

TOWNSHIP OF LOPATCONG
Council Meeting

6:30 PM Executive Session/7:30 pm Regular Session

June 2, 2021

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

A Prayer was offered followed by the Oath of Allegiance.

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

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

Public Comment: None

Old Business:

Minutes – May 5, 2021 – Executive Session and May 17, 2021 Special Meeting. Motion to approve by Councilman Wright, seconded by Councilman Palitto Roll call vote:

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

NAYS: None

ABSTAIN: Councilman Belcaro, Council President Pryor - May 17, 2021 Special Meeting Minutes

New Business:

Ordinance No. 21-04 – Bond Ordinance providing an appropriation of \$355,400 for various Capital Improvements in and by the Township of Lopatcong and authorizing the issuance of \$335,400 Bonds or Notes for financing part of the appropriation.

ORDINANCE NO. 21-04

**BOND ORDINANCE PROVIDING AN APPROPRIATION
OF \$355,400 FOR VARIOUS CAPITAL IMPROVEMENTS IN
AND BY THE TOWNSHIP OF LOPATCONG, IN THE
COUNTY OF WARREN, NEW JERSEY AND
AUTHORIZING THE ISSUANCE OF \$335,400 BONDS OR
NOTES OF THE TOWNSHIP FOR FINANCING PART OF
THE APPROPRIATION.**

BE IT ORDAINED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LOPATCONG, IN THE COUNTY OF WARREN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1:

The improvement described in Section 3 of this Bond Ordinance (the “Improvement”) is hereby authorized to be undertaken by the Township of Lopatcong, in the County of Warren, New Jersey (the “Township”) as a general improvement. For the said Improvement there is hereby appropriated the amount of \$355,400, such sum includes \$20,000 as the down payment (the “Down Payment”) required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the “Local Bond Law”). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments or capital improvement purposes.

SECTION 2:

In order to finance the additional cost of the Improvement not covered by application of the Down Payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$335,400 pursuant to the provisions of the Local Bond Law (the “Bonds”). In anticipation of the issuance of the Bonds and to temporarily finance said Improvement or purposes, negotiable bond anticipation notes of the Township are hereby authorized to be issued in the principal amount not exceeding \$335,400 pursuant to the provisions of the Local Bond Law (the “Bond Anticipation Notes” or “Notes”).

SECTION 3:

(a) The Improvements authorized and the purposes for which obligations are to be issued are as follows:

Improvements	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Useful Life
Acquisition of vehicles and equipment for the Department of Public Works, including loader tractor back hoe, all as shown on and in accordance with the plans and specifications thereon on file in the office of the Clerk and hereby approved.	\$120,000	\$114,000	15 Years
Acquisition of various equipment for the Fire Department, including but not limited to pagers, ventilation fans and replacement of garage door opener, all as shown on and in accordance with the plans and specifications thereon on file in the office of the Clerk and hereby approved.	40,000	38,000	5 Years
Improvements to various municipal properties, including but not limited to improvements to basketball courts and parking lots at municipal complex, including all work and materials necessary therefor and incidental thereto, all as shown on and in accordance with the plans and specifications thereon on file in the office of the Clerk and hereby approved.	100,000	95,000	15 Years
Acquisition of various equipment for the Police Department, including but not limited to mobile/portable radios, including all work and materials necessary therefor and incidental thereto, all as shown on and in accordance with the plans and specifications thereon on file in the office of the Clerk and hereby approved.	95,400	88,400	5 Years
TOTAL ALL PURPOSES	\$355,400	\$335,400	

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvement is \$335,400.

(c) The estimated cost of the Improvement is \$355,400 which amount represents the initial appropriation made by the Township.

SECTION 4:

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the municipal finance officer of the Township (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Township Council of the Township at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 5:

The capital budget of the Township is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Township Clerk and is available for public inspection.

SECTION 6:

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvement described in Section 3 of this Bond Ordinance is not a current expense, and is a capital improvement or property that the Township may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the Improvement, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for such purpose, according to the reasonable life thereof computed from the date of the Bonds authorized by this Bond Ordinance, is 11.19 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Township, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this Bond Ordinance by \$335,400 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$35,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

Any funds or grant monies received for the purpose described in Section 3 of this Ordinance shall be used for financing said Improvement by application thereof either to direct payment of the cost of said Improvement or to the payment or reduction of the authorization of the obligations of the Township authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvement shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this Bond Ordinance.

SECTION 8:

The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this Bond Ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9:

The Chief Financial Officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 10:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Township reasonably expects to pay expenditures with respect to the Improvement prior to the date that Township incurs debt obligations under this Bond Ordinance. The Township reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Township under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the cost of the Improvement is \$335,400.

SECTION 11:

This Bond Ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

TOWNSHIP OF LOPATCONG
WARREN COUNTY, NEW JERSEY

PUBLIC NOTICE

NOTICE OF PENDING BOND ORDINANCE

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Township of Lopatcong, in the County of Warren, State of New Jersey, on June 2, 2021. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Municipal Building, 232 South 3rd Street, in the Township of Lopatcong, on July 7, 2021 at 7:30 o'clock PM. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: Bond Ordinance Providing An Appropriation Of \$355,400 For Various Capital Improvements In And By The Township Of Lopatcong, In The County Of Warren, New Jersey And Authorizing The Issuance Of \$335,400 Bonds Or Notes Of The Township For Financing Part Of The Appropriation

Purpose(s): Acquisition of vehicles and equipment for the Department of Public Works, including loader tractor back hoe; Acquisition of various equipment for the Fire Department, including but not limited to pagers, ventilation fans and replacement of garage door opener; Improvements to various municipal properties, including but not limited to improvements to basketball courts and parking lots at municipal complex; Acquisition of various equipment for the Police Department, including but not limited to mobile/portable radios.

Appropriation: \$355,400

Bonds/Notes Authorized: \$335,400

Grants (if any) Appropriated: N/A

Section 20 Costs: \$35,000

Useful Life: 11.19 Years

M. Beth Dilts, CMC

This Notice is published pursuant to N.J.S.A. 40A:2-17.

Motion to adopt this Ordinance on first reading 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

Ordinance No. 21-05 – First reading of Bond Ordinance to provide an appropriation of \$650,000 for various Road Improvements in and by the Township of Lopatcong and authorizing the issuance of \$513,100 Bonds or Notes for financing part of the appropriation.

ORDINANCE NO. 21-05

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$650,000 FOR VARIOUS ROAD IMPROVEMENTS IN AND BY THE TOWNSHIP OF LOPATCONG, IN THE COUNTY OF WARREN, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$513,100 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION.

BE IT ORDAINED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LOPATCONG, IN THE COUNTY OF WARREN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 12:

The improvement described in Section 3 of this Bond Ordinance (the “Improvement”) is hereby authorized to be undertaken by the Township of Lopatcong, in the County of Warren, New Jersey (the “Township”) as a general improvement. For the said Improvement there is hereby appropriated the amount of \$650,000. Such sum includes the sum of (a) \$106,900 from the New Jersey Department of Transportation and (b) \$30,000 as the down payment (the “Down Payment”) required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the “Local Bond Law”). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments or capital improvement purposes.

SECTION 13:

In order to finance the additional cost of the Improvement not covered by application of the Down Payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$513,100 pursuant to the provisions of the Local Bond Law (the “Bonds”). In anticipation of the issuance of the Bonds and to temporarily finance said Improvement or purposes, negotiable bond anticipation notes of the Township are hereby authorized to be issued in the principal amount not exceeding \$513,100 pursuant to the provisions of the Local Bond Law (the “Bond Anticipation Notes” or “Notes”).

SECTION 14:

(a) The Improvements hereby authorized and the purposes for the financing of which said obligations are to be issued is for various road improvements, including but not limited to Belview Road, Anna Place, Stonehenge Drive (between Pudding Stone Way intersections) and Charles Road, including traffic stripping, curbing, milling and paving, and including all work and materials necessary therefor and incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file in the Office of Engineering.

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvement is \$513,100.

(c) The estimated cost of the Improvement is \$650,000 which amount represents the initial appropriation made by the Township.

SECTION 15:

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the municipal finance officer of the Township (the “Chief Financial Officer”);

provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Township Council of the Township at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 16:

The capital budget of the Township is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Township Clerk and is available for public inspection.

SECTION 17:

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvement described in Section 3 of this Bond Ordinance is not a current expense, and is a capital improvement or property that the Township may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the Improvement, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for such purpose, according to the reasonable life thereof computed from the date of the Bonds authorized by this Bond Ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Township, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this Bond Ordinance by \$513,100 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$225,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 18:

Any funds or grant monies received for the purpose described in Section 3 of this Ordinance shall be used for financing said Improvement by application thereof either to direct payment of the cost of said Improvement or to the payment or reduction of the authorization of the obligations of the Township authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvement shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this Bond Ordinance.

SECTION 19:

The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this Bond Ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy

ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 20:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Township reasonably expects to pay expenditures with respect to the Improvement prior to the date that Township incurs debt obligations under this Bond Ordinance. The Township reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Township under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the cost of the Improvement is \$513,100.

SECTION 21:

This Bond Ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

TOWNSHIP OF LOPATCONG
WARREN COUNTY, NEW JERSEY

PUBLIC NOTICE

NOTICE OF PENDING BOND ORDINANCE

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Township of Lopatcong, in the County of Warren, State of New Jersey, on June 2, 2021. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Municipal Building, 232 South 3rd Street, in the Township of Lopatcong, on July 7, 2021 at 7:30 o'clock PM. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: Bond Ordinance Providing An Appropriation Of \$650,000 For Various Road Improvements In And By The Township Of Lopatcong, In The County Of Warren, New Jersey And Authorizing The Issuance Of \$513,100 Bonds Or Notes Of The Township For Financing Part Of The Appropriation.

Purpose(s): For various road improvements, including but not limited to Belview Road, Anna Place, Stonehenge Drive (between Pudding Stone Way intersections) and Charles Road, including traffic stripping, curbing, milling and paving, and including all work and materials necessary therefor and incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file in the Office of Engineering.

Appropriation: \$650,000

Bonds/Notes Authorized: \$513,100

Grants (if any) Appropriated: \$106,900 from the New Jersey Department of Transportation

Section 20 Costs: \$225,000

Useful Life: 10 Years

M. Beth Dilts, Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17.

Motion to adopt on first reading by Councilman Wright, seconded by Councilman Palitto. Roll call vote:

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

NAYS: None

Ordinance No. 21-06 – First reading to Amend and Supplement Article II, “Base and Use Charges” to Reduce the Use Charge.

ORD. 21-06

ORDINANCE OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING ARTICLE II, “BASE AND USE CHARGES” OF THE CODE OF THE TOWNSHIP OF LOPATCONG TO REDUCE THE USE CHARGE.

WHEREAS, the Township of Lopatcong (the “Township”) owns and operates a sanitary sewerage system for the collection of wastewater for transmission to sewage treatment facilities owned and operated by the Town of Phillipsburg (the “Town”); and

WHEREAS, the Township Council wishes to reduce the Use Charge from \$11.25 to \$11 per 1,000 gallons over the base allowance; and

WHEREAS, the Township Council wishes this change in Use Charge to be effective for the third quarter of 2021 billing.

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of Lopatcong, in the County of Warren, State of New Jersey, that Article II, “Base and Use Charges” of Chapter 183-8 of the Code of the Township of Lopatcong shall be amended as follows:

Section 1: Article II, Chapter 183-8, subsection (c) entitled Base and Use Charges, is hereby amended to read as follows (underlined, bolded text is new, text with strikethrough is deleted):

C. Any customer using more than 4,400 gallons for the previous quarter will be charged a use charge of ~~\$11.25~~ **\$11.00** per 1,000 gallons over the base allowance in addition to the base charge set forth in §183-8B.

Section 2: This change in use rate shall be effective for the 2021 third quarter sewer billing.

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.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed by the Township Council on the first reading at a meeting of the Township Council of the Township of Lopatcong, held June 2, 2021, and will be considered for a second reading and final passage at a regular meeting of the Township Council to be held on July 7, 2021, at 6:30 p.m., at the Municipal Building, located at 232 South Third Street, Phillipsburg, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

Beth Dilts, CMC
Township Clerk

Motion to adopt on first reading by Council President Pryor, seconded by Councilman Wright. Roll call vote:

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

NAYS: None

Ordinance No. 21-07 – First reading to Prohibit the Operation of Any Class of Cannabis Businesses within its Geographical Boundaries and Amend Chapter 243 Zoning and Land Use, Article XIII General

Regulations creating Section 65.3 Prohibited Uses to Add Cannabis Businesses to the List of Prohibited Uses.

ORDINANCE NO. 21-07

AN ORDINANCE OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN, STATE OF NEW JERSEY PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDED CHAPTER 243 “ZONING AND LAND USE,” ARTICLE XIII “GENERAL REGULATIONS,” CREATING SECTION 65.3 “PROHIBITED USES,” OF THE CODE OF THE TOWNSHIP OF LOPATCONG TO ADD CANNABIS BUSINESSES TO THE LIST OF PROHIBITED USES.

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

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

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:

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

WHEREAS, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

WHEREAS, pursuant to section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

WHEREAS, the Township Council of the Township of Lopatcong has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on the Township of Lopatcong in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Township of Lopatcong's residents and members of the public who visit, travel, or conduct business in the Township of Lopatcong, to amend the Township of Lopatcong's zoning regulations to prohibit all manner of marijuana-related land use and development within the geographic boundaries of the Township of Lopatcong; and

WHEREAS, officials from two prominent non-profit organizations that have been established for the purpose of advising New Jersey municipalities on legal matters such as have been presented by the Act (those organizations being the New Jersey State League of Municipalities and the New Jersey Institute of Local Government Attorneys) have strongly urged that, due to the complexity and novelty of the Act; the many areas of municipal law that are or may be implicated in decisions as to whether or to what extent cannabis or medical cannabis should be permitted for land use purposes or otherwise regulated in any particular municipality; and the relatively short duration in which the Act would allow such decisions to be made before imposing an automatic authorization of such uses in specified zoning districts subject to unspecified conditions, the most prudent course of action for all municipalities, whether or not generally in favor of cannabis or medical cannabis land development and uses, would be to prohibit all such uses within the Act's 180-day period in order to ensure sufficient time to carefully review all aspects of the Act and its impacts;

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

1. Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in the Township of Lopatcong, except for the delivery of cannabis items and related supplies by a delivery service.

2. Chapter 243, Article XIII General Regulations, Section 65.3 "Prohibited Uses," of the Code of the Township of Lopatcong is hereby created and adding to the list of prohibited uses, the following: "All classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in section 3 of P.L. 2021, c. 16, but not the delivery of cannabis items and related supplies by a delivery service."

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

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

5. This ordinance shall take effect upon its passage and publication, and as otherwise provided for by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed by the Township Council on the first reading at a meeting of the Township Council of the Township of Lopatcong, held June 2, 2021, and will be considered for a second reading and final passage at a regular meeting of the Township Council to be held on July 7, 2021, at 6:30 p.m., at the Municipal Building, located at 232 South Third Street, Phillipsburg, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

Beth Dilts, CMC
Township Clerk

Motion by Councilman Wright, seconded by Councilman Belcaro to opt out. Roll call vote:
AYES: Councilman Belcaro, Councilman Palitto, Councilman Wright, Council President Pryor, Mayor Mengucci.
NAYS: None

Salary Resolutions – Municipal Employees, DPW Employees and Construction Dept. Employees – Tabled.

Consent Agenda:

Motion by Councilman Palitto, seconded by Councilman Belcaro. Roll call vote:
AYES: Councilman Belcaro, Councilman Palitto, Councilman Wright, Council President Pryor, Mayor Mengucci.
NAYS: None

Resolution No. 21-73 – Cancel Municipal Finance Balances in the amount of \$4.00.
R 21-73

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey that the following outstanding checks be and hereby cancelled.

DOG TRUST ACCOUNT CHECK NO.	AMOUNT
5193 DATED 05/06/2020	\$4.00

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, June 2, 2021.

Margaret B. Dilts, CMC

Resolution No. 21-74 – Request approval of Item of Revenue and Appropriation N.J.S.A. 40A:4-87 for Clean Communities in the amount of \$20,212.27.

R 21-74

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY REQUESTING APPROVAL OF ITEM OF REVENUE AND
APPROPRIATION N.J.S.A. 40A:4-87

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special revenue in the budget of any county and municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021.

In the sum \$20,212.27 – NJ Environmental Protection Agency.

BE IT FURTHER RESOLVED that the like sum of \$20,212.27 – Clean Communities 2021

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, June 2, 2021.

Margaret B. Dilts, CMC

Resolution No. 21-75 – Request approval of Item of Revenue and Appropriation N.J.S.A. 40A:4-87 for Recycling Tonnage Grant in the amount of \$3117.02.

R 21-75

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY REQUESTING APPROVAL OF ITEM OF REVENUE AND
APPROPRIATION N.J.S.A. 40A:4-87

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021

\$3117.02 NJ ENVIRONMENTAL PROTECTION

BE IT FURTHER RESOLVED that the like sum of \$311702 is hereby appropriated to Recycling Tonnage Grant – 2020

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, June 2, 2021.

Margaret B. Dilts, CMC

Resolution No. 21-76 – Refund tax overpayment on Block 132, Lot 12 in the amount of \$2,216.25.

R 21-76

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY TO ISSUE A REFUND FOR A TAX OVERPAYMENT FOR
BLOCK 132, LOT 12

WHEREAS, the Township wishes to issue a refund in the amount of \$2,216.25 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 hereby authorizes a refund in the amount of \$2,216.25 to:

Rebecca L. & Eric T. Johnson
361 Stonehenge 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, June 2, 2021.

Margaret B. Dilts, CMC

Resolution No. 21-77 – Authorize redemption of Tax Sale Certificate No. 2020-19 on Block 71, Lot 9 in the amount of \$8,130.42.

R 21-77

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY AUTHORIZING REDEMPTION TAX SALE CERTIFICATE NO.
2020-019 ON BLOCK 71, LOT 9

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on December 29, 2020, a lien was sold on Block 71, Lot 9 also known as 306 Cromwell Street for delinquent sewer; and

WHEREAS, this lien known as Tax Sale Certificate No. 2020-019 was sold to US Bank Cust/Pro Cap 8/Pro Cap; and

WHEREAS, on May 17, 2021, the mortgage company for the property owner, has satisfied the redemption amount on Certificate No. 2020-019 in the amount of \$8,130.42.

NOW, THEREFORE, BE IT RESOLVED on this 2nd day of June, 2021, that the Chief Financial Officer is authorized to issue a check in the amount of \$8,130.42 for the redemption of Tax Sale Certificate No. 2020-019 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, June 2, 2021.

Margaret B. Dilts, CMC

Resolution No. 21-78 – Authorize redemption of Tax Sale Certificate No. 2020-57 on Block 141, Lot 4 in the amount of \$4230.82, Premium \$1,700.00.

R 21-78

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE
NO. 2020-057 ON BLOCK 141, LOT 4

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on December 29, 2020, a lien was sold on Block 141, Lot 4 also known as 19 Grant Way for delinquent sewer; and

WHEREAS, this lien known as Tax Sale Certificate No. 2020-57 was sold to US Bank Custodian for Actlien Holding; and

WHEREAS, on May 18, 2021, the property owner has satisfied the redemption amount on Certificate No. 2020-057 in the amount of \$4,230.82, Premium \$1,700.00.

NOW, THEREFORE, BE IT RESOLVED on this 2nd day of June 2021, that the Chief Financial Officer is authorized to issue a check in the amount of \$4,230.82, Premium \$1,700.00 for the redemption of Tax Sale Certificate No. 2020-057 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, June 2, 2021.

Margaret B. Dilts, CMC

Resolution No. 21-79 – Rescinding Resolution No. 21-69 as ordered by the Tax Collector.

R 21-79

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY RESCINDING RESOLUTION 21-69

WHEREAS, the Township adopted Resolution No. 21-69 on May 5, 2021 for the redemption of Tax Sale Certificate No. 2017-031 in the amount of \$62,200.89; and

WHEREAS, on April 15, 2021 the property owner submitted a check for \$65,000.00 for the redemption of Tax Sale Certificate No. 2017-031 and 2021 taxes; and

WHEREAS, the lien holder proceeded with the foreclosure processes and on April 21, 2021, final judgement was entered for the foreclosure of Tax Sale Certificate 2017-031 and recorded with the County Clerk's Office on April 30, 2021, Book 3156, Page 30; and

WHEREAS, the Township wishes to refund the property owner in the amount of \$65,000.00.

BE IT RESOLVED, by the Council of the Township of Lopatcong, County of Warren and State of New Jersey that Resolution No. 21-69 is hereby rescinded; and

BE IT FURTHER RESOLVED that the Tax Collector is hereby authorized to cancel the redemption of Tax Sale Certificate No. 2017-031 in the amount of \$62,200.89 and to cancel the \$2,799.11 that was applied towards the 2021 taxes; and

BE IT FURTHER RESOLVED that the Chief Financial Officer is authorized to issue a check in the amount of \$65,000.00 to:

Suzanne E. Mottley
17 Sylvia Street
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, June 2, 2021.

Margaret B. Dilts, CMC

I-78 Logistics Park Performance Bond – Release Performance Bond with conditions provided by Engineer Sterbenz.

Resolution No. 21-80 – Memorialize hire of Patricia Segeda as Zoning Board of Adjustment Secretary.

R 21-80

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY TO APPOINT PATRICIA SEGEDA AS ZONING BOARD OF ADJUSTMENT SECRETARY

WHEREAS, a vacancy has occurred in the position of Secretary to the Zoning Board of Adjustment; and

WHEREAS, Patricia Segeda shall fill the position as Secretary; and

WHEREAS, Patricia Segeda shall attend the Zoning Board of Adjustment classes offered by Rutgers, the Center for Government Services to obtain the necessary license; and

WHEREAS, Patricia Segeda will be compensation at a rate of \$250.00 each month with an additional \$250.00 for attendance at a Zoning Board of Adjustment Meeting.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey do hereby authorize the hire of Patricia Segeda as the Zoning Board of Adjustment pending Civil Service Procedures.

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, June 2, 2021.

Margaret B. Dilts, CMC

CGP&H Administrative Agent Contract – Authorize Mayor Mengucci to execute the contract.

Resolution No. 21-81 – Renew liquor licenses for term July 1, 2021 to June 30, 2022 for Brass Rail, Strykers Golf and Santram Liquors.

R 21-81

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF CERTAIN LIQUOR
LICENSES

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey have received the following applications for liquor license renewal:

Strykers Golf, LLC., License No. 2115-33-003-007
Brass Rail, Inc., License No. 2115-33-004-005
Santram Liquors, Inc., License No. – 2115-44-001-003

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey that the applications for renewal of the above-named liquor license holders be approved pursuant to N.J.S.A. 33: 1-12-26 from July 1, 2021 to June 30, 2022.

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, June 2, 2021.

Margaret B. Dilts, CMC

Council Reports:

Councilman Palitto - Recreation and EDAC planned to schedule a meeting. Still looking for members. He will plan for September.

Councilman Belcaro – No Report.

Councilman Wright – No report

Council President Pryor – No report.

Mayor Mengucci – No report

Engineer Sterbenz - Discussed a number of roadways for the DOT Local Aid application which is required to be filed by July 1st and Council agreed that Baltimore Street would be the best roadway. Also N. Prospect Street has an exposed pipe in the stream corridor and work would need to be done on the embankment as well. Mayor Mengucci made the motion to go forth with the work, seconded by Councilman Wright. All in favor.

Sidewalk Agreement – Katrina reported that a draft has been completed and will be sent to the County.

Engineer Sterbenz – noted that roads to be reconstructed this year should be held until the spring of next year because the costs are high right now. Council agreed.

Department Report – Motion by Councilman Palitto to accept, seconded by Council President Pryor. All in favor.

Payment of Bills – Motion to pay bills by Mayor Mengucci, seconded by Council President Pryor. Roll call vote:

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

NAYS: None

Audience Participation:

Donna Schneider – Questioned the Council about a proposed raised farm behind her property. Noted that she was able to see minutes from where there was a presentation last January. This was discussed in the Town of Phillipsburg also she said. She discussed rumors regarding the development of the land behind her.

Susan Rafkins – Lynnfield Terrace. Simple questions and statements. Lives in a residential area. Her son looks through the window at the landscape. She has heard warehouse, solar panels and low-income housing to be placed in the land behind her. She questioned property value.

Ray Roseberry – South Eighth Street – Use of exhaust brake for tractor trailers on the highway. Attorney Campbell said these ordinances are illegal and not enforceable. He said he would appreciate any assistance

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

Respectfully submitted,

Margaret B. Dilts, CMC
Clerk/Administrator

James E. Mengucci
Mayor

