

TOWNSHIP OF LOPATCONG
COUNCIL MEETING
6:30 pm

September 5, 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 Palitto, Councilman Wright, Council President Pryor, and Mayor Mengucci. Also present was Attorney Campbell and Engineer Sterbenz.

Executive Session – Attorney Campbell reported that Nos. 1 through 3 were discussed but a second Executive Session will be held at the end of the meeting to address Nos. 4 through 8.

Public Comment: Agenda items only.

Gary VanVliet – Asked about the COAH Spending Plan

John Betz – Asked for a copy of the COAH Spending Plan

Lori Ciesla – Asked for an overview of the COAH Spending Plan

Old Business:

Minutes – Approve Executive Session and Regular Session for August 1, 2018 and Special Meeting August 23, 2018. Motion to approve by Councilman Wright, seconded by Councilman Palitto. Roll call vote:

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

NAYS: None

Ordinance No. 18-10 - – Second reading and public hearing to amend Chapter 199 of the Code entitled “Stormwater Management”, Section 243-40 of the Zoning and Land Use ordinance entitled “Preliminary Data”, and Attachments 3 through 9 within Chapter 243 of the Code entitled “Zoning and Land Use, which contain the various submission Checklists to address new requirements in the Township’s Tier “A” Municipal Stormwater General Permit and the requirements in the Township’s Highlands Petition. Motion to hold a public hearing by Council President Pryor, seconded by Councilman Wright. All in favor. No comments from the public. Motion to close the public hearing by Councilman Palitto, seconded by Councilman Wright. All in favor.

Ordinance No. 2018-10

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, September 5, 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 TO AMEND CHAPTER 199 OF
THE CODE ENTITLED “STORMWATER MANAGEMENT”,
SECTION 243-40 OF THE ZONING AND LAND USE ORDINANCE ENTITLED
“PRELIMINARY DATA”, AND ATTACHMENTS 3 THROUGH 9 WITHIN
CHAPTER 243 OF THE CODE ENTITLED “ZONING AND LAND USE, WHICH
CONTAIN THE VARIOUS SUBMISSION CHECKLISTS TO ADDRESS NEW
REQUIREMENTS IN THE TOWNSHIP’S TIER ‘A’ MUNICIPAL STORMWATER
GENERAL PERMIT AND THE REQUIREMENTS IN THE TOWNSHIP’S
HIGHLANDS PETITION**

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 Mengucci.

NAYS: None

New Business:

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

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

NAYS: None

Lopatcong PTA Color-A-Thon Event – Will be held on Saturday, October 6, 2018 in the
Municipal Park. Motion to approve by Councilman Wright, seconded by Councilman Palitto.

Roll call vote:

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

NAYS: None

K & A Paving Contractors, LLC – Award Contract for Drainage work on Red School Lane to
K & A Paving in the amount of \$24,500.00. Motion by Councilman Wright, seconded by
Councilman Palitto. Roll call vote:

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

NAYS: None

Consent Agenda:

Mayor Mengucci requested to remove No. 2 – Resolution No. 18-192 as he had not had a chance
to review.

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

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

NAYS: None

Resolution No. 18-191 – Memorialize hire of Tom Reynolds as Fire Inspector in the Fire Prevention Office.

R 18-191

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY MEMORIALIZING THE HIRE OF THOMAS REYNOLDS AS A PART-TIME FIRE SAFETY INSPECTOR PURSUANT TO CIVIL SERVICE PROCEDURES

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey advertised and hired Thomas Reynolds as a part-time Fire Safety Inspector in the Fire Safety Bureau; and

WHEREAS, Mr. Reynolds will provide five hours per week as the Fire Safety Inspector at a rate of \$30.00 per hour.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey memorialize the hire of Thomas Reynolds as a part-time Fire Safety Inspector for \$30.00 per hour.

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 is a true and correct copy of the Resolution adopted by Council at a meeting held on Wednesday, September 5, 2018.

Margaret B. Dilts, RMC

Resolution No. 193 – Authorize renewal of hire of George Duckworth III as part-time Class II Police Officer for 2018/19 year.

R 18-193

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING TO REHIRE GEORGE H. DUCKWORTH, III PART-TIME AS CLASS II POLICE OFFICER IN THE POLICE DEPARTMENT

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey hereby authorize the rehire of one part-time Class II Police Officer in the Police Department; and

WHEREAS, George H. Duckworth shall be paid a salary of \$25.00 per hour; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey hereby approve the rehire of George H. Duckworth part-time as Class II Police Officers in the Police Department and shall be paid an hourly rate of \$25.00 per hour.

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 5, 2018.

Margaret B. Dilts, CMC

Resolution No. 18-194 – Authorize renewal of hire of Donald Obley as part-time Class III Police Officer for 2018/19 year.

R 18-194

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING REHIRE OF DONALD OBLEY PART-TIME AS CLASS III POLICE OFFICER IN THE POLICE DEPARTMENT

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey hereby authorizing rehire of one part-time Class III Police Officer in the Police Department; and

WHEREAS, Donald Obley shall be paid a salary of \$25.00 per hour; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey hereby approve the rehire of Donald Obley part-time as Class III Police Officer in the Police Department and shall be paid an hourly rate of \$25.00 per hour.

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 5, 2018.

Margaret B. Dilts, CMC

Resolution No. 18-195 – Authorize cancellation of municipal finances balances.

R 18-195

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY TO CANCEL MUNICIPAL FINANCE BALANCES

WHEREAS, there appears on the records of the Municipal Finance Office old outstanding checks; and

WHEREAS, the following outstanding checks have been investigated and should be cancelled.

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 following outstanding checks be and hereby cancelled:

CURRENT FUND ACCOUNT CHECK NO.	AMOUNT
1045	\$35.00
2/24/16	\$300.00
5295	\$132.50
5360	\$106.37
5561	\$941.46
5903	\$50.00
6067	\$40.00

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, September 5, 2018.

Margaret B. Dilts, CMC

Resolution No. 18-196 – Authorize cancellation of Grants Receivable and Grant Appropriate Reserves.

R 18-196

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING THE CANCELLATION OF GRANTS RECEIVABLE AND GRANT APPROPRIATED RESERVES

WHEREAS, there exists various Grant Receivables and Grant Appropriated Reserves on the balance sheet of the Grant Fund; and

WHEREAS, the funds creating these receivables and reserves have been investigated and it has been determined that these receivables and reserves should be cancelled.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Lopatcong that the following Grants Receivable and Grant Appropriated Reserves are hereby cancelled:

Grants Receivable:

Click it or Ticket it – 2018 \$217.44

Grant Appropriated Reserves:

Click it or Ticket it – 2018 \$217.44

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 5, 2018.

Margaret B. Dilts, CMC

Resolution No. 18-197 – Authorize refund of tax overpayment on Block 99, Lot 183 C0802 in the amount of \$2192.57.

R 18-197

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING TO REFUND TAX OVERPAYMENT MADE BY HOMEOWNER

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey that warrants be drawn to the homeowner Kathryn Ashley listed below in the

designated amounts representing tax payments paid in error as mortgage holder should be paying taxes.

<u>Block & Lot</u>	<u>Name of Payee/Mortgage</u>	<u>Amount</u>
99/183 C0802 802 Honeybrook Circle	Kathryn Ashley 802 Honeybrook Circle Stewartsville, NJ 08886	\$2192.57

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 5, 2018.

Margaret B. Dilts, CMC

Resolution No. 18-198 – Correct tax account on Block 85, Lot 2.24.

R 18-198

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY TO CORRECT THE TAX ACCOUNT FOR BLOCK 85, LOT 2.24

WHEREAS, the Township of Lopatcong has been provided with a receipt for one tax payment for Block 85, Lot 2.24 for 1st and 2nd quarters 2016 which was not applied to the taxpayer's account; and

WHEREAS, the property was sold in March of 2018 and the taxpayer paid all delinquencies on the account at closing; and

WHEREAS, the Township wishes to refund to the taxpayer the amount of \$2,913.71 that was not applied to the account in 2016 and the interest that resulted from this missed payment in the amount of \$220.04.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Lopatcong hereby authorizes the refund of \$3,133.75 to:

Charles and Christine Most
42 Main Street, Suite 6
Clinton, NJ 08809

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 5, 2018.

Margaret B. Dilts, CMC

Resolution No. 18-199 - Correct tax account on Block 138, Lot 6.

R 18-199

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY TO CORRECT THE TAX ACCOUNT FOR BLOCK 138, LOT 6

WHEREAS, the Township of Lopatcong has been provided with a receipt for a tax payment for Block 138, Lot 6 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 authorized the Township Tax Office to apply the following payments to Block 138, Lot 6:

1/5/2015	\$2,190.06
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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 Wednesday, September 5, 2018.

Margaret B. Dilts, CMC

Resolution No. 18-200 – Correct tax account on Block 22, Lot 8.

R 18-200

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY TO CORRECT THE TAX ACCOUNT FOR BLOCK 22, LOT 8

WHEREAS, the taxpayer contacted the Township to advise that she make a payment for her 4th quarter of 2017 and 1st quarter of 2018 taxes to Provident Bank on February 18, 2018; however, that payment was not posted to her account until April 4, 2018 resulting in interest to the account; and

WHEREAS, Provident Bank has confirmed that it received the taxpayers check on February 28, 2018; however the bank is not permitted to accept late payments at the lockbox and therefore, the check was forwarded to the municipality for processing; and

WHEREAS, state law provides that only current payments can be made via lockbox at the bank; and

WHEREAS, it is unclear what caused the delay in the Township receiving and processing the taxpayer's payment until April 24, 2018 due to the delay in posting; and

WHEREAS, the taxpayers account will still have accrued interest as a result of the 4th quarter taxes being paid 117 days late and the 1st quarter 2018 payment being paid 27 days late; and

WHEREAS, the Township Attorney shall issue a letter to the taxpayer explaining that only on-time payments can be made at the Provident Bank lockbox.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Lopatcong hereby authorizes the Township Tax Office to cancel any interest that accrued between February 28, 2018 and April 4, 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, September 5, 2018.

Margaret B. Dilts, CMC

Resolution No. 18-201 – Correct tax account on Block 99, Lot 2.

R 18-201

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY TO CORRECT THE SEWER ACCOUNT FOR BLOCK 99, LOT 2

WHEREAS, the Township of Lopatcong has been made aware of a duplicate vendor payment affecting sewer account for Block 99, Lot 2; and

WHEREAS, the vendor has provided the Township with proof that they made a duplicate payment that got applied to Sewer Account for Block 99, Lot 2 in error. The vendor needs to be reimbursed as this was a duplicate payment and is not related to this sewer account.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Lopatcong hereby authorizes the payment of \$25,000 to the following:

Bertino & Associates
65 Mechanic Street, Suite 104
Red Bank, New Jersey 07701

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 5, 2018.

Margaret B. Dilts, CMC

Resolution No. 18-202 – Correct tax account on Block 99, Lot 190, C0816.

R 18-202

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE 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 payment 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 Wednesday, September 5, 2018.

Margaret B. Dilts, CMC

Resolution No. 18-203 – Correct tax account on Block 99, Lot 96, C0024.

R 18-203

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY TO CORRECT THE TAX ACCOUNT FOR BLOCK 99, LOT 96, C0024

WHEREAS, the Township of Lopatcong has been made aware that Tax Sale Certificate No. 2017-046 was improperly sold to a third-party lien holder; and

WHEREAS, the taxpayer has provided the Township with proof that she made a sewer payment to the Township before the tax sale that would remove this property from the tax sale; however, the Tax Collector did not remove this property from the sale or post the payment to the taxpayer's account; and

WHEREAS, the Township must redeem this lien on behalf of the taxpayer in order to correct this error.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Lopatcong hereby authorizes the payment of \$895.72 for the redemption of tax sale certificate No. 2017-046 to the following:

US Bank Cust PC7 First Trust Bank
50 South 16th Street, 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, September 5, 2018.

Margaret B. Dilts, CMC

Resolution No. 18-204 – Correct tax account for Block 86.02, Lot 18.

R 18-204

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY TO CORRECT THE TAX ACCOUNT FOR BLOCK 86.02, LOT
18

WHEREAS, the Township of Lopatcong has been provided with receipts for tax payments for Block 86.02, Lot 18 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.

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 86.02, Lot 18:

October 15, 2017	\$920.00
December 30, 2017	\$1,000.00

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.

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 5, 2018.

Margaret B. Dilts, CMC

Resolution No. 18-205 – Correct tax account on Block 99, Lot 191, C0818.

R 18-205

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY AUTHORIZING THE CANCELLATION OF MUNICIPAL LIEN
ON BLOCK 99, LOT 191, C0818

WHEREAS, the Township has determined that a municipal lien placed on Block 99, Lot 191, C0818 on December 5, 2017 was done so in error and must be cancelled; and

WHEREAS, Block 99, Lot 191, C0818 was not listed on the Tax Sale notice advertised on December 1, 2017; and

WHEREAS, the Township was not permitted to include this property on its December 6, 2017 tax sale because it was not advertised in accordance with state statute; and

WHEREAS, the Township is currently working with the taxpayer to confirm that any delinquencies are listed correctly on his account.

NOW, THEREFORE, BE IT RESOLVED on this 5th day of September 2018 that the Tax Collector's Office staff is hereby authorized to cancel the municipal lien (UTL) on Block 99, Lot 191, C0818 in the amount of \$544.82.

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 5, 2018.

Margaret B. Dilts, CMC

Resolution No. 18-206 – DOT application for Red School Lane Project.

R 18-206

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE RED SCHOOL LAND PROJECT

NOW, THEREFORE, BE IT RESOLVED, that Council of the Township of Lopatcong, County of Warren and State of New Jersey formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2019-00177 to the New Jersey Department of Transportation on behalf of the Township of Lopatcong.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Lopatcong and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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 5, 2018.

Margaret B. Dilts, CMC

Resolution No. 18-207 – Correct tax account on Block 139, Lot 24.

R 18-207

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY TO REFUND AN OVERLPAYMENT 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, the Township of Lopatcong previously adopted Resolution No. 18- to issue are fund directly to the taxpayer's mortgage company for payments paid by the company before the refund for Resolution 18-88 could be cancelled; and

WHEREAS, the Council has reviewed the taxpayers tax account and it seems clear that there was additional errors made by the Township Tax Collector. This is evidenced by the return of a check from his mortgage company and other unexplained contact she made to his mortgage company purported to be on the taxpayer's behalf; and

WHEREAS, the Township Council believes the allegations made by the taxpayer about his payments to be truthful and the taxpayer has offered to sign a sworn affidavit as to his payments; and

WHEREAS, the Township wishes to refund to the taxpayer's mortgage company its entire check of \$14,378.11.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Lopatcong upon receipt of a signed affidavit from the taxpayer, hereby authorizes the refund of \$14,378.11 made payable to Chase Bank . This amount is not in addition to the \$5,706.46 authorized in Resolution 18- but includes that money. To clarify a total \$14,378.11 shall be refunded to the taxpayer's mortgage company.

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 5, 2018.

Margaret B. Dilts, CMC

Resolution No. 18-208 – First reading to establish Drug Testing Policy in Police Dept.

R 18-208

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY APPROVING AMENDMENT TO THE RULES AND
REGULATONS OF THE TOWNSHIP POLICE DEPARTMENT REGARDING DRUG
TESTING

WHEREAS, the New Jersey State Attorney General Guidelines require the implementation of a law enforcement drug testing policy; and

WHEREAS, the guidelines promulgated by the Attorney General's Office set forth certain criteria protocol and procedures regarding the drug testing of law enforcement officers; and

WHEREAS, the Township Chief of Police has promulgated regulations regarding law enforcement drug testing which are consistent with and in compliance with those guidelines promulgated by the Attorney General’s Office.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lopatcong, County of Warren and State of New Jersey that the amendment of the Lopatcong Township Police Department Rules and Regulations regarding law enforcement drug testing is hereby approved.

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 5, 2018.

Margaret B. Dilts, CMC

Ordinance No. 2018-14 – First reading to establish title in Salary Ordinance for Court Violations Clerk and increase salary ranges as necessary.

2018 - 14

AN ORDINANCE FIXING THE SALARIES, RETAINERS AND WAGE RATES OF CERTAIN EMPLOYEES IN THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY

BE IT ORDAINED by the Council of the Township of Lopatcong, County of Warren and State of New Jersey that the salaries, retainers and wage rates of officers and employees are as follows:

Animal Control Officer	\$8,000 - \$9,200
Deputy Emergency Management	\$1,300 - \$1450
Municipal Court Security	\$119.00 – 125.00/Session
Municipal Court Violations	\$20.00 - \$25.00/ Hr.
Municipal Court Prosecutor	\$19,760 – 22,000
Municipal Bldg. Custodian	\$20.00 - \$25.00/Hr.
Tax Collector	\$56,000 - \$60,000
Chief of Police	\$136,000 - \$149,000
Township Clerk	\$85,000 - \$138,000

NOTICE

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. (N.J.S.A. 40:69A-181(b)).

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Township of Lopatcong held on September 5, 2018, 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 October 3, 2018 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

Strykers Road Fire House No. 2 – Approve memberships for Cooper Bertoldo and Lauren Pelligra as approved by Fire Chief Brandon Stires.

Council Reports:

Councilman Palitto – Announced the town wide garage sale scheduled for Saturday, September 15th.

Council President Pryor – Congratulated the Rec. Committee for a successful Community Day. The fireworks were paid for with private donations. Also, Council President Pryor noted that he was sworn into his first term on Council on January 6, 2016 and before attending the second meeting he was sued along with two fellow council members by Mayor McKay for interfering with his alleged authority. The court quickly denied his request for injunctive relief which means that you feel your cause is so urgent that you can't even wait for a decision, you go right before the judge and you get him to stop something or prevent something. This was turned down in a very stern verbal decision and shortly thereafter, the court issued a 60-page opinion dismissing the entire lawsuit and the decision spawned a now iconic phrase "you were elected mayor, not king". Despite the trial courts resounding rejection of his claims, Mayor McKay stubbornly appealed the court's decision asserting that it erred in granting summary judgment in favor of Council President Pryor and fellow Council members. While the appeal was pending, a lot of time was wasted arguing about his already debunked theories of what his powers were. He went on to announce that the Appellate Division issued its written opinion on August 27th, 2018, which was brief and to the point. The Appellate Division found that Mr. McKay's arguments were "without merit sufficient to warrant discussion in a written opinion" and they affirmed our decision. He brought this up because the cost was \$40,000.00 to defend this and this should have never been before the courts; the answer was clear. At the end of the trial court, anyone who read the decision knew the answer. He persisted and the cost would have paid for 5 Community Days. Council President Pryor stated this was a waste and sadly, Mayor McKay's legacy. The decisions from the trial court and the Appellate Division will be on the website.

Engineer Sterbenz – Reported that the County is not accepting the traffic signal yet so the Township is still the owner of signal. In order to allow the high school road improvements to get done, the Township ended up taking the lead with the three-way partnership to help facilitate the whole process; design, permitting and construction. The Town of Phillipsburg and the Phillipsburg School District had finite conclusions to that whole process. Lopatcong’s responsibility continued on and will continue until the County takes over the traffic signal and unfortunately several things happened this year that created further issues. For example, it was found that someone retimed the traffic signal and it did not comply with the County Freeholder resolution. There were additional costs associated with this. There was a sink hole at the southeast corner by medical office and then there was vandalism over the weekend and a part of the traffic signal has to be reconstructed. There is about seven punch list items that have to be addressed. There are three legal requirements; right-of-way acquisitions. The Township has completed our process and turned over the deed to the County. The school district’s attorney was having difficulty preparing the legal document and has suggested that he get involved with the legal description. The third one is the Town of Phillipsburg’s which is done but needs to be turned over to the County. At this point the County will take over the signal.

Engineer Sterbenz also advised the public as to what roads will be resurfaced this fall. There are seven roads; Briarstone Avenue, Greystone Avenue, Maple Street, South Fourth Street, South Fifth Street, Cromwell St. and a portion of Red School Lane. Early 2019 Oxford and Enmore Roads will be addressed. Baltimore Street from the traffic signal to the shopping center will also be done in early 2019. An application is being sent in to the DOT for funding the remainder of Red School Lane. Curb work will be done on a portion of South Fifth Street in 2019.

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

Payment of Bills – Council President Pryor excused himself from any JMT bills. Motion by Councilman Wright to approve payment of bills, seconded by Councilman Palitto. Roll call vote:

AYES: Councilman Palitto, Councilman Wright, Council President Pryor, Mayor Mengucci.
NAYS: None

Audience Participation:

Pamela Trent – Came before Council regarding her property taxes. She appeared in May about the same issues. She handed in her backup for payment of taxes. The documents were lost several times since she came to the tax collector. She complained but did hand in one of two copies of prior payment to which Attorney Campbell accepted and will look into straightening out her account.

Fay Scherer – Jacob Way – Talked to Council regarding the safety of children crossing Belvidere Road. Engineer Sterbenz will talk to the County about fast-tracking the flashing school speed limit signs and school zone on that roadway and separating it out from the Federal Aide Project.

Mr. Imboden – Status of the salvage yard at 350 Liberty Road. This is a warrant out for this property owner. The time limit has passed on the allotment of time for him to clean this up. Attorney Campbell said Council can authorize to move forward as he had 10 days and did not clean it up. Motion to authorize the cleanup by Councilman Wright, seconded by Council President Pryor. Roll call vote:

AYES: Councilman Palitto, Councilman Wright, Council President Pryor, Mayor Mengucci.
NAYS: None

Raine Roncoroni – Stated that the school is also aware of the problems involving the traffic issues on Belvidere Road and supports the concerns of Mrs. Scherer. Also thanked the Council for the Police Officer being present in the middle and elementary schools.

Frank Russo – Discussed his concerns regarding the Ordinance 243A Outdoor Storage; basketball hoops around the Township. Enforcement is not the right approach for the Township to take he said. Would like an opportunity to sit down with zoning officer, road department and a few residents to figure out other solutions. Council President Pryor said he was against basketball courts in the street or baskets. He noted some of the reasons: it gets in the way of the DPW, accidents in Pennsylvania recently with a broken windshield involved. You're kids are older, younger kids get absorbed in a game, they don't hear a car coming and that's a primary concern. A child skated out of his driveway into the street with his hockey stick – he was oblivious to the traffic on the street. Some neighbors don't want a game in front of their driveway; they're there for parking, they're there for cars; they are not there for courts for kids. He felt he needed to be honest and didn't see his opinion changing. Council President Pryor said the ordinance needed to be cleaned up and the administration of how to get rid of them. Council President Pryor said he would like to look at what properties and parks the Township owns to possibly add additional courts. He would like to provide recreation for kids and did not believe it should be the street. Mayor Mengucci said we just heard a woman with concerns for her children crossing the streets and we do everything we can to keep the kids from playing in the streets and now to say it's okay to play in the street is a double edge sword.

R 18-209

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:

4. Attorney/Client Privilege – New Jersey Sick Leave Law
5. Attorney/Client Privilege – Resident at Block 133, Lot 28
6. Personnel
7. Personnel
8. Personnel Policy - Changes

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 1, 2018.

Margaret B. Dilts, CMC

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

Motion by Councilman Wright to take action on Block 133, Lot 28, seconded by Council President Pryor. Roll call vote:

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

NAYS: None

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

Respectfully submitted,

Margaret B. Dilts, CMC
Clerk/Administrator

James E. Mengucci
Mayor