

TOWNSHIP OF LOPATCONG  
Regular Meeting Minutes  
7:30 pm

April 1, 2020

The Regular Meeting of the Lopatcong Township Council was called to order by Mayor Mengucci. The meeting took place by joining Zoom Meeting at <https://us04web.zoom.us/j/563675925>.

A Prayer was offered followed by the Oath of Allegiance.

Mayor Mengucci stated “adequate notice of this meeting has been provided indicating the time and place of the meeting in accordance with Chapter 231 of the Public Laws of 1975 by advertising a Notice in The Star Gazette and The Express-Times and by posting a copy on the bulletin board in the Municipal Building.”

Present – Councilman Belcaro, Councilman Palitto, Councilman Wright, Council President Pryor, Mayor Mengucci. Also present were Attorney Campbell and Engineer Sterbenz.

**Public Comment:** No Public Comment

**Old Business:**

**Minutes** – Approve March 4 and March 18, 2020 Regular and Executive Sessions. Council President Pryor noted corrections for the March 4 and March 18 Regular Session Minutes. Motion to approve with those corrections by Mayor Mengucci, seconded by Councilman Wright. Roll call vote:

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

NAYS: None

**New Business:**

**Warren County Public Works Shared Service of Equipment Agreement** – The County Administrator submitted this agreement which Lopatcong has signed in the past. Council asked that Clerk Dilts acquire an updated copy as the one sent was signed in 2016. Motion to authorize the Mayor to execute the updated copy by Council President Pryor, seconded by Councilman Belcaro. Roll call vote:

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

NAYS: None

**Resolution No. 20-60** – Star Gazette will no longer be publishing legal advertisements.

R 20-60

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 EXPRESS-TIMES Warren County, NJ Zone 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 Star Ledger 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, April 1, 2020.

Margaret B. Dilts, CMC

Motion to adopt Resolution by Council President Pryor, seconded by Councilman Palitto. Roll call vote:

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

NAYS: None

#### **Consent Agenda:**

Motion to approve Consent Agenda 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

**Resolution No. 20-61** – Redeem Tax Sale Certificate No. 2017-039 on Block 90, Lot 35 in the amount of \$39,339.15.

R 20-61

#### RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE NO. 2017-039 ON BLOCK 90, LOT 35

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on December 6, 2017, a lien was sold on Block 90, Lot 35 also known as 55 Reservoir Road for delinquent taxes; and

WHEREAS, this lien known as Tax Sale Certificate No. 2017-039 was sold to US Bank for PC7, First Trust Bank; and

WHEREAS, on February 27, 2020 the mortgage company for the property owner, has satisfied the redemption amount on Certificate No. 2017-039 in the amount of \$39,339.15.

NOW, THEREFORE, BE IT RESOLVED on this 1<sup>st</sup> day of April 2020, that the Chief Financial Officer is authorized to issue a check in the amount of \$39,339.15 for the redemption of Tax Sale Certificate No. 2017-039 to:

US Bank Cust for PC7 First Trust Bank  
50 S 16<sup>th</sup> St., Suite 2050  
Philadelphia, PA 19102-2513

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, Cnty 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, April 1, 2020.

Margaret B. Dilts, CMC

**Resolution No. 20-62** – Correct Tax Account for Block 85, Lot 2.09.

R 20-62

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY TO CORRECT THE TAX ACCOUNT FOR BLOCK 85, LOT 2.09

WHEREAS, the Township of Lopatcong has been provided with receipts for tax payments for Block 85, Lot 2.09 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 85, Lot 2.09:

1/7/2013	\$1635.17
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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 these payments.

#### CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, Cnty 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, April 1, 2020.

Margaret B. Dilts, CMC

**Resolution No. 20-63** – Refund for Tax Overpayment for Block 116.01, Lot 6 in the amount of \$4,435.26.

R 20-63

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY TO ISSUE A REFUND FOR A TAX OVERPAYMENT FOR BLOCK 116.01 LOT 6

WHEREAS, Block 116.01, Lot 6 was purchased by Mary, Gary and Jessica Smith in May of 2018; and

WHEREAS, at the time of the purchase, the account was showing a delinquent balance for non-payment of 1<sup>st</sup> and 2<sup>nd</sup> quarter of 2015 and interest as a result of those on-payments; and

WHEREAS, the prior owner, Larry Lugaro, has been attempting to find copies of the cancelled checks to prove that he made both of those payments but due to a change in banks and a relocation, he has been unable to find copies of checks prior to July 2015; and

WHEREAS, on May 28, 2019, the new owners' lender made a payment on their behalf in the amount of \$4,435.26 to correct the delinquency on their account; and

WHEREAS, the Township wishes to issue a refund in the amount of \$4,435.26 to the mortgage company for the taxpayer for the payment that it made on their behalf.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Lopatcong hereby authorizes a refund in the amount of \$4,435.26 to:

Loan Care/Lakeview Loan Servicing  
Loan Care Tax Department  
P.O. Box 8097  
Virginia Beach, VA 223450

#### 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, April 1, 2020.

Margaret B. Dilts, CMC

**Resolution No. 20-64** – Request to Establish a Rider for Accumulated Absences Liability Trust Fund – N.J.A.C. 5:30-15.

R 20-64

#### RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY REQUESTING PERMISSION TO ESTABLISH THE DEDICATION BY RIDER FOR ACCUMULATED ABSENCES LIABILITY TRUST FUND, N.J.A.C. 5:30-15

WHEREAS, permission is required from the Director of the Division of Local Government Services for the approval as a dedication by rider of revenues received by a county or municipality when the revenue is not subject to reasonably accurate estimate in advance; and

WHEREAS, N.J.S.A. 40A:4-39 provides the Director of the Division of Local Government Services may approve expenditures or money by dedication by rider.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Lopatcong as follows:

1. The Township Council does hereby request permission of the Director of the Division of Local Government Services to pay expenditures under provisions of N.J.S.A. 40A:4-39, for Accumulated Absences Liability created in accordance with the provisions of N.J.A.C. 5:30-15.
2. The Municipal Clerk is hereby directed to forward two certified copies of this resolution 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 to be a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, April 1, 2020.

Margaret B. Dilts, CMC

**Resolution No. 20-65** – Award quote to Engines, Inc., for maintenance of pump station generators and truck generators in the amount of \$2035.00 for 2020.

R 20-65

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY AUTHORIZING ENGINES INC., A CONTRACT FOR  
GENERATOR MAINTENANCE FOR 2020

WHEREAS, Engines, Inc., has submitted a proposal for generator maintenance for the year 2020;  
and

WHEREAS, the maintenance will be completed on the following:

Municipal Bldg. Generator - \$495.00  
Stonehenge Pump Station - \$595.00  
Morris Heights Pump Station - \$595.00  
Truck Generator - \$350.00

WHEREAS, the total estimate cost for Parts and Labor - \$2035.00.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey authorize the contract for 2020 in the amount of \$2035.00.

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, April 1, 2020.

Margaret B. Dilts, CMC

**Resolution No. 20-66** – Authorize 70% reduction of performance bond to Macada Properties – Coordinated Health per Engineer Sterbenz Report and conditions.

**R 20-66**

**RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF  
WARREN AND STATE OF NEW JERSEY AUTHORIZING PERFORMANCE  
GUARANTEE REDUCTION FOR PHILLIPSBURG PROPERTIES GROUP, LP  
ALSO KNOWN AS COORDINATED HEALTH BLOCK 85, LOT 5**

**WHEREAS**, Phillipsburg Properties Group, LP (“Phillipsburg”) received approvals from the Lopatcong Township Planning Board to construct a one-story ambulatory surgery center with site improvements; and

**WHEREAS**, the approvals were subject to the posting of a performance guarantee to ensure the satisfactory completion of the site improvements indicated on the approved site plan; and

**WHEREAS**, Phillipsburg posted performance guarantees totaling \$1,816,686.00 in accordance with a January 18, 2017 performance guarantee estimate issued by municipal engineer Paul M. Sterbenz, P.E., PP; and

**WHEREAS**, Phillipsburg has constructed the vast majority of the required site improvements on the project; and

**WHEREAS**, Phillipsburg is seeking through a March 30, 2020 written request to reduce the amount of the performance guarantees being held by the Township as a result of the completion of site work on the project by 70%; and

**WHEREAS**, the Municipal Land Use Law (“MLUL”) allows developers to seek reductions in the amount of a performance guarantee being held with a municipality; and

**WHEREAS**, the Municipal Engineer, Paul M. Sterbenz, P.E., PP is in agreement with the 70% reduction request;

**NOW THEREFORE BE IT RESOLVED**, by the Township Council of the Township of Lopatcong that the performance guarantees being held in connection with the ambulatory surgery center project on Lot 5 in Block 85 be reduced by 70% from \$1,816,686.00 to \$545,005.80 subject to Phillipsburg providing a new performance bond in the amount of \$490,505.22 in a form satisfactory to the Township Attorney and Township Engineer.

**BE IT FURTHER RESOLVED**, that the Township shall release \$127,168.02 of the \$181,688.60 in cash that is currently being held once the new performance bond is approved by the Township Attorney and Township Engineer and the Chief Financial Officer receives notice of said approval from the Township Engineer.

### **CERTIFICATION**

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, Warren County and State of New Jersey do hereby certify the foregoing to be a true and correct copy of Resolution adopted by Council at a meeting held on Wednesday, April 1, 2020.

Margaret B. Dilts, CMC

**Announcement** – Public hearing and final adoption of the 2020 Budget will be at 7:00 pm on April 15, 2020.

#### **Council Reports:**

Councilman Palitto – No report.

Councilman Belcaro – No report.

Councilman Wright – Thanks the volunteers; EMS and Fire Dept. especially during this time.

Council President Pryor – No report.

Mayor Mengucci – Thanked the Police Department, Fire Department and EMS as well. Also reported that a resident asked to waive late fees on taxes – there is pending legislation and will advise.

Engineer Sterbenz – Reported on the time frame for paving Lows Hollow Road and Red School Lane. Noted that there will need to be a defective storm sewer pipe replaced and recommended Zuccaro, Inc., be contracted for the work. The cost will not exceed \$20,000.00. Council discussed and a motion was made by Mayor Mengucci to have Zucarro move forward with the work, seconded by Council President Pryor. Roll call vote:

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

NAYS: None

Police Chief Garcia – Thanked all the officers in the Police Department during this time.

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

**Payment Bills** – Council President Pryor recused himself from any JMT bills. Mayor Mengucci made a motion to pay bills, seconded by Council President Pryor. Roll call vote:

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

NAYS: None

**Audience Participation:**

Martin Swim – Asked if the Council has considered making Lopat fields overflow from Warren Hospital. Mayor Mengucci indicated there was no request from the hospital but he would be speaking to them on an unrelated matter. Mr. Swim asked if he would bring up his question.

Mayor Mengucci asked for a motion to go into Executive Session. Motion by Councilman Belcaro, seconded by Council President Pryor. Clerk Dilts was excused from the Executive Session. Attorney Campbell will take the minutes. All in favor.

R 20-55A

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:

1. Attorney/Client Privilege – COVID-19 Emergency Action Plan

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, April 1, 2020.

Margaret B. Dilts, CMC

Attorney Campbell noted that no action will be taken in Executive Session.

Adjourned the meeting on motion by Councilman Belcaro, seconded by Councilman Wright. All in favor.

Respectfully submitted,

Margaret B. Dilts, CMC  
Clerk/Administrator

James E. Mengucci  
Mayor