TOWNSHIP OF LOPATCONG
REGULAR MEETING
MINUTES
7:30 PM

February 5, 2025

The Regular Meeting of the Lopatcong Township Council was called to order by Mayor Wright. The meeting was held in the Municipal Building located at 232 S. Third St., Phillipsburg, New Jersey.

A Prayer was offered followed by the Oath of Allegiance.

Mayor Wright 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 Ledger and The Express-Times Warren County Zone and by posting a copy on the bulletin board in the Municipal Building."

Present: Councilman Belcaro, Councilman Marinelli, Councilman McQuade, Council President Palitto, Mayor Wright. Also present was Attorney Wade Baldwin and Engineer Adam Wisniewski.

Attorney Baldwin summarize Executive Session which included Items one and two as listed on the agenda – no action taken.

Pilot Discussion – Attorney Jeff Winitsky to discuss The Cubes Redevelopment Project Pilot Program. The former Phillipsburg Mall site is the subject of much discussion, debate and redevelopment. Lopatcong and Pohatcong have been working with the same developer for literally years at this point to try and get that property redeveloped and a plan in place and ultimately, the best way to do that economically. What has been decided is a warehouse distribution center on Rt. 22. That spot is probably the best use of that land at the moment and what we have been tasked to do is to do two things; enter into a formal redevelopment agreement with the redeveloper to make sure we have plan of action and a contract, a written agreement, between the town and the redeveloper to build the warehouse and if they do not do certain things, the Township has redress against them. The other, is the Pilot for the property. For those who are not familiar, a Pilot is essentially instead of the developer paying what would be the regular applicable taxes on the land and the improvements, we negotiate what is called an annual service charge which is a set amount that they will pay instead of those taxes. The developer, if they were to pay full taxes, the county, the school district and the municipality, from an economic perspective it's too much for them to do, so in the state we have a process by which we negotiate a different amount to encourage development. There are minimums, there are maximums, etc., so my job is to get the best deal that we can for the Township and what they are going to pay in lieu of taxes. We have worked very closely with the developer, Beth Dilts and with your Tax Assessor to make sure when we do that, we have all of your best interests in mind and to make sure what's critically important that we understand not only what could be, but would be, so, we have to look at two things; we have to look at if we didn't do a Pilot at all, what would that mean economically to the Township, and if we did do a Pilot, what would that mean to the Township. So, it's your dollars and cents. So, it gets a little complicated, but ultimately, my job is to say I want to make sure that the Township at a minimum is going to receive whatever it would have received had there not been a Pilot in place. The goal is to get more than that at the end of the day. So, what we have been able to negotiate, by virtue of this Pilot, is that the Township, over the course of its existence, will get roughly $10 million plus or more than they would have gotten in regular taxes. If you were to levy applicable taxes, you have to share; the Township only retains 20 some percent of what is collected. Under a Pilot, the Township retains 95% of the Pilot and you give 5% to the County. What happens, you are not now receiving taxes – nothing. They still put their levy in. The levy is exactly the same as it always would be, it just means it proportioned a little bit differently. In the case of warehouses, there are no new kids, it's not adding anything to the school district to handle. This property was a mall before and now it's a warehouse distribution so, those issues are sort of out of the way. Not only did we assist Lopatcong, but also, we helped Pohatcong as well. The formula for this was using square

footage and, in this case, Lopatcong has a little bit more than half; a little over 800,000 square feet and there is 456,000 feet in Lopatcong. Lopatcong's deal is better than what Pohatcong got for a variety of reasons; they were first and when doing a Pilot, there is a tax exemption on the improvements and that is what the annual service charge is based on, but they're paying land taxes and when they do that, that acts as a credit against the total Pilot. The assessed value of the land is very important over time; assumed increased value over time which included tax rates over time to come up with the number that was fair. A summary was provided to everyone on Council. This is a 30-yer Pilot and if they don't pay, a lien would be placed on the property. The developer has borrowed and invested tens of millions of dollars to build this warehouse and have several tenants lined up. Next steps would be to adopt a resolution to approve the Redevelopment Agreement, a resolution to approve the Pilot application, and an ordinance that will allow for the tax exemption which would be prepared for the March meeting. The Township would begin to receive payments when the Pilot comes on line in the first month after the C/O is received from the Township. The construction timeline as represented is that the full warehouse will be completed by the end of this year.

Agenda Comments –

Pam Thomas – 6 Wordsworth Lane – She stated that she was not representing the schoolboard. She offered a second opinion on what Mr. Winitsky said and that she wanted to place a seed that the municipality might choose a portion of the pilot funds to provide to the school district. She felt the money received in the lump from the pilot reduces the taxes collected which then reduces the amount of money the school district receives. She suggested the Council might consider the local school district and maybe be open to the idea of possibly discussing the allocation of some of the funds that come from this development.

Bob Bruce – 11 Harwich Road – Asked Mr. Winitsky to confirm that the town would collect 10 million dollars more through the pilot. Mr. Winitsky did explain this again adding that the town would collect 95% and 5% would go to the county. Mr. Bruce confirmed that the Township would be getting $500,000 with an additional $100,000 with the pilot program. There is no effect on what the Township would collect whether or not the school district receives a dollar or its whole levy – these are two different things so, when the Township collects its taxes, it's a separate levy and has nothing to do with the school district levy. It is the Township's job to collect that levy for the school district and disperse it.

John Betz – Brakeley Gardens – Renting in 1980, rents were probably around $250 and now they are similar in the realm of anywhere from $2300 to $2500, which is 10-times the amount so, you are going to tax, you have to get at least 10 times the amount that you would have gotten this year over that 30-year period of time said Mr. Betz, which would be 45 years. You may be giving up that explanation that would gain to in the 35 years and there is no saying that it will stay at 2% - consider the value of the taxes and what you put on the backs of the homeowners and the tenants.

Ernie Gallant – 245 Aurora Street – Member of the Board of Education but speaking for himself. He understands that whatever the school levy is that they get that and it doesn't change but what it does mean if the school isn't getting that money, that means that the tax payers are paying that difference and asked Mr. Winitsky if that was correct.

Attorney Winitsky – Said no that is not correct. The taxpayers aren't paying more, it just means that specific property isn't paying the school district; your taxes are unaffected it just means that specific taxpayer which is now a warehouse won't be paying school district taxes. There is no burden on the school district to manage more because of a warehouse. I am here for the towns best interest and are cognizant when going into this project. The idea is, is that this is a benefit to the Township.

Glenn Epps – Reporter with the Express-Times and Lehigh Valley Live. Confirmed the full dollar amount would be $10 million dollars above – more than the current amount to be collected. What happens if the property is sold? Mr. Winitsky said the pilot stays. Mr. Epps also wanted to confirm the documents are public through an Opra Request.

Mr. Winitsky stated that in the resolutions and the ordinances, there will be a Preamble and that will contain all the facts and figures and explains what is happening and action taken by the governing body. Does the Township have to act on the project – required to sign in on the agreement. The pilot has to be authorized and approved by resolution.

Old Business:

Minutes – Approve Executive and Regular Sessions for December 30, 2024, January 7, 15 and 29, 2025. Motion by Councilman Belcaro, seconded by Councilman McQuade.
Roll call vote:
AYES: Councilman Belcaro, Councilman Marinelli, Councilman McQuade, Council President Palitto, Mayor Wright.
NAYS: None
ABSTAIN: Mayor Wright – December 30, 2024

New Business:

Ordinance No. 2025-01 – First reading to Establish CAP Bank.

ORD. 25-01

CALENDAR YEAR 2024

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS

AND TO ESTABLISH A CAP BANK

(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Council of the Township of Lopatcong in the County of Warren finds it advisable and necessary to increase its CY 2024 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council hereby determines that a 3.5% increase in the budget for said year, amounting to $257,709.90 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Lopatcong, in the County of Warren, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2024 budget year, the final appropriations of the Township of Lopatcong shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to $257,709.90 and that the CY 2024 municipal budget for the Township of Lopatcong be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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 February 5, 2025 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 March 5, 2025 at 7:30 pm or as soon thereafter as the Township Council may hear this Ordinance in 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, MMC

Motion to adopt this Ordinance on first reading by Councilman Belcaro, seconded by Council President Palitto
Roll call vote:
AYES: Councilman Belcaro, Councilman Marinelli, Councilman McQuade, Council President Palitto, Mayor Wright.
NAYS: None

Ordinance No. 2025-02 – First reading to Amend Chapter 219 entitled “Trees”.

ORD. 25-02

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OFLOPATCONG, COUNTY OF WARREN, STATE OF NEW JERSEY AMENDING CHAPTER 219 OF THE TOWNSHIP CODE ENTITLED “TREES”

WHEREAS, the Council of the Township of Lopatcong, County of Warren and State of New Jersey, in the interests of public health and safety and the improvement of the environment, deems it necessary and proper that an ordinance be adopted providing for the care, preservation, planting, pruning and removal of trees and shrubs in parks, streets and other public places in said Township; and

WHEREAS, the purpose of such an ordinance is to prevent the uncontrolled destruction and removal of trees growing upon public lands within the Township of Lopatcong which may result in soil erosion, stream pollution, inadequate or destructive surface drainage, a decrease in the fertility of the soil, the creation of dust and pollution and the creation of breeding places for mosquitoes, all of which result in increased costs to the Township for the correction thereof; and

WHEREAS, the Township of Lopatcong has a Municipal Separate Storm Sewer System (MS4) Permit from the State of New Jersey; and
WHEREAS, the Township of Lopatcong is subject to the Community-wide Ordinance requirements of the Tier A Municipal Stormwater Permit; and
WHEREAS, the Community-Wide Ordinance requirements in the Township of Lopatcong’s Tier A Municipal Stormwater Permit necessitate the amendment of Ordinance 219 “Trees” by the Municipality.

NOW THEREFORE BE IT ORDAINED by the Township Council of the Township of Lopatcong, County of Warren and State of New Jersey that Chapter 219 of the Township Code of the Township of Lopatcong is amended as follows:

Section One – Section 219 of the Code of the Township of Lopatcong shall be amended as follows:

§219-6. Applicability of Regulations

This chapter shall apply to persons, as herein defined, who cut down, destroy, injure or trees, whether in preparation for building construction, grading or regrading of any lot or parcel of land or otherwise who intend to cut down, destroy or remove any tree or who intend to place material, machinery or temporary soil deposit within 10 feet of any tree trunk on any lot or parcel of land in the Township.

The requirements of §219-18 of this chapter shall apply to all persons, as herein defined, who engage in tree removal as defined below.

§219-7. Definitions.

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this ordinance clearly demonstrates a different meaning. When consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The use of the word "shall" mean the requirement is always mandatory and not merely discretionary.

APPLICANT
Means any “person”, as defined below, who applies for approval to remove trees regulated under this ordinance.

CRITICAL ROOT RADIUS (CRR)
Means the zone around the base of a tree where the majority of the root system is found. This zone is calculated by multiplying the diameter at breast height (DBH) of the tree by 1.5 feet. For example: a tree with a 6” DBH would have a CRR = 6”x1.5’ = 9’.

DIAMETER AT BREAST HEIGHT (DBH)
Means the diameter of the trunk of a mature tree generally measured at a point four and a half feet above ground level from the uphill side of the tree. For species of trees where the main trunk divides below the 4 ½ foot height, the DBH shall be measured at the highest point before any division.

HAZARD TREE
Means a tree or limbs thereof that meet one or more of the criteria below. Trees that do not meet any of the criteria below and are proposed to be removed solely for development purposes are not hazard trees.

A. Has an infectious disease or insect infestation;

B. Is dead or dying;

C. Obstructs the view of traffic signs or the free passage of pedestrians or vehicles, where pruning attempts have not been effective;

D. Is causing obvious damage to structures (such as building foundations, etc.); or

E. Is determined to be a threat to public health, safety, and/or welfare by a certified arborist or Licensed Tree Expert (LTE).

PARK TREES
Trees, bushes and all other woody vegetation on public lands.

PERSON
Means any individual, resident, firm, corporation, trust, utility, company, syndicate, partnership, firm, association or any other legal entity.

PLANTING STRIP
Means the part of a street right-of-way between the public right-of-way and the portion of the street reserved for vehicular traffic or between the abutting property line and the curb or traveled portion of the street, exclusive of any sidewalk.

PRUNING
The cutting of limbs back to the main stem or trunk, without leaving stubs, in such a manner that it does not severely disfigure the tree or to remove the normal crown.

PUBLIC LANDS
Any lands owned by the Township of Lopatcong, except roadways, whether or not the same are open to the general public.

PUBLIC ROADS
Any street, avenue, boulevard, road, parkway, drive or other way, whether open to vehicles or not, which includes the area between the right-of-way lines.

RESIDENT
Means an individual who resides on the residential property or contractor hired by the individual who resides on the residential property where a tree(s) regulated by this ordinance is removed or proposed to be removed.

STREET TREE
Means a tree, shrub, bush, and all other woody vegetation planted in the sidewalk, planting strip, and/or in the public right-of-way adjacent to (or specified distance from) the portion of the street reserved for vehicular traffic. This also includes trees, shrubs, bushes, and woody vegetation planted in planting strips within the roadway right-of-way, i.e., islands, medians, pedestrian refuges.

TOPPING
Severe cutting back of limbs to such a degree as to remove the normal crown or disfigure the tree.

TREE
Means a woody perennial plant, typically having a single stem or trunk growing to a considerable height and bearing lateral branches at some distance from the ground.

TREE CALIPER
Means the diameter of the trunk of a young tree, measured six (6) inches from the soil line. For young trees whose caliper exceeds four (4) inches, the measurement is taken twelve (12) inches above the soil line.

TREE INSPECTOR
A representative of the Township Shade Tree Commission appointed by the Township Council to administer the provisions of this chapter.

TREE REMOVAL

Means to kill or to cause irreparable damage that leads to the decline and/or death of a tree. This includes, but is not limited to, excessive pruning, application of substances that are toxic to the tree, over-mulching or improper mulching, and improper grading and/or soil compaction within the critical root radius around the base of the tree that leads to the decline and/or death of a tree. Removal does not include responsible pruning and maintenance of a tree, or the application of treatments intended to manage invasive species.

§219-18. Permit Required; approval; exception.

A. Application Process:

1. No person shall cut down, destroy or remove any street or park tree, place any material, machinery, temporary soil deposit and/or regrade the soil within 10 feet of said tree trunk without first having secured a permit from the Township Tree Inspector. The Tree Inspector shall grant the permit if the proposed removal is not found to be in contravention of the purposes of this chapter as set forth in the preamble[1] or in the applicable sections of this chapter. Tree removal permit applications shall be subject to a $25.00 application fee. No permit shall be required of any public service company or Township employee doing such work in the pursuit of their public service endeavors.

2. No person shall cut down, destroy or remove any non-street tree or non-park tree with DBH of 6” or more on their property without first having secured a permit from the Township Tree Inspector. The Tree Inspector shall grant the permit if the proposed removal is not found to be in contravention of the purposes of this chapter as set forth in the preamble[1] or in the applicable sections of this chapter. No permit shall be required of any public service company or Township employee doing such work in the pursuit of their public service endeavors.

3. Applicants may be required to post an escrow deposit in the event that the Tree Removal Application and subsequent review requires the Township to engage a Licensed Tree Expert to review the requested trees to be removed. The escrow amount shall be determined at the time of the Application. Applicants shall be notified in writing at the time of application filing.

4. Trees of imminent threat do not require a permit in advance but require a permit to be filed within five (5) days after tree is removed.

5. Applications are available through the office of the Township Clerk.

B. Tree Replacement Requirements

1. Any person who removes one or more street tree(s) and/or park tree(s) with a DBH of 2.5” or more, unless exempt under Section 219-18D, shall be subject to the requirements of the Tree Replacement Requirements Table below.

2. Any person, who removes one or more non-street tree(s), as defined as Tree removal, with a DBH of 6” or more per acre, unless otherwise detailed under Section 219-18D, shall be subject to the requirements of the Tree Replacement Requirements Table.

3. The species type and diversity of all replacement trees shall be in accordance with the official tree list referenced in § 219-8 of this chapter.

4. Replacement tree(s) shall:

   a. Be replaced in kind with a tree that has an equal or greater DBH than tree removed **or** meet the Tree Replacement Criteria in the table below;

b. Be planted within twelve (12) months of the date of removal of the original tree(s) or at an alternative date specified by the municipality;

c. Be monitored by the applicant for a period of two (2) years to ensure their survival and shall be replaced as needed within twelve (12) months; and

d. Shall not be planted in temporary containers or pots, as these do not count towards tree replacement requirements.

Tree Replacement Requirements Table:

Category	**Tree Removed (DBH)**	**Tree Replacement Criteria (See Appendix A)**
1	DBH of 2.5" (for street trees) or 6" (for non-street trees) to 12.99"	Replant 1 tree with a minimum tree caliper of 1.5" for each tree removed
2	DBH of 13" to 22.99"	Replant 2 trees with minimum tree calipers of 1.5" for each tree removed
3	DBH of 23" to 32.99"	Replant 3 trees with minimum tree calipers of 1.5" for each tree removed
4	DBH of 33" or greater	Replant 4 trees with minimum tree calipers of 1.5" for each tree removed

C. **Replacement Alternatives:**

1. If the municipality determines that some or all required replacement trees cannot be planted on the property where the tree removal activity occurred, then the applicant shall do one of the following:

   a. Plant replacement trees in a separate area(s) approved by the municipality.

   b. Pay a fee of $100.00 per tree replacement planting not completed in accordance with the Tree Replacement Requirements Table above. This fee shall be placed into a fund dedicated to tree planting and continued maintenance of the trees.

D. All persons shall comply with the tree replacement standard outlined above, except in the cases detailed below. Proper justification shall be provided, in writing, to the municipality by all persons claiming an exemption. Exemptions shall be granted at the discretion of the Township Shade Tree Commission upon review of applications for tree removal.

1. Residents who remove less than four (4) trees per acre that fall into category 1, 2, or 3 of the Tree Replacement Requirements Table within a five-year period.

2. Tree farms in active operation, nurseries, fruit orchards, and garden centers;

3. Properties used for the practice of silviculture under an approved forest stewardship or woodland management plan that is active and on file with the municipality;

4. Any trees removed as part of a municipal or state decommissioning plan. This exemption only includes trees planted as part of the construction and predetermined to be removed in the decommissioning plan.

5. Any trees removed pursuant to a New Jersey Department of Environmental Protection (NJDEP) or U.S. Environmental Protection Agency (EPA) approved environmental clean-up, or NJDEP approved habitat enhancement plan;

6. Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife;

7. Hazard trees may be removed with no fee or replacement requirement.

§219-22 Pruning, Clearance

Any property owner whose trees or shrubs overhang any street or right-of-way within the Township shall prune the branches so that such branches shall not obstruct the view of any street intersection, shall not obstruct the light from any street lamp or impede the clearance/removal of snow, ice or leaves from the street. There shall be a clear space of 14 feet above the surface of the street or sidewalk. Said property owners shall remove all dead, diseased, or dangerous trees or broken or decayed limbs which constitute a menace to the safety of the public.

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 Council of the Township of Lopatcong held on Wednesday, February 5, 2025 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 Wednesday, March 5, 2025 at 7:30 PM or as soon thereafter as the Township Council may hear this Ordinance at the Municipal Building located at 232 So. Third St., Phillipsburg, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Margaret B. Dilts, MMC

Motion to adopt this Resolution on first reading by Councilman Belcaro, seconded by Councilman Marinelli.
Roll call vote:
AYES: Councilman Belcaro, Councilman Marinelli, Councilman McQuade, Council President Palitto, Mayor Wright.
NAYS: None

Ordinance No. 2025-03 – First reading to Amend Chapter 243, Zoning and Land Use, Article XIII, General Regulations to Permit as a Principal Permitted Use Certain Cannabis Regulation".

ORDINANCE NO. 2025-03

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF LOPATCONG, CHAPTER 243, ZONING AND LAND USE, ARTICLE XIII, GENERAL REGULATIONS TO PERMIT AS A PRINCIPAL PERMITTED USE CERTAIN CANNABIS ESTABLISHMENTS IN DESIGNATED ZONE DISTRICTS AND CREATE CHAPTER [88] "CANNABIS REGULATION"

WHEREAS, pursuant to N.J.S.A.40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, in 2020, New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called "cannabis" for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (the "Act"), which legalizes the recreational use of cannabis by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six classes of licenses for cannabis establishments, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchase's items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, as authorized by the Act, on August 19, 2021, the Township of Lopatcong adopted Ordinance No. 2021-07 to "To Prohibit the Operation of Any Class of Cannabis Businesses within its Geographical Boundaries and Amended Chapter 243 "Zoning and Land Use,", Article XIII " General Regulations," Creating Section 65.3 "Prohibited Uses," to Add Cannabis Businesses to the List of Prohibited Uses." which "opted out" of the legalization of all adult use cannabis businesses within the Township of Lopatcong; and

WHEREAS, Section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments as well as the location, manner and hours of operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, the Township Council have determined that it is appropriate and in the best interest of the Township of Lopatcong to permit a limited number of Class 5 Cannabis Retailer licenses to operate in designated zone districts in the Township, subject to sensible regulations to regulate such licensees in a responsible manner to protect the health, safety and welfare of the residents of the Township and to enforce rules and regulations consistent with State law.

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

Section 1. The Code of the Township of Lopatcong, Chapter 243, Zoning and Land Use, Article XIII, General Regulations, Section 65.3(A), is hereby amended as follows. Added text is underlined, and text being eliminated is ~~struck through~~.

~~A. All classes of cannabis establishments, cannabis distributors, cannabis delivery services, and medical cannabis alternative treatment centers as said terms are defined in Section 3 of P.L. 2021, c. 16 shall be prohibited in all zone districts of the Township unless otherwise specifically permitted by this Chapter. This shall not be construed to prohibit the delivery of cannabis items and related supplies in all zone districts by a state and municipally licensed cannabis delivery service.~~

~~B.~~ A. Truck stops. Truck stops as defined in § 243-5 shall be prohibited in all zones within the Township.

Section 2. The Code of the Township of Lopatcong, Chapter 243, Zoning and Land Use, Article XIII, General Regulations, Section 74(A), is hereby amended to add Subsection (7), as follows:

7. Cannabis Retailers, subject to compliance with the regulations set forth in Chapter [88] and the following requirements:

(a) No Cannabis Retailer shall be maintained or operated in a manner that causes, creates or allows the public viewing of cannabis, cannabis infused products or cannabis paraphernalia or similar products from any sidewalk, public or private right of way;

(b) The minimum lot area for a Cannabis Retailer shall be one (1) acre.

(c) A Cannabis Retailer must receive all required approvals from the Township Planning Board or Board of Adjustment, as applicable.

(d) A Cannabis Retailer must be licensed by the Township, in accordance with Chapter [88] of this Code, and the Commission.

Section 3. The Code of the Township of Lopatcong is amended to establish Chapter [88], Cannabis Regulation, as follows:

§ 88-1 Purpose.

This Chapter is authorized pursuant to the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act", P.L. 2021, c.016, and the implementing regulations promulgated by the Cannabis Regulatory Commission (collectively, the "Act"), which are hereby incorporated herein by reference, and shall be controlling unless more restrictive standards are prescribed herein. If any provision of this Chapter is inconsistent with the statutes and/or regulations of the State of New Jersey, the Act shall govern.

§88-2 Definitions.

For the purposes of this Chapter, all terms shall be defined consistent with the Act. The following terms shall have the meanings indicated:

"Cannabis Consumption Area" means, as further described in section 28 of P.L.2019, c.153 (C.24:6I-21), a designated location operated by a licensed cannabis retailer or permit holder for dispensing medical cannabis , for which both a State and local endorsement has been obtained, that is either: (1) an indoor, structurally enclosed area of the cannabis retailer or permit holder that is separate from the area in which retail sales of cannabis items or the dispensing of medical cannabis occurs; or (2) an exterior structure on the same premises as the cannabis retailer or permit holder, either separate from or connected to the cannabis retailer or permit holder, at which cannabis items or medical cannabis either obtained from the retailer or permit holder, or brought by a person to the consumption area, may be consumed.

"Cannabis Cultivator" means any licensed person or entity that grows, cultivates, or produces cannabis in this State, and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers.

"Cannabis Delivery Service" means any licensed person or entity that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the cannabis items directly through the cannabis delivery service, which after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that consumer.

"Cannabis Distributor" means any licensed person or entity that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator, or transports cannabis items in bulk intrastate from any one class of licensed cannabis establishment to another class of licensed cannabis establishment, and may engage in the temporary storage of cannabis or cannabis items as necessary to carry out transportation activities.

"Cannabis Establishment" means a Cannabis Cultivator, Cannabis Manufacturer, Cannabis Wholesaler, or a Cannabis Retailer.

"Cannabis Manufacturer" means any licensed person or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers.

"Cannabis Retailer" means any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that consumer.

"Cannabis Testing Facility" means an independent, third-party entity meeting accreditation requirements established by the Cannabis Regulatory Commission that is licensed to analyze and certify cannabis items and medical cannabis for compliance with applicable health, safety, and potency standards.

“Cannabis Wholesaler” means any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport, cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers.

“Commission” means the Cannabis Regulatory Commission (“CRC”), established pursuant to Section 31 of P.L. 2019, c. 307 (C. 24:61-24) or other entity with regulatory jurisdiction over adult-use cannabis.

“Conditional license” means a temporary license designated as either a Class 1 Cannabis Cultivator license, a Class 2 Cannabis Manufacturer license, a Class 3 Cannabis Wholesaler license, a Class 4 Cannabis Distributor license, a Class 5 Cannabis Retailer license, or a Class 6 Cannabis Delivery license that allows the holder to lawfully act as a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service as the case may be, which is issued pursuant to an abbreviated application process, after which the conditional license holder shall have a limited period of time in which to become fully licensed by satisfying all of the remaining conditions for licensure which were not required for the issuance of the conditional license.

“Delivery” means the transportation of cannabis and cannabis products and related supplies to a consumer. “Delivery” also includes the use by a licensed cannabis retailer of any third party technology platform to receive, process, and fulfill orders by consumers, which third party shall not be required to be a licensed cannabis establishment, distributor, or delivery service, provided that any physical acts in connection with fulfilling the order and delivery shall be accomplished by a certified cannabis handler performing work for or on behalf of the licensed cannabis retailer, which includes a certified cannabis handler employed or otherwise working on behalf of a cannabis delivery service making off-premises deliveries of consumer purchases fulfilled by that cannabis retailer.

“License” means a license issued under P.L.2021, c.16 (C.24:6I-31 et al.), including a license that is designated as either a Class 1 Cannabis Cultivator license, a Class 2 Cannabis Manufacturer license, a Class 3 Cannabis Wholesaler license, a Class 4 Cannabis Distributor license, a Class 5 Cannabis Retailer license, or a Class 6 Cannabis Delivery license. The term includes a conditional license for a designated class, except when the context of the provisions of P.L.2021, c.16 (C.24:6I-31 et al.) otherwise intend to only apply to a license and not a conditional license.

“Licensee” means a person or entity that holds a license issued under P.L.2021, c.16 (C.24:6I-31 et al.), including a license that is designated as either a Class 1 Cannabis Cultivator license, a Class 2 Cannabis Manufacturer license, a Class 3 Cannabis Wholesaler license, a Class 4 Cannabis Distributor license, a Class 5 Cannabis Retailer license, or a Class 6 Cannabis Delivery license, and includes a person or entity that holds a conditional license for a designated class, except when the context of the provisions of P.L.2021, c.16 {C.24:61-31 et al.) otherwise intend to only apply to a person or entity that holds a license and not a conditional license.

§88-3 Local Licensing Authority.

A. A local license shall be required to operate a Cannabis Retailer in the Township. The Township Clerk is hereby designated to act as the local licensing authority for the Township for all Cannabis Retailers.

B. Under no circumstances shall the Township Clerk receive or act upon any

application for local licensing of a Cannabis Retailer if the Commission has not issued the appropriate State license. It is the intent of this Chapter that no Cannabis Establishment may lawfully operate in the Township absent the issuance of the appropriate State license and full regulatory oversight of the Cannabis Retailer by the Commission as well as that of the Township.

C. Under no circumstances shall the Township Clerk receive or act upon any application for local licensing of a Cannabis Retailer unless or until the applicant has obtained the appropriate zoning approval from the Township land use board with jurisdiction over the application and a Certificate of Zoning Compliance has been issued by the Zoning Officer.

D. The Township Clerk, or his/her designee, shall be authorized to establish rules and regulations consistent with the intent of this Chapter.

§88-4 Local Licensing Application

A. Persons wishing to obtain a local license for a Cannabis Retailer shall file a license application with the Township Clerk, on a standardized form established by the Township and available in the Clerk's office and on the Township's website.

B. An application shall be deemed incomplete, and shall not be processed by the Township Clerk, until all documents and application fees are submitted. To be deemed complete, all applications shall be accompanied by the following:

(1) The applicant shall submit proof of licensure by the Commission.

(2) The applicant shall submit proof that the applicant has or will have lawful possession of the premises proposed for the Cannabis Retailer, which proof may consist of the following: a deed, a lease, a real estate contract contingent upon successful licensing, or a letter of intent from the owner of the premises indicating an intent to lease the premises to the applicant contingent upon approval of required licenses.

(3) The location proposed for licensing by the applicant shall comply with all applicable Township zoning laws and the location restrictions set forth herein.

(4) The applicant shall submit a nonrefundable application fee in the amount of $5,000 or a nonrefundable annual renewal fee in the amount of $2,500, as appropriate. The amount of the nonrefundable application or renewal fee may be modified from time to time by subsequent duly adopted resolution of the Township Council.

(5) The applicant and the contents of the application shall otherwise comply with any and all qualification standards set forth in the State and local laws, regulations, or requirements.

§88-5 Term of License and License Renewals; Annual License Fee

A. Any license shall be valid for a period of one year from January 1 in each year.

B. The Township Clerk may, at his/her discretion, adjust the annual renewal date of the local license to correlate with an applicant's State licensing and renewal schedule.

C. Upon renewal of a license, the licensee shall be governed by any amendments, additional restrictions, or changes in requirements adopted since the previous license was issued or renewed.

D. Transfer of ownership of a license, change of location of any license, or modification to expand a licensed premise shall be treated as a new application, subject to Township land use review and approval.

E. If the licensee has received notice of violation of any law or regulation relating to

their State license, including disciplinary action against any past or current cannabis license, the applicant for renewal shall include a copy of the notice of violation or disciplinary action with their application.

§88-6 Permitted Licenses; Limitation on the Number of Licenses.

A. A maximum of one (1) Class 5 Cannabis Retailer license shall be permitted to operate in the Township.

B. Pursuant to Section 31b of the Act, all other classes of licensed cannabis businesses not expressly permitted herein, including Class 1 Cannabis Cultivator licenses, Class 2 Manufacturer licenses, Class 3 Cannabis Wholesaler licenses, Class 4 Cannabis Distributor licenses, and Class 6 Cannabis Delivery licenses, are hereby prohibited from operating anywhere in the Township, except for the delivery of cannabis items and related supplies by a Cannabis Delivery Service or a Cannabis Retailer approved by the Commission.

§88-7 Location Restrictions.

A. No building or structure associated with a Cannabis Retailer shall be located within 500 feet of any school property (including any property owned or leased by a public-school board), or within 500 feet of the real property comprising a public park.

§88-10 Security and Reporting.

A. The Township Police Department shall be provided the name and phone number of a contact person to notify during suspicious activity during or after operating hours. Security staff is required on the premises during all hours of operation.

B. A burglarproof drop safe that regulates an employee’s access to cash shall be used on the premises.

C. The exterior portion of a Cannabis Retailer, including parking areas, shall be well lit during business hours. Said lighting shall be designed so as to not unduly interfere with any neighbor's reasonable use and/or enjoyment of the property.

D. Security protocols shall be submitted to the Township Police Department for compliance review with all safety and security standards established by the State of Cannabis Retailers. The Township Police Department may, at their discretion and upon review of the proposed location, recommend or require additional safety and security measures.

§88-11 Storage of Products.

Cannabis plants, products, accessories, and associated paraphernalia shall not be visible from a public sidewalk, public street or right-of-way, or any other public place. On-site storage of usable cannabis shall comply with applicable federal, state and local laws and regulations.

§88-12 Limitations on Consumption or Smoking on Premises.

No Cannabis Retailer shall permit the consumption of cannabis by means of smoking, vaping, or aerosolizing in a public place, including any indoor public place as the term is defined in N.J.S.A. 26:3D-57, without the approval by the Commission and the Township. Approved "Cannabis Consumption Areas," (as that term is defined by N.J.A.C. 17:30-1.2), shall comply with State and local laws, regulations, or requirements.

§88-13 Prevention of emissions and disposal of materials.

A. A Cannabis Retailer must provide sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting the Cannabis Retailer.

B. A Cannabis Retailer shall properly dispose of all materials and other substances in a safe and sanitary manner in accordance with State regulations.

C. A Cannabis Retailer must meet industry best practices for odor control.

D. All State law and regulations concerning ventilation systems shall be followed.

§88-14 Transfer Tax

A. In accordance with the Act, the cannabis transfer tax for the Township shall be two percent (2%) of the receipts from each sale by a Class 5 Cannabis Retailer.

B. The transfer tax shall be collected or paid, and remitted to the Township by the Cannabis Retailer from the Cannabis Retailer purchasing or receiving the cannabis or cannabis item. The transfer tax shall be stated, charged, and shown separately on any sales slip, invoice, receipt, or other statement or memorandum of the price paid or payable, or equivalent value of the transfer, for the cannabis or cannabis item.

C. All revenues collected from a transfer tax imposed by this Chapter shall be remitted to the chief financial officer of the Township in a manner prescribed by the Township. The chief financial officer shall collect and administer any transfer tax imposed by ordinance pursuant to this Chapter. The Township shall enforce the payment of delinquent taxes or transfer fees imposed by ordinance pursuant to this Chapter in the same manner as provided for municipal real property taxes.

D. The Township chief financial officer or his/her designee, shall be authorized to establish rules and regulations consistent with the intent of this Chapter regarding the collection and enforcement of the transfer tax.

§88-15 Compliance with Law.

A Cannabis Retailer shall comply with all applicable State and local laws and regulations.

§88-16 Revocation or Suspension of License

B. The Township Clerk shall suspend or revoke any license if the corresponding State license for the subject location is expired, surrendered, suspended, or revoked.

C. Where it is found that a licensee has engaged in a deliberate and willful violation of any applicable law or regulation, or that the public health, safety, and/or general welfare has been jeopardized and requires emergency action, the Township Clerk is authorized and empowered to immediately suspend any license or permit issued pursuant to this Chapter and order that the licensee cease all operations until such time as the violations are abated.

D. Any person aggrieved by the action of the Township Clerk in the denial of an application for license or the decision with reference to the revocation or suspension of a license in accordance with this Chapter, shall have the right of appeal to the Business Administrator, or his/her designee. Such appeal shall be taken by filing with the Business Administrator, within 10 days of the action complained of, a written statement setting forth fully the grounds for the appeal. The Business Administrator, or his/her designee, may decide the matter on the papers or schedule a time and place for a hearing on such appeal. Notice of any such hearing shall be served upon the applicant/licensee (whichever is appropriate) or mailed, postage prepaid, to the applicant/licensee at the address given on the application for license in accordance with this Chapter, at least five days prior to the date set for said hearing. The decision and order of the Business Administrator, or his/her designee, on such appeal shall be final and conclusive.

Section 4. Any article, section, paragraph, subsection, clause, or other provision of the Code of the Township of Lopatcong inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

Section 5. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section 6. This ordinance shall take effect as required by law.

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 Wednesday, February 5, 2025 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 Wednesday, March 5, 2025 at 7:30 PM or as soon thereafter as the Township Council may hear this Ordinance at the Municipal Building located at 232 So. Third St., Phillipsburg, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Margaret B. Dilts, MMC

Motion to adopt this Ordinance on first reading by Mayor Wright, seconded by Councilman Belcaro. Roll call vote:
AYES: Councilman Belcaro, Councilman Marinelli, Councilman McQuade, Council President Palitto, Mayor Wright.
NAYS: None

Resolution No. 25 – Authorize Consent Agenda on motion by Council President Palitto, seconded by Councilman Marinelli. Roll call vote:
AYES: Councilman Belcaro, Councilman Marinelli, Councilman McQuade, Council President Palitto, Mayor Wright.
NAYS: None

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING CONSENT AGENDA FOR COUNCIL'S CONSIDERATION

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey do hereby approve and authorize a Consent Agenda to move routine items of business requiring no discussion; and

WHEREAS, there are listed Items one through six on the Consent Agenda.

1. Resolution to authorize the Amendment of the Township Personnel Policy regarding Employee Overtime Compensation.
2. Resolution to adjust compensation to administrative employees according to the Overtime Compensation Policy as deemed necessary.
3. Resolution to Cancel Taxes for Block 88, Lot 2.01 due to a Disabled Veteran Exemption.
4. Resolution Authorizing Redemption of Tax Sale Certificate No. 2020-020 on Block 72, Lot 5 in the amount of $71,124.17.
5. Resolution to appoint Sgt. Louis LaFord Jr. to the position of Deputy OEM Coordinator.
6. Approve Release of Maintenance Bond held on Autumn Ridge Development – Block 116, Lots 26.01, 27. 27.02 and 28 as approved by Engineer Wisniewski.

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, January 15, 2025.

Margaret B. Dilts, MMC

Resolution No. 25-49 - Authorize the Amendment of the Township Personnel Policy regarding Employee Overtime Compensation.

R 25-49

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY, AUTHORIZING THE AMENDMENT OF THE TOWNSHIP PERSONNEL POLICY REGARDING EMPLOYEE OVERTIME COMPENSATION

WHEREAS, the Township of Lopatcong maintains a personnel policy and procedure manual; and

WHEREAS, the Township Council has the authority to amend the manual from time to time in the interest of employee efficiency and to comply with federal and state employee laws and regulations; and

WHEREAS, the Township Council wishes to amend the personnel policy and procedure manual to better reflect the overtime rules for civil service employees set forth in N.J.A.C. 4A:1-1 et seq.; and

WHEREAS, the Township Council has reviewed the current policy set forth in Section Four, "Compensation & Employee Benefits Policies", Subsection entitled "Overtime Compensation Policy," of the current policy; and

WHEREAS, the Township Council desires to modify this policy.

NOW THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Lopatcong, in the County of Warren, and State of New Jersey, that Section Four, "Compensation

& Employee Benefits Policies," subsection entitled "Overtime Compensation Policy" of the Township of Lopatcong's Personnel Policy and Procedure Manual is hereby modified as follows:

The following is the new language of the policy:

OVERTIME COMPENSATION POLICY:

Under the federal Fair Labor Standards Act, certain employees in managerial, supervisory, administrative, computer or professional positions are exempt from the provisions of the Act. There are also employees who may be exempt because their compensation exceeds One Hundred Thousand ($100,000.00) Dollars per year depending upon their job duties. The Administrator shall notify all Exempt employees of their status under the Act. Exempt employees are not eligible to receive overtime compensation and are required to work the normal work week and any additional hours needed to fulfill their responsibilities. Consideration for large amounts of additional hours may be provided with the Administrator's prior approval and at the sole discretion of the Administrator.

All other employees are classified as Non-Exempt and are subject to the provisions of the Act. Depending on work needs, Non-Exempt employees may be required to work overtime. Overtime work shall be kept to a minimum and, except in cases of emergency, must be authorized in advance by the Mayor and the Clerk/Administrator; or, by the Chief of Police for Law Enforcement officers.

Non-Exempt employees will receive overtime compensation for hours worked in excess of their regularly scheduled workweek hours, e.g. if an employee's workweek is thirty-five (35) hours, they shall receive overtime compensation for hours worked in excess of thirty-five (35) hours. Employees may choose overtime compensation in the form of overtime pay at their regular hourly salary or compensating time off. The maximum number of hours that an employee may earn for future compensating time off is forty (40) compensatory (not regular) hours. Once this maximum has been accumulated, all additional hours will be compensated by overtime pay. Earned and taken overtime compensating hours must be noted on the employee's time sheet.

Non-Exempt employees will receive one and one-half hours of overtime compensation for each hour worked in excess of their regularly scheduled hours in a work week, e.g. if an employee's workweek is thirty-five (35) hours, they shall receive one and one-half hours of overtime compensation for hours worked in excess of thirty-five (35) hours. For purposes of overtime compensation, hours worked are computed to the nearest one-half hour per day. Previously scheduled vacation time and holiday time are considered time worked for purposes of determining overtime compensation, but sick time and personal time are not.

Employees must make a request to their supervisor at least two (2) days in advance when they want to take compensating time off. The supervisor will approve the request if the absence does not cause undue hardship to the department. All compensatory time accumulated in a calendar year must be utilized by December 31 of that year and cannot be carried into the succeeding year. Any and all accumulated compensatory time not used by December 31 will be compensated by overtime pay. Upon termination of employment, an employee shall be compensated for unused compensatory time at a rate of compensation not less than: (1) the average regular rate received by such employee during the last three (3) years of the employee's employment; or (2) the final regular rate received by such employee, whichever is higher.

Exempt employees are as follows:

Administrator
Chief Financial Officer
Assessor
Construction Official
Emergency Management Official
Fire Prevention Official
Municipal Clerk

Treasurer Tax Collector
Zoning Officer

NOW THEREFORE IT BE FURTHER RESOLVED by the Township Council of the Township of Lopatcong that the Clerk is directed to update the Personnel Policy and Procedure Manual and to circulate this modification to the Manual.

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 Tuesday, February 5, 2025.

Margaret B. Dilts, MMC

Resolution No. 25-50 - Adjust compensation to administrative employees according to the Overtime Compensation Policy as deemed necessary.

R 25-50

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY, AUTHORIZING THE RETROACTIVE PAYMENT OF OVERTIME COMPENSATION

WHEREAS, the employees of the Township of Lopatcong are afforded overtime compensation pursuant to federal and state employee regulations as well as the Township's personnel policy; and

WHEREAS, the Township is a civil service jurisdiction and subject to the rules and regulation of the Civil Service Commission; and

WHEREAS, N.J.A.C. 4A:1-1 et seq. indicates that civil service employees are entitled to overtime compensation based upon their work week hours and not a standard 40-hour work week; and

WHEREAS, various employees of the Township work 35-hour work weeks; and

WHEREAS, some Township employees did not collect overtime compensation for working over 35 hours in a work week due to an incorrect provision of the Township personnel policy that requires an employee work more than 40 hours in a work week to be eligible for overtime compensation; and

WHEREAS, the Township Counsil desires to pay retroactive overtime compensation to employees that worked authorized overtime from the 2022 calendar year to present.

NOW THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Lopatcong, in the County of Warren, and State of New Jersey, that retroactive overtime compensation shall be paid to eligible employees that worked approved overtime from the calendar year 2022 until present.

BE IT FURTHER RESOLVED, that the Mayor, Township Administrator and any other Township employee are hereby authorized to take the necessary steps to effectuate the terms of this resolution.

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, February 5, 2025.

Margaret B. Dilts, MMC

Resolution No. 25-51 - Cancel Taxes for Block 88, Lot 2.01 due to a Disabled Veteran Exemption.

R 25-51

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY TO CANCEL TAXES FOR BLOCK 88, LOT 2.01 DUE TO A DISABLED VETERAN EXEMPTION

WHEREAS, the Tax Assessor has approved a Disabled Veteran Exemption for the resident of Block 88, Lot 2.01 on 1/13/2025; and

WHEREAS, the 1st Quarter 2025 property taxes will be cancelled in the amount of $932.33, 2nd Quarter 2025 in the amount of $1,089.73 as well as cancelling taxes for 3rd and 4th Quarter 2025.

NOW, THEREFORE, BE IT RESOVLED on this 5th day of February 2025 that the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey do hereby authorize the Tax Collector to partially cancel the taxes for 1st Quarter and all taxes for 2nd, 3rd and 4th Quarters of 2025 for Block 88, Lot 2.01 due to the Disabled Veteran Exemption.

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, February 5, 2025.

Margaret B. Dilts, MMC

Resolution No. 25-52 - Authorize Redemption of Tax Sale Certificate No. 2020-020 on Block 72, Lot 5 in the amount of $71,124.17.

R 25-52

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE NO. 2020-020 ON BLOCK 72, LOT 5

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on December 29, 2020, a lien was sold on Block 72, Lot 5 also known as 417 South Third Street for delinquent taxes and sewer; and

WHEREAS, this lien known as Tax Sale Certificate No. 2020-020 was sold to PRO CAP 8 FBO Firstrust Bank; and

WHEREAS, on January 17, 2025, the Certificate No. 2020-020 has been satisfied in the amount of $71,124.17.

NOW, THEREFORE, BE IT RESOLVED on this 5th day of February 2025, that the Chief Financial Officer is authorized to issue a check in the amount of $71,124.17 for the redemption of Tax Sale Certificate No. 2020-020 to:

PRO CAP 8 FBO FIRSTRUST BANK
P.O. BOX 774
FORT WASHINGTON, PA 19034-0774

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, February 5, 2025.

Margaret B. Dilts, MMC

Resolution to appoint Sgt. Louis LaFord Jr. to the position of Deputy OEM Coordinator.

Resolution No. 25-53 - Approve Release of Maintenance Bond held on Autumn Ridge Development – Block 116, Lots 26.01, 27. 27.02 and 28 as approved by Engineer Wisniewski.

R 25-53

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY TO RELEASE MAINTENANCE BOND HELD ON AUTUMN RIDGE DEVELOPMENT – BLOCK 116, LOTS 26.01, 27, 27.02 AND 28

WHEREAS, a request was received by Larken Associates, LP to approve the release of the Maintenance Bond held on Autumn Ridge Development on August 27, 2024; and

WHEREAS, the Maintenance Bond held is in the amount of $24,775.20; and

WHEREAS, a site inspection was performed on January 17, 2025 finding deficiencies needing to be addressed before the release of the Bond.

1. A raised high section of sidewalk slab was noted north of the intersection of Hyde Boulevard and Bo Boulevard approximately 6-feet north of the intersection stop sign. This sidewalk slab was identified as a tripping hazard and should be lowered to match the adjacent slab.
2. A sidewalk slab section was found to be cracked at the rear (eastern side) of the Building Units #1004 - #1008 adjacent to an existing bench.

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 Maintenance Bond held on Larken Associates, LP, Autumn Ridge Development Block 116, Lots 26.01, 27, 27.02 and 28 in the amount of $24,775.20 be release upon deficiencies being satisfied.

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, February 5, 2025.

Margaret B. Dilts, MMC

Council Reports:

Councilman McQuade – No report.

Councilman Belcaro – Informed the public that the sewer agreement has come to an end which provided a reimbursement of $1 million back to the Township over 5 years. The rate is being studied by Phillipsburg and the rate must be the same for all sending districts as well as the Town of Phillipsburg.

Councilman Marinelli – Reported the Road Department has been doing a great job dealing with the snow and ice storms this season.

Council President Palitto – Said he is booking bands now for Music in the Park Program for this summer. The recreation committee is looking at other programs as well. The LAA have asked the Township to pay the invoice for the lights that were rented during the fall at a rate of $3208.34. Motion to pay this invoice by Council President Palitto, seconded by Mayor Wright. Roll call vote:
AYES: Councilman Belcaro, Councilman Marinelli, Councilman McQuade, Council President Palitto, Maor Wright.
NAYS: None

Mayor Wright – Announced our long time Deputy Office of Emergency Management Coordinator has resigned his position. We thank Pat for all his years of service to the Township, County and we wish him the best of luck.

Engineer's Report – Engineer Wisniewski reported an investigation is ongoing on the Lows Hollow Road rights-of-ways. Once the title research is completed and pavement conditions of both Lows Hollow Road and Reservoir Road are completed, a report will be issued to the Council to include the costs of the repairs. Fox Farm Road which is part of a FEMA application will be reported on later this week. Sally Port Project is currently out to bid and opening is scheduled for February 26th. This should be awarded at the March meeting as well as the pool demolition contract. A grant application through the DCA for recreation monies in the amount of $100,000 was submitted for the playground renovation in the park. The park design is ongoing – 90% design is planned for the end of this month. A meeting will be held with the LAA to go through the plans and outline a schedule.

Police Report – Chief Garcia reported for January that there were 420 motor vehicles stops – 47% of the drivers were issued traffic citations and 35% of those went to overweight motor vehicle enforcement. Thanked Pat Rivoli for his dedicated service to the Township over many years in the Fire Dept. and Deputy OEM Coordinator. Welcomed Sgt. LaFord to step into the Deputy OEM Coordinator position.

DPW Report – No report

Fire Chief's Report – Fire Chief Lawler reported 23 fire calls in December. Thanked Council President Palitto and the Recreation Committee for working with them at the fire house for the event held with Santa for the kids and noted this will be a yearly tradition. An application was made through the Firefighter Grant Program in the amount of $366,710.00 to replace breathing apparatus. Thanks to Clerk Dilts and CFO Browne for all their assistance with applying for the grant. During 2024 the total calls amounted to 231; 5 building fires that were minor. New Members are needed. Thanked Lou LaFord, past Chief, for his five years of service. Thanked Chief Garcia and his officers for all their assistance throughout the year keeping us safe on the calls. Phillipsburg Emergency Squad also responds to us and are on standby whether there is a structure fire, gas leak, etc., they are there. Thanked Superintendent Weeks and his crew for all their hard work. Thanked the Mayor and Council for their support and looks forward to working with everyone in the coming year.

Shade Tree Commission – Robyn George informed the Council that spring is coming and two events are being planned for Arbor Day and trees on Powderhorn Drive are slated to be removed and replaced. The trees are Norway Maples and are all aged out and rotting. There were 35 trees and there are 20 left to be removed. Replacement of the trees will be done in accordance with the Ordinance. The Arbor Day Celebration will include the Elementary and Middle Schools; one in the morning and one in the afternoon and two trees will be planted. There is plans to provide saplings to the children to take home.

Approve Dept. Reports – Motion to approve all reports by Council President Palitto, Councilman Marinelli. All in favor.

Payment of Bills – Motion to pay bills by Councilman Belcaro, seconded by Councilman McQuade. Roll call vote:
AYES: Councilman Belcaro, Councilman Marinelli, Councilman McQuade, Council President Palitto, Mayor Wright
NAYS: None

Public Comment –

John Betz – Brakeley Gardens – Brakeley Gardens – Landlord is intending on offering a price for parking spaces. Mr. Betz thinks about the taxes taken in when the property was a mall and now with the pilot program and the period of time the collections will be made should be considered.

Harvey Walters – Requested the Council use the microphones.

Bob Bruce – 11 Harwich – The property with the pilot does not include the space behind the mall and confirmed the Mayor would not be filing on behalf of the Township in th4e 45-day window to sue but understood the developer has filed.

Motion to adjourn the meeting by Councilman Belcaro, seconded by Councilman Marinelli. All in favor.

Respectfully,

Margaret B. Dilts, MMC
Clerk/Administrator

William D. Wright
Mayor