

TOWNSHIP OF LOPATCONG
SPECIAL COUNCIL MEETING
7:00 pm

August 23, 2018

The Council Meeting of the Lopatcong Township Council was called to order by Mayor Mengucci. 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.

Mayor Mengucci 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.”

Present: Councilman Belcaro, Councilman Palitto, Councilman Wright, Council President Pryor, and Mayor Mengucci. Also present was Attorney Wenner.

Motion to come out of Executive Session by Councilman Belcaro, seconded by Councilman Palitto. All in favor. Attorney Campbell reported that Council was in Executive Session for approximately one hour and the topics of discussion were as listed on your agenda Nos. 1 through 7. Nos. 8 through 11 were not discussed and will be discussed in a second Executive Session following the regular meeting.

Public Comment – No comment on Agenda items.

Old Business:

Ordinance No. 18-11 – Second reading and public hearing of Bond Ordinance in the amount of \$1.2 million for various road improvements. Motion to hold a public hearing by Councilman Belcaro, seconded by Council President Pryor. All in favor. No comments from the public. Motion to close the public hearing by Councilman Belcaro, seconded by Councilman Palitto.

ORDINANCE No. 18-11

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$1,200,000 FOR VARIOUS ROAD IMPROVEMENTS IN AND BY THE TOWNSHIP OF LOPATCONG, IN THE COUNTY OF WARREN, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$969,000 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 \$1,200,000. Such sum includes the sum of (a) \$180,000 from the New Jersey Department of Transportation and (b) \$51,000 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 \$969,000 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 \$969,000 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

(a) The Improvements hereby authorized and the purposes for the financing of which said obligations are to be issued is for various road improvements, including but not limited to Baltimore Street, Greystone Avenue, Maple Street, Briarstone Avenue, South Fourth Street, South Fifth Street, Cromwell Street, Red School Lane (between Belvidere Road and Charles Road), Enmore Road and Oxford Road, including traffic stripping, curbing, milling and paving, and design and permitting for Belvidere Road and sidewalk, Stryker Road sidewalk and pedestrian safety project, and including all work and materials necessary therefor and incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file in the Office of Engineering.

(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 \$969,000.

(c) The estimated cost of the Improvement is \$1,200,000 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 12.08 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 \$969,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$350,000 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 \$969,000.

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

BOND ORDINANCE STATEMENTS AND SUMMARIES

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Township of Lopatcong, in the County of Warren, State of New Jersey on August 23, 2018 and the 20 day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Clerk's office for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: Bond Ordinance Providing An Appropriation Of \$1,200,000 For Various Road Improvements In And By The Township Of Lopatcong, In The County Of Warren, New Jersey And Authorizing The Issuance Of \$969,000 Bonds Or Notes Of The Township For Financing Part Of The Appropriation.

Purpose(s): For various road improvements, including but not limited to Baltimore Street, Greystone Avenue, Maple Street, Briarstone Avenue, South Fourth Street, South Fifth Street, Cromwell Street, Red School Lane (between Belvidere Road and Charles Road), Enmore Road and Oxford Road, including traffic stripping, curbing, milling and paving, and design and permitting for Belvidere Road and sidewalk, Stryker Road sidewalk and pedestrian safety project.

Appropriation: \$1,200,000

Bonds/Notes Authorized: \$969,000

Grants (if any) Appropriated: None

Section 20 Costs: \$350,000

Useful Life: 12.08 Years

M. Beth Dilts, Clerk

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 Mengucci.

NAYS: None

Ordinance No. 18-12 –Second reading and public hearing to Approve Application for Long Term Tax Exemption and Authorizing the Execution of a Financial Agreement for a Tax Exemption for an Urban Renewal Project for property known as Block 101, Lots 1 and 1.01. Motion to hold a public hearing by Council President Pryor, seconded by Councilman Belcaro. Tony Guarino questioned the Pilot Program and the 30 year time frame. Motion to close the public hearing by Council President Pryor, seconded by Councilman Palitto.

Ordinance No. 2018-12

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, August 23, 2018 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.

**ORDINANCE OF THE TOWNSHIP OF LOPATCONG,
COUNTY OF WARREN, NEW JERSEY APPROVING AN
APPLICATION FOR A LONG TERM TAX EXEMPTION
AND AUTHORIZING THE EXECUTION OF A FINANCIAL
AGREEMENT FOR A TAX EXEMPTION FOR AN URBAN
RENEWAL PROJECT WITH RESPECT TO THE
PROPERTY COMMONLY KNOWN AS BLOCK 101, LOTS
1 AND 1.01 ON THE TAX MAP OF THE TOWNSHIP**

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 Councilman Wright, seconded by Council President Pryor.

Roll call vote:

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

NAYS: None

Bridge Pilot Agreement – Approve Mayor execute Financial Agreement Contract with Bridge Development upon Township Attorney’s final approval. Motion by Council President Pryor, seconded by Councilman Belcaro. Roll call vote:

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

NAYS: None

Consent Agenda:

Resolution No. 18-182 – Correct tax account for Block 15, Lot 3.

R 18-182

**RESOLUTION OF THE TOWNSHIP OF LOPATCONG,
COUNTY OF WARREN, STATE OF NEW JERSEY
TO CORRECT THE TAX ACCOUNT FOR BLOCK 15, LOT 3.**

WHEREAS, the Township of Lopatcong has been provided with receipts for tax payments for Block 15, Lot 3 which were not applied to the taxpayer’s account; and,

WHEREAS, the Township wishes to apply these payments to the account and cancel any interest associated with the failure to timely post these payments; and

WHEREAS, the property owner’s mortgage company made a payment of \$4,242.35 on July 26, 2018 believing this account to be delinquent. The Township wishes to refund the overpayment made back to the mortgage company.

NOW THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Lopatcong hereby authorizes the Township Tax Office to apply the following payments to Block 15, Lot 3:

2/14/17	\$1,039.33
3/228/17	\$646.04
7/11/17	\$1,089.07

11/1/17

\$1,089.06

BE IT FURTHER RESOLVED, that the Lopatcong Township Tax Office shall cancel any and all interest resulting from the failure to timely post these payments.

BE IT FURTHER RESOLVED, that the Township shall refund \$4,242.35 to the following:

Nationstar Mortgage
c/o LERETA LLC
ATTN: REFUNDS
P.O. Box 35605
Dallas, TX 75235

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 Thursday, August 23, 2018.

Margaret B. Dilts, CMC

Resolution No. 18-183 – Correct tax account for Block 99, Lot 179 C0690.

R 18-183

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN, STATE OF NEW JERSEY TO CORRECT THE TAX ACCOUNT FOR BLOCK 99, LOT 179, C0690.

WHEREAS, the Township of Lopatcong has been provided with a receipt for a tax payment for Block 99, Lot 179, C0690 which was not applied to the taxpayer's account; and,

WHEREAS, the Township wishes to apply this payment to the account and cancel any interest associated with the failure to timely post this payment; and

NOW THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Lopatcong hereby authorizes the Township Tax Office to apply the following payments to Block 99, Lot 179, C0690:

December 29, 2016

\$842.56

BE IT FURTHER RESOLVED, that the Lopatcong Township Tax Office shall cancel any and all interest resulting from the failure to timely post this payment.

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 Thursday, August 23, 2018.

Margaret B. Dilts, CMC

Resolution No. 18-184 – Correct tax account for Block 85, Lot 4.01.

R 18-184

**RESOLUTION OF THE TOWNSHIP OF LOPATCONG,
COUNTY OF WARREN, STATE OF NEW JERSEY
TO CORRECT THE TAX ACCOUNT FOR BLOCK 85, LOT 4.01.**

WHEREAS, the Township of Lopatcong has been provided with a receipt for a tax payment for Block 85, Lot 4.01 which was not applied to the taxpayer's account; and,

WHEREAS, the Township wishes to apply this payment to the account and cancel any interest associated with the failure to timely post this payment; and

NOW THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Lopatcong hereby authorizes the Township Tax Office to apply the following payments to Block 85, Lot 4.01:

January 14, 2016	\$13,506.55
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BE IT FURTHER RESOLVED, that the Lopatcong Township Tax Office shall cancel any and all interest resulting from the failure to timely post this payment.

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 Thursday, August 23, 2018.

Margaret B. Dilts, CMC

Resolution No. 18-185 – Correct tax account Block 99, Lot 63, C0286.

R 18-185

**RESOLUTION OF THE TOWNSHIP OF LOPATCONG,
COUNTY OF WARREN, STATE OF NEW JERSEY
TO CORRECT THE TAX ACCOUNT FOR BLOCK 99, LOT 63, C0286.**

WHEREAS, the Township of Lopatcong has been provided with a receipt for a tax payment for Block 99, Lot 63, C0286 which was not applied to the taxpayer's account; and,

WHEREAS, the Township wishes to apply this payment to the account and cancel any interest associated with the failure to timely post this payment; and

NOW THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Lopatcong hereby authorizes the Township Tax Office to apply the following payments to Block 99, Lot 63, C0286:

February 2, 2016	\$1,239.33
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BE IT FURTHER RESOLVED, that the Lopatcong Township Tax Office shall cancel any and all interest resulting from the failure to timely post this payment.

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 Thursday, August 23, 2018.

Margaret B. Dilts, CMC

Resolution No. 18-186 – Correct tax account for Block 106, Lot 15.

R 18-186

**RESOLUTION OF THE TOWNSHIP OF LOPATCONG,
COUNTY OF WARREN, STATE OF NEW JERSEY**

TO CORRECT THE TAX ACCOUNT FOR BLOCK 106, LOT 15.

WHEREAS, the Township of Lopatcong has been provided with a receipt for a tax payment for Block 106, Lot 15 which was not applied to the taxpayer's account; and,

WHEREAS, the Township wishes to apply this payment to the account and cancel any interest associated with the failure to timely post this payment; and

NOW THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Lopatcong hereby authorizes the Township Tax Office to apply the following payments to Block 106, Lot 15:

January 12, 2017	\$1,486.91
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BE IT FURTHER RESOLVED, that the Lopatcong Township Tax Office shall cancel any and all interest resulting from the failure to timely post this payment.

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 Thursday, August 23, 2018.

Margaret B. Dilts, CMC

Resolution 18-187 – Refund overpayment for Block 139, Lot 24.

R 18-187

**RESOLUTION OF THE TOWNSHIP OF LOPATCONG,
COUNTY OF WARREN, STATE OF NEW JERSEY
TO REFUND AN OVERPAYMENT BY MORTGAGE COMPANY FOR BLOCK 139,
LOT 24.**

WHEREAS, the Township of Lopatcong previously adopted Resolution 18-88 to apply two payments that were not previously applied and cancel all interest associated with those missed payments' and

WHEREAS, after the Resolution was adopted by Council but before the correction was made to the account by the Tax Collector's Office, a payment in the amount of \$14,378.11 to clear up all the delinquencies on the account; and

WHEREAS, the taxpayer alleges that there are additional payments that were made and not applied to his account; however, he has not yet provided the Township with receipts for those payments; and

WHEREAS, the Township wishes to refund to the taxpayers mortgage company \$5,706.46 which was adjusted pursuant to Resolution 18-88; and

WHEREAS, if the taxpayer is able to provide further proof of missing or misapplied payments to the Township a further refund may be provided.

NOW THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Lopatcong hereby authorizes the refund of \$5,706.46 made payable to

CERTIFICATION

I, Margaret B. Dilts, Clerk of the Township of Lopatcong, County of Warren, do hereby certify that the foregoing is a true and exact copy of the resolution adopted by the Township of Lopatcong Council on August 23, 2018.

Margaret B. Dilts, CMC

Resolution No. 18-188 – Correct tax account for Block 99, Lot 190 C0816.

R 18-188

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STAE OF NEW JERSEY TO CORRECT THE TAX ACCOUNT FOR BLOCK 99, LOT 190 C0816

WHEREAS, the Township of Lopatcong has been provided with a receipt for a tax payment for Block 99, Lot 190, C0816 which was not applied to the taxpayer's account; and

WHEREAS, the Township wishes to apply this payment to the account and cancel any interest associated with the failure to timely post this payment; and

WHEREAS, the property owner's mortgage company made a payment of \$1,204.24 in 2018 believing this account to be delinquent. The Township wishes to refund the overpayment made back to the mortgage company.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Lopatcong, hereby authorizes the Township Tax Office to apply the following payments to Block 99, Lot 190, C0816:

1/16/2015

\$1,069.50

BE IT FURTHER RESOLVED, that the Lopatcong Township Tax Office shall cancel any and all interest resulting from the failure to timely post these payments.

BE IT FURTHER RESOLVED, that the Township shall refund \$1,204.24 to the following:

Bank of America
3001 Hackberry Road
Irving, TX 75063-0156

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 Thursday, August 23, 2018.

Margaret B. Dilts, CMC

Motion to go into Executive Session by Councilman Belcaro, seconded by Councilman Palitto.
All in favor.

R 18-189

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND THE STATE OF NEW JERSEY AUTHORIZING AN EXECUTIVE SESSION

WHEREAS, there are presently pending matters to be considered in Executive Session concerning possible matters listed:

Contractual – Agreement between Lopatcong Twp. Police Dept. and Lopatcong School Board
Contractual – LAA
Attorney/Client Privilege – Architect's Golf Club

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Lopatcong, County of Warren and the State of New Jersey that the Council is authorized to hold an Executive Session.

BE IT FURTHER RESOLVED that the Council of the Township of Lopatcong will make said matters public within approximately 30 days of said meeting or until such a time as confidentiality of the matters is no longer required.

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at the Reorganization Meeting held on Wednesday, August 23, 2018.

Margaret B. Dilts, CMC

Council resumed Regular Session on motion by Councilman Belcaro, seconded by Council President Pryor.

A motion to approve the agreement with the Lopatcong School Board once Attorney Campbell approves the agreement for the Mayor to execute. Motion by Councilman Belcaro, seconded by Council President Pryor. Roll call vote:

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

NAYS: None

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

Respectfully submitted,

Margaret B. Dilts, CMC
Clerk/Administrator

James E. Mengucci
Mayor

