

TOWNSHIP OF LOPATCONG  
REORGANIZATION AND REGULAR MEETING  
6:30 pm

January 2, 2019

The Reorganization and Regular 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.

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, Mayor Mengucci. Also present were Attorney Campbell and Engineer Sterbenz.

Motion to return to Regular Session by Council President Pryor, seconded by Councilman Wright. All in favor. Attorney Campbell reported that Executive Session was held on one hour and the topics of discussion were as listed on the agenda.

**Sworn In** – Councilmen Belcaro and Pryor sworn in for three-year terms.

**Public Comments** – Agenda items only - none

**Reorganization:**

R 19-02

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY FIXING A REASONABLE SUM TO CHARGE FOR A LIST OF  
SCHEDULED COUNCIL MEETINGS

WHEREAS, Section 14 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the public body to fix a reasonable sum to be charged to persons who request that notice of meetings as required under the Act, be mailed to them individually; and

WHEREAS, said section further permits the public body to provide such notices free of charge to news media who so request.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lopatcong, County of Warren and State of New Jersey as follows:

1. Each person who requests that individual notice as required under the Act be mailed to him shall pay annually the Township of Lopatcong Twenty-five Dollars (\$25.00) to cover the cost thereof.
2. Requests for such individual notice made by news media shall be granted without cost.
3. The sum herein designated is subject to change upon the adoption of a superseding Resolution by the public body.

This Resolution shall take effect immediately.

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, January 2, 2019.

Margaret B. Dilts, CMC

Motion to adopt this Resolution by Councilman Belcaro, seconded by Councilman Palitto. Roll call vote:

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

NAYS: None

R 19-03

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY ESTABLISHING A CASH MANAGEMENT PLAN

WHEREAS, P.L. 1983, Chapter 8, approved January 18, 1983 as an act concerning the Local Fiscal Affairs Law and amends N.J.S.A. 40A:5-2 and N.J.S.A. 40A:5-14; and

WHEREAS, this law requires that each local unit establish a cash management plan.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Lopatcong, County of Warren and State of New Jersey for the year 2019 the following shall serve as Cash Management Plan of the Township of Lopatcong.

The Chief Financial Officer is directed to use the Cash Management Plan as the guide in depositing and investing the Township of Lopatcong's funds.

The following FDIC and Government Unit Deposit Protection Act (GUDPS) approved banks are authorized depositories for deposit of funds.

Provident Bank and all other FDIC and GUDPA approved banks located in the State of New Jersey.

All warrants or checks for the disbursements of money shall be made by any two (2) of the following officials and facsimile signatures may be used:

James E. Mengucci, Mayor  
Joseph Pryor, Council President  
Margaret B. Dilts, Clerk/Administrator  
Kimberley Browne, Chief Financial Officer

The Chief Financial Officer and the Clerk/Administrator are empowered to invest cash funds as bank balances will allow from time to time in order to realize revenue. The above stated officers are authorized to transfer funds for the purpose of paying bills, investing and payroll.

The following are authorized as suitable investments:

1. Interest bearing accounts in banks as authorized for deposit of local unit funds (GUDPA approved).
2. Certificates of deposit in GUDPA approved banking institutions.
3. Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America. This includes instruments such as Treasury, Notes and Bonds.
4. Government Money Market mutual funds that comply with N.J.S.A. 40A:5-1.5.1(e).
5. Any other obligations with maturities not exceeding 397 days as permitted by the State Division of Investments.
6. New Jersey Cash Management Fund.
7. Repurchase agreements (repos) of fully collateralized securities which comply with N.J.S.A. 40A:5-15(e).

Each month the Chief Financial Officer shall prepare a report for the Clerk/Administrator that consists of the following:

1. A summary of all investments made or redeemed for the month.
2. A listing of any and all financial institutions holding local unit funds.

3. The class of type of securities purchased or funds deposited.
4. Income earned on deposits and investments.
5. A listing of accounts or deposits that do not earn interest.

This document shall constitute the Cash Management Policy of the Township of Lopatcong.

Any official involved with the selection of depositories or investments shall disclose any material business or personal relationship to the Local Finance Board.

Any official who, in the course of his or her duties, deposits or invest in accordance with this plan shall be relieved of any liability or loss.

#### 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, January 2, 2019.

Margaret B. Dilts, CMC

Motion to adopt this Resolution by Councilman Belcaro, seconded by Councilman Wright.  
AYES: Councilman Belcaro, Councilman Palitto, Councilman Wright, Council President Pryor, Mayor Mengucci.  
NAYS: None

R 19-08

#### RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING INTEREST TO BE CHARGED ON DELINQUENT TAXES

WHEREAS, Governor Florio signed into law Assembly Bill No. 4425, Chapter 75 and Senate Bill No. 2579, Chapter 89 effective March 29, 1991 and April 4, 1991 respectively; and

WHEREAS, the Governing Body of the Municipality wishes to comply with this law; and

WHEREAS, N.J.S.A. 54:4-67 has been changed to define a tax delinquency as follows:

“Delinquency means the sum of all taxes and municipal charges due on a given parcel of property covering any number of quarters or years”; and

WHEREAS, the Governing Body may fix a penalty to be charged to a taxpayer with a delinquency in excess of \$10,000.00 who fails to pay the delinquency prior to the end of the calendar year. The penalty as fixed shall not exceed 6% of the amount of the delinquency; and

WHEREAS, the Governing Body of the Municipality may charge by Resolution, the sum of eight (8%) percent per annum of the first \$1,500.00 and eighteen (18%) percent per annum on any amount in the excess of \$1, 500.00 on taxes and assessment after the date that same would become delinquent until the date of actual payment; and

WHEREAS, most of the taxpayers of said Township of Lopatcong have had to bear an additional burden because of the fact that some taxpayers invest their funds at higher rates of interest than the penalty heretofore provided for under such statute; and

WHEREAS, the Council of the Township of Lopatcong deems it equitable and just that every taxpayer shall bear an equal share of said taxes.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Lopatcong, County of Warren that a tax delinquency shall mean the sum of all taxes and municipal charges due on a given parcel of property covering any number of quarters or years.

BE IT FURTHER RESOLVED that a penalty of 6% will be charged to a taxpayer with a delinquency in excess of \$10,000.00 who fails to pay the delinquency prior to the end of the calendar year.

BE IT FURTHER RESOLVED that the rate of interest to be charged for the non-payment of taxes or assessments shall be eight percent (8%) per annum on the first \$1,500.00 and eighteen (18%) percent per annum on any amount in excess of \$1,500.00 after the date that they would become delinquent.

BE IT FURTHER RESOLVED that no interest shall be charged if payment of any installment is made within the tenth calendar day following the date upon which the same become payable.

BE IT FURTHER RESOLVED that after the sale of property for non-payment of taxes or assessments, the property shall be subject to redemption upon the payment of eighteen (18%) percent per annum interest over and above the amount of the taxes, assessments and other charges due the municipality.

#### 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, January 2, 2019.

Margaret B. Dilts, CMC

Motion to adopt this Resolution by Councilman Belcaro, seconded by Councilman Palitto.

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

NAYS: None

R 19-09

#### RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING THE TAX COLLECTOR TO PROCESS AND CANCEL ANY MUNICIPAL CHARGE REFUNDS OR DELINQUENCY OF LESS THAN TEN (\$10.00) DOLLARS

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey have reviewed a request by the Tax Collector of the Township of Lopatcong to allow the Tax Collector to process and cancel any property tax usage charge refund or delinquency of less than \$10.00.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Lopatcong hereby authorize the Tax Collector to process and cancel any municipal charge refund or delinquency of less than \$10.00.

#### 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 the Reorganization Meeting held on Wednesday, January 2, 2019.

Margaret B. Dilts, CMC

Motion to adopt this Resolution by Councilman Belcaro, seconded by Council President Pryor.

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

R 19-26

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY APPOINTING COUNCIL PRESIDENT

WHEREAS, Mayor and Council put forth nominations for Council President for the year 2019;  
and

WHEREAS, Joseph Pryor was nominated for the appointment.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey do hereby approve the appointment of as Council President for the year 2019.

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, January 2, 2019.

Margaret B. Dilts, CMC

Motion to adopt this Resolution by Council President Pryor, seconded by Councilman Wright.  
AYES: Councilman Belcaro, Councilman Palitto, Councilman Wright, Council President Pryor, Mayor Mengucci.  
NAYS: None

**Consent Agenda:**

Council President Pryor confirmed No. 17 was removed from the agenda. Councilman Wright made a motion to approve Consent Agenda, seconded by Council President Pryor. Roll call vote:  
AYES: Councilman Belcaro, Councilman Palitto, Councilman Wright, Council President Pryor, Mayor Mengucci.  
NAYS: None

R 19-01

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY IN REGARD TO EXECUTIVE SESSIONS AND REGULAR  
MEETINGS FOR THE YEAR 2019

WHEREAS, Section 113 of the Open Public Meetings Act, Chapter 231 P.L. 1975, requires that at least once a year, not later than January 10<sup>th</sup>, of such year, every public body shall post and mail to the newspapers designated by said body, a schedule of the location, time and date of each meeting of said body during the succeeding year.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Lopatcong, County of Warren and State of New Jersey, as follows:

EXECUTIVE SESSIONS of the Council shall be held at the Municipal Building, 232 S. Third Street, Lopatcong Township, Phillipsburg, New Jersey 08865 at 6:30 PM prevailing time, and REGULAR MEETINGS will be held at the same location at 7:30 PM prevailing time, on the FIRST WEDNESDAY of each month for the year 2019.

If the FIRST WEDNESDAY of any month shall fall on a legal holiday, the meeting shall be held on the following day. The dates of such meetings are as follows:

EXECUTIVE SESSIONS AND REGULAR MEETINGS

January 2, 2019 - Reorganization Meeting	
February 6, 2019	August 7, 2019
March 6, 2019	September 4, 2019
April 3, 2019	October 2, 2019
May 1, 2019	November 6, 2019
June 5, 2019	December 4, 2019
July 3, 2019	December 30, 2019

Reorganization Meeting – January 2, 2020

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, January 2, 2019.

Margaret B. Dilts, CMC

R 19-04

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY, DESIGNATING NEWSPAPERS TO RECEIVE NOTICES OF MEETINGS

WHEREAS, Section 3 (d) of the Open Public Meetings Act, Chapter 231, P.L. 1975, requires that certain notices of meetings shall be submitted to two (2) newspapers, one of which shall be designated as the official newspaper of the Township of Lopatcong; and

WHEREAS, the second newspaper designated by this body must be one that has the greatest likelihood of informing the public within the jurisdictional boundaries of this body of such meetings.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Lopatcong, County of Warren and State of New Jersey.

1. The STAR GAZETTE, Hackettstown, NJ is hereby designated as the official newspaper of the Township to receive all notices of meetings as required under the Open Public Meetings Act.
2. The EXPRESS-TIMES has the greatest likelihood of informing the public within the jurisdictional area of this body of such meetings.

This Resolution shall take effect immediately.

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren, 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, January 2, 2019.

Margaret B. Dilts, CMC

R 19-05

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY APPOINTING LAVERY, SELVAGGI, ABROMITIS AND  
COHEN AS TOWNSHIP ATTORNEYS

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Lopatcong, County of Warren and State of New Jersey follows:

Lavery, Selvaggi, Abromitis and Cohen are hereby retained as Township Attorneys for the year 2019 at a retainer of \$2500.00.

This award is in accordance with N.J.S.A. 19:44A-20.5 et seq. and the Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$17,500.

This Resolution shall take effect immediately.

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, January 2, 2019.

Margaret B. Dilts, CMC

R 19-06

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY APPOINTING PHYSICIANS FOR THE YEAR 2019

WHEREAS, the Mayor and Township Council of the Township of Lopatcong require that medical doctors be appointed for Township purposes; and

WHEREAS, these appointments are made without competitive bidding as professional services under the provisions of the Local Public Contracts Law, as provided in N.J.S.A. 40A:11-5 because said office requires services performed by persons qualified to practice recognized professions and it is not possible to obtain competitive bids.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Lopatcong that Village Medical Associates be appointed as physicians for the Township for the calendar year of 2019.

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 the Wednesday, January 2, 2019.

Margaret B. Dilts, CMC

R 19-07

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY AUTHORIZING LEGAL COUNSEL TO FILE AND PROSECUTE  
ROLL-BACK TAX COMPLAINTS, COMPLAINTS TO CORRECT ERRORS IN  
ASSESSMENTS AND COMPLAINTS FOR ADDED, OMITTED AND ADDED/OMITTED  
ASSESSMENTS; DEFEND, SETTLE OR STIPULATE TO RESOLVE ALL 2018 LOCAL  
PROPERTY TAX APPEALS

WHEREAS, the County Tax Board has issued a letter of request requiring a Resolution by the Mayor and Township Council of each municipality of the County of Warren by its County Tax Administrator, Melissa Pritchett; and

WHEREAS, the said County Tax Administrator requires that the Mayor and members of the Governing Body of each municipality in the County of Warren, in order to file municipal roll-back complaints, correct errors or file added, omitted and added/omitted complaints, adopt a Resolution allowing the Municipal Attorney or any member of his firm to file and prosecute said complaints.

NOW, THEREFORE, BE IT RESOLVED on this 3rd day of January 2019, by the Township Council of the Township of Lopatcong, in the County of Warren and State of New Jersey, that the Municipal Attorney for the Township, is hereby authorized to file, prosecute, defend, stipulate, modify, agree upon and otherwise perform the duties which are required of said Attorney, in the process of prosecution and/or filing of said roll-back tax complaints, complaints to correct errors in assessments for added assessments in 2018 and defending or settling all 20018/19 local property tax appeals and execute any and all stipulations relating to the same with the agreement of the Lopatcong Township Municipal Assessor.

BE IT FURTHER RESOLVED, that the Municipal Clerk is hereby directed to provide a true copy of this Resolution to the Warren County Board of Taxation, Warren County Court House, Belvidere, New Jersey 07823.

#### 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, January 2, 2019.

Margaret B. Dilts, CMC

R 19-10

#### RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY ADOPTING ROBERT'S RULES OF ORDER AS A BASIC GUIDE FOR FAIR AND ORDERLY PROCEDURE IN MEETINGS

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's Rules of Order Newly Revised 11<sup>th</sup> edition is hereby adopted as parliamentary authority for procedure in meetings.

#### 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, January 2, 2019.

Margaret B. Dilts, CMC

R 19-11

#### RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY APPOINTING POLICE CHIEF JASON GARCIA AS 911 COORDINATOR

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey are required by the State to appoint a 911 Coordinator to assist the Warren County Department of Public Safety; and

WHEREAS, the Mayor and Council decided to appoint Police Chief Jason Garcia as the 911 Coordinator.



NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey appoint Police Chief Jason Garcia as the 911 Coordinator for the Township of Lopatcong for the year 2019.

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, January 2, 2019.

Margaret B. Dilts, CMC

R 19-13

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY APPOINTING SCOTT M. WILHELM MUNICIPAL PUBLIC DEFENDER

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Lopatcong, County of Warren and State of New Jersey that Scott M. Wilhelm is appointed Municipal Public Defender for the year of 2019 at a salary of \$200.00 per case.

This appointment is made without competitive bidding as professional services under the provisions of the Local Public Contracts Law, as provided in N.J.S.A. 40A:11-5 because said office requires services performed by persons qualified to practice recognized professions and it is not possible to obtain competitive bids.

This Resolution shall take effect immediately.

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, January 2, 2019.

Margaret B. Dilts, CMC

R 19-14

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY APPOINTING NISIVOCIA, LLP AS TOWNSHIP AUDITOR FOR THE YEAR 2019

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey, as follows:

WHEREAS, Nisivoccia, LLP are hereby appointed Township Auditor for the year 2019; and

WHEREAS, Nisivoccia, LLP has presented the Mayor and Council with a Professional Service Agreement outlining his services and fees; and

WHEREAS, this Resolution, of this action shall be printed once in the official newspaper of the Township of Lopatcong; and

WHEREAS, this Resolution and the Professional Service Agreement shall be on file and available for public inspection in the office of the Municipal Clerk.

This award is in accordance with N.J.S.A. 19:44A-20.5 et seq.

This Resolution shall take effect immediately.

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, January 2, 2019.

Margaret B. Dilts, CMC

R 19-15

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY INCREASING THE BID THRESHOLD AND APPOINTING A QUALIFIED PURCHASING AGENT PURSUANT TO N.J.S.A. 40A:11-3a AND N.J.S.A.C. 5:34-5 ET. SEQ.

WHEREAS, the recent changes to the Local Public Contracts Law gave local contracting units the ability to increase their bid threshold up to \$40,000; and

WHEREAS, N.J.S.A. 40A:11-3a, permits an increase in the bid threshold if a Qualified Purchasing Agent is appointed as well as granted the authorization to negotiate and award such contracts below the bid threshold; and

WHEREAS, N.J.S.C.5:34-5 et seq. establishes the criteria for qualifying as a Qualified Purchasing Agent; and

WHEREAS, Margaret B. Dilts possesses the designation of Qualified Purchasing Agent as issued by the Director of Local Government Services in accordance with N.J.A.C.5:34-5.; and

WHEREAS, Lopatcong Township desires to take advantage of the increased bid threshold;

NOW, THEREFORE, BE IT RESOLVED, that the governing body of Lopatcong Township, in the County of Warren, in the State of New Jersey hereby increases its bid threshold to \$40,000; and

BE IT RESOLVED, that the governing body hereby appoints Margaret B. Dilts, as the Qualified Purchasing Agent to exercise the duties of a purchasing agent to N.J.S.A.40A:11-2(30), with specific relevance to the authority, responsibility, and accountability of the purchasing activity of the contracting unit: and

BE IT RESOLVED, that in accordance with N.J.A.C.5-34-5.2 the local unit Clerk is hereby authorized and directed to forward a certified copy of this resolution and a copy of Margaret B. Dilts, QPA certification to the Director of the Division of Local Government Services.

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 a Resolution adopted by Council at a regular meeting of said governing body held on Wednesday, January 2, 2019.

Margaret B. Dilts, CMC

R 19-16

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY DESIGNATING MARGARET DILTS AS THE PUBLIC AGENCY COMPLIANCE OFFICER AS REQUIRED BY THE DEPARTMENT OF TREASURY, DIVISION OF CONTRACT COMPLIANCE & EQUAL EMPLOYMENT OPPORTUNITY IN PUBLIC CONTRACTS

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey shall appoint Margaret B. Dilts as Public Agency Compliance Officer as mandated by N.J.A.C. 17:27-3.2 by January 10<sup>th</sup> of each year; and

WHEREAS, Margaret B. Dilts, Clerk/Administrator shall have the authority to serve as the point of contact for all matters concerning implementation and administration of the statute and its regulations; and

WHEREAS, Ms. Dilts will also be responsible for administering contracting procedures pertaining to equal employment opportunity regarding both the Public Agency and the service providers which shall include but shall not be limited to goods and services vendors, professional service vendors and construction contractors.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey approve the appointment of Margaret B. Dilts as the P.A.C.O. for the Township for the year 2019.

#### 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, January 2, 2019.

Margaret B. Dilts, CMC

R 19-17

#### RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING SUBMISSION OF THE 2017 RECYCLING TONNAGE GRANT APPLICATION AND THE APPOINTMENT OF A RECYCLING COORDINATOR

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 198/c. 102, established a recycling fund from which a tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to making and keeping accurate, certifiable records or materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality to recycle and to indicate the assent of Lopatcong Township to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Governing Body of the Township of Lopatcong hereby endorses the submission of the 2018 recycling tonnage grant application to the New Jersey Department of Environmental Protection and designate Lyn Gabos as Recycling Coordinator to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated trust fund to be used solely for the purpose of recycling.

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, January 2, 2019.

Margaret B. Dilts, CMC

R 19-18

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY APPOINTING JENNIFER PATRICIA AS CLEAN COMMUNITIES COORDINATOR

RESOLUTION APPOINTING A CLEAN COMMUNITIES COORDINATOR

WHEREAS, the TOWNSHIP OF LOPATCONG needs to appoint a Clean Communities Coordinator to represent the TOWNSHIP OF LOPATCONG.

BE IT RESOLVED that Jennifer Patricia is hereby appointed Clean Communities Coordinator effective January 2, 2019 and will receive a stipend of \$2,000 from the grant funds.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council appoint Jennifer Patricia as Clean Communities Coordinator as required by the State of New Jersey and will receive a stipend of \$2,000 each year from the grant funds to complete the necessary reports.

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify that the foregoing resolution was duly adopted at a regular meeting of the Council at the Reorganization Meeting held on Wednesday, January 2, 2019.

Margaret B. Dilts, CMC

R 19-19

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY APPOINTING NISIVOCIA CONSULTING, LLC TO PROVIDE COMPUTER SERVICES FOR THE YEAR 2019

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey as follows:

BE IT FURTHER RESOLVED that Nisivoccia Consulting, LLC is appointed to provide computer services to the Township as outlined in a Professional Service Contract.

This award is in accordance with N.J.S.A. 19:44A-20.5 et. Seq.

This Resolution shall take effect immediately.

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, January 2, 2019.

Margaret B. Dilts, CMC

R 19-20

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY APPOINTING KATRINA CAMPBELL OF LAVERY,  
SELVAGGI, ABROMITIS AND COHEN AS LABOR COUNSEL

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Lopatcong,  
County of Warren and State of New Jersey as follows:

WHEREAS, Katrina Campbell is appointed as Labor Counsel for the year 2019.

This award is in accordance with N.J.S.A. 19:44A-20.5 et seq.

This Resolution shall take effect immediately.

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, January 2, 2019.

Margaret B. Dilts, CMC

R 19-21

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY APPOINTMENTS OF THE GOVERNING BODY

**2019 Governing Body Appointments**

Zoning Board of Adjustment –

Robert Larsen – Expires 12/31/2022

Planning Board –

Class III – Joseph Pryor – Expires 12/31/2019

Recreation Committee –

Lori Ciesla – Expires 12/31/2021

Matt Herzer – Expires 12/31/2021

Sarah Lutz – Expires 12/31/2021

This Resolution shall take effect immediately.

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, January 2, 2019.

Margaret B. Dilts, CMC

R 19-23

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF  
WARREN AND STATE OF NEW JERSEY, AUTHORIZING APPOINTMENT  
OF SPECIAL LITIGATION COUNSEL INGLESINO, WEBSTER,  
WYCISKALA & TAYLOR, LLC

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State  
of New Jersey as follows:

WHEREAS, Inglesino, Webster, Wyciskala & Taylor, LLC as hereby appointed Special Counsel for the year 2019; and

WHEREAS, IWW&T has presented the Mayor and Council with a Professional Service Agreement outlining his services and fees; and

WHEREAS, this Resolution shall be printed once in the official newspaper of the Township of Lopatcong; and

WHEREAS, this Resolution and Professional Service Agreement shall be on file and available for public inspection in the office of the Municipal Clerk.

This Resolution shall take effect immediately.

#### 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 the Council at a meeting held on Wednesday, January 2, 2019.

Margaret B. Dilts, CMC

R 19-24

#### RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY, AUTHORIZING APPOINTMENT OF GIBBONS, P.C. AS BOND COUNSEL

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey that Gibbons, P.C. be appointed as Bond Counsel for the Township of Lopatcong for the year 2019.

This appointment is made without competitive bidding as a professional service under the provisions of the Local Public Contract Law, as provided in N.J.S.A. 40A:11-5.  
This Resolution shall take effect immediately.

#### 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 the Council at a meeting held on Wednesday, January 2, 2019.

Margaret B. Dilts, CMC

**Council Department Responsibilities** – Mayor Mengucci noted responsibilities of the Council liaisons.

R 19-25

#### RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY APPROVING TEMPORARY MUNICIPAL AND SEWER UTILITY BUDGET FOR 2019

WHEREAS, N.J.S.A. 40A:4-19 provides that where any contract, commitment or payments are to be made prior to the final adoption of the 2019 Municipal and Sewer Budgets, temporary appropriations should be made for the purpose and amounts required in the manner and time therein provided; and

WHEREAS, the date of this resolution is within the first thirty days of January 2019; and

WHEREAS, the total appropriations in the 2018 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance, is the sum of \$7,347,970.34; and

WHEREAS, total temporary appropriations shall not exceed 26.25% the total of the appropriations in the 2018 budget, exclusive of any appropriations made for interest and debt redemption charges, capital improvement fund and public assistance in said 2018 budget or in the sum of \$1,928,842.21 for the Current Fund and \$438,642.75 for the Sewer Operating Fund.

NOW, THEREFORE, BE IT RESOLVED that the following appropriations be made and that a certified copy of this Resolution be transmitted to the Chief Financial Officer for the record:

Current Fund	\$1,813,975.00
Sewer Utility Operating Fund	395,200.00

As temporary appropriations for the year for the purpose identified by the title herein below listed and in the sum set aside such titles:

**CURRENT FUND**

**GENERAL GOVERNMENT:**

**Acct. No.**

Administrative and Executive:	\$4,000.00
Other Expenses:	
10510120 Postage	\$2,000.00
10510220 Computer Services	\$4,000.00
10510320 Code Book Update	\$ 500.00
Mayor and Council:	
10511010 Salaries and Wages	\$4,400.00
Municipal Administration:	
10512010 Salaries and Wages	\$55,000.00
10512020 Other Expenses	\$9,000.00
Financial Administration:	
10513010 Salaries and Wages	\$38,000.00
10513020 Other Expenses	\$ 5,000.00
10513521 Audit Services	\$ 7,750.00
Revenue Administration (Tax Collection):	
10514510 Salaries & Wages	\$10,000.00
10514520 Other Expenses	\$ 3,500.00
Tax Assessment Administration:	
10515010 Salaries & Wages	\$10,500.00
10515320 Miscellaneous Other Expenses	\$ 1,000.00
Legal Services and Costs:	
10515520 Other Expenses	\$40,000.00
Engineering Services and Costs:	
10516520 Other Expenses	\$ 18,000.00
10521020 Liability Insurance	\$ 50,000.00
10521520 Workers' Compensation Insurance	\$ 28,000.00
10522020 Group Insurance for Employees	\$185,000.00
10522520 Unemployment Insurance	\$ 2,500.00
10522620 Employee-In-Lieu of Health Benefits	\$ 4,000.00
<b><u>Municipal Land Use Law (NJSA 40:55D-1):</u></b>	
Planning Board:	
10518010 Salaries & Wages	\$ 3,300.00
10518320 Miscellaneous Other Expenses	\$ 2,000.00
Zoning Board of Adjustment:	
10518510 Salaries & Wages	\$ 1,700.00
10518520 Other Expenses	\$ 1,000.00
Rent Board:	
10520110 Salaries & Wages	\$ 1,500.00
10520120 Other Expenses	\$ 1,000.00

10520220	Environmental Commission Other Expenses	\$ 125.00
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**PUBLIC SAFETY:**

	Fire:	
	Miscellaneous-Other Expenses	
10526420	Fire Company No. 1	\$ 10,000.00
	Police:	
10524010	Salaries & Wages	\$580,000.00
10524020	Other Expenses	\$ 30,000.00
	Emergency Management Services:	
10525210	Salaries & Wages	\$ 1,000.00
10525220	Other Expenses	\$ 100.00
	Prosecutor:	
10527510	Salaries & Wages	\$ 5,500.00
	First Aid Contribution:	
10526020	Other Expenses	\$ 5,500.00

**STREETS AND ROADS**

	Street and Road Repairs and Maintenance:	
10529010	Salaries & Wages	\$130,000.00
10529020	Other Expenses	\$ 50,000.00
10528500	Other Expenses-Salt and Grit	\$ 50,000.00
	Public Buildings and Grounds:	
10531010	Salaries & Wages	\$ 4,000.00
10531020	Other Expenses	\$ 20,000.00
	Municipal Court:	
10549010	Salaries & Wages	\$ 30,000.00
10549020	Other Expenses	\$ 3,000.00

**HEALTH AND WELFARE:**

	Animal Control Fund:	
10534010	Salaries & Wages	\$ 2,600.00
10534020	Other Expenses	\$ 100.00

**RECREATION AND EDUCATION:**

	Parks and Playgrounds:	
10537120	Other Expenses	\$ 12,000.00
	Pool	
10537410	Salaries & Wages	\$ 500.00
10537420	Other Expenses	\$ 20,000.00

**UTILITIES:**

10543020	Electricity	\$ 20,000.00
10544020	Telephone (Exclude Equip. Acq.)	\$ 15,000.00
10543520	Street Lighting	\$ 5,000.00
10546620	Gas (Natural or Propane)	\$ 9,500.00
10544820	Hydrant Service	\$ 40,000.00
10544920	Water	\$ 3,000.00
10546020	Gasoline	\$ 23,000.00

**UNIFORM CONSTRUCTION CODE:**

	Building Sub-code Official	
10519610	Salaries & Wages	\$ 22,000.00
10519620	Other Expenses	\$ 3,000.00
	Fire Safety Inspector	
10519810	Salaries & Wages	\$ 8,000.00
10519820	Other Expenses	\$ 500.00
	Zoning Officer	
10520010	Salaries & Wages	\$ 3,000.00
10520020	Other Expenses	\$ 300.00

**STATUTORY EXPENDITURES:**

10547220	Contribution to Social Security System (OASDI)	\$ 78,000.00
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<b>TOTAL OPERATIONS WITHIN "CAP"</b>	<b>\$ 1,676,975.00</b>
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**OPERATIONS EXCLUDED FROM "CAPS":**

Municipal Debt Service	
10693520	Interest on Bonds
	\$ 86,000.00

**TOTAL CURRENT FUND** **\$1,813,975.00**

**SEWER UTILITY OPERATING FUND**

Salaries and Wages	\$25,000.00
Other Expenses	\$325,000.00
Principal Payment on USDA Loan	\$ 15,200.00
Interest on USDA Loan	\$ 30,000.00
<b>TOTAL SEWER UTILITY OPERATING FUND</b>	<b>\$395,200.00</b>

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 correct copy of a Resolution adopted by Council at the Reorganization Meeting held on Wednesday, January 2, 2019.

Margaret B. Dilts, CMC

R 19-27

**RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE NO. 2017-071 ON BLOCK 115.04, LOT 2 QUALIFIER C0242**

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on December 6, 2017, a lien was sold on Block 115.04, Lot 2 also known as 242 Windmill Court for 2016 delinquent sewer; and

WHEREAS, this lien known as Tax Sale Certificate No. 2017-071 was sold to US Bank Cust for BV002 Trst & Crdtrs; and

WHEREAS, M & T Bank, mortgage company for the property owners has satisfied the redemption amount on Certificate No. 2017-071 in the amount of \$898.77, Premium \$0.00.

NOW, THEREFORE, BE IT RESOLVED on this 26<sup>th</sup> day of December 2018 that the Chief Financial Officer is authorized to issue a check in the amount of \$844.81 for the redemption of Tax Sale Certificate No. 2017-071 to:

US Bank Cust for BV002 Trst & 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 the foregoing to be a true correct copy of a Resolution adopted by Council at the Reorganization Meeting held on Wednesday, January 2, 2019.

Margaret B. Dilts, CMC

**Tricky Tray Raffle License** – Approve license for Garnett Boosterettes to hold a Tricky Tray January through February 16, 2019.

**Phoenix Advisors, LLC** – Renew contract for continued disclosure and independent registered municipal advisor services.

**New Business:**

**Ordinance No. 2019-01** – First reading to Amend, Revise and Supplement Chapter entitled “Towing” to update rates for services provided.

**ORDINANCE NO. 2019-01**

ORDINANCE OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN, STATE OF NEW JERSEY TO AMEND, REVISE AND SUPPLEMENT CHAPTER 223 “TOWING SERVICES” OF THE CODE OF THE TOWNSHIP OF LOPATCONG TO UPDATE THE ALLOWABLE FEES FOR TOWING AND STORAGE.

**WHEREAS**, the Township Council of the Township of Lopatcong, has received a request from the Chief of Police to revise the towing and storage fee schedule.

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Township of Lopatcong, County of Warren, State of New Jersey that Chapter 223, “Towing Services,” of the Code of the Township of Lopatcong shall be amended as follows:

Section 1:

223-8.7

- A. Fees for towing and storage of motor vehicles pursuant to this chapter shall be in accordance with the fees established by the Garden State Towers Association, Inc. and copy shall be on file with the Township Clerk. An updated copy setting forth the fees in effect shall be maintained by each licensed tow truck operator and the Township Chief of Police.

Section 2:

All other sections shall remain unchanged.

Section 3:

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 of this Ordinance shall not be affected thereby.

Section 4:

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

Section 5. Effective Date.

This Ordinance shall take effect upon final passage and publication.

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 January 2, 2019, 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 February 6, 2019 at 6:30 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

Motion to adopt this ordinance on first reading by Councilman Wright, seconded by Council President Pryor.

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

NAYS: None

**Ordinance No. 2019-02** – First reading to Amend, Revise and Supplement Chapter 47 “Police Department,” Article II to Create Article II “Miscellaneous Provisions,” Section 7 “Supplementary Employment”.

## ORDINANCE 2019-02

### **ORDINANCE OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN, STATE OF NEW JERSEY TO AMEND, REVISE AND SUPPLEMENT CHAPTER 47, “POLICE DEPARTMENT,” ARTICLE II OF THE CODE OF THE TOWNSHIP OF LOPATCONG TO CREATE ARTICLE II “MISCELLANEOUS PROVISIONS,” SECTION 7 “SUPPLEMENTARY EMPLOYMENT”**

**WHEREAS**, the Township Council of the Township of Lopatcong, County of Warren, State of New Jersey, wishes to create Section 7 to set the hourly rate charged by the Township for the supplemental employment of its officers.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Lopatcong, County of Warren, State of New Jersey that Chapter 47 “Police Department,” Article II, “Miscellaneous Provisions,” of the Code of the Township of Lopatcong shall be amended, revised and supplemented as follows:

Section 1:

#### **ARTICLE II MISCELLANEOUS PROVISIONS**

##### **§47-7 Supplementary Employment**

- A. Supplementary Employment shall be any outside employment undertaken by any officers of the Lopatcong Township Police Department that does not interfere with the officer’s performance of his sworn duty, or the logistical operation and scheduling of the Lopatcong Township Police Department, and as approved by the Chief of Police.
- B. Any supplemental employment under “color of authority”, i.e. road construction, traffic duty, large social gatherings, etc. occurring within the confines of the Township shall be charged to the contractor at \$125 per hour plus \$55 per day for the use of the Township vehicle. The employee shall be paid at his/her overtime rate time and the remainder of the hourly fee and the \$55/day fee shall be paid to the Township to cover cost.
- C. Any officer who engages in the supplementary employment outside the confines of the Township which meets the requirements of Section A, above, shall not be supplied with Township equipment other than the items of identification required by law, and shall not be covered by any benefits enjoyed while engaged in the performance of his regular Township employment. Compensation for such outside employment shall be paid directly to the Employee by the contractor at the prevailing rate.

Section 2:

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged

unconstitutional or invalid by a court of competent jurisdiction, the remainder off this Ordinance shall not be affected thereby.

Section 3:

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

Section 4:

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

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Township Council of the Township of Lopatcong held on January 2, 2019, 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 February 6, 2019 at 6:30 p.m. or as soon thereafter as the Township Council may hear this Ordinance at the Municipal Building, 232 South Third Street, Phillipsburg, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Margaret Dilts, CMC

Motion to adopt this Ordinance on first reading 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

**Animal Control Shared Service Agreement** – Shared Service Agreement with Washington Boro. Motion to authorize by Councilman Palitto, seconded by Council President Pryor. Roll call vote:

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

NAYS: None

**Announcement** – Special Council Meeting on Wednesday, January 16, 2019 at 6:30 pm.

**Council Reports:**

Councilman Palitto – Looking for EDAC members.

Councilman Belcaro – No report.

Councilman Wright – Will be scheduling a trip out to Fox Farm Road with Engineer Sterbenz next with DPW Superintendent Weeks to investigate icing problem.

Council President Pryor – No report.

Mayor Mengucci – No report.

Engineer Sterbenz – Reported that seven roads were paved last year. There are other roads to be done in early 2019; Baltimore Street between Red School Lane and the Hillcrest Mall and also Enmore and Oxford Road. Those bid documents will be completed by end of the month. A section of South Fifth Street between Rt. 22 and Baltimore Street will be done also. An application for additional monies was submitted to the state for Red School Lane.

**Department Reports** – Motion to approve by Councilman Belcaro, seconded by Councilman Wright. All in favor.

### **Audience Participation:**

John Stout – Asked for an update on proposed sidewalk project. Engineer Sterbenz reported that a public information forum was held but his report has not been generated as yet.

John Betz – Asked about the Temporary Municipal Budget Resolution. Clerk Dilts explained the temporary budget and announced those numbers.

Robin George – 34 Raleigh Court – She explained that she was devastated over the loss of the trees when she returned from Sweden. She wasn't noticed about the trees being cut down. What is the plan to replace them?

Mayor Mengucci said the lack of communication begins and ends with the Council.

Brian Weeks – Informed the public that the trees came down because of safety reasons, disease, etc., and felt it was the right thing to do.

Robin George – Asked if he noticed the previous owners; Kruzman's, were trying to kill the trees with their grass clippings.

Brian Weeks – Said those people were notified; they thought it was their dumping ground. Put dirt, leaves, gravel, you name it and it's the town dump.

Robin George – Said the Smiths' have been vocal about it as well as Beth Beyer.

Brian Weeks – A lot of folks have come to him stating the exact opposite. Resident thanked him for taking the trees down and if there hadn't been something done soon, they had intentions of calling.

Robin George – Asked how this could be resolved.

Mayor Mengucci – Trees will be planted back in the spring.

Robin George – Wants to join committee to put back the trees.

Beth Beyer – 23 Raleigh Court – Spoke to Council and asked to make a suggestion. She asked for trees with some size to them. Robin George – People on Raleigh Court would like to participate.

Council President Pryor – Noted that there were reasons why what was there came down and the Council did not do it. The public works Superintendent was diligent and did what he thought was the right thing. The trees were Norwegian Maples and in some states, are banned but not in New Jersey. One problem with these trees is they can take over a forest. It is a weak wood noting the decline in their health. Council President Pryor said there would be nothing done without involving the community. There would be consideration to size and specie selection; maybe even a rain garden.

Beth Beyer – Asked if they could communicate with the neighbors and come back next month.

Council President Pryor – Encouraged Ms. Beyer's to reach out to the neighbors but they did not have to come back next month.

Beth Beyer – Asked who the Shade Tree Chair was.

Councilman Wright – Said as the liaison to the Shade Tree he would reach out to them to coordinate the effort.

Brian Weeks – Indicated that he had on order reflectors to install around the circle to protect it.

Lori Ciesla – 12 Meadowview Drive. Looking for sponsors for movie equipment. Should be getting grant money for Music in the Park. She applied for this year too. Felt there will be a need for more funds for the music. Rec. Committee will be changing date of community day.

She noted that she went through the video of the last meeting and felt a lot of things were not said correctly. As far as the parents go, it is the job of the LAA Board to make sure the parents needs are met. 501C3 allows the LAA to fundraise more. They are more than willing to have anyone come to the meeting and look at the books.

Attorney Campbell – Said the contract was pulled to look at the terms again. The only avenue the Council has to address is the annual statement of accounting which is due by February 1<sup>st</sup> and the copy of the bylaws be given to the Township every year by January.

Lori Ciesla – Said the currently up to date bylaws for the LAA are on the Lopatcong Township website. There is a college student doing the work on the LAA website and they are not current she said.

Council President Pryor – Thanked Lori for signing up for another three years to serve on the Recreation Committee.

John Betz – Asked about the towing ordinance and how it is applied to the Township and handicapped spots.

Attorney Campbell – Informed him that there is controls in place for costs charged.

Mayor Mengucci asked for a motion to adjourn the meeting. Motion by Councilman Belcaro, seconded by Council President Pryor. All in favor.

Respectfully submitted,

Margaret B. Dilts, CMC  
Clerk/Administrator

James E. Mengucci  
Mayor