitto (August 17, 2017), Councilman Belcaro, Councilman Wright, Council President Pryor, Mayor McKay  
NAYS: None  
ABSTAIN: Councilman Palitto (August 2, 2017)

**Fire House No. 2 – Jeep Willy Brush PickUp Truck** – Clerk Dilts was directed to send correspondence that the Township would like to have the truck for use in the park and find out what the next step should be.

**New Business:**

**Ordinance No. 2017-06** – First reading of Bond Ordinance for Various Capital Improvements in the amount of \$1,064,439 authorizing the issuance of \$650,000 in Bonds or Notes for Financing part of the appropriation.

**ORDINANCE # 2017-06**

**BOND ORDINANCE PROVIDING AN APPROPRIATION  
OF \$1,064,439 FOR VARIOUS CAPITAL IMPROVEMENTS  
IN AND BY THE TOWNSHIP OF LOPATCONG, IN THE**

**COUNTY OF WARREN, NEW JERSEY AND  
AUTHORIZING THE ISSUANCE OF \$650,000 BONDS OR  
NOTES OF THE TOWNSHIP FOR FINANCING PART OF  
THE APPROPRIATION.**

BE IT ORDAINED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LOPATCONG, IN THE COUNTY OF WARREN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

**SECTION 1:**

The improvement described in Section 3 of this Bond Ordinance (the "Improvement") is hereby authorized to be undertaken by the Township of Lopatcong, in the County of Warren, New Jersey (the "Township") as a general improvement. For the said Improvement there is hereby appropriated the amount of \$1,064,439, consisting of (a) \$380,000 grant from the New Jersey Department of Transportation for the Safe Routes to School Program and (b) \$34,439 as the down payment (the "Down Payment") required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law"). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments or capital improvement purposes.

**SECTION 2:**

In order to finance the additional cost of the Improvement not covered by application of the Down Payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$650,000 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said Improvement or purposes, negotiable bond anticipation notes of the Township are hereby authorized to be issued in the principal amount not exceeding \$650,000 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

**SECTION 3:**

(a) The Improvements authorized and the purposes for which obligations are to be issued are as follows:

Improvements	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Useful Life
Various sidewalk improvements, including but not limited to Belvidere Road and Strykers Road, including all work and materials necessary therefor and incidental thereto, all as shown on and in accordance with the plans and specifications thereon on file in the office of the Clerk and hereby approved.	\$430,000	\$47,500	10 Years
Acquisition of Department of Public Works vehicles and equipment, including one dump truck and one street sweeper, all as shown on and in accordance with the plans and specifications thereon on file in the office of the Clerk and hereby approved.	450,000	427,500	11 Years
Acquisition of various Fire Department equipment, including but not limited to hydraulic rescue tools including hydraulic pump, hoses, cutter, spreader, rams and mounting accessories, all as shown on and in accordance with the plans and specifications thereon on file in the office of the Clerk and hereby approved.	38,775	36,836	5 Years
Various road improvements, including but not limited to Fourth, Fifth and Sixth Streets, including all work and materials necessary therefor and incidental thereto, all as shown on and in accordance with the plans and specifications thereon on file in the office of the Clerk and hereby approved.	145,664	138,164	10 Years
<b>TOTAL ALL PURPOSES</b>	<b>\$1,064,439</b>	<b>\$650,000</b>	

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvement is \$650,000.

(c) The estimated cost of the Improvement is \$1,064,439 which amount represents the initial appropriation made by the Township.

#### SECTION 4:

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the municipal finance officer of the Township (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at

public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Township Council of the Township at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

#### SECTION 5:

The capital budget of the Township is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Township Clerk and is available for public inspection.

#### SECTION 6:

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvement described in Section 3 of this Bond Ordinance is not a current expense, and is a capital improvement or property that the Township may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the Improvement, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for such purpose, according to the reasonable life thereof computed from the date of the Bonds authorized by this Bond Ordinance, is 10.37 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Township, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this Bond Ordinance by \$650,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$200,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

#### SECTION 7:

Any funds or grant monies received for the purpose described in Section 3 of this Ordinance shall be used for financing said Improvement by application thereof either to direct payment of the cost of said Improvement or to the payment or reduction of the authorization of the obligations of the Township authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvement shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this Bond Ordinance.

#### SECTION 8:

The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this Bond Ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

#### SECTION 9:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Township reasonably expects to pay expenditures with respect to the Improvement prior to the date that Township incurs debt obligations under this Bond Ordinance. The Township reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Township under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the cost of the Improvement is \$650,000.

#### SECTION 10:

This Bond Ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

**TOWNSHIP OF LOPATCONG**  
**WARREN COUNTY, NEW JERSEY**

**PUBLIC NOTICE**

**NOTICE OF PENDING BOND ORDINANCE**

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Township of Lopatcong, in the County of Warren, State of New Jersey, on September 6, 2017. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Municipal Building, 232 South 3<sup>rd</sup> Street, in the Township of Lopatcong, on October 4, 2017 at 7 o'clock PM. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: Bond Ordinance Providing An Appropriation Of \$1,064,439 For Various Capital Improvements In And By The Township Of Lopatcong, In The County Of Warren, New Jersey And Authorizing The Issuance Of \$650,000 Bonds Or Notes Of The Township For Financing Part Of The Appropriation

Purpose(s): Various sidewalk improvements, including but not limited to Belvidere Road and Strykers Road; Acquisition of Department of Public Works vehicles and equipment, including one dump truck and one street sweeper; Acquisition of various Fire Department equipment, including but not limited to hydraulic rescue tools including hydraulic pump, hoses, cutter, spreader, rams and mounting accessories; and Various road improvements, including but not limited to Fourth, Fifth and Sixth Streets.

Appropriation: \$1,064,439

Bonds/Notes Authorized: \$650,000

Grants (if any) Appropriated: \$380,000 grant from the New Jersey Department of Transportation for the Safe Routes to School Program.

Section 20 Costs: \$200,000

Useful Life: 10.37 Years

M. Beth Dilts, Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17.

Motion to approve on first reading by Councilman Pryor, seconded by Councilman Palitto. Roll call vote:

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

NAYS: None

**Resolution No. 17-104** – Appoint Robert Lagonera as Animal Control Officer provisionally for the Township pending Civil Service approval at a salary of \$8400.00 per year.

R 17-104

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING APPOINTMENT OF ROBERT LAGONERA AS ANIMAL CONTROL OFFICER PROVISIONALLY PURSUANT TO CIVIL SERVICE PROCEDURES

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey does hereby authorize the appointment of Robert Lagonera as Animal Control Officer provisionally pursuant to Civil Service procedures; and

WHEREAS, Robert Lagonera will be paid a salary according to the Salary Ordinance; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey that Robert Lagonera is approved provisionally as Animal Control Officer pursuant successfully completing Civil Service Procedures.

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, September 6, 2017.

Margaret B. Dilts, CMC

Motion to approve Provisional Appointment by Councilman Wright, seconded by Councilman Pryor. Roll call vote:

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

NAYS: None

**Lopatcong Self-Storage – Sewer Allocation** – VanCleaf Engineering has made a request for sewer allocation. Council President Pryor made a motion to grant allocation subject to wastewater Engineer’s recommendation, seconded by Councilman Palitto. Roll call vote:

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

NAYS: None

**Berry Plastics/STAG Industrial - Sewer Connection Fee** – A discussion was held regarding their request to waive the fee. The matter has been tabled.

**PHS Road Improvement Project – Zuccarro, Inc.** – Engineer Sterbenz explained Change Order No. 4 with a motion to approve by Council President Pryor, seconded by Councilman Wright. A motion to approve Final Payment No. 5 in the amount of \$35,357.63 was made by Council President Pryor, seconded by Councilman Wright. Roll call vote:

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

NAYS: None

**Fall CleanUp** – Clerk Dilts explained the costs for Fall Cleanup and recommended award to LMR for cleanup which will be held on October 7<sup>th</sup> this year. Motion to approve by Councilman Palitto, seconded by Council President Pryor. Roll call vote:

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

NAYS: None

**2017/18 Best Practices Checklist** – Clerk Dilts and CFO Re discussed and answered questions regarding the Checklist with the Council as required before submission to the State.

**Transportation Trust Fund Local Aid Application** – Engineer Sterbenz discussed the possible streets with Council and it was concluded the application would be made for Baltimore Street with a \$200,000 contribution placed in the budget for additional expenses. Motion by Council President Pryor, seconded by Mayor McKay. Roll call vote:

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

NAYS: None

**Canyon River Run Veterinarian Services** – Owner came before the Council to request zone change on property known as Block 87, Lot 1.10 on Belview Road for the service to relocate. This matter was referred to the Zoning Board of Adjustment for consideration.

**Mayoral Appointments** – Mayor McKay appointed Mahesh Mangalick as a volunteer on the Environmental Commission to the unexpired term of Judy Liptak on 12/31/2018. Second item is we had a fellow John Fox who was on both the Planning Board and the Environmental Commission, he's left town, he's moved to another town so I need to replace those seats so I'm going to realign the seat that he vacated on the Planning Board

Attorney Campbell – Well wait a minute

Council President Pryor – You can't realign.

Attorney Campbell – he, his term on the Environmental Commission is directly related to his term on the Planning Board. So his term on the Environment Commission if I remember correctly, expires the end of this year and therefore, his term on the Planning Board

Mayor McKay – but he's no longer here.

Attorney Campbell – Doesn't matter, the term stays the same.

Council President Pryor – It's the term that expires first.

Attorney Campbell - You can put someone in and it expires the end of this year.

Mayor McKay – I don't see it that way. I don't know why you would see it that way.

Council President Pryor – I don't see it your way so. You can appoint someone for two months and we'll get an attorney's opinion but you can't realign terms.

Mayor McKay – Well, I'm not realigning terms. You changed the term that was the original term for that seat.

Attorney Campbell – No, no, no. The statute, the statute says that it's a term; however, if they're the Environmental Commission member, the term is their Environmental Commission.

Mayor McKay – If they're not there anymore then that's

Attorney Campbell – It's still the Environmental Commission term. So, whoever you put in the Environmental Commission, that term is up the end of this year. So, that term

Mayor McKay – Yeah, but I have to have them on both things and they have to; I'm allowed to do it for up to three years

Attorney Campbell – but the terms

Mayor McKay – (inaudible) I need to somebody on the on the Planning Board.

Attorney Campbell – so in January 1, of 2018 someone will appoint someone to that term for three years, but right now that term is up at the end of this year. So, you can only appoint to the term that there, you can't extend the term out just because he left. It's an unexpired term not a

Mayor McKay – But it was changed to accommodate that particular person

Attorney Campbell – Not to accommodate – by law.

Mayor McKay – Yes, by law.

Attorney Campbell- By law.

Mayor McKay – because he had a term in the Environmental Board that expired in 2017.

Attorney Campbell – Right.

Mayor McKay – However, he has moved away and he has been resigned. He's no longer a member of the Board so there is no one in those, either of those seats.

Attorney Campbell – Terms don't change.

Mayor McKay – Well, I want to find out about that. I was just trying to

Council President Pryor – We have an opinion from our Township Solicitor so

Mayor McKay – because

Council President Pryor – you want to find out, I don't know. What are you going to find out?

Mayor McKay – I'll find something out. Yeah, okay. No, because I realigned these things before.

Council President Pryor – You know what

Attorney Campbell – You can't realign.

Mayor McKay – I did because they were

Council President Pryor – It's all by statute.

Mayor McKay – (inaudible) two people for each year on the Planning Board. You are supposed to have consistent

Council President Pryor – And two (inaudible) two expire next year; it's Ken and it's Jon Fox.

Attorney Campbell – Yes.

Mayor McKay – Jon Fox is already gone.

Council President Pryor – Otherwise you can have somebody move and realign, you know, you would never give up an appointment so

Mayor McKay – Or you could just have a

Council President Pryor – Well, you know, we'll refer it to the Township Attorney and you do what you want to do.

Mayor McKay – Okay.

Juniper Leifer – spoke out regarding the appointment wanting to clarify and follow the statute and laws.

Council President Pryor – Are you dropping that appointment?

Mayor McKay – What? What appointment?

Council President Pryor – Planning Board, you were going to make an appointment.

Mayor McKay – I was going to make an appointment to the Planning Board.

Council President Pryor – You were just going to realign those dates?

Mayor McKay – I was trying to fix it so I could we might get somebody who could be on both

Council President Pryor – No action (inaudible).

Mayor McKay – if (inaudible) they could do.

**Consent Agenda:** No. 6 was removed for separate discussion. Attorney Campbell explained this is a tax payer who is asking to be omitted from the tax sale list and approve a payment plan that they can pay their delinquent taxes over a period of time.

Mayor McKay – We'll address that one separate. So, other than that, Item 6, 1,2,3,4,5 and 7 are now the Consent Agenda.

Motion to approve remaining items on Consent Agenda by Council President Pryor, seconded by Councilman Palitto. Roll call vote:

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

NAYS: None

**Resolution No. 17-105** – Authorize redemption of Tax Sale Certificate No. 2016-04 on Block 10, Lot 2 in the amount of \$2,047.99.

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY AUTHORIZING REFUND OF REDEMPTION MONIES TO  
OUTSIDE LIENHOLDER ON BLOCK 10, LOT 2

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on October 2, 2016, a lien was sold on Block 10, Lot 2 also known as 302 Beers Street in Lopatcong Township for 2015 delinquent sewer; and

WHEREAS, this lien, known as Tax Sale Certificate No. 2016-004 was sold to US Bank Cust For Pro Cap 4 & Crdtrs for 18%; and

WHEREAS, CoreLogic on behalf of the mortgage lender for property owners, has satisfied the redemption amount on Certificate No. 2016-004 in the amount of \$2,047.99.

NOW, THEREFORE, BE IT RESOLVED on this 6<sup>th</sup> day of September 2017 that the Chief Financial Officer be authorized to issue a check in the amount of \$2,047.99 for the redemption of Tax Sale Certificate No. 2016-004 to:

US Bank Cust For Pro Cap 4 & Crdtrs  
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 this is true and correct copy of a resolution adopted at the Council Meeting held on Wednesday, September 6, 2017.

Margaret B. Dilts, CMC

**Resolution No. 17-106** – Authorize redemption of Tax Sale Certificate No. 2015-011 and Premium on Block 41, Lot 2 in the amount of \$1,874.68.

R 17-106

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY AUTHORIZING REFUND OF REDEMPTION MONIES TO  
OUTSIDE LIENHOLDER ON BLOCK 41, LOT 2

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on September 23, 2015, a lien was sold on Block 41, Lot 2, also known as 610 Charles Road for 2014 delinquent sewer; and

WHEREAS, this lien, known as Tax Sale Certificate No. 2015-011 was sold to Arthur Frustaci for a Premium of \$900.00; and

WHEREAS, Lereta on behalf of the property owners has satisfied the redemption amount on Certificate No. 2015-011 in the amount of \$974.68 and this lien was previously redeemed in 2016 reprocessed thru this resolution and finance department for September 2017 meeting.

NOW, THEREFORE, BE IT RESOLVED, on this 6<sup>th</sup> day of September 2017 that the Chief Financial Officer be authorized to issue a check in the amount of \$1,874.68 for the redemption of Tax Sale Certificate No. 2015-011 and Premium to:

Arthur Frustaci  
712 Rugby Road  
Phillipsburg, NJ 08865

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify this is true and correct copy of a resolution adopted at the Council Meeting held on Wednesday, September 6, 2017.

Margaret B. Dilts, CMC

**Resolution No. 17-107** – Authorize redemption of Tax Sale Certificate No. 2014-040 and Premium on Block 99, Lot 379 C0509 in the amount of \$7,072.32.

R17-107

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 379C0509

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on June 25, 2014 a lien was sold on Block 99, Lot 379 C0509 also known as 509 Goldfinch Terrace for 2013 delinquent sewer; and

WHEREAS, this lien, known as Tax Sale Certificate No. 2014-040 was sold to US Bank Cust for PC4 First Trust Bank for a Premium of \$1,400.00; and

WHEREAS, Corelogic on behalf of their property owners, has satisfied the redemption amount on Certificate No. 2015-040 in the amount of \$5,672.32.

NOW, THEREFORE, BE IT RESOLVED on this 6<sup>th</sup> day of September 2017 that the Chief Financial Officer be authorized to issue a check in the amount of \$7,072.32 for the redemption of Tax Sale Certificate No. 2014-040 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 this is true and correct copy of a resolution adopted at the Council Meeting held on Wednesday, September 6, 2017.

Margaret B. Dilts, CMC

**Resolution No. 17-108** – Authorize refund of duplicate sewer payment for tax year 2017 on Block 116.10, Lot 3C0133 in the amount of \$883.25.

R 17-108

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY AUTHORIZING TO REFUND DUPLICATE SEWER PAYMENT  
FOR TAX YEAR 2017 AT CLOSING ON BLOCK 32, LOT 37

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

<u>Block &amp; Lot</u>	<u>Name of Payee/Mortgage</u>	<u>Amount</u>
32      37	Craig Tyers 86 Mount Kipp Road Glen Gardner, NJ 08826	\$162.99
	RE: 701 Charles Road	

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 future sewer due.

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify this is true and correct copy of a resolution adopted at the Council Meeting held on Wednesday, September 6, 2017.

Margaret B. Dilts, CMC

**Resolution No. 17-109** – Authorize refund of duplicate tax payments for tax year 2017 on Block 116.10, Lot 3C0133 in the amount of \$883.25.

R 17-109

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY AUTHORIZING TO REFUND DUPLICATE TAX 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 duplicate tax payments owner states reverse mortgage payment made in error as follows for the tax year 2017.

<u>Block &amp; Lot</u>	<u>Name of Payee/Mortgage</u>	<u>Amount</u>
116.10    3C0133	Rose E. Mondel 133 Limerick Lane Phillipsburg, NJ 08865	\$883.25

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 this is true and correct copy of a resolution adopted at the Council Meeting held on Wednesday, September 6, 2017.

Margaret B. Dilts, CMC

**Appointment of Volunteer to EDAC** - Tolulope Ilori as a volunteer on the Economic Development Advisory Committee.

**Item 6:**

Resolution authorizing property to be omitted from tax sale and make equal monthly installments on Block 28, Lot 4. Total amount of the delinquency is \$9,502.26. This is a 44 month payment plan. Council discussed motion by Councilman Wright. No second. Motion not carried.

**Announcements - Announcements** – Shred Event is scheduled for September 9, 2017 from 9:00 to 12 noon at the Lopatcong Pool parking lot. Fall Cleanup is scheduled for October 7, 2017 from 7:00 to 12 noon at Fire House No. 2 and the Lopatcong Pool parking lot.

**Council Reports:**

Councilman Wright – Read aloud - the Governing Body of Lopatcong would like to thank the Recreation Committee for organizing one of the best Community Day's ever. The event featured, food, exhibits by local businesses, first responders, community groups, non-stop live music and a number of free rides and attractions for the kids. The day was capped by specular fireworks fully funded entirely by donations. We would like to extend the Township's appreciation for all those who contributed their time and effort to this event, including Chair Lori Ciesla, Recreation Committee Members Matt Herzer, Eric Johnson, Kelley LaFord, Sarah Lutz, Robin Wodzisz, and many other volunteers from the community groups. We'd also like to thank the employees both in the office and in the field that helped support Community Day. A very special thanks to the following sponsors whose financial support help make the day a success: Maser Consulting, Lopatcong Athletic Association, Budd Insurance Agency, ADS Environmental, ShopRite of Greenwich, Nisivoccia, LLP, Fox Brother Alarm System and Debbie Weiss State Farm Agent. We appreciate all your help from everybody.

He also mentioned that Sheriff McDonald was going to come in and talk to us about those locators for people we were talking about. He cancelled last minute, so I'd like to put him on the agenda for next meeting.

Council President Pryor – Had two things; announced the County Pollution Control Financing who runs the landfill will be holding the Hazardous Waste Collection Day on Sunday October 1<sup>st</sup> 8:00 am to 12:00 pm. Accepting household waste with a few exceptions. The announcement will be posted in the municipal building. No TV's or electronics will be accepted.

He read the following statement as he wanted to clarify something he thought would be worthwhile. He went on to say an application was pending for preliminary site plan approval for I-78 Commerce Park. The hearing had concluded and it was time for a vote. Chair called for a motion to approve the application. No one made such a motion. After several moments of awkward silence, discussion began on what to do next and at that point I made the motion to approve the application noting it was the right thing to do. A second to my motion quickly followed and the application was approved. I think the vote was 6-1 in favor. I feel it worthwhile to just clarify what I meant by right thing to do. It is informative. Did I mean that the proposed development was the best use of the property; no. That was not the question before the Planning Board. Council had already incorporated warehousing into the redevelopment ordinance and had already designated the applicant as the redeveloper for the site and the Planning Board had previously approved the general development plan. Planning Board's job did not include revisiting the use or the intensity of the development at the site. Did I mean that the proposed

development could be constructed without adverse impacts; again the answer no. Both myself and other members of Board expressed concerns about the increase in truck traffic on Rt. 22. However that issues under the exclusive jurisdiction of NJDOT. Both the applicant's traffic expert and our own traffic consultant offered opinions that the applicant was following NJDOT regulations. So what did I mean by the right thing to do and this, I wanted to clarify this point. When it rules on site plans and subdivisions, the Planning Board functions like a quasi-judicial body. Its procedure is similar to those you find in a court room. Chairperson conducts the meeting as a judge might. Experts and witnesses are sworn, the board hears testimony and it makes a decision comparable to a jury. Planning Board members are expected to rule on applications fairly and dispassionately basing their decisions on the facts presented during the testimony and in conformance with the Municipal Land Use Law and municipal ordinances. To do otherwise inevitably invites litigation. The applicant, in my view the applicant had satisfied the Board's requirements for preliminary approval and again, in my opinion, at that point, a motion for approval was the right thing to do. So, that's the limits of when I said the right thing to do. I continue to correspond with and talk to representatives of DOT hoping to convince them to address our traffic concerns and that's really all I can do at this point. I just, on reflection, I wanted to clarify that. I didn't necessarily think this application was the right thing to do, but I think the process was done correctly and they had met the proofs and that's why I offered the motion.

Mayor McKay – Okay, thank you.

Councilman Palitto – Talked about EDAC. He reported they have been having monthly meetings since June and have discussed the goals of EDAC and procedures for creating economic growth in town. He is looking to meeting with EDAC's from other municipalities and the county. He reached out to businesses in town and met some at Community Day. He would like the businesses to come to our meetings so we can see what can be done to help them grow.

Mayor McKay – Asked for an annual report.

Engineer Sterbenz – Had two things to report; Clerk Dilts and he are going to a Dept. of Transportation meeting in Mt. Arlington to meet with staff there to discuss kicking off the two grant projects to build sidewalks on Belvidere Road. Two grants totaling \$702,000 have been awarded to the Township. This is to establish a side network on Belvidere Road to provide safety for the residents. Wednesday there is a pre-construction meeting for the South Second Street Improvement Project. That work will be completed before Thanksgiving.

Chief of Police Jason Garcia – Provided his monthly report. Councilman Wright asked about the garage roof being fixed. Chief Garcia indicated a five year extension – four years left. Mayor McKay asked about the SUV that doesn't have plates on it yet. Chief Garcia indicated all vehicles were licensed.

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

**Payment of Bills – \$1,388,531.74.** Motion by Council President Pryor, seconded by Councilman Palitto. Roll call vote:

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

NAYS: None

The vote was amended due to an error in reporting the total of the bills list.

Bills List includes - \$1,313,908.71, \$862,702.57 and \$525,829.17 - Motion by Council President Pryor, seconded by Councilman Palitto. Roll call vote:

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

NAYS: None

**Audience Participation:**

Juniper Leifer – 32 Jade Lane – Lopatcong Creek stream cleanup on September 16<sup>th</sup>.

John Betz – 225 Red School Lane – Asked about the Fairness Hearing with regard to COAH.

Jim Mengucci – Thanked CFO Bernie Re for his service. Asked about the sidewalk grants.

Brian Weeks – Brought to the attention of the Council that Lock Street is a disaster.

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