

TOWNSHIP OF LOPATCONG
REGULAR MEETING AGENDA
ZOOM ONLY
6:30 PM Executive Session/7:30 PM Regular Session
April 7, 2021

Topic: Lopatcong Town Council Meeting
Time: Apr 7, 2021 07:30 PM Eastern Time (US and Canada)

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Mayor Mengucci called the meeting to order.

A Prayer was offered followed by the Oath of Allegiance.

Attorney Campbell stated - This meeting is being held over zoom and is being recorded. There is no in-person meeting. All members of the Township Council, Township professionals, staff and members of the public are attending over Zoom or telephone.

This meeting is being held in accordance with Resolution 21-40 regulating remote meetings.

All members of the public will be muted by the meeting host during the business portion of the meeting. The host will unmute members of the public both on zoom and on the telephone during the two public comments and any public hearings in which members of the public is invited to comment. We ask that you keep yourself muted until you wish to speak.

For those participating via zoom, the chat function should not be used for public comment or to communicate with the Council or other meeting participants. The chat function is only to be used to report technical difficulties such as an inability to unmute yourself during the public comment. The chat conversation is being recorded and is considered a public record.

Any written comments submitted to the Township in advance of this meeting will be read aloud into the meeting at the appropriate time.

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 Ledger 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 go back into Regular Session by Councilman Belcaro, seconded by Councilman Palitto. All in favor

Attorney Campbell – Council was in Executive Session for approximately 1 hour. Items discussed are as listed on the agenda. One additional item to be added to the agenda is the revised Personnel Policy Manual.

Attorney Campbell - At this time the Council will take comments from the public on agenda items only. There will be a time at the end of the meeting at which time the Council will take comment on any matter. Also, this is not the time to make comment on Ordinance 21-02, there will be a specific public hearing a little later in the meeting at which time public comment will be taken regarding the adoption of Ordinance 21-02. Council asks that you hold comments regarding Ordinance 21-02 until the designated public hearing.

If you wish to make a public comment, if you are on zoom, please use the “raise your hand” function. If you are on the telephone please press *9. The host will call on members of the public one at a time and unmute you as she calls on you. Once we have gone through anyone who has raised their hand or hit *9, then we will unmute everyone and ask one more time in case we missed anyone.

If you feel you are having technical difficulties and want to alert the host you may do so over the chat function, but do not make your comment over chat unless directed to do so. Do not use the chat function to chat amongst the other participants.

Before we begin this public comment, I will ask the Clerk if the Council received any written comments related to agenda items other than Ordinance 21-02. Beth?

Clerk Dilts – Nothing has been received.

IT Host Ciesla – Confirmed there is no one raising their hand. Everyone was unmuted to confirm.

Public Comment - Agenda items.

Old Business:

Minutes – March 3, 2021 Executive and Regular Session. Motion to approve by Councilman Palitto, seconded by Councilman Wright. Roll call vote:

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

NAYS: None

Resolution No. 21-47 – Reasons of support for Ordinance 21-02. Motion by Council President Pryor, seconded by Mayor Mengucci. Roll call vote:

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

NAYS: None

Attorney Campbell stated - A draft of Resolution 21-47 is available on the Township website and was posted there in advance of this meeting. Two exhibits that are referenced in this resolution:

ITE 2016 High-Cube Warehouse Vehicle Trip Analysis

Warren County Light Industrial Site Assessment Report of Oct. 27, 2020

Are appended to Resolution 21-47 and are available on the Township website and were posted there in advance of this meeting.

Attorney Campbell read aloud the resolution in its entirety.

R 21-47

A RESOLUTION ARTICULATING THE TOWNSHIP COUNCIL’S REASONS FOR ADOPTING ORDINANCE 21-02 AS INCONSISTENT WITH THE LAND USE ELEMENT OF THE TOWNSHIP MASTER PLAN AND REEXAMINATION REPORTS PURSUANT TO N.J.S.A. 40:55D-62.

WHEREAS, the Township of Lopatcong Planning Board (hereinafter referred to as “Planning Board”) has adopted a Master Plan with a Land Use Element and subsequent Master Plan Reexamination Reports (herein collectively referred to as “Master Plan”); and

WHEREAS, the Township Council of the Township of Lopatcong (hereinafter referred to as “Council”) has enacted the Lopatcong Zoning and Land Use Ordinance (hereinafter referred to as “Zoning Ordinance”) effecting the Master Plan; and

WHEREAS, the Zoning Ordinance provides for “Warehouse and distribution centers” as permitted uses with the Township’s ROM Research Office and Manufacturing Zone at §243-75(A)(2); and

WHEREAS, the Zoning Ordinance provides for “Flexible office/warehouse uses” as permitted in the Township’s PD Planned Development Overlay District at §243-77.3(C)(1)(c); and

WHEREAS, on March 3, 2021, the Council introduced and passed on first reading Ordinance 21-02, said Ordinance eliminating “Warehouse and distribution centers” and “Flexible office/warehouse uses” as permitted uses within the Township’s ROM Research Office and Manufacturing Zone and PD Planned Development Overlay District; and

WHEREAS, pursuant to N.J.S.A. 40:55D-64 the Council referred Ordinance 21-02 to the Planning Board for review; and

WHEREAS, at its meeting of March 24, 2021, the Planning Board reviewed Ordinance 21-02 in accordance with N.J.S.A. 40:55D-26 and found same to be inconsistent with the Master Plan without further recommendation and memorialized its finding; and

WHEREAS, the Council wishes to adopt Ordinance 21-02 as introduced; and

WHEREAS, N.J.S.A. 40:55D-62 requires the Council set forth its reasons for so acting in a resolution recorded in its minutes when adopting an ordinance that is inconsistent with the Master Plan and a classification change;

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 it hereby adopts the following reasons for adopting Ordinance 21-02:

1. E-commerce and the accompanying demand for “high-cube” warehouses and distribution centers (hereinafter referred to as “Uses of Concern”) are a fairly recent and rapidly growing phenomenon within supply chain logistics.
2. The Institute of Transportation Engineers’ (“ITE”) 2016 “High-Cube Warehouse Vehicle Trip Analysis” defines high-cube Warehouses as: “a building that typically has at least 200,000 gross square feet of floor area, has a ceiling height of 24 feet or more, and is used primarily for the storage and/or consolidation of manufactured goods (and to a lesser extent, raw materials) prior to their distribution to retail locations or other warehouses. A typical HCW has a high level of on-site automation and logistics management. The automation and logistics enable highly-efficient processing of goods through the HCW. For the purpose of this trip generation analysis, HCWs are grouped into five types: fulfillment center, parcel hub, cold storage facility, transload facility, and short-term storage facility.”
3. These Uses of Concern are substantively different from traditional warehousing uses. Uses of Concern generally require greater land area for development, have significant height requirements, greater floor area ratios and incur more frequent vehicle trip generation than have been associated with traditional warehousing. Such Uses of Concern also are generally multi-tenant structures allowing for the simultaneous use of varied Uses of Concern.
4. High-cube warehouse sub-uses such fulfillment centers, parcel hubs, cold storage facilities, transload facilities, and short-term storage facilities each have variable traffic generation; however, whether a singular use or a combination of sub-uses,

high-cube warehousing creates significant trip generation. As noted by the Institute of Traffic Engineers, “[t]he HCW market continues to evolve as individual tenants/owners implement different e-commerce business plans. For example, some deliver goods to the customer within two days and others deliver orders to the nearest store for customer pick-up. As business plans and technology continue to evolve, these should continue to be monitored. Although the tenant or its planned operations are often unknown at the time of site development review, for the purpose of estimating vehicle trip generation, it may be as important to know the tenant as much as other facility factors.” The ITE reports the Weighted Average Rates for Daily Trips at High-Cube Warehouses as follows:

Type of High-Cube Warehouse	Weighted Average for Daily Trips per 1,000 GSF ¹⁰			
	All Vehicles	Cars	Trucks	5+ Axle Trucks
Transload & Short-Term Storage (91)	1.432	1.000	0.454	0.233
Cold Storage (9)	2.115	1.282	0.836	0.749
Fulfillment Center (1)	8.178	7.461	0.717	0.242
Parcel Hub (1)	10.638	6.631	4.007	0.982
ITE Trip Generation Manual – 9 th Edition	1.68	--	--	--

The reported Weighted Average Rates for AM Peak Hour Trips at High-Cube Warehouses are:

Type of High-Cube Warehouse	Weighted Average for AM Peak Hour Trips per 1,000 GSF			
	All Vehicles	Cars	Trucks	5+ Axle Trucks
Transload & Short-Term Storage (94)	0.082	0.057	0.024	0.015
Cold Storage (9)	0.103	0.061	0.038	0.027
Fulfillment Center (1)	0.841	0.818	0.023	0.009
Parcel Hub (1)	0.851	0.428	0.423	0.041
ITE Trip Generation Manual – 9 th Edition	0.11	--	--	--

The reported Weighted Average Rates for PM Peak Hour Trips at High-Cube Warehouses are:

Type of High-Cube Warehouse	Weighted Average for PM Peak Hour Trips per 1,000 GSF			
	All Vehicles	Cars	Trucks	5+ Axle Trucks
Transload & Short-Term Storage (95)	0.108	0.086	0.023	0.010
Cold Storage (9)	0.129	0.087	0.042	0.031
Fulfillment Center (1)	1.979	1.944	0.035	0.013
Parcel Hub (1)	0.803	0.568	0.235	0.009
ITE Trip Generation Manual – 9 th Edition	0.12	--	--	--

- As found by the Warren County Light Industrial Site Assessment Report of October 27, 2020 (hereinafter referred to as “County Report”), Warren County, and municipalities such as Lopatcong Township, are strategic locations for Uses of Concern because of proximity to Interstates 78 and 80, large areas available for development currently zoned for industrial development, and location to metropolitan areas and other regions.

6. The County Report identified over 4,000 acres of potential development with over 45 million square feet of potential industrial development.
7. The County Report concluded such development would cause a substantial increase in auto and truck traffic and have major impacts on the road network and further concluded that that roadway levels of service would deteriorate to unacceptable conditions at most analyzed intersections and mainline segments of CR 519, which is a road that transverses Lopatcong Township and intersects with Strykers Road.
8. The Township's current ROM Zone allows a building height of 60 feet, coverage of 65% and an allowable floor area ratio of 30%. These criteria were developed with the goal of attracting a large data centers with minimal traffic impact. Demand for high-cube warehouses and Uses of Concern, and their associated required level of road service and traffic impact, were not foreseen at the time of the adoption of Township Master Plans and Zoning Ordinance.
9. Recent redevelopment activity and approvals for development under existing permitted uses in the Township, have resulted in the development of the Ingersoll Rand tract and three large projects in the ROM Zone along Strykers Road.
10. Over 2 million square feet of high-cube warehousing is under construction on the Phillipsburg portion of the former Ingersoll Rand tract, which shares a boundary with Lopatcong Township on two sides.
11. Lopatcong Township has recently approved two high-cube warehouses totaling just under 1.5 million square feet, which are either complete or under construction.
12. It is estimated that undeveloped/underdeveloped acreage within the ROM district along Strykers Road could accommodate as much as 1.6 million additional square feet of high-cube warehouse development.
13. Based upon the lowest traffic generating high-cube facility category, the ITE statistics suggest that the aforementioned potential for additional high-cube warehouse development along Strykers Road alone would result in 2,291 additional daily trips, of which 726 would be attributable to trucks. During AM peak hours, approximately 131 additional trips would be generated, of which 38 are truck trips and during PM peak hours approximately 173 additional trips would be generated, of which 37 would be truck trips. The trip generation increases based upon other

categories of high-cube warehousing. Based upon the highest generating high-cube facility category, the ITE statistics suggest that the aforementioned potential additional high-cube warehouse development would result in approximately 17,020 additional daily trips, of which 6,411 would be attributable to trucks, along Strykers Road alone. For this category of high-cube warehouse, during AM peak hours approximately 1,362 additional trips would be generated, of which 677 are truck trips and during PM peak hours approximately 1,285 additional trips would be generated, of which 376 would be truck trips.

14. Redevelopment status has been requested at the site of the nearly vacant Phillipsburg Mall. If approved, that would result in another 483,000 square feet of high-cube warehousing in the Township of Lopatcong.
15. It is the judgment of the Council that the Township's and the surrounding area's road system is not adequate to provide the level of service necessary to support further growth of Uses of Concern, even at the lowest traffic generating category of high-cube warehouse. It is the judgment of the Council that the traffic and truck trip generation associated with further Uses of Concern would have a substantial and detrimental impact on local traffic and service levels of Township roads.
16. The Township's 2012 Master Plan Reexamination Report requires a "balanced approach between residential and non-residential development."
17. In addition to the traffic concern, it is the judgment of Council that high floor to ceiling distances allowed by our current zoning requires significant alteration of the existing landscape and have a tremendous visual impact. The architecture tends to be repetitive and monotonous and that an abundance of high-cube warehouses in a concentrated area will result in a densely developed neighborhood lacking in interest and character. This is inconsistent with the purposes of the Municipal Land Use Law in regard to light, air, open space, and visual environment and, in the Council's judgment, not a balanced approach between residential and non-residential development.
18. Moreover, the Township is approaching its contractual capacity under its inter-municipal sewerage agreement with the Town of Phillipsburg and certain areas within the ROM Zone are not within the Township's Wastewater Management Plan

(WMP) dated January 30, 2012, and Prepared by the State of New Jersey Highlands Water Protection and Planning Council in support of Lopatcong Township's approved Petition for Plan Conformance and the Water Quality Management Planning Rules, N.J.A.C. 7:15., which requires that "[n]o further extensions of the Future Sewer Service Area will be approved in the Lopatcong Township Wastewater Management Plan (WMP) absent proof that sufficient capacity exists for such extensions after consideration of all planned and potential flows within the Highlands Center, and approval of the Highlands Council of a Map Adjustment, extension of the Highlands Center, or public health and safety waiver."

19. In the Council's judgment, Ordinance 21-02 will help assure that the local transportation routes will continue to promote the free flow of traffic. Limiting the development of warehouse and distribution centers that generate large volumes of truck traffic will mitigate congestion roads and promote their safe and efficient operation.
20. In the Council's judgment, Ordinance 21-02 will limit the further rapid development of warehouse and distribution centers within Lopatcong Township so as to not conflict with the development and general welfare of the neighboring municipalities through which increased volumes of truck traffic must pass to reach major highways and interstate transportation routes.
21. In the Council's judgment, Ordinance 21-02 will protect the quality of life of the established residential neighborhoods that adjoin the industrially zoned lands in the Township. The twenty-four-hour, seven day-a-week character of the warehouse and distribution centers operations and the increased truck traffic on county and local roads will significantly increase noise levels, reduce air quality and increase ambient light levels in the adjoining residential neighborhoods. It is the Council's judgment that the manifold permitted uses remaining in the effected zone districts provide appropriate development opportunities that are consistent with the intent of the ROM and PD Districts.
22. In the Council's judgment, Ordinance 21-02 will promote a desirable visual environment by limiting further development of warehouse and distribution centers that are comprised of massive, windowless buildings of great height, length and

width from dominating the field of view while allowing a mix of building types of varying sizes, differing heights and facades to persist within the industrially zoned areas.

23. In the Council's judgment, Ordinance 21-02 will help to protect and conserve the trout production waters of the Lopatcong Creek and Dry Run watersheds from the threat posed by the reduction in water quality caused by the stormwater runoff from the large expanses of buildings and paved surfaces associated with warehouse and distribution centers.

BE IT FURTHER RESOLVED, that these reasons shall be spread upon the Council's minutes contemporaneous with the adoption of Ordinance 21-02.

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, April 7, 2021.

Margaret B. Dilts, CMC

Ordinance No. 21-02- Second reading and public hearing of Ordinance No. 21-02 entitled "Ordinance of the Township of Lopatcong, County of Warren, State of New Jersey, to Amend and Revise Chapter 243 of the Lopatcong Township Code Entitled "Zoning and Land Use" and More Specifically to Delete Sections 243-75(A)(2) and 243-77.3(C)(1)(C) to Remove Warehouse and Distribution Centers from the ROM Zone and to Remove Flexible Office/Warehouse Uses Within the PD Zone of the Township".

Council – motion to open public hearing by Council President Pryor, seconded by Mayor Mengucci. All in favor.

Attorney Campbell read aloud the entire Ordinance 21-02. A copy of the Ordinance is available on the Township website and was posted there in advance of the meeting. It was also advertised in accordance with the law in the newspaper and a full copy mailed to all property owners within 200 feet of the affected zones.

Before Public Hearing Attorney Campbell read the following instructions:

At this time the Council will take comments and questions from the public related to the adoption of Ordinance 21-02.

If you wish to be heard during this public hearing, if you are on Zoom, please use the "raise your hand" function. If you are on the telephone please press *9. The host will call on members of the public one at a time and unmute you as she calls on you. Once we have gone through anyone who has raised their hand or hit *9, then we will unmute everyone and ask one more time in case we missed anyone.

If you feel you are having technical difficulties and want to alert the host you may do so over the chat function, but do not make your comment over chat unless directed to do so. Do not use the chat function to chat amongst the other participants.

Just a reminder that the chat function should only be used to alert the meeting host if you are experiencing technical difficulty and should not be used to make a public comment or chat amongst other participants.

Before we begin this public hearing, I will ask the Clerk if the Council received any written comments related to Ordinance 21-02.

Clerk Dilts – I have received nothing.

Public Comment:

Matthew Fiorovanti – Good evening. My name is Matthew Fiorovanti. I am an attorney with the law firm of Giordano, Haller, Ciesla representing NFI Real Estate, LLC proposed developer of property located in the (inaudible) I would like to present Andrew Janiw, a professional planner to address proposed Ordinance 21-02 subject to whatever time restrictions that the Council may have. So, if that's acceptable, I would offer Mr. Janiw at this time.

Mayor Mengucci – We will allow him five minutes, please.

Attorney Campbell – Five minutes.

Attorney Fiorovanti – Thank you. Mr. Janiw can you hear me?

Mr. Janiw – Yes, I can hear you?

Attorney Fiorovanti - Can you set forth your professional qualifications before we get started?

Mr. Janiw – Certainly. I am a license professional planner in the State of New Jersey as well as a member of the American Institute of Certified Planners. I have a Bachelor's and Master's Degree in civil engineering from the New Jersey School of Technology currently serving for the planner for the Borough of Carteret in Middlesex County, the Township of Livingston in Essex County, redevelopment planner for the communities of South Amboy, Keyport, Plainsboro, Toms River and Flemington. I have been qualified as an expert in land use planning and redevelopment out of the Superior court of the State of New Jersey. I frequently lecture on the matter as an adjunct professor at Monmouth University. Again, I have been qualified at the present time throughout the State of New Jersey representing both public and private clients

Attorney Fiorovanti - Thank you, Mr. Janiw. I would offer Mr. Janiw as an expert in field of professional planning and Mr. Janiw have you had the opportunity to review Ordinance 21-02?

Mr. Janiw – Yes, in preparation for this evening I've reviewed the Ordinance. I have also reviewed the text of Resolution 21-47. I have reviewed the Master Plan and subsequent reexamination reports for the Township and as well as reviewed the 2018 Planning Report prepared on behalf of Lopatcong Township by Ruggerio Plante Land Design which was authorized as a study for the Township's Highlands Center as a prerequisite for drafting Lopatcong Highlands Center Ordinance as well as NJSA 40:55D 62 which pertains to the adoption.

Attorney Fiorovanti – Have you reached a professional opinion as to whether or not this is consistent with the Land Use Plan Element of the Township's Master Plan?

Mr. Janiw - I have.

Attorney Fiorovanti – Give us the benefit of that what your opinion is.

Mr. Janiw – Certainly. There is recognition that the Planning Board has declared that the ordinance is inconsistent with the goals and objectives of the Master Plan and as the MLUL mandates that in the absence of finding of the consistency determination the articulated land use objectives, the governing body must clearly and concisely place three things on the record as the basis for the change without a strong foundation. The physical process starts with the Master Plan reexamination wherein changing conditions are identified by the Township professionals undertaking any studies to determine with any modifications to the land use ordinance with recommendations directed to the Planning Board and the governing body. This governing body opted to forego that process instead accepted the findings of inconsistency by the Board without further actions of professionals including perceived traffic concerns citing from interpretation of the 9th edition of the IT Trip Generation Manual which has a civil rating for fulfillment centers and on that basis entire use category. As I mentioned the 9th edition of the IT has one sampling and that was an out supplier because the IT 10th edition which is not referenced within your resolution but at an expanded sampling group which saw significantly different (inaudible) The typical process would start with the review of public data and then proceed with a drill down on local conditions. We are not aware of any localized traffic studies authorized by this governing body or any further analysis either planning or engineering wise with respect to the impacts of warehousing and distribution centers at build out within the ROM District. For these reasons it is my opinion that this process is significantly flawed. We have to look at the historic findings contained within your Master Plan reexamination. We find that the basis of all that dates back to 1989 that indicates that in fact warehouse and distribution centers were found to be not only consistent with the location, which has incredible highway access, visibility and attributes such as infrastructure availability and it will also provide for a stabilized tax base and infrastructure (inaudible) throughout the community instead the governing body has dismissed all those findings in the years of studies as undertaken what we believe to be an ad hoc procedure and I'll get into that a little bit further but I go as far back as 1989 when the Master Plan goals and objectives included development densities of land use that were compatible with physical limitations of the land encouraging integrated development of industrial districts south of Rt. 57 promoting land uses to provide a favorable balance of industrial district south of

Mayor Mengucci – If I could interrupt for one minute, your 5 minutes is up and in order to be fair to the other 100 people that are on, I'd rather move on at this point.

Attorney Campbell – Lori, is there any other hands raised?

Host Ciesla - Yes, yes, yes, yes - Jim Belske.

Jim Belske - Good evening, Mayor and Council. I understand the Lopat Planning Board voted 5-2 that the 21-02 Ordinance was inconsistent with the Township Master Plan. Can you please explain the impact of the Planning Board vote as it pertains to the enforcement of the Ordinance? Can the Planning Board still approve warehouse construction in the ROM Zones regardless of the ordinance? Thank you.

Attorney Campbell - So, the Township, is not going to go through and explain the legal aspects of what the Planning Board can do and we just read 9 pages as to why we found it to be inconsistent and we're going to stay with that and as I mentioned there are four (4) pieces of litigation pending that are challenging such things so we're not going to get into those any further. I

apologize that we can't but tonight we are here to do the ordinance and that's what we're here to do.

Jim Belske – If I could just follow up on it and thank you for that response. I want to put into perspective the concern with NFI planning to build another 600,000 square foot warehouse directly across the street from the 500,000 square foot warehouse but this time, this warehouse that NFI would like to build is within 150 feet of residential homes. So, that's why this is extremely important for us to understand, in addition to all the other issues that the warehouses are bringing. I just wanted to bring that to light to make sure I can present that grave concern.

Attorney Campbell - I think the only thing I can add, it is the Township's position the ordinance that we passed at the end of 2020 is valid and it will stand up to challenge which it has been legally challenged and so applicants are free to file applications with the Board. That doesn't mean that they're going to go through, it's all under legal challenge. So, they are still free to file applications, they're free to challenge what the town, the town's position is what they did at the end of 2020 is valid but as I mentioned in my very long-winded explanation this is a redo of that ordinance to do the exact same thing; to correct any alleged procedural defects. So, if you look at both ordinances, you'll see they're virtually identical so we're just doing it again but like I said, we can't stop people from filing applications. That doesn't mean that they are going to complete those applications. The court at this point will have to decide that based upon the various legal challenges that have been filed.

Mr. Belske - Thank you very much for that response.

Mayor Mengucci – All right Mr. Belske, thank you. Lori anyone else?

IT Host Ciesla – Yes, I have Patti Liedenbauch.

Mayor Mengucci – Patti, good evening.

Pattie Liedenbauch – This is Patti Liedenbauch from Overlook. Sorry, I had to stop my dog from barking. I understand that there's, and I'm glad to hear that we feel that the position of the Council is very strong, but my concern I guess moving forward is, should the unthinkable happen and the Township lose and development proceeds on Strykers, what can I do as a resident and what can we do to ensure that development is not continued or performed elsewhere in the Township proactively because, again, I think some of the issues here is timing. So, can we proactively do things to ensure that no further development is even proposed elsewhere that we are on more solid legal ground. Thank you.

Mayor Mengucci – This ordinance that passed, I would basically and again, it says right on there, remove warehouse and distribution centers and beyond that it would be a case-by-case basis really as to what we are looking to put in.

Patti Liedenbauch - Do we need to make changes in the future to ensure that the Planning Board and the Council are aligned to or changes to the Master Plan to ensure that there's no disconnect?

Attorney Campbell – So, what I would just say to residents of the Township of Lopatcong is available on line is the Township's Zoning Map and the Township's Zoning Ordinance and you can see what uses are permitted in each zone and I would encourage members of the public to view what's available and what's allowed to be built in various zones and if you feel something shouldn't be built or should be built, should be allowed, at any time you can come to the Township Council or the Planning Board and you can make your proposal for things you think should be changed. I think what the Mayor was saying that these zones being changed tonight, I believe are the only zones that would have

allowed warehouses, so, if warehouses are the issue, I don't believe there are any other remaining zones that would allow these types of warehouses but I encourage you to review the land use code or ask questions of your Council if you have specific question, you know, in the meeting tonight we just talking about this ordinance but it is available to on-line and the Zoning Map that maps it out township can see a colored coded map that is available on line.

Patti Liedenbauch – Perfect, that you very much.

Mayor Mengucci - Thank you – Lori.

IT Host Ciesla - I do have Ryan Paul Simmons – okay, go ahead.

Mr. Simmons – Yes, here. How are you? Very proud to be a part of this. I just have a major concern. I just recently purchased the old Grange on 519 and my concern is as this warehouse and this propagation continues, the state has no reason to not widen the road and I am literally when you come out of my house and you take a step down from my staircase, I am less than six inches away from the highway.

Mayor Mengucci – Are you referring to Rt. 519?

Mr. Simmons - Yes sir.

Mayor Mengucci - That is a county road not a state road.

Mr. Simmons – Okay, but this warehouse and traffic that's coming through here they're going to have to widen this. That becomes a major concern because my front door is already at this county road. What happens next?

Attorney Campbell – I think if you, the resolution that I read, as painful as it was, 9 pages out line concerns that were in that resolution.

Mr. Simmons – Now, that's my main concern. I'm a newbie here and, you know, I'm totally supportive of the community. I'm a professional artist. I donate a lot of money to charity. I would love to put in to help the community, but I don't want to lose my house or my front porch.

Mayor Mengucci -Again that is really more of a county issue at this point. Obviously dictate what they do. I certainly don't want to pass the buck but that may be a better question for your county planning.

Mr. Simmons – Okay, but from what my understanding with this warehouse situation the goal for 519 is to widen it; am I wrong?

Mayor Mengucci - I have not heard that.

Mr. Simmons – Okay, fair enough.

Mayor Mengucci - All right, sir. Thanks for calling.

IT Host Ciesla – Matthew, do you have another question? Okay, go ahead.

Attorney Fiorovanti – Yeah, Mr. Janiw wasn't (inaudible) to complete his testimony or his presentation I think Council thought there would be a lengthy public comment I would just Mr. Janiw be permitted the opportunity to present his conclusion on the record.

IT Host Ciesla -I still have at least a few more. Okay, Lee, go ahead.

Lee Roczyki – Okay. Hi, thank you. First, I want to commend Council on the lengthy nine-page ordinance and outlining very specifically, all the reasons why we shouldn't have this type of industry zoned in that area. I agree totally 100% with all of the stated reasons. Thank you for your thoroughness. My question is, is about the Master Plan. Two questions about the Master Plan. Is there a

routine review of the Master Plan like every 7 years or so? I want to bring that up because to piggy back on the other resident's comment about being proactive and it seems to me, if I'm correct, a lot of these companies suing us based language ordinance is not in conjunction with the Master Plan prevent you know based on inequity of language and what not so to button up my question. How often do we review the Master Plan and if a citizen brings questions and changes to zoning as to what we see or not see, can that be directed towards the Master Plan?

Mayor Mengucci - Joe, do you have any insight on that?

Council President Pryor – Yeah, and of course I'm not an attorney and Paul you may want to back me up on this I believe the statutory requirements is every 10 years Paul.

Engineer Sterbenz – Yes.

Council President Pryor - And you can implement revisions in the meantime but it is a lengthy process and it was done not too long ago. It won't be due for a while and like Katrina mentioned to the other lady that called the other woman, you are always welcome to submit your views on planning and land use to Council and/or the Planning Board, we can attack that periodically.

Lee Roczyki – So, quick follow-up; who has control over the Master Plan?

Council President Pryor – Planning Board.

Lee Roczyki - So, comments I mean go to who has the power, so

Council President Pryor - Well, it is a multi-step process. Katrina you can holler if I'm wrong but the Planning Board has the Master Plan; that's the vision. It has to be turned into an ordinance and the Council takes the Master Plan, turns that into a land use ordinance and then the ordinance goes back to the Planning Board for comments before it's implemented so it's a lengthy process; it goes back and forth. We're both involved but the plan starts with the Planning Board. Of course, the council can ask them to do it but it is done under the jurisdiction of the Planning Board. Paul does that sound correct?

Engineer Sterbenz – That is correct.

Mayor Mengucci - Thank you very much.

It Host Ciesla – Craig Chiulli are you still here?

Craig Chiulli – I am. This is a trickle down on this comment but the response given to the woman who asked first and then Katrina, I think you said that we can look for ourselves at the things. The one question I have is for the most part we are not privy to all the things you are all privy to we may not have the expertise that hopefully the members of the Planning Board have. I think back to a really, I would call it a terrible time in our history, when it came to the asphalt plant which seemingly has left an impact on everybody and you know complained about when it happened but at that point, we were going to revisit some of the things we did in the town and make sure certain things didn't happen. I think, as residents, we often think we have people in your positions looking out for the best interests of what might be to come because not only do we have a "Master Plan" but things change around us and that's where we hope that people are looking that on a more regular basis so as opposed to suggesting that the Township residents are responsible to look at and discern what exactly we are reading, would it not be more prudent to have someone who understands what currently exists and what that could yield whether it is through legal language, whether it is through understanding of the change in the laws, some topical way that we have a proactive approach versus finding

ourselves again reacting to something that we all agree with at this point which is a tough situation we could find ourselves collecting taxes.

Council President Pryor – Does anybody mind that I take a stab at that? We didn't suggest it was the responsibility of the residents. I think she asked how, you know, can have input, we said sure it's always welcome. The Planning Board, I think four years ago, took a look at the Master Plan and it didn't go anyplace. They couldn't reach a consensus. It's a planning process. It involves nine people and it involves input from others and there is no question the responsibility is the Planning Board. I think the question was can the public have input? We said input is always welcome. We have a professional planner. We have a professional engineer. We have elected officials. We have appointed officials who have experience and we do it when we feel a need and of course, we have the ten-year requirement and we stay current with the Highlands Master Plan too and we make revisions as required by the Highlands. Katrina and Paul, is that a fair answer?

Engineer Sterbenz – The Township has been doing planning all along because of the fact that we have a petition with the Highlands Council that aligns our Master Plan with the Highlands Regional Master Plan. George has been doing various studies and planning tasks over the last ten years to respond to that so, we never stop doing the planning in this Township.

Craig Chiulli -I don't want to sound accusatory in any fashion, but what we quantifiable know is that is we all agree we don't want another warehouse here yet we find ourselves playing defense plus catchup because we didn't foresee this potentially coming our way as I would understand it. If I'm incorrect with that please tell me. I'm not suggesting I know everything. What I'm asking is I don't believe I know we can all have input and I appreciate the transparency but I don't know that I can personally tell you with my level of my education I don't know enough of what goes on with planning and how those things, what things we should be proactively looking at so that this isn't going to happen again the next time we go through and like the gentleman mentioned about his house on 519 they've already destroyed the road, you know, between the railroad tracks and Rath's; that road was redone maybe ten years ago now, but still in comparison to other town roads, now we're going to trickle down so, I don't know how as residents we can help be part of the solution if you can share with us how to do that we, I think, count on, I know from my own employment I count on other people who know things that I don't know and that's what I'm trying to ask you, work with you to find those things that could be coming so were not

Mayor Mengucci - This is Mayor Mengucci -I would ask you if you have any ideas, please email us; anyone of us. Our email addresses are out there. The one thing I haven't accomplished in my nineteen years of being here is reading minds and you know things like this flare up like the asphalt plant flared up back in 2012 and it's usually when people see something they don't like, so, you know,

Craig Chiulli - Mayor that's actually not a very, I wouldn't call it the best response you could have given because I'm not looking for emailing you. What I'm asking you, is you're the mayor, I am not. You've been voted in by people who wanted you in this role, therefore, it is your responsibility to look out for the betterment of the town. If you didn't all agree and we were debating whether the warehouse was good and believe it or not, I would have a better shot at understanding the tax revenue we get from this warehouse then we can from the asphalt plant but that's a different conversation, but if you have the belief this was somehow going to benefit us, great let's talk. No one is saying that. We are all on the same page that we don't want this here but I suggest

that had your and it wouldn't even if your leadership because you have not been in it long enough but had there been a leadership component that looked out for this coming, there is no way I can email you and say hey Mayor I don't know what you have planned but I think you should look at everything that's not going to help us. I'm saying for those who are involved in planning those who attend meetings where they talk about new zoning laws, they talk about new modifications to things that we may have thought were stable we're at risk because our current whatever you call it, our current plan says you are allowed to be here and I agree. If I want to paint my house purple you can't stop me because that's my right but at the same time if I have a zone that says I can't do that, I don't have to worry about it, and that's what I'm asking so me emailing you is not going to help the cause what it needs to be addressed as who is looking out for us for what's coming and again, we're all aligned on this one. No one wanted this to happen how do we stop it for the next thing, if it's not this warehouse?

Attorney Campbell - I think just to echo what maybe what Joe Pryor and Paul Sterbenz said already is Council and the Planning Board does do that. You don't necessarily hear about it until it comes up, but they make changes to the Master Plan every ten years and something that maybe you're not aware of is this Council made the change to this ordinance, decided they needed to make the change before any applications were filed by any developers. They heard we were changing the ordinance and came in and filed between first and second reading, unfortunately a municipality takes two months to change an ordinance but there was nothing pending when Council made this change but then people who wanted to build became aware and ran in and filed applications and then followed up with lawsuits but so this Council wasn't reacting to an application it was deciding what it wanted to do (inaudible).

Craig Chiulli - (Inaudible).

Attorney Campbell - No and I can understand you can say maybe they should have done that years ago. Just so you know that the Council requires first and second reading that takes a minimum of two months and we had to notice everyone within 200 feet of those zones' which includes the property owners of the properties and so they had some ideas of things in the works that were thinking of whether we knew about it or not, they ran in and filed applications before we got to second reading and that's part of the litigation that's pending.

Craig Chiuli - Understood. Thank you, that really helps. I appreciate it.

Mayor Mengucci - Thank you sir. Lori, anyone else?

IT Host Ciesla - Right now, the only two that have their hands up are Matthew and Andrew. I think there both with NFI.

Attorney Campbell - So, if there is no one else at this time, Mr. Janiw if you would like five more minutes to finish your presentation.

Attorney Fiorovanti - That would be appreciated.

Mayor Mengucci - All right sir, go ahead.

Mr. Janiw - What I really want to get to is the whole concept of looking of looking at the warehouse use on a case-by-case basis. Anyone in land use is familiar with Cox Zoning and Land Use Administration. Looking at the 20/21 Edition, Chapter 10, Section 83, there is a warning of such ad hoc decisions making for the purpose of controlling a use on a case-by-case basis. Cox cites a case, known as Tyler versus the Board of Adjustment, where the governing body there, the particular area zoned the property for one- and two-family residences knowing that the area was inappropriate for such uses but the

purpose is of course is the development application coming before the board on a case-by-case basis so that the board could find a specific rationale for the ones they like and the ones they don't like. Courts found it to be impermissible and directly comes (inaudible) encounter to the requirement of the Municipal Land Use Law that the zoning ordinance reflecting underlying purposes set forth in duly adopted master plans. Cox finds that such ad hoc decision making is not acceptable and yet I think that's very akin to what we're looking at today by eliminating the warehouse and distribution use in its entirety does acknowledge such uses in the district have been encouraged repeatedly since 1989 in planning documents. The Council creates a situation likely use that was historically identified as appropriate for the district will be required to seek approval on a case-by-case basis from the Zoning Board of Adjustment which will have the power to build to the attributes. In my professional opinion the Council intent (inaudible) resolution was revealed particularly in Paragraphs 19 and 20 of the resolution that was recited this evening. Paragraph 19 of the ordinance states Ordinance 21-02 will help assure the local transportation route will continue to promote the free flow of traffic limiting the development of warehouse and distribution centers that generate large volumes of truck traffic to mitigate congestion on roadways and promote their safe and efficient operation. Noteworthy herein, is there referenced that attempt to limit not eliminate warehouse uses in other words the Council seeks the mechanism (inaudible) warehouse and distribution use on a case-by-case basis based on operational attributes. This is further supported in Paragraph 20 where it states Ordinance 21-02 will limit the further rapid development of warehouse and distribution centers within Lopatcong Township. Herein, is another acknowledgement of the creation of a mechanism to limit not eliminate the rapid development of the uses in a market (inaudible) by introducing a mechanism that will review each use by a case-by-case basis. The council's actions are consistent with ad hoc decision making on the warehouse and distribution centers is directly contrary to the Tyler case and land use. We have to remember that for years the Master Plan and the reexamination have been encouraging the use. Lopatcong presumably understands that this is a land use violation instead eliminated the entirety of the category of the use when this is appropriate for the ROM District and this was done specifically to do a case-by-case assessment of warehouses and their individual attributes. This will result in application of future warehouse development being directed to the Zoning Board of Adjustment for a use variance. A use variance will have to be reconciled within the (inaudible) criteria and Council may or may not understand the (inaudible) criteria is but this is a reconciliation before the board so that an examination of a wide use category was (inaudible) from the district. The argument would inevitably cite that for 20 plus years warehouse and distribution centers were found to be included the district either favored or encouraged bulk standards as recently in 20-18 was the reconciliation with the Highlands Council, it was an encouragement and a citation that the ROM District was functioning properly and without incident. Warehouse and distribution centers were included in the ROM District because the location was particularly prudent for the use, the broad category of warehouse and distribution centers was removed concerns related to a narrow subset of the use. It is my professional opinion that upon my review of this documentation the Board is attempting such an ad hoc control warehouse and distribution uses on a case-by-case basis and procedurally it did not follow the process properly. It rushed through the two ordinance readings when it should have authorized a masterplan reexamination the Board is attempting such an ad hoc and procedurally it did not follow rush through local studies of the situation in order to make an educated decision. The decision-making process was published information that was national and outdated at the time at the

time it was referenced and I believe that the board's decision this evening is not properly founded and may have ramifications thereafter.

Mayor Mengucci - All right sir, thank you. Lori anyone else?

IT Host Ciesla - There is no one else but if there's anyone on the phone

Attorney Campbell - Mr. Betz is raising his hand.

John Betz - Hi, I just have a question the three (3) warehouses over there behind Berry Plastic and the one is going next to where the solar farm energy farm and then the one over where the mall is are these in some type of litigation affecting those with this ordinance change or are those already, you know, on their way to approval?

Attorney Campbell - There are four (4) pieces of litigation pending one is filed by the owner of the piece of property behind Berry Plastics. One was filed, two 2 were filed by potential developers of the solar piece of property and then one was filed by NFI relating to Planning Board matters. So, it's four (4) lawsuits all relating to those two pieces of property nothing pending on the Phillipsburg Mall parcel.

John Betz - Nothing has been decided yet in these lawsuits is what you're saying there?

Attorney Campbell - It will take a very long time.

John Betz - Okay, thank you very much Katrina for your noticing I wanted to speak and thanks and thanks Council for bringing this issue up to the front tonight.

Mayor Mengucci - John, thank you. Lori anyone else?

IT Host Ciesla - I don't see any else. If there is anybody on the phone if you *9 to raise your hand or if you just want to unmute yourself.

Mayor Mengucci - I'm not hearing any.

IT Host Ciesla - No, no. I don't see anyone either.

Lee Roczyki - This is Lee with a quick follow up.

Mayor Mengucci - Go ahead Lee.

Lee Roczyki - So, what is the next step after the ordinance is passed tonight? I am assuming. Is it a wait and see how these four (4) lawsuits play out kind of thing? Is that what happens?

Attorney Campbell - That is exactly continue to defend the doing. We hope that this is hopeful and I think we are pretty confident we did it right the first time, but we're hoping this is another arrow in our quiver for the lawsuit but we have to just continue down the path with them.

Lee Roczyki - Defending the ordinance, correct?

Attorney Campbell - Yes.

IT Host Ciesla - I have one more that shows up as iPhone.

Mayor Mengucci - Okay.

Joanne Petty - Hey everyone this is not pertaining to

Attorney Campbell - Can you give us your name and address for the record?

Joanne Petty - Joanne Petty - 2 Briarstone Avenue and I just wanted to bring this up warehouse pretty much settled but

Attorney Campbell - That's all we're taking comments on this evening we have another public comment at the end of the meeting.

Joanne Petty – Okay, all right, I'll do that then

Mayor Mengucci – Lori, anyone else?

IT Host Ciesla - Not that I see. Hold on Pat Kane did you want to speak? Go ahead Pat, hold on, I'll unmute you. Go ahead.

Pat Kane – I want to thank the Council for this ordinance. The comment I had for the expert was some of what he was saying that was appropriate that was back in 89 and what was appropriate twenty years ago and that definitely is not appropriate now and I'm concerned for health particular from the diesel that will be coming our way in the Overlook units. We have small children, we have babies, we have elderly people and I know the from diesel fuel is very detrimental to physical health. So, and I know that what you said about that this particular project was slipped in between the Council, I think it is a heads up for all of us to keep very astute on the Planning Board and how land use is planned and to say that we're doing something illegal, I think even if the state or if the nation said this is okay for us to breathe in diesel fuel and all of this is simply not for the benefit for the health, the people of this community much less the heavy traffic flows that's going to come up and the man with his front porch, this is progress and our houses are going to be taken away because it has to be widened how can the number of trucks that would be on Strykers Road rebuilding that road every two years. So, I want to praise you for the work you've done on this and you certainly have my prayers and support for the continuation.

Mayor Mengucci – Pat, thank you. Lori anyone else?

IT Host Ciesla - I don't see anyone else but is anybody raising their hands. I don't see anything.

Attorney Campbell - I don't see anyone visually.

IT Host Ciesla - Hold on go-ahead. Go ahead Mary. Hold on, got to unmute you, you're still muted.

Attorney Campbell - You have to try to unmute yourself.

Mayor Mengucci - There you go.

Attorney Campbell - She is unmuted but we don't hear her perhaps you want to type your comment into the chat function if you can

IT Host Ciesla - It seems like your sound is not working

Attorney Campbell - If you type it in, I'll read it out loud. If there is anyone else trying to get our attention you can type it into the chat function and let us know you are trying to get our attention.

IT Host Ciesla - Did that question come through?

Attorney Campbell - No, it did not.

Mayor Mengucci – Unmuted. We can't hear. Does she have the volume up?

IT Host Ciesla – Mic might not be working - sometimes that happens.

Attorney Campbell - If you have a telephone, we can give you a number to call in and you can

IT Host Ciesla - I just sent her a message hold on. It might be going to somebody else. I don't see anybody else.

Attorney Campbell – Mary, I’m going to try to write to you and see if you can just respond to me, I just sent you a message if you can see it, you can write back to me. No, okay do you have a telephone you want me to give you a number to call in. Okay. Lori, I can give her anyone of these numbers, right?

Attorney Campbell - 9294362866

IT Host Ciesla – Does she need the meeting number? Hold on I’ll get that.

Attorney Campbell – Yes.

IT Host Ciesla - 8286 okay.

Attorney Campbell – Lori, once we take Mary’s comment, I see a hand raised.

IT Host Ciesla – Okay. See if she can get in while she is trying to get in, I believe it’s Patty.

Patty Segeda - You there?

IT Host Ciesla - Yes, go ahead.

Patti Segeda – 1024 Deerhaven Terrace. I live in Overlook. I was not able to get into this meeting, I just need a clarification. I saw two diagrams and one was black and white and one was an aerial photo it looks like they were going to building something behind Berry Plastics but next to it was the solar panels that were still in the photos. Is there more than one building slated for the area of Berry Plastics behind Berry Plastics where the solar panel is? Is it slated for more than one building to be built there?

Attorney Campbell - The Township has two applications and of those two applications, I believe three buildings are proposed total. One is behind Berry Plastics in the farm fields where the solar panels currently exist. I believe the proposal is to take up the solar panels build the building and put the solar back. I can’t say that for sure. I have not seen those plans but that is my understanding. So, there are two different developers proposing two different applications but I believe if they got everything, they wanted it would result in three buildings on that side of the road.

Engineer Sterbenz – Katrina, I’m just going to jump in. You are correct warehouse proposed over there. Originally, there were two warehouses actually proposed on the original application. That application has been amended one of the buildings has been removed and in addition to that a parking deck has been removed. So, there is one building there is a total to two warehouses on the East side of Strykers Road one on each site.

Attorney Campbell - One warehouse each application.

Patty Segeda – So, if you were on Strykers Road, the warehouse that is currently being built that land is lower; it’s low and when they built the warehouse, they really, they took a lot of the ground out when they built it the building would be pretty low so it wouldn’t be like a giant wall but the other side where the solar panels are, that land is very high on Strykers Road; the top part of it. Are they going to build it down, you know, what I’m saying? I look out my back deck I can see the solar panels. Am I going to wake up one day and have a wall the size of a giant tsunami like, am I going to be able to see the sky? Are they going to build it so that it?

Attorney Campbell – The Township’s position is that the ordinance we passed previously won’t allow them to build anything. So, and that’s what this ordinance would again not allow warehouses in that zone. So, there would be no warehouses but they do have application. I can’t speak to what the topography or any of that is but I think it’s safe to say there’s going to be a wall

over there, so, I can't speak to that. The plans are available for inspection at the Municipal Building if anyone wants to see them and the Planning Board had some testimony about some of it but what we're doing right now is put an ordinance in place that would not permit any warehouses on that side of the street.

Patty Segeda – Okay, thank you for your time.

Mayor Mengucci – Thank you.

IT Host Ciesla – Mary, do you want to try again? We still can't hear Mary. I don't know what's going on.

Attorney Campbell - She is showing as unmuted.

IT Host Ciesla – She can't type in the chat but I don't know if she can call in. Can she call to the office?

Mayor Mengucci - She can call my cell phone if she'd like. It's 610-972-8834.

Mary – (Inaudible) my question is whether or not the attorney's that are working for the town (inaudible) gentleman cited it from the 1980's some of it was national, some of it was local and recent and I was just wondering whether or not the attorney's that are working for the Township are vulnerable spot (inaudible) a lot but if they are outdated or inappropriately applied that would leave us in a vulnerable position.

Attorney Campbell - So, the Township is, the two reports that are cited in that resolution one is dated 2016 that's the Institute of Transportation Engineers High Cube Warehouse Trip Analysis and the second one is the Warren County Light Industrial Site Assessment that is dated September 9, 2020. So, it was done last fall.

Mary - So, what was that other gentleman talking about?

Attorney Campbell - You'd have to ask him.

Mayor Mengucci - You'd really have to ask him.

Attorney Campbell – And, just to add to that this was prepared by the Township Planner, the Township Engineer and the Township Attorney. It wasn't just attorney (inaudible) we used professionals (inaudible).

Mary – Okay, all right, thank you (inaudible) I appreciate that.

Attorney Campbell - Thank you for your patience

Mary - No problem.

Mayor Mengucci - Lori anyone else?

Lori Ciesla –I have one comment though and please note that I'm commenting in my capacity as a resident and nothing else. Maybe and you know and just discussing this with someone, since, you know, we sit here and we never know what's going to come in and everyone got a little blindsided by the desire for warehousing companies that actually put warehouses in our area. We have so few highways you know. Would it be something that you'd be interested in and maybe putting together a focus group of some residents to sit and talk about like what they would like to see in the town and you know a few people come up with some (inaudible)? I don't know, sometimes like I know we've talked about how meetings like this are so formal and rigid with the rules but if you had like maybe two council members, now you don't have a quorum; it's just a get together and maybe grab some residents and talk informally.

Mayor Mengucci - We can certainly entertain that that's why I offered my email address earlier. I know that's not an in-person thing but in this world where were not doing a whole lot of in-person things I mean if 3 or 4 people would like to get together, again, I would tell them to please email and I will reach out to you. Maybe we can get a focus group together.

IT Host Ciesla – Okay great. I can put your email address in the Chat.

Council President Pryor – Mayor, can I just comment?

Mayor Mengucci – Go ahead, Joe.

Council President Pryor - Focus group would have to have some rules. We have had this before. People come in and they said oh right on this site we want a Wegman's and here we want a Pep Boys and there we want a, you know, ice cream store and planning doesn't work that way. They would have to be given some guidelines, I feel and you know, the recommendations would have to recognize the realities of the market and the freedoms that are given to developers and that's my comment. You just couldn't round up four people and say here's a meeting room because I really feel you wouldn't get something usable out of that. Maybe if they had a chance to work with the planner or something like that who would guide them that would be much more effective.

Mayor Mengucci - Thank you.

Craig Chiuli – Hey Joe, this is Craig Chiuli. I completely agree with you because I think the one thing, we do if we're being smart. (Inaudible) development and of course would we love a Wegmans' right here or love that right there. Sure, but we can't call that out. Can't tell somebody where or what to build. I think what we are wanting to do is kind of try to say what are the type of development we want as a town that keeps us progressive but does not turn us into something that we can't handle. I agree with you. I think a focus group could be good if it's a way to provide insight that you can't give in this kind of forum but maybe there is a template to your point Joe that says, so, here's what we currently sit with, here are the kind of things that we could have, you know, so I'm with you, you can't just say no to everything.

Council President Pryor – Yeah, you have to give a little structure to it.

Craig Chiulli – Yeah, and I would be more than happy to be part of a focus group like that. It just helps to say what is something, we argued about the solar fields back when right why because we didn't tax them because they weren't a building so that was a downside of what it was plus it wasn't going to be anything more than a solar field. So, I'm with you and I think there is an opportunity and I think Mayor it goes to your comment too where you say we can contact you. Maybe this is another medium to help share that. I think most people and you'll get some that will say I don't want any development; keep us as we were. Unfortunately, those days have long past most towns across the county, but if we can keep what ourselves to be more of what our core and our sole is about, I think that's what everybody would hope for while doing appropriate development.

Mayor Mengucci - Thank you for that. Anyone else have a questions or comments?

IT Host Ciesla – I have Stacy.

Mayor Mengucci – Stacy.

IT Host Ciesla – Yeah, go ahead Stacy.

Stacy Behme- Can you hear me?

Mayor Mengucci – Yes, we can.

Stacy Behme – Oh Stacy Behme - 3 Windsor Lane. I think Lori made a good point and I think that goes almost beyond the warehouses. I think there needs to be more communication. That’s what needs to be worked on overall. You don’t find people attending these things until bad things happen so, I don’t know how you want to take it from there but I think needs to, there needs to be some sort of change.

Mayor Mengucci - All right. Anything else?

IT Host Ciesla - I think that’s it.

Mayor Mengucci - All right, motion to close the public hearing.

Council President Pryor – If you make that motion, I’ll second the motion.

Mayor Mengucci – All in favor. Motion on Ordinance No. 21-02. I’ll make the motion.

Councilman Palitto – Second.

Mayor Mengucci - Roll call please Beth.

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

NAYS: None

NOTICE OF PASSAGE AND ENACTMENT OF AN ORDINANCE

NOTICE is hereby given that at a regular meeting of the Township Council of the Township of Lopatcong, County of Warren and State of New Jersey, held on Wednesday, April 7, 2021 on line via zoom at 7:30 p.m. or soon thereafter the Township Council held a public hearing, final reading and adoption of Ordinance 21-02. The Ordinance was then ordered to be published according to law. A copy of the Ordinance is available from the Township Clerk Monday through Friday between 9am and 4pm. 908-859-3355 x 223 or diltsb@lopatcongtp.com

Margaret B. Dilts, CMC

Township Clerk

ORDINANCE NO. 2021-02

ORDINANCE OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN, STATE OF NEW JERSEY, TO AMEND AND REVISE CHAPTER 243 OF THE LOPATCONG TOWNSHIP CODE ENTITLED “ZONING AND LAND USE” AND MORE SPECIFICALLY TO DELETE SECTIONS 243-75(A)(2) AND 243-77.3(C)(1)(c) TO REMOVE WAREHOUSE AND DISTRIBUTION CENTERS FROM THE ROM ZONE AND TO REMOVE FLEXIBLE OFFICE/WAREHOUSE USES WITHIN THE PD ZONE OF THE TOWNSHIP

WHEREAS, the Township Council of the Township of Lopatcong previously introduced Ordinance No. 20-12, which sought to amend and revise Sections 243-75(A)(2) and 243-77.3(C)(1)(c) of

the Township Zoning Ordinance to remove warehouse and distribution centers from the ROM Zone and flexible office/warehouse uses from the PD Zone; and

WHEREAS, said Ordinance was introduced on November 4, 2020, with second reading and a public hearing to be held on December 2, 2020, which hearing was adjourned and held at a public meeting of the Lopatcong Township Council on December 28, 2020; and

WHEREAS, the Council did on December 28, 2020 adopt said Ordinance, as well as adopted a Resolution articulating the Township Council's reasons for adopting that Ordinance, which was determined to be inconsistent with the land use element of the Township Master Plan, which Resolution was No. 2020-156; and

WHEREAS, certain property owners and potential developers filed Complaints in the Superior Court of New Jersey, Law Division, Warren County, and a Complaint in the United States District Court, District of New Jersey, alleging that the adoption of the aforesaid Ordinance was procedurally deficient, as well as substantively deficient, and sought relief invalidating said Ordinance; and

WHEREAS, in a Complaint instituted by Bridge Acquisitions, LLC, and Lopatcong Solar Realty Holdings, LLC, a Temporary Restraining Order was issued by the Court, retraining the Township from taking any action under Ordinance 20-12; and

WHEREAS, counsel for the Township did petition the Court to dissolve or amend said Temporary Restraining Order in order to permit the Township Council to take corrective remedial action pursuant to N.J.S.A. 10:4-15(a); and

WHEREAS, the Court issued an Opinion that the Township is permitted to take such action; and

WHEREAS, the Township has taken the position with reference to the litigation filed that said Ordinance was enacted in accordance with proper procedure and sufficient substantive reasoning; and

WHEREAS, the Township wishes to avail itself of the statute to correct any of the alleged procedural deficiencies, pursuant to N.J.S.A. 10:4-15(a), which, if this Ordinance is adopted, will reaffirm the action taken by the Council in the adoption of Ordinance 20-12.

NOW, THEREFORE, for the reasoning set forth in Resolution No. 2020-156, **BE IT ORDAINED** by the Township Council of the Township of Lopatcong, County of Warren, State of New Jersey, that Chapter 243 of the Lopatcong Township Code entitled "Zoning and Land Use" is amended and revised as follows:

SECTION 1

Section 243-75 ROM Research Office and Manufacturing Zone, Subsection A shall be amended to delete Subsection 2.

~~243-75(A)(2) Warehouse and distribution centers.~~

SECTION 2

Section 243-77.3 PD Planned Development Overlay District, Subsection C Use Regulations, Subsection (1) Principal Uses shall be amended to delete subsection (c).

~~243-77.3(C)(1)(e) Flexible office/warehouse uses, provided that no building is located within 400 feet from the right of way of U.S. Route 22.~~

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

Repealer. 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 as provided by law.

Ordinance No. 21-03 – Second reading and public hearing to Establish CAP Bank. Motion to open the public hearing.

Councilman Belcaro – Motion.

Councilman Palitto - Second.

Mayor Mengucci – All in favor. Questions, comments on 21-03?

Attorney Campbell – Again, if you want to make a comment, please raise your hand.

John Betz – Katrina and Mayor where is the money coming from the CAP Bank?

Attorney Campbell - It's not money like that. It's not money that comes out. We just establish a bank. The law allows us to go up to 2% this allows us to establish a bank. So, of years we don't go up so if we need to go up in additional years, your CFO (inaudible).

John Betz - Oh I see okay that's

Attorney Campbell – Each municipality in the State of new Jersey does this ordinance. It's to establish a bank so when you don't increase and if you needed to if there was some emergency, you use the buffer.

John Betz – Okay, I got it.

Mayor Mengucci - All right John, thank you. Anyone else? Motion to close to close the public hearing?

Councilman Belcaro – Motion.

Councilman Palitto – Second

Mayor Mengucci – All in favor. Motion to act on Ordinance No. 21-03?

Council President Pryor – Second.

Roll call vote:

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

NAYS: None

ORDINANCE NO. 21-03

SECOND NOTICE OF AN ORDINANCE

NOTICE is hereby given that a regular meeting of the Township Council of the Township of Lopatcong, County of Warren and State of New Jersey, held on Wednesday, April 7, 2020 at the Municipal Building, 232 South Third Street, Phillipsburg, New Jersey, the following Ordinance was presented and passed on the final reading. The Ordinance was then ordered to be published according to law by title only.

**CALENDAR YEAR 2021
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

Said Ordinance may be read and inspected at any time at the Office of the Municipal Clerk, Lopatcong Township Municipal Building, 232 S. Third Street, Phillipsburg, New Jersey Monday through Friday 9:00 am to 4:30 pm.

Margaret B. Dilts, CMC

Consent Agenda:

Motion to adopt Consent Agenda 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

Resolution No. 21-58 – Memorialize Appointment of Jennifer Patricia as Animal Registrar.

R 21-58

RESOLUTION OF THE TOWNSHIP OF LOPATCONG,
COUNTY OF WARREN AND STATE OF NEW JERSEY
MEMORIALIZING THE PERMANENT APPOINTMENT
JENNIFER PATRICIA AS ANIMAL REGISTRAR

WHEREAS, there is a vacancy in the position of Animal Registrar; and

WHEREAS, Jennifer Patricia has requested the position; and

WHEREAS, Civil Service does not have a title and description for this position; and

WHEREAS, NJSA Title 4, Chapter 4:19-15.1 et seq governs animal licensing; and

WHEREAS, Mayor and Council has approved Jennifer Patricia to perform the duties of Animal Registrar at a rate of \$18.00 per hour for four (4) hours per week.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey do hereby appoint Jennifer Patricia as Animal Registrar at \$18.00 per hour for four (4) hours per week.

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 7, 2021.

Margaret B. Dilts, CMC

Resolution No. 21-59 – Authorize redemption of Tax Sale Certificate No. 2020-022 on Block 86.03, Lot 6 in the amount of \$2277.67.

R 21-59

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE NO. 2020-022 ON BLOCK 86.03, LOT 6

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on December 29, 2020, a lien was sold on Block 86.03, Lot 6 also known as 45 Meadowview Drive for delinquent sewer; and

WHEREAS, this lien known as Tax Sale Certificate No. 2020-022 was sold to US Bank Cust/Pro Cap 8/Pro Cap; and

WHEREAS, on March 10, 2021, the mortgage company for the property owner has satisfied the redemption amount on Certificate No. 2020-022 in the amount of \$2,277.67.

NOW, THEREFORE, BE IT RESOLVED on this 7th day of April 2021, that the Chief Financial Officer is authorized to issue a check in the amount of \$2,277.67 for the redemption of Tax Sale Certificate No. 2020-022 to:

US Bank Cust/Pro Cap 8/Pro Cap
50 S 16th Street, Suite 2050
Philadelphia, PA 19102-2513

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 7, 2021.

Margaret B. Dilts, CMC

Resolution No. 21-60 – Authorize redemption of Tax Sale Certificate No. 2020-010 on Block 39, Lot 7 in the amount of \$2240.85.

R 21-60

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE
NO. 2020-010 ON BLOCK 39, LOT 7

WHEREAS, at the Lopatcong Township Tax Sale held on December 29, 2020, a lien was sold on Block 39, Lot 7 also known as 716 Youngs Road for delinquent taxes; and
WHEREAS, this lien known as Tax Sale Certificate No. 2020-010 was sold to US Bank Custodian for ActLien Holding; and

WHEREAS, on March 18, 2021, the property owner has satisfied the redemption amount on Certificate No. 2020-010 in the amount of \$2,240.85, Premium \$1,600.00.

NOW, THEREFORE, BE IT RESOLVED on this 7th day of April 2021, that the Chief Financial Officer is authorized to issue a check in the amount of \$2,240.85, Premium \$1,600.00 for the redemption of Tax Sale Certificate No. 2020-010 to:

US Bank Custodian for ActLien Holding
50 S. 16th Street, Suite 2050
Philadelphia, PA 19102-2513

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 7, 2021.

Margaret B. Dilts, CMC

Resolution No. 21-61 – Refund Tax Overpayment on Block 99, Lot 307 C0125 in the amount of \$1386.43.

R 21-61

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY TO ISSUE A REFUND FOR A TAX OVERPAYMENT FOR
BLOCK 99, LOT 307, C0125

WHEREAS, Block 99, Lot 307 C0125 qualified as tax exempt (disabled veteran) on November 30, 2020; and

WHEREAS, the Tax Collector has adjusted the tax account to cancel taxes for the 4th quarter of 2020 and 1st and 2nd quarter of 2021; and

WHEREAS, before the Tax Collector could make the adjustment on the account, the mortgage company for the homeowner made the 4th quarter payment of \$1,386.43 on November 2, 2020 and 1st quarter payment of \$1,429.49; and

WHEREAS, the homeowner's payment prorated to \$1,891.79 should be refunded to the mortgage company for the property owner.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Lopatcong hereby authorizes a refund in the amount of \$1,386.43 to: Corelogic, Attn: Refund Dept., P.O. Box 9202, Coppell, TX 75019.

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 7, 2021.

Margaret B. Dilts, CMC

Resolution No. 21-62 – Refund Tax Overpayment on Block 185, Lot 2.28 in the amount of \$971.26.

R 21-62

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY TO ISSUE A REFUND FOR A TAX OVERPAYMENT FOR BLOCK 185, LOT 2.28

WHEREAS, the Township wishes to issue a refund in the amount of \$971.26 to the taxpayer for the payment that it made in excess of the current bill due.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Lopatcong authorizes a refund in the amount of \$971.26 to:

Dennis Manu & Shirley Botchway-Manu
423 Coventry Drive
Phillipsburg, NJ 08865

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 7, 2021.

Margaret B. Dilts, CMC

Delaware Park Engine Co. No. 1 Application - Approve application to Delaware Park Engine Co., No. 1 for Jacob Bichler as approved by the Fire Chief.

Employee Policy Manual – Policy has been updated.

Council Reports:

Mayor Mengucci – For those of you who are on the Zoom meeting tonight concerning the Lopatcong Pool, we are not opening that pool this year. We believe we have a rather large leak (inaudible) last August. Right before we got the six inches of rain last August, if you remember that storm and the pool has lost a considerable amount of water. I am more than willing to hire a pool specialist for lack of better terminology to come in and look at that pool and tell us what it is that we need. In my capacity as Director of Facilities for the Phillipsburg School District, I've just gone through an entire process redoing the pool at the elementary school so the high school swim team can use it. It can be very costly. The pool is been a valuable part of this Township since 1967. I personally grew up with the pool. Generations have grown up at that pool, however, having said that and again this is just a statement on my part, take a look around one of the things I've heard from pool manufacturers there not even entertaining any pools until 2022 because they're

schedule is full for 2021. A lot more people are putting in pools in which obviously, is going to cut down on the people that have the opportunity possibly going to our local pool. So, it's kind of, you know, we used to have dances there. We had a dance a couple years ago where there was some trouble. We wanted to stop the dances at that point. I was not willing to do that. I had asked them to sell tickets to the pool so we would now how many people were coming and we sold four so it was at that point that we cancelled the dances. So, again you're losing revenue. I don't believe that any community makes money. If they do, they don't make a lot of money. Ours has not made a lot of money over the years; we've lost money. I think that 62 of our residents actually took season passes out in 2019. Again, I was a nine-year old boy when that pool opened. It was an integral part of my growing up here in Lopatcong and again I'm not saying that we want to close it but what I am saying is that we do want to take a look at it and I personally would like to, I will not speak for the other four gentlemen, I personally would like to put the question of the pool on the ballot with some facts and figures as to what it's cost and what it will cost to repair it before we open it. That pool is now, this would have been the 55th swimming season for that pool. It's time to put some money into it and if that's what we want to do as a community. As you well know, the Alpha pool over the years, they hemmed and hauled and after probably a 20-year absence of that pool it was voted to tear it down. So, that's where I'm at on the pool. I know a lot of people had maybe on here with some questions for the pool and again it is an integral part of the community but it's a very expensive part. It becomes a community service and how much tax dollars you really want to throw at our pool for 62 residents. If you look at some of the sections of our Township Overlook has a pool from which I understand, I don't know (inaudible) they're not opening this year. Delaware Crossing is not opening their pool this year but again there's a pool. The Autumn Ridge development that just went in, there are two pools in that particular development. So, a lot of opportunities to go to a pool. Warren Heights has a pool. All these developments that have come in have put pools in and it's taken away really from potential for clientele at our pool. So, remember back in the 60's and 70's, you know, that's a lot of, there were no two-income houses. One parent or the other took their kids to the pool in the afternoon. (Inaudible) in the morning and you took your kids to the pool and it was just, again, it was a great place. Thirteen/fourteen years old, you went on your own. I remember the days when there were 500 people at that pool. I don't think we get 500 people in a week sometimes anymore, so, that's it, that's my spiel on the pool. Again, we're definitely not opening it this year but we are in the process of looking into A: what is wrong with it and B: how much it would cost us to open it back up again and keeping in mind that we put \$160,000, I was on Council back then, \$160,000 probably 10/15 years ago into the pool deck around that. It would take us years to recoup that; just that cost alone, so, that's where we're at with the pool so I don't know whether I answered a lot of questions for any people that may be on about this pool. You're more than welcome to comment during our Audience Participation. So that's really my report for tonight. Mr. Belcaro, do you have anything?

Councilman Belcaro – I do not, Mayor.

Mayor Mengucci – All right. Mr. Palitto?

Councilman Palitto – Yes, thank you Mayor. I want to thank everybody for their comments on the ordinance regarding warehouses. People had mentioned about what could be developed. Some discussion groups, if you are interested, the Economic Development Advisory Committee is always looking for members. I could schedule a meeting if people are interested. They can reach out to me at my Council email and I look forward to your responses. That's all Mayor.

Mayor Mengucci – All right, thank you. Mr. Wright do you have anything tonight?

Councilman Wright – I appreciate everybody calling in and (inaudible) conversations about the warehouses and I echo what you said about the pool. I'd like to look for anything we could in grants, COVID money; anything we can get to get the pool fixed up for the residents and you know, just give the residents something they have here that they can call their own and that's about it. Thank everybody for coming out.

Mayor Mengucci – By the way, there is some grant money out there that may be available for that. I just talked to our CFO, Kim Browne, about that yesterday, so she's looking into that also but thank you for that. Mr. Pryor?

Council President Pryor – I actually was going mention that; grant applications. We don't have a whole lot of time. I think it's a little over a month. Perhaps you could get money for the pool out

of that. I don't know if that's eligible but I always champion expansion of the tot lot and playground and perhaps something for handicap kids. I don't know who is going to put that together. I have a suggestion. Just thinking of it, Lori was both Chair of the Rec. Committee. She's intimately familiar with everything at the park and she did get us our grant money for Music at the Park and A- I am wondering if she'd be willing to quarterback this thing and B- I think she volunteers so much if she is willing, I'd like to offer a stipend for this and I haven't talked to her about this; she may just say no right now. I don't know but this is just a suggestion I had.

Mayor Mengucci - I am more than willing to do that and again, to the general public, I know Mr. Pryor and the rest of Council we definitely are looking at the possibility of hiring a park planner. We expanded the park back in 2006, you know, we're looking at concession stands, we're looking at the pavilion so we like to kind of upgrade our park also, separate from our pool. So, for people, you know, I know some people said tonight that, you know, it's not always, they're here when something shows up which is in (inaudible) at these points tonight. A lot of these things we didn't talk about this; we do talk about costs and obviously, if you take a look at your sewer bill and what not, Mr. Pryor championed that cause. Your sewer rate has gone down over a dollar so per hundred I believe, correct me if I'm wrong Joe but you know, it's a 1000, I'm sorry, but anyway so you probably didn't even notice it but it is something and we have not borrowed money from our sewer budget to operate our municipal budget. Our municipal budget is in far better shape than it was four or five years ago and again your Council is working to keep it that way. We're paying down our debt, we're paying off somethings so it's a good time to be here as mayor and council with the money and of course, we're forever worried about our tax collection rate. We're at about 96% right now which is good considering the COVID and what not for people that have lost their jobs so I just want the resident to rest assured, I know, again, I had 15 years on Council, this is my second term as Mayor, Lou's been on its a while; we are looking at everything, we're not rookies at this but by the same token, we don't have all the answers either even at this point in my political career here. I don't have all the answers. The one thing I have not accomplished is reading minds so my phone number is out there. Please feel free to call me. I would prefer if you do want to call me, that you call me after 4:00 in the afternoon. I do have a full-time job. I know they expect me to perform my duties as best I can within the time frame there so. I am available. If you call me, I'll answer my phone and if I don't, I will get back to you, so that's it for me. That's it for the Council Reports. Paul you have anything for us tonight.

Engineer Sterbenz – I have nothing to report tonight, Mayor. Thank you.

Report of Chief of Police – I would just like to thank the community for the outpouring of support with our recent tragedy and loss of a fellow officer from our neighboring town. So, my heart goes out to the family and the Phillipsburg PD but I just wanted to make sure that I thanked the whole entire community because there's been an outpouring of support for everybody involved. It's certainly a tough time for everybody so thank you and that's really all I have to add to tonight.

Approve Dept. Reports – Motion by Councilman Belcaro, seconded by Council President Pryor. All in favor.

Approve Payment of Bills – Councilman Wright, Council President Pryor. Roll call, please.
AYES: Councilman Belcaro, Councilman Palitto, Councilman Wright, Council President Pryor, Mayor Mengucci.
NAYS: None

Audience Participation:

Attorney Campbell -

At this time the Council will take public comment on any matter that you wish to bring before the Council.

- If you wish to make a public comment, if you are on zoom, please use the "raise your hand" function. If you are on the telephone please press *9. The host will call on members of the public one at a time and unmute you as she calls on you. Once we have gone through anyone who has raised their

hand or hit *9, then we will unmute everyone and ask one more time in case we missed anyone.

- If you feel you are having technical difficulties and want to alert the host you may do so over the chat function, but do not make your comment over chat unless directed to do so. Do not use the chat function to chat amongst the other participants.
- Before we begin this public comment, I will ask the Clerk if the Council received any written comments that have not yet been read into the record. Beth?

Nicole Palmisano – Going back to the Lopatcong Pool, I appreciate you guys looking into the pool, the leaks. Dennis Drake is the head coach. That pool means a lot to us. I managed there, I lifeguard, I found best friends there and, you know, a lot of things, but that pool is a staple for the swim team and without that, I don't know where we'd swim and, you know, it's something that impacts a lot of kids and a lot of the coaches and everything, so, thank you.

Mayor Mengucci – Nicole, thank you.

Stacy Behme – 3 Windsor Lane - Mayor, you said you were thinking about putting the pool to vote as a question on the ballot.

Mayor Mengucci – Yes.

Stacy Behme – How much money does that cost?

Mayor Mengucci – I'm unaware of that.

Stacy Behme – That costs money to put a question on the ballot, correct?

Mayor Mengucci- It does, yes, I'm unaware of the cost at this point.

Attorney Campbell - It wouldn't be a special election though. It would be the November election, so, there is a cost, but it's not the same as if you just had special election.

Stacy Behme – Okay. Second question is, you talked about hiring like a park director or something like that.

Mayor Mengucci - Well, we actually talked about hiring a park planner. We have some things that need to be done up there. You have to understand that you know, where the pavilion and field house, that's 1970. The quad fields and all that other stuff, the walking track and what not, the expansion of that and that parking lot, that was all done in 2006, so.

Stacy Behme - Okay and then, there was a mention of a stipend for, I mean, I love Lori, but you know, stipend, like where is this money coming from compared to the money that could be used to repair the pool that we don't even know how much it's going to cost and

Council President Pryor - I can answer that. These stipends are tiny, they're miniscule compared to what the pool, when we talk about (inaudible) and other things.

Stacy Behme – Okay. It would just be nice to see numbers and things presented and planned out.

Mayor Mengucci – It will be.

Stacy Behme – It will be? Okay.

Mayor Mengucci – Yep, as far as the pool goes, absolutely.

Stacy Behme – Okay, and I would suggest that you have, you know, a ton of residents on here that really want this pool open and maybe forming a committee with them and getting their input. Like I said, before, I think we need some more transparency and we need community input and this would be a perfect opportunity to get a few community members involved.

Mayor Mengucci – Listen, I have, I have, it's been posted. I have several boards in this Township that I cannot fill at this point, so, I would more than welcome people's participation in our local government.

Stacy Behme - I had no clue, like honestly, I had to search out the website. I don't know if seeing a little more active people live by social media especially during the time of COVID becoming more active on there. I never, you know, once in the while I receive, you know, something in the mail but other than that, I just feel there is a lack of communication in this community.

Mayor Mengucci - All right. Certainly, we can certainly work on that.

Stacy Behme – Thanks,

Mayor Mengucci - Thank you. Anyone else? John Betz is waiving his hand.

John Betz – Okay. I'm going to ask the same question I asked last week about the 30 million which is coming from the Federal Government in the rescue plan and Lopatcong's \$824,000. Will that be used for the community purposes and if it will be, is there any way you can let the public know how you deal with that money once you get it?

Mayor Mengucci – I have an answer for that but I will let our legal counsel answer for me.

Attorney Campbell – Well, I think we're going to give you the same answer we gave you last meeting which is we're not sure we're actually getting \$800,000. That number came out and a lot of experts told us that they believe that those number designated to individual municipalities and that every stimulus check that residents within that municipality got. First, we have to get the actual number and second, we are being told from our auditors who have researched this that any money we do see we will most likely not see before September. So, we're not necessarily counting on that for this year and then third, we, there is an utter lack of guidance from the government as to what we can use that money for so there's a few things they said you can't use it for but just a total lack of guidance so we're doing everything we can; the auditors, my office to try to research once we put forth some ideas and put them on a list and we'll have to, it's hard to even evaluate that list until we know how much we are getting and what we are allowed to use it for and when we are going to get it.

John Betz - I called Assemblyman DiMaio and asked him about something which was mentioned which was saying that the \$1400.00 families were getting was within that \$824,000 and you said oh no, where are getting that information from, so, that's when I was directed to talk to the

Attorney Campbell – The numbers that came out in the newspaper, the municipality has not received anything in writing saying we are getting that

John Betz – I understand that Katrina, I get that part of it but I just wanted (inaudible).

Attorney Campbell – I hope he's right and I hope we're getting \$800,000. I'm a bit of a pessimist and I don't think you are going to.

Mayor Mengucci – I can certainly find places to put it, John.

Clerk was disconnected from Zoom – redialed.

Matt Curry – (Inaudible) it's only April and I don't know that anyone has any idea what the issue is and if it's not, you know, a 100,000-repair job, I don't know why the town does not even consider (inaudible) very shortsighted. Let me say this, it's not just the swim team, I have a pool but we still join the pool because I want my kids to have the same experience that I had growing up and (inaudible) My second son who has his last year on the swim team at Lopat this year, after having started when he was 5 years old, he didn't get last year and now he's not going to get this year because things are being made in my opinion about all the information. I don't know how that's even a possibility. It's very upsetting, talked about it, in fact, you brought up some very good reasons why this year would be a better year to open (inaudible) that have pools are what an opportunity. When was the last time Lopat sent a flyer over to the middle school and the elementary school to the communities that may not open their pool to get membership? When was the last time anybody considered or asked for a sponsorship opportunity for a business to help out with the costs of the pool? Quite frankly, even if the pool did lose some money, the only thing in Lopatcong Township that people can go to and gather (inaudible) music up at the pavilion and things like that. What else is there for the kids to do on a summer day and not go to the pool. There's nothing, there's nothing for any of them in this area and, you know, whether or not we have dances again, that's a decision that can be made down the line, but it's going to be like Alpha. You're right. You're predicting, just like Alpha. Excuses really, to keep the pool closed. I don't think a decision should be made on this year yet. I think it's premature. Find out what the leak is. Maybe go out. Maybe some people would be willing to donate money to help get the pool back, but I think to do it with finality this year. If you, do it this year and I know that there are people on the swim team that want to see it open this year, next year and ongoing. I just think some council members have mentioned in the past that grants that could be made or applied for but it has been a part of Lopatcong since I can remember. It would be a tremendous shame to see it go away. See what happened to Alpha. See it happen to our pool. Alpha did not come along till after Lopat. Lopat was already and there was a lot of reasons why Alpha went out and that was partly because Lopat was (inaudible) fantastic way. It always made money. It was donated to us by the Lopat Recreation. So, I think you really need to take a better look at it. I don't think it's a good idea to suggest that we can't open it this year. You still have six weeks or so before Memorial Day. In the past, swim team members would come out, we'd paint benches, we painted the lifeguard stands even cleaned the bottom of the pool. We used all the acid and everything else. You can get volunteers to do it and it's been done in the past and I've been a part of that so I'd be willing to do it again. I just want to put that out there. Thank you.

Mayor Mengucci – Is that it, Matt?

Matt Curry – That's it.

Mayor Mengucci - Thank you very much for the input. I certainly enjoyed my time with you on Council and we're joking back and forth about it being a white elephant and I believe every hear that it made money. As you recall leaning back, just looking at me and smiling and the pool has been an integral part of this Township. There's no question. However, the time has come to take a serious look at it. I certainly don't necessarily want to closet but if we're operating as a business, it's a failing business at this point and it's not getting any better. When that pool opened up there were 500 people at the grand opening of the pool and you only had Rosehill Heights, Delaware Park and Morris Park as far as this Township back at that time. Not a lot of people had pools, so, while I don't necessarily want to close it, I think you can see my thought process here and I don't want to deny the kids. I don't want to deny the kids anything which is why we talked about a park planner and what not because we realize we need to something for our residents. I mean, you were there when we did the park. That was a vision on our part to do the park over again and it served the community well. I sat at Music at the Park several nights and people commented to me about the walking path. It's a beautiful site and I realize that the pool and the pavilion where you know, the first (inaudible) your points are well taken. They're not falling on deaf ears, none of this is falling on deaf ears. It's simply, as you well know,

you've prepared budgets before. We need to take a look at everything and that's what we're doing and that's why we're in the financial shape that we're in now. I'm not tooting my own horn because there's four other guys. This is part of a team; quarterback goes nowhere without his line but Mr. Pryor had mentioned to me while I was out, not because of me, at some point it was Joe Pryor that took a look at the budget and realized we had a \$65,000 surplus in this Township. We now have a good surplus because we've been very vigilant on what it is that we're doing here. We had a change in leadership for a couple of years – that didn't really work out so, I hate to say this, but it's reality as of this point. The old guys back and we're looking. I realize that the pool is an integral part. We did movies at the pool, we've had dances at the pool, we've had swim meets at the pool, we had people rent the pool, rent the pavilion. I get it and we are definitely looking into it. Maybe our timeline isn't what you feel, you know, prevalent to (inaudible) but we are looking. I think it was two years ago, or three years ago now, 2018, we had a leak there, bad leak. I think we were losing like 5,000 gallons a day and with that, of course, goes all your chlorine and a lot of other stuff. We had that leak repaired and we were good for 19. We didn't open the pool last year obviously because of COVID. My instructions to Brian Weeks our Road Supervisor, were to not put any water in that pool until August because I didn't want anybody being misled; hey maybe they're going to open the pool. We put water in in August and it became quickly apparent, this is after we had a six-inch rain in August, you may remember that, you may not, the level of that pool dropped tremendously. I said to Brian, looks like we got another leak, so, we are investigating it. Brian has called someone to come in and take a look at it so, it is not a dead issue by any stretch of the imagination. I just don't see it opening this year. Anybody else Lori?

IT Host Ciesla - Yes, Joe Curry.

Mayor Mengucci - Joe Curry, Matt's son. Go ahead Joe.

Joe Curry - Yeah, hi, so, just basically, going off what my dad just said, I've spent pretty much all of my summers at this pool since I was about three years old for the past 15 years. Whether it just be part of, you know, the swim team or watching my brother swim or as part of RCOLT or recently, lifeguarding and just from what I've seen, just growing up here, I wouldn't say that people have lost interest. I've seen many of the same families here over my years, just growing up here and over my years lifeguarding I have seen many people there every day and, you know, lifeguarding we had to put a lot of people up because the pools filled, so, I don't know where it's coming from that suddenly people are just disinterested and like you said, with all of the other pools, you know, closed around the area and stuff, people will come here. My friend who works at Riegel Ridge said that they had a lot of people there because the Lopat pool was closed and they had no other place to go last year. So, it is a very important part of our community and, you know, it means a lot, to a lot of people and a lot of people still do spend their days there, so, I do think it is important that even if we can't open it up this year, that, you know, strive to do something for next year and into the future.

Mayor Mengucci – Okay, Joe, appreciate your comment, thank you. Lori, anyone else?

IT Host Ciesla - Dennis Drake.

Mayor Mengucci – Dennis, how we doing?

Dennis Drake – Can you hear me now? Mayor Mengucci and the Town Council members, I appreciate you taking the time to explain why the pool is not opening this summer. I do think, I agree with you that it's a good idea that we should hire some aquatic specialist, a pool designer to really take a look at what is need so there's a good chance that we can open in 2022. I know that clearly, I support the opening of the pool and I think that there'd be many people in the community and surrounding communities, not just Lopatcong but a lot of people in the surrounding communities who do take advantage of the pool and would like to see it remain open. If not this summer, then definitely the next summer. I having been working pools for almost my entire adult life, seeing how many different pools operate as well and what they do

and how they can be successful. I have a lot of different ideas about how to make any updated pool more financially feasible and whatever committee is created I'd definitely like to be a part of that because I think it is important that we start to plan this year for the pool opening next year. So, even if the pool is not going to open this summer, you know, I don't want to be sitting here in February of next year saying well we didn't really plan for anything, things have to go out to bid, we don't really have realistic figures; that's something I'd like to get it all figured out this summer so that next summer so we're ready to go or if it's not feasible, at least, we understand why.

Mayor Mengucci - I hear you and quite frankly, really, at this point, under what I would consider the crush of time, because having gone through it in my capacity as Director of Facilities for Phillipsburg it takes a long time to get pool people up and running and right now, they're booked. People are just booked believe it or not. I mean, I know a lot of pool companies; they're done for this year. They're starting to talk about 2022 as far as installing pools and what not, so, obviously, we do not need a pool installed (inaudible).

Dennis Drake -Right, but I finally said who should I contact or when will a decision be made in terms of what kind of working group or committee will be formed to take a look at some realistic plans and get in contact with some of our (inaudible) to figure out what exactly what we need to do to update the pool.

Mayor Mengucci - Let me find out first and foremost from the people that we have coming in what in fact if we did nothing to the pool other than get it up to a point where it would operate, what it would cost us before we start entertaining upgrading or what not so and you know, one of my big fears is with that pool is we don't know, you can a pool that's operating for 53 years and it sits for two years, that's not good, so.

Dennis Drake – Right, well that's why I talked about updating because it's you know, just, you know, patching things up is probably not going to go over well with material that's, you know, like you said 50 plus years old.

Mayor Mengucci - To my knowledge that pool has been sand blasted one time. That was when it was turned over to us back in 1999 by the Lopatcong Citizen's Recreation Committee actually ran that pool as an independent entity from the Township itself and when they disbanded before they turned it over, they sandblasted it and what not, so

Dennis Drake – That's my main goal tonight is that, you know, everybody on the Town Council that (inaudible) a lot of people in the community that all of you are support to get the pool open in 2022

Mayor Mengucci - We do have a Recreation Committee in Lopatcong Township and you are more than welcome to join if you like so, maybe we can start there.

Dennis Drake – Thank you.

Mayor Mengucci – All right. Thank you. Lori, anyone else? This is the couple that I told you maybe on tonight concerning the zoning issues out in the Strykers Road area. Go ahead.

Stephen Herbert – We live at 1279 Strykers Road and we'd like to address the recent rejection we got based on the zone that we have been zoned we believe improperly. It puts us at an R150 and I believe we should be in a R120 and this is all resulting from wanting to put in a shed. I know that we had some bigger discussions on some storage, but I'm talking a little storage here and the zoning where I am zoned now tells me that I should by 20X20 off the edge of the property and it puts it kind of in the middle of my backyard. The rejection that I got says I didn't meet the minimum requirement lot size. So, I got questioned from the Zoning Officer, how was your house built on this land? I was taken aback by that. How would I have anything to do with that but, he said based on the zone that I am in; this house should have never been built on this lot, so, I believe we have an issue here especially on Strykers Road that the homes on Strykers

Road there's at least 40 looking at the Zoning Map that are under 1 ½ acres but yet that is the minimum size for R150. So, you know, we were told that we have to possibly go for a variance. We got an application for the variance and it's 22 pages long and we need to certify letters and 15 copies and all that which I'm sure you are aware of, but we realize that this is a bigger issue than just getting my shed in because keeping it at an R150, my property, I would not be able to extend my deck, I would not be able to extend my driveway; we had some plans for expanding the driveway but based on being in an R150, my land use is done. I have 20% land use and it would be all done so we're just wondering on how we should proceed forward with this.

Mayor Mengucci – Paul, you want to shed some light on any of it or can you shed some light on it?

Engineer Sterbenz- It sounds like the trouble is that where he would have to put his shed with the required setbacks, it interferes with the use of his backyard, so, to me, I would apply for a variance and seek relief from the Board of Adjustment for that. I think that looking at the zoning is going to be a more extended and longer process. This is something that has to be studied by the Planning Board and the Town Council, quite honestly, there has to be a Master Plan Report done to determine what the zoning should be in the alternative, so, that would be my recommendation. Sounds like the citing of the shed in accordance with the setback requirements are going to create a hardship for this particular property owner and they should seek a variance. It's just my take on it from listening to them.

Attorney Campbell – Mayor, if I could add to what Paul just said unfortunately, there's nothing this Council can do on individual property basis; we can't say hey you're right, you know, we can pass this motion and let you build what you want to build. That's what variances are for to say you have a hardship and you need to file and I understand it can be an onerous process; a lot of paperwork and some escrow fees and things like that but unfortunately, as Paul said basically what we just did tonight regarding warehouses, we'd have to do this zone. First it would have to go to the Planning Board and they'd have to study it if it is actually an incorrect zone and then it'd have to come back to the Township. The Township would have to notice everyone who lives in the zone and within 200 feet and I'm looking at the map right now and in addition to the 40 property owners you said, there is quite a few more and then we'd have to do first and second reading of an ordinance so, I think we're talking a three to four month minimum. That's assuming that the Board and the Council when they study the area, I didn't leave in the time for study, so, we're talking maybe six months before this would get done so, unfortunately that's the only legal mechanism, you know, they can study it and potentially change it, but it would be four to six months and that's what variances are for, unfortunately, and then the town doesn't have any jurisdiction to override what's in the zoning. That's why the Planning Board does the Master Plan and they say the zone should be this way. Even if they agree with you, they are legally not able to do that.

Stephen Herbert – So, the issue I have is when I look at my neighbors, they all have a shed probably tighter against the line where I would like to get it. My immediate neighbor to the right here, he's got it; just put it in a couple of years ago and had no issue and now all of a sudden, I am being held to a 20X20 you know, off the property line which puts it in the middle of my lot and again, if I want to extend my driveway it's another variance and if I want to extend a deck, it's another variance. I think this is like an unending thing until it's corrected. The big thing about the variance is like you said, it's going to take months to do, even on my own and I have a shed coming in like four weeks, so, that's where I'm stuck.

Mrs. Herbert – We feel like we're being held to an unfair standard considering all of our neighbors have sheds within five feet of the property. If you went through our entire neighborhood, you would see so many people out of compliance with the Township standards according to this zoning and land use and now all of a sudden, we're being singled out. We can't even put in a shed. We've lived here 26 years and we have never applied for anything but

electrical and this is the first time we've ever applied for any type of permit to improve our property and now we can't and have to wait months and months possibly.

Attorney Campbell – Well, I didn't say that the variance would take months. The variance would only take potentially one meeting. You have to file it in advance, so, I probably say two months but just to clarify, the Township changing the zone which you say is the overriding problem that's what would take four to six months. That's why I said the variance would be the fastest way even though it's by no means fast.

Engineer Sterbenz – By the way, there is no guarantee that the study would conclude that the lot sizes should change there. That also should be stated

Stephen Herbert – It's funny that on the rejection the lot doesn't meet the minimum requirements for the zone. What do I do about that? Will I ever get by that rejection?

Engineer Sterbenz - Where did you want to site the shed on your property? How far from the property line?

Stephen Herbert - It was like 7-foot from my neighbor and 12 off the back.

Engineer Sterbenz – Yes, and that's the source of the rejection in my opinion.

Stephen Herbert – Does not meet the minimum lot size I can show you the documentation if you would like to see it. How do I change that? Will I ever get by that?

Attorney Campbell - You would need a variance that's the only way you would get by that.

Stephen Herbert – A variance to say my lot size as .68 acres and it's not 1.5 acres. It's absurd and when I look around the neighborhood there's (inaudible) those property lines and it's very frustrating

Mayor Mengucci - And it has nothing to do with the size of the shed? Did they indicate that at all?

Stephen Herbert - No

Mayor Mengucci - I believe, correct me if I'm wrong, I talked to Pam - 10X24?

Stephen Herbert - No 12X16

Mayor Mengucci – 12X16, okay.

Engineer Sterbenz - Mayor just to jump in here I am a zoning officer in two towns and help a zoning officer in another town I'm not so sure the lot area should be an issue for Pam and Stephen typically what happens is they have an undersized lot too much impervious coverage and that could end up putting some more impervious coverage on the lot that is undersized could create a variance but I'm not sure in this particular case that should be a variance but setbacks certainly are an issue. I just would throw that out there, you know and Mayor just to throw this out there because I help out other residents, if they need my help before the Board, I would throw that out if they need to get this expedited.

Mayor Mengucci - Legally at this point that's about the only thing we can offer them.

Engineer Sterbenz – I would be glad to help you.

Stephen Herbert - Okay, it's just you know, we had plans to build the deck and extend the driveway with that impervious land usage

Attorney Campbell - I would suggest If you have those plans and they're somewhat immediate plans, you might want to put them all in one application try to get that all approved to try and

save you time and money and if oh someday I'm going to do that but if you are doing that in the next year, I would try to do that.

Stephen Herbert - Hoping in the next year.

Engineer Sterbenz – I agree with Katrina and the Zoning Board of Adjustment who hear this application really has no business right now. I think you can get in there quickly.

Stephen Herbert – Okay.

Engineer Sterbenz - Call me if you need help.

Stephen Herbert All right. Thanks.

Mayor Mengucci - Thank you, Lori, anyone else?

IT Host Ciesla – Yeah, we do, Courtney

Mayor Mengucci – Courtney, how are you?

Courtney - I am glad to hear that we are planning on you know hopefully the pool in the next year or two. Show support for the town we did have to go to Riegel Ridge because they were open last summer and the thought of this just possibly raising the membership fees, and you know I'm sure you thought about it, but when people do join, Riegel Ridge was just under \$500 for a family for out of town and because of covid they didn't stay open late but on a regular season it is over \$500 a family for out of town. So, we are willing to pay that because we see other family there and so, and it is a social, you know, aspect of our kid's summer. So, I hope you know raising fees a little bit would be something to help out in that budget. I'm not quite sure but you know, you know, we're are willing to pay.

Mayor Mengucci - As you probably heard me say before I am 63 years old. All 63 years have been spent here in Lopatcong that pool has been an integral part of my growing up here; friends and family and what not and again, you also heard me say, we are looking at all the numbers. It is our responsibility as your council to take a look at everything it's just, obviously, we can't run blind that pool has become a community service. It is no longer a money maker. But again, whenever times like this crop up and everybody says they are willing to support the pool and that's great, we need that support before we even going to entertain what we're looking at right now.

Courtney - Yeah, I'd rather spend that money here.

Mayor Mengucci – You know what, here's what I'd tell the residents - you got the word out to get to us tonight, I'm telling you to get the word out because we're not going to do it without your help.

Courtney – Great.

Mayor Mengucci - All right.

Becky Johnson – Hi, this is Becky Johnson 361 Stonehenge Drive. I appreciate what you just said Mayor Mengucci about, I've heard, you know, that we're looking at all the numbers and I know the pool was an integral part of childhood. I just want to be on the record and putting my two cents in to encourage a save our pool campaign, you know, look for corporate sponsorships the Lopat swim team is a devastating strike to them and they have built so many swimmers for our high school team of which my children are members of and my children have been lifeguards as well, so, just adding my two cents in support of you know leaving no stone unturned and appreciate all you are doing to move forward with that.

Mayor Mengucci - Appreciate your input and thanks for calling.

IT Host Ciesla – Okay, Richard McCormick.

Richard McCormick - Good evening. Thank you for the opportunity to be heard. My name is Richard McCormick. I live at 234 Arbor Drive, Stewartsville. I am the president of the Lopatcong Swim Team and I certainly want to echo all the comments that were made tonight in support of the pool. I especially want to thank young Joe Curry for his comments. I think for a man of his age to be able to sum up his experiences and feelings for the pool is really just remarkable. I really appreciate Joe speaking up on behalf of the swim team. I've been part of at the Lopat Pool since 2002 when one of oldest of four joined the swim team. I have been around swimming all of my life as well as my wife, she has too. I had four kids go through that program. I currently have an eighth grader that would be on swim team again this year if we are able to figure out a place where we would be able to hold practice. I'm a little confused by the comments that there was only 60 some pool memberships purchased swim team, I know from the swim team we have approximately 75 or so families

Mayor Mengucci – Not to interrupt you, but that was 62 residents of Lopatcong.

Richard McCormick – Gotcha, that's not full memberships then. That makes me feel a little bit better. Thank you for clarifying that. I think the overall comment would be if we can use it as an opportunity, I mean, I don't doubt that there's a consensus amongst you, Mr. Mayor and hopefully the rest of members of Council that this is worth taking a look at and if there is a way to make it work financially, that having a modernized Lopatcong Pool would be, I think is recognized, would be a tremendous asset, continue to be a tremendous asset to the community and I think you need to look around at other townships in the area that have, you know, within the last 5, 6, 7, 8 years and have made significant investments in their township pools like Palmer in Pennsylvania and I think Nazareth Borough and even Belvidere put a significant amount of money in their pool recently and I don't have that information at my fingertips but, you know, the general consensus, I believe, is that those Townships are very happy with how their pools have performed and more so, just the service that those pools provide to their communities. So, I think, you know, as you look at you know, the big ominous number that it may or may not be, I think you got to look at that this is not, Lopat would not be the first to go down this road; other towns have studied it and they've decided that there are certainly ways to make it financially viable.

Mayor Mengucci – Just let me tell you this, up until a couple years ago, I was very proud of the fact that the Lopatcong Pool was never closed. Alpha closed for a time and now that's gone. Phillipsburg closed for a time and is now back up and running and waiting for a new whatever their doing over there and Belvidere, which is a year younger than our pool, those two pools were built in 67/68 by the same company. They're mirror images of each other, they were closed for probably for a year or two so we were really the only pool never closed.

Richard McCormick – And, if you look at Belvidere, as an example right, they bit the bullet so to speak and relined their pool and basically, modernized the plumbing system and I think if you were to visit that pool today, you'd be impressed how well the pool how great it looks the water quality is excellent which has always been somewhat a recent challenge for us. I think that's a good example of a community that came together and was able to come up with the funds to be able to make the necessary repairs and I understand the budget issues. I'm painfully aware of those. So, I guess, you know, just to sum it up, I want to voice my support not only for me and my family but also on behalf of the Lopatcong Swim Team. I would also like to volunteer my time as well, much like Coach Drake has offered. We have a lot of experience and knowledge around the operations and running of a pool and we would certainly be willing to participate in any kind of committee or group that would be willing to listen to our input.

Mayor Mengucci – Our DPW supervisor has asked somebody to come in and I can certainly recommend a couple of names. As I said, with my full-time job, I just went through it with the Phillipsburg Elementary School of course that's an indoor pool which is a whole different ball

game and obviously, those same people do outdoor pools, so, I can get information together from different entities and we can go from there and again, you know, it boils down to numbers like everything else in this world. So, but we're willing to

Richard McCormick –I think you mentioned it, you run your Township like a business at some point in time it has got to be modernized and brought up to the level like some of the surrounding townships have already done that right so if somebody is looking to join a 50-year-old pool that, you know, has minimal updates like cosmetic, they don't have the zero entry, sliding boards there's just so much more that goes into a pool today than, you know, basically, just an L-shape and I think that's, you know, all the things that need to be looked at.

Mayor Mengucci – As you well know, people always comment on how nice your house is, they never tell you how good your foundation looks but without the foundation, you can't build the house. You know, obviously, the plumbing and what not, you know, I can paint it, sandblast it, doing anything I want, but if the plumbing is shot, I got a problem, so, I hear you.

Richard McCormick - Thank you for your time.

Mayor Mengucci - Thanks, you for your input, appreciate it. Lori, anyone else?

IT Host Ciesla - Yes, Bellfy family.

Mike Bellfy - Good evening. Mike Belly here and Donna Bellfy at 16 Anna Place and we just want to, you know, in the same vein as everyone else what we're hearing from other members is support for the pool and our willingness to help to get involved. You know, I think some of what we hear tonight is a committee or something being built to put together to take a look at this so, I think maybe, you know, the community, you know, how can they get involved? What can the community do? How is the community being notified? These are some of the things that I think would help to figure out, right. We had a lot of people on the call tonight everybody is in support of the pool. How can we as a community get involved? What does that look like; raising funds, you know, like other people on this call have stated earlier. How do you see the community really to be able to get involved? Maybe some lack of communication but also like just awareness in the community that this is an issue, but then also, you know, what can the residents do to help out?

Mayor Mengucci – That's interesting. I mean, obviously, we are a Township of roughly around 9000 people and you would think we would be able to keep a community pool afloat for lack of better terminology, I'm not trying to be funny, but reach out to me and we'll see. Maybe I can get one of the other Council members to join me on some sort of committee to find out what your ideas are and obviously, ours is finances and safety and what not to operate that pool. We can certainly again, I'll just reiterate again; we are looking at it.

IT Host Ciesla – I have just iPhone.

Mayor Mengucci - Yes, go ahead iPhone.

JoAnn Petty – Hi, I did not know there was two iPhones. My name is Joann Petty. I'm at 2 Briarstone Avenue. I have a two-part question one, did you say you found a crack in August of last year?

Mayor Mengucci – No, what I said was, we had a crack a couple years ago that we had found. I think we were losing 5,000 gallons a day out of that pool and the gentlemen referred to the pool water being cloudy it wasn't possible to keep the pool water right. You know, you put 5,000 gallons of water back in kind not only want to warm it up but obviously the chlorine loss and what not with that kind of a leak. So, we had it fixed for 2019. We were good. Last year it was filled in August, under my direction, because it was closed due to COVID and I did not want anybody thinking that we would be opening. I could have put water in in June but people might have said Hey when are you going to open the pool. But when we put, we lost a lot of water?

Joann Petty - When you found out there was a crack though, why are we waiting until just now to go ahead about scheduling somebody? Why not back in August could we have tried to schedule somebody for the upcoming season, so, this could have been avoided for this season?

Mayor Mengucci - We're not sure there is a crack in it. Every indication to me, there is a crack somewhere if you fill a pool, it should hold the water regardless of whether you use it or not and it has lost a ton of water.

JoAnn Petty – Okay, and my other question is the warehouse. I know you're thinking about money wise that we lost a lot through the pool, but the warehouses aren't we supposed to get some sort of kickback from having these big warehouses for our Township for going towards things like the community and stuff or is that not.

Attorney Campbell - I can answer that, but first I would like to say, we don't like to use the word kickback because that means we got something we're not entitled to or illegally, but I understand what you're saying, bringing money into the community. So far, we only have one warehouse, the big one out on Rt. 22, that has a C/O which means, and they only recently, in the last two weeks, got that C/O. I know everyone sees trucks coming and going out of that property and they think that means the big one in the front in Lopatcong is operational it is not. Those are trucks coming from Phillipsburg from their warehouses; there's White Claw back there and a bunch of other things that they've been filling the warehouses. So, just recently in the last two weeks did the Ingersoll Rand, front piece get its C/O. So, as of April 1st, that will trigger a new tax payment. So, the town will start to get some revenue, reminded that only 19% of that money, well, this is a Pilot, even when the money comes in, some goes to the county and schools but, so, that warehouse we should start to see money. The only other money we got from that warehouse is designated Affordable Housing Trust Fund money which we are only allowed to use as the name suggests for affordable housing. We did get a significant amount of money for that which is required under the law. The other building on Strykers Road that's currently being built, is currently being built so there is no c/o for that and that was not under a payment in lieu of taxes but at the regular tax, but we're not able to tax it yet, so, potentially in a year or two as things open up, we will be able to but at this time, we haven't seen any money from any of these new developments.

Joann Petty – Okay, I was just curious to ask about it. I've been a resident here for four years now and my daughters love the pool and I have a few of my daughter's friends are on the swim team and are devastated by the pool not being opened up, so, that's why I asked the questions if there was something wrong with the pool why it didn't get fixed, but I'm hoping that it does get opened for the kids. The kids have been through a lot this past year too with the schools being closed and with the learning experience so I would try so but that's all I have to say.

Mayor Mengucci - Appreciate your input. One of my councilmen, I don't know whether we can do this or not but can we make the pool part of the Recreation Committee that way people can join the Recreation Committee and we can, so, Mr. Palitto has come up with that idea which I think is a fairly good idea as long as we can do it legally and Mr. Wright has agreed to serve with me on taking a look at the pool. I mean, I can't promise you any more than that. More than willing to take a look at it and get some numbers together for you and show you where we are at and you can tell me where you'd like to be.

IT Host Ciesla - Oh yeah, Isabella.

Mayor Mengucci- How many more out there? I have three more, a comment I have to read to you and myself.

IT Host Ciesla - Isabella can go now. Isabella? Maybe she stepped away.

IT Host Ciesla - Christina, do you want to go?

Christina Russo - 152 Stonehenge. I am a former resident of Warren Heights. I just purchased the home on Stonehenge Drive. I can tell you with certainty that Warren Heights pool is not opening this year and it's causing a lot of people to leave and purchase homes in hopes of getting their own pools. I know we all scrambled last year and we're hopeful Lopatcong Pool was going to open for our children. Many of us including myself, purchased membership at Harker's Hollow. Some families within Warren Heights also purchased memberships at Belvidere pool so, I just want to let you know that there are many people that appreciate Lopat pool and are hopeful and that is going to open again. We all had our fingers crossed thinking it was going to open and was wondering what was going on and not until now, today I'm I hearing exactly what is going on with the pool and I just want to you know, piggy back on what everyone else is saying. We do have a large community I think that we utilize the pool and it's hopeful that it, you know, we could find it in the budget and find resources to get it fixed and get it open again. That's it, thank you.

Mayor Mengucci - Thank you very much.

IT Host Ciesla - Rose

Rose Wolva – Hi, can you hear me? My name is Rose Wolva and I live at 206 Arbor Drive in Stewartsville. I would like to go on the record as supporting doing whatever we can to open the Lopatcong Pool this year but at least definitely next year. I am also the Lopatcong Swim Team President and as I said before Lopatcong Pool is our home pool. We have always consistently had over 100 kids and/or 50+ families who pay pool memberships every summer. Many of the kids go on to participate in the Little Liner Recreation Swim Clinic and I said before the Phillipsburg High School Varsity Swim Team, so, this is a great program that we've had for over 50 years. Knowing how to swim as children increases public safety by decreasing drowning risks and combats childhood obesity which I think is definitely worth any price. The pool has been home to the RECOLT Program, I know you mentioned the summer dances may or may not happen, Movies at the Pool, Zumba Classes all really great things to help maintain our physical health throughout our community and with the swim team we have a pool of volunteers to pull from so I'm just asking to look into it, tell us what needs to be done and at least we can try to do it. The pool is a vital community resource and especially during this pandemic when we are encouraged to spend more time outdoors, safely socialize, exercise and improve our physical mental health and now we're told we're not going to have a pool this year. So, it's really been a big letdown. So, I respectfully ask the Township Council delinquently see what has to be done at the pool and tell us what to do and we'll be right there to help. I really don't want pandemic to take one more thing from our children or our community.

Mayor Mengucci - Rose, I appreciate your comments. I know the children have suffered greatly. I know I keep referring to my job. I'm around the schools all day. We certainly need to get the kids back in school so they have some sort of normalcy and obviously with the pool being open during the summer that would be our end of things so, again, I said to many people who called in tonight, we're going to look into it and that's it.

IT Host Ciesla – Okay, I have a comment to read from Jason Stucker – Good evening, this is Jason Stucker, 512 Cromwell Street – I apologize for not being able to make a vocal comment at this meeting. I am out of town for work and the hotel band width is unacceptable. I wanted to voice my disappointment with the decision to not open pool this upcoming season. Our Township Park and pool are the cornerstone community activity. By not reopening the pool our families lose a much-needed place for outdoor activity. Our town loses an asset that has been around since 1957 and on a more personal level my children lose their beloved local swim team and summer time employment. As a side note, I have my own pool but still sign up for pool memberships so my kids can participate on the swim team. After hearing your comments, I like the ideas to estimates of the repairs and more of a cost analysis. It also pleases me to hear Council's support for the pool just please don't give up on one of the few assets our town possess.

Mayor Mengucci - Anyone else have public comment?

IT Host Ciesla – Is there anyone else for public comment? I don't see anyone else, so I will go oh, wait, Shawn go ahead.

Shawn Leahy – 42 Kyle Drive here in Lopatcong. Just three comments that are quick, one statement and a question. Thank you, Katrina, for reading those nine pages; that was exhilarating and to you Mayor Mengucci for being transparent and putting your cell phone out in the world, that was amazing. So, I also want to thank the DPW for getting the fields ready. The LAA are going into our spring season and fields you know (inaudible) and they did an amazing job; DiMassi, Brian Weeks, Race, the whole team thank you very much for getting that ready to go, it was not an easy task, they did it quickly and I just wanted to thank you. My statement about Movies in the Park, I did the work with Mr. Palitto and Ms. Ciesla last year to put the Movies on in the park and if there is, I haven't gotten board approval of this, I'm just representing myself as a person not the LAA, but I will volunteer to do the movies again this year if that's going to help out. I know that I'm not on the Recreation Committee but that was something I actually enjoyed. I like cartoons and besides getting out so I really want movies in the park to go on. I know Lori because she is busy as is Mr. Palitto is, so I will officially volunteer to be the person that does the Movies in the Park if that is agreed upon by Council and then I've been working with Mr. Nixon at the Veterans Rally Point. He doesn't have a website. My son developed a website for him; it is in process so, he's kind of given the reins over to my son to do that and thank God because I do not know how to do that by myself so, with that being said, we were discussing QR Readers and if anyone doesn't know what a QR Reader is you take your smart phone, it has little black dots and you can read a menu as most people do at a restaurant. We wanted to put some QR Readers at the Veteran's Rally Point within the Rally Point and I want to know what the process was to what I need to do in order to make that happen. It would be privately funded and basically, in short, anyone can go up there and take their phone out and here the stories of our resident's that have been in the military and just that you know, their service of all Veterans and that could be something that we could possibly launch into the rest of the park, you know there are a lot of great Eagle Scout projects that have gone up there; bat boxes. There's no reason why when you are walking along the path you couldn't just read one of these things and have it told a story and the history of Lopatcong, the great walking trail and just something I'd like to use as kind of a pilot program. Mr. Nixon is onboard with this and I didn't know what the process was for making this a reality.

Mayor Mengucci – These QR Readers Shawn, how will they be mounted? How many are we talking? Are we talking every 6 feet, 10 feet, 50 feet, what are we talking?

Shawn Leahy - We wanted to just use it at the Veteran's Rally Point just within that structure and at that point, if it seemed successful, then we could put them you know, the last thing I wanted to do is make that a grass cutting nightmare for you, I'm talking every couple hundred yards along this long path it was just something that I think would be, I've seen in other parks they tell the story of the park you're in, the community you're in. They could be sponsored and I just think it would be a great project for a kid to get involved with and we already have the first three paid for, so.

Mayor Mengucci - Where have you seen these, Shawn? I'd almost like to see what they look like.

Shawn Leahy – Colorado; if you want to, we could fly out there. I'm told there are some out in Forks, but I am not sure. How about this, I'll do more research and show you exactly where they are.

Mayor Mengucci – No point in running around. That's fine. I don't, you know, I'm just curious because you're right every time I see something like this, it is a nice thing but and not to be negative but it is something else to cut around and there is also vandalism. We have had vandalism in that park so you know, again, it's a great suggestion obviously you know we honor

our Veterans on Memorial Day, Veteran's Day, we have the Rally Point, so, I think this Township's done a great job in honoring our Veterans so, anyway, okay certainly appreciate your input, what else have you got for us?

Shawn Leahy – That's it. Thank you.

Lori Ciesla –Okay, I'll piggy back off of Shawn there, so as you know - Lori Ciesla 12 Meadowview Drive. I resigned from the Recreation Committee at the end of last year. Last year was kind of a weird year with COVID and we couldn't do as much. We were able to get Music in the Park out. We did it at the park because the pool wasn't open. If you are going to do that, I sent you an email earlier this year with some of the movies that had I still been on the Recreation Committee, I would have ordered. If you want us to order them, we can. I don't know if they're in the budget. I think we're also looking at, Shawn was using his own movie screen, so I don't know if you are going to purchase one, that's just something to consider. I had been, with Music in the Park, we starting getting requests and I started booking bands before I resigned so right now you are almost fully booked so, hopefully there's money in the budget. Going back to what Joe Pryor had said I did apply for the grant last year so you should be getting money this year should help but the one thing I do need to know is who is exactly going to kind of oversee this stuff now because now it gets to the rough part; invoice check needs to be cut so I'm not sure what Council member wants to take it or

Mayor Mengucci - CFO's office. If there is a question of running a checkup up there except for night's when I have a meeting on Wednesday or a Planning Bord meeting on Wednesday, but we can work something like that out. I don't see why that's all of a big deal; it's like everything else, it takes a few minutes to do.

IT Host Ciesla – I can send you what I have, the contact information and send an email and tell them they need to send their invoice and then from there, the CFO's office and you can go back and forth with them.

Mayor Mengucci – I can certainly do that. I'm willing to kick start something if we can do it. People go to music venues all week long. Phillipsburg has theirs on Thursday, we have ours on a Wednesday. Everyone enjoys it. I see that growing. If I was going to spend money to increase something or get, you know, better bands or what not, that would be it. We've had some obviously, had some good bands up there and they bring their own crowd. Could we do more; sell water, sell hot dogs; that's a whole other thing and again it takes volunteers.

IT Host Ciesla - Right, what I'll do, I think Palitto is the liaison so, I'll get that go back and forth with them what else did I have. Jenny can go or Kim can go back and forth with them because that's a little time consuming. What else did I have. So, I wanted to thank you for the warehouse ordinance. As you know, the county put together a study on the traffic and its horrific implications on just everything. People need to be proactive and do quality planning which you are attempting to do and we'll see how all that works out. With the Veterans, so the QR Codes, there are a bunch of things we could do put around the Rally Point itself. That's also right there. Going with the Rally Point,

Mayor Mengucci – Not to be negative Lori, my job is building and grounds maintenance, you know, and while we've done a lot to honor our Veterans, we can totally look into something like this. I need some information as to who, what, where, and when it is nice to have all these things then you need to maintain them.

IT Host Ciesla – another area where you QR Code could be used, is at the signage at the pool; there it could blink to the music schedule; it could blink to the movie schedule. We have signs there already, so they can be possibly attached to that. You should have your new website in a month so then that will all be settled. It is just something to look into. Part of the problem we don't have a sign at the park where you can change things, but if you had a QR Code, you can just scan it and that could be updated on the website. Another thing with the pool so, with the

grant, I certainly don't want any money. Shawn and I both received the information on that grant as well because of our involvement with LAA. We can take a look at the grant and see how complicated it is and see if we can pull it together. I can also call around the county to find grant writers because I know there are some floating around and see if there's any way to get that money. The application is due within the next couple of weeks we can figure out if we can pull that off or if you need help, I think there is a lot of people who want to help with the pool. I think we all do. It is a huge part of the community. So, however you want to try and get people together, we can put something on Facebook, you can put it on the website and we can try to get people together

Mayor Mengucci – I thought we had a great idea with the Recreation Committee you want a Rec Committee so be it, so.

IT Host Ciesla -And then, you can also have more people like when we did the fundraiser for the Southwick family. I think too, pulled everybody together and right now there is a lot of passion for the pool so, we can pull everybody together and see if you can get somewhere. Like I said Shawn and I will take a look at the grant application because we also received it. We can see how complicated it is and see if we can knock that off, a lot of people are talking about the pool. I don't want to talk about any other towns but I've been talking with some towns about opening their pools and if they are another thing might be ability to reach out to other communities to see if we can get some discounts or whatever for our resident's and you know, we always say Lopatcong is a people helping people community, I feel the county is the same way; we are all neighbors so, maybe we can do something. I'll take that off line with you.

Council President Pryor – I have a question for you and of course we have a pool here and I'm no longer on the HOA but my neighbor is and three weeks ago the protocols that we would have had to put in were really draconian. I don't know have they lead up on that or?

IT Host Ciesla - I don't know I feel like they change all the time.

Council President Pryor - Covid Coordinator and all this stuff and you know, just stupid and people keep focusing on the pump last year or the leak, whatever it was. The problem, it was COVID protocol; no more than two people in the bathroom and things like that. Who was going to monitor that? Our attorney here at the HOA said we were crazy. Whatever needs to get fixed, we can fix. So, how are you going to run the thing?

IT Host Ciesla – Right, and I don't know, I mean you'd have to talk to the County Board of Health about that.

Council President Pryor – The protocols are changing by the day - reinfection rate is up. I have no idea what the State is doing.

Mayor Mengucci – Listen, Good point Joe that is another reason for next year I don't know that we are equipped to handle the COVID protocols.

Council President Pryor - Everybody gets vaccinated, everything will go away. Right now, we are still in the middle of all of this.

Mayor Mengucci - It's kind of ironic New Jersey is the worst in the nation, but we're opening up more and more. I don't quite get that.

Stacy Behme - What's going on, I feel we started this meeting really nice to get like, you know, a true answer of what's going on with this pool.

Mayor Mengucci - First of all, I don't have a true answer for you, but I can tell you that my eyes tell me there is a big leak in that pool. We are bringing someone in to take a look at the pool and give us some guidance on what we need to do with the pool. COVID is just another thing. It's the leak. I'm not going to fill a pool and put chemicals in it and 5/10,000 gallons a day run out of it.

IT Host Ciesla - Whatever you want us to post out there for getting people together but there is, if you get grant money and eventually get reimbursed from COVID are you able to keep it open for a couple more years until you figure out what to do with it, so, let me know what you want to post out there and then

Mayor Mengucci – People can join the Recreation Committee obviously; we can go from there. Dennis.

IT Host Ciesla - Dennis

Dennis Drake – I wanted to address the one thing that Mr. Pryor just mentioned both at Belvidere from July to August and then at the Y from September all the way up to this point pools have been able to run in terms of organized activities for kids. They've been able to run successfully with COVID mitigation procedures and a lot of the families the swimmers in this area; those are rules that are easy to enforce and a lot of the families that have been to the pool, they have been conditioned. They would know where the procedures are that we follow at the Y and the procedures followed at Belvidere. I know it is a concern but it is something that professionals in the area are used to.

Council President Pryor – I hear you, so.

Mayor Mengucci - All right thanks Dennis. Anyone else?

IT Host Ciesla - I have from Mayor Joe Kennedy from Belvedere - he states that in the event that the Lopat pool is unable to open, Belvidere pool will offer a family rate of \$250 per family for this year until we are able to get our pool open.

Mayor – Thank you, I talked to Mayor Kennedy earlier today.

It Host Ciesla – Like I said, count as well is a people helping people community. I don't think there's anybody else.

Mayor Mengucci – Okay, hearing that, a motion to adjourn?

Council President Pryor – I'll make that motion.

Mayor Mengucci – I'll second it. All in favor. Ladies and gentlemen, thank you very much.

Respectfully submitted,

Margaret B. Dilts, CMC
Clerk/Administrator

James E. Mengucci
Mayor