

TOWNSHIP OF LOPATCONG  
Council Meeting

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

August 4, 2021

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

Motion to come out of Executive Session by Councilman Belcaro, seconded by Councilman Palitto. All in favor. Attorney Campbell noted that Council was in Executive Session for approximately 1 hour and topics were as listed on the agenda except for No. 1 and No. 6 and 8 which were not discussed and will be discussed at a later time.

**Public Comment:**

Donna Schneider – 26 Meadowview Dr. – Again asking – there’s no agenda up on the calendar or on the website. There’s nowhere, anywhere for any agendas.

Mayor Mengucci – Did Lori put it up?

Clerk Dilts – Yes.

Mayor Mengucci – What time was it?

Clerk Dilts – It was around 5 or after when I looked.

Donna Schneider – I looked at like 6 o’clock.

Mayor Mengucci – All right. Well, obviously we have a problem somewhere.

Donna Schneider – Well, I click on the calendar and it shows Music in the Park, last night was National Night Out but there’s nothing about the Council Meeting on the calendar, so then I go to Council, to government, hit Council, agenda item, meetings and all that, I hit all, I hit today, I hit all of that, there’s nothing there. There’s nothing there. Yeah, you know, there’s multiple things about the agenda, that, you know, I think they should be on there. I mean, it’s every month, there’s nothing on there and also the minutes and there’s minutes from like 2014, 2015, two years of minutes and agendas skip and then it goes to 2017 and 2018. I don’t understand like how, you know, I don’t know, I just, it’s getting so bad.

Mayor Mengucci – I keep telling you we’ll look into it. I’ll look into it personally, so.

Donna Schneider – Yes, thank you, I appreciate it because I didn’t know anything about tonight’s meeting until I came and read this. Thank you.

Mayor Mengucci – Yeah, that’s not fair.

John Betz – Brakeley Garden Apartments – It’s a little complex to get to but the agenda is on.

You got to dig deep and you got to think ahead and you’ll get to it but anyway I noticed Resolution No. 3 Consent Agenda item, Consent Agenda to request approval of item of revenue in the amount of \$438,927.58 to be placed in the 2021 Budget under the American Rescue Plan. Will you keep us apprised as to what it’s applied towards or you know, now or

Mayor Mengucci – We surely can. Again, we have to get something from

Attorney Campbell – We’re just taking it in.

Mayor Mengucci – We’re just taking it in. There are guidelines.  
John Betz – Okay, thank you.

**Old Business:**

**Ordinance No. 21-06** – Second reading and public hearing to Amend and Supplement Article II, “Base and Use Charges” of the Code of the Township of Lopatcong to Reduce the Use Charge. Motion to hold a public hearing by Councilman Belcaro, seconded by Councilman Palitto. All in favor. No comments from public. Motion to close the public hearing by Councilman Belcaro, seconded by Councilman Palitto. All in favor.

ORDINANCE NO. 21-06

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, August 4, 2021 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.

**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.**

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

Motion to adopt Ordinance No. 21-06 by Councilman Belcaro, seconded by Councilman Palitto.

Roll Call vote:

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

NAYS: None

**Ordinance No. 21-08** – Second reading and public hearing of an Ordinance to Amend, Revise and Supplement Chapter 227 “Vehicles and Traffic”, including Section 37B relative to Handicap Parking for Private Residences – eliminate Handicapped Parking Stall at 235 Aurora Street. Motion to hold a public hearing by Councilman Belcaro, seconded by Councilman Palitto. All in favor. Public comment from John Betz. Motion to close public hearing by Councilman Belcaro, seconded by Councilman Palitto. All in favor.

ORDINANCE NO. 21-08

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, August 4, 2021 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.

ORDINANCE OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN, STATE OF  
NEW JERSEY TO AMEND, REVISE AND SUPPLEMENT CHAPTER 227 "VEHICLES  
AND TRAFFIC", INCLUDING SECTION 37B RELATIVE TO HANDICAPPED PARKING  
FOR PRIVATE RESIDENCES

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

Motion to adopt Ordinance No. 21-08 by Council President Pryor, seconded by Councilman Palitto. Roll call vote:

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

NAYS: None

**Ordinance No. 21-07** - Ordinance No. 21-07 - To Prohibit the Operation of Any Class of Cannabis Businesses within its Geographical Boundaries and Amended Chapter 243 "Zoning and Land Use," Article XIII "General Regulations," Creating Section 65.3 "Prohibited Uses," to Add Cannabis Businesses to the List of Prohibited Uses. A public hearing and second reading shall be held on August 19, 2021 at 4:00 pm.

**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 August 4, 2021, and will be considered for a second reading and final passage at a regular meeting of the Township Council to be held on August 19, 2021, at 4:00 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 this Ordinance on first reading by Councilman Belcaro, seconded by Council President Pryor.

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

NAYS: None

### **Consent Agenda:**

Motion to adopt the Consent Agenda on motion by Council President Pryor, seconded by Mayor Mengucci. Roll call vote:

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

NAYS: None

**Resolution No. 21-94** - Authorize execution of an Agreement with the Morris County Cooperative Pricing Council to Renew Membership for the period of October 1, 2021 through September 30, 2026.

R 21-94

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE

MORRIS COUNTY COOPERATIVE PRICING COUNCIL TO RENEW MEMBERSHIP  
THEREIN FOR THE PERIOD OF OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2026

WHEREAS, the Morris County Cooperative Pricing Council (“MCCPC”) was created in 1974 to conduct a voluntary cooperative pricing system with municipalities, board of education, and other public bodies located in the County of Morris and adjoining counties; and

WHEREAS, the purpose of the MCCPC is to provide substantial savings on various goods and services to its members through the cooperative public bidding process; and

WHEREAS, the Township of Lopatcong desires to enter into an Agreement with the MCCPC, which is administered by Randolph Township as Lead Agency, to renew its membership in the MCCPC for the period of October 1, 2021 through September 30, 2026.

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

1. Mayor and Council of the Township of Lopatcong hereby authorizes the execution of an Agreement with the Morris County Cooperative Pricing Council by the Township of Randolph as Lead Agency dated October 1, 2021, pursuant to N.J.S.A. 40A:11-11(5). Said Agreement is for the renewal of membership in the MCCPC for a five (5) years period from October 1, 2021 through September 30, 2026.
2. The Township of Lopatcong Clerk is hereby directed to submit a copy of this adopted Resolution along with an executed Agreement to Randolph Township as Lead Agency of the MCCPC.
3. This Resolution shall take effect immediately upon final passage according to law.
4. All appropriate Township of Lopatcong officials are authorized and directed to perform all required acts to affect the purpose of this Resolution.

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, August 4, 2021.

Margaret B. Dilts, CMC

**Resolution No. 21-95** – Request Approval of Item of Revenue in the amount of \$24,456.00 to be placed in the 2021 Budget under Body-Worn Camera Grant.

R 21-95

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. 40:A4-87 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 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 of \$24,456.00 is available from NJ Department of Law & Public Safety.

BE IT FURTHER RESOLVED that the like sum of \$24,456.00 is hereby appropriated under the caption of Body-Worn Camera Grant – 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, August 4, 2021.

Margaret B. Dilts, CMC

**Resolution No. 21-96** – Request Approval of Item of Revenue in the amount of \$438,927.58 to be placed in the 2021 Budget under American Rescue Plan Grant.

R 21-96

#### 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. 40:A4-87 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 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 of \$438,927.58 is available from U.S. Department of Treasury.

BE IT FURTHER RESOLVED that the like sum of \$438,927.58 is hereby appropriated under the caption of American Rescue Plan Grant – 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, August 4, 2021.

Margaret B. Dilts, CMC

**Resolution No. 21-97** – Redemption by Installment for Tax Sale Certificate No. 2020-024 on Block 87, Lot 1.39.

R 21-97

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY AUTHORIZING REDEMPTION BY INSTALLMENT FOR TAX  
SALE CERTIFICATE NO. 2020-024 FOR BLOCK 87, LOT 1.39

WHEREAS, the Township of Lopatcong has been requested to allow a redemption by installment payment plan for a three-year period on behalf of Gusna R. Rutledge, owner of property located at Block 87, Lot 1.39 more commonly known as 81 Belview Road within the Township of Lopatcong; and

WHEREAS, N.J.S.A. 54:5-65 provides a mechanism to allow a redemption of the municipal held tax lien (TSC 2020-024) by installment payments over a three-year period to pay the tax lien while keeping subsequent taxes current; and

WHEREAS, the Township Council has considered all circumstances regarding said request and believe it is in the best interest of the Township as well as the taxpayer to enter into a payment plan.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lopatcong that authorization is hereby granted to enter into a three-year installment plan for the redemption of Tax Sale Certificate 2020-024. A copy of the amortization schedule is attached to this Resolution.

BE IT FURTHER RESOLVED that as a condition of the payment plan, the taxpayer must pay all subsequent tax payments as they become due and owing. Failure to make any subsequent payments or any of the installment payments, shall be a default on this payment plan.

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, August 4, 2021.

Margaret B. Dilts, CMC

**Raffle License** – Approve Raffle Application for Lopatcong Athletic Association.

**Announcements** – Special Meeting on Thursday, August 19<sup>th</sup> at 4:00 pm. Community Day scheduled for 9/4, Shred Event scheduled at the pool parking lot for Saturday, 9/11, Community Yard Sale is scheduled for 9/18, Fall Cleanup scheduled for pool parking lot and Strykers Fire House No. 2 for 9/25.

**Council Reports:**

Councilman Palitto – Reported that Community Day Recreation Committee is working on getting games, rides and food; some food trucks and some organizations maybe selling some food at Community Day. We've discussed fireworks that evening; we would like to have fireworks. I believe we have the money to do so. I would make a motion to have fireworks.

Mayor Mengucci – Is it taxpayer's dollars or do we, have it?

Councilman Palitto – We have it in the budget.

Council President Pryor – No, we don't have it in the budget.

Councilman Palitto – I believe we do.



Council President Pryor – No, we don't and I asked the CFO. We have \$8,000 for general support. It's \$6,500 alone for fireworks.

Councilman Palitto – Looking into getting other prices.

Council President Pryor - I'd like to oppose your motion.

Councilman Palitto – I'd like to a motion to have fireworks.

Council President Pryor – I'll go through it if we can have some discussion and I'll make myself clear and then the vote can be the vote.

Attorney Campbell- Okay, so there's a motion on the floor if anyone wants to second it and then we can have discussion.

Councilman Belcaro – I'll second it.

Attorney Campbell – We can have a discussion.

Council President Pryor – You second it for purposes of discussion?

Councilman Belcaro – Yeah, for purposes of discussion.

Council President Pryor – (Inaudible).

Councilman Belcaro – That's fine. It's okay.

Council President Pryor – I vote it down every year. I don't believe we should use taxpayer dollars for fireworks and I'm quoting Lou and I when we ran. This was on our website. We favor a practical approach to the budget process beginning with an assessment of need versus wants, what services are mandatory, what services are discretionary. Who benefits from discretionary services? We should engage the public as much as practical understand the (inaudible) priority that the taxpayers place on the program. Lou and I ran on that program on that level and as far as I know, we've been true to it for 6 years we served together. I vote against it every year. Obviously, fireworks is a want, not a need and it's not a very, in my opinion, not a very important one. It's never been paid for by tax payer dollars in Lopat. It was paid for by donations every year. For years it was one individual. Thereafter a series of vendors. We didn't even solicit vendors this year. I know who donated. I bet in a week we could raise that money with no effort. In terms of the economy, employment peaked at over 15% in Warren County during COVID and those figures come from the Department of Labor. Fireworks for 2019 Community Day was \$6500.00 and again, that was money donated. If you search on the internet, you see dozens of headlines taxpayer dollars up in smoke. I guess it was 101.5 had a long article; it says not a single dollar of tax payer money funds these New Jersey fireworks shows and it goes on to discuss that and again I'll quote "using sponsorships instead of municipal funds makes good sense for everyone said Michael Darcy, Executive Director of the New Jersey League of Municipalities. Even with donated funds to put on a show Darcy said there are additional costs that may still fall on the towns including crowd and parking control as well as cleanup". This year, our municipal employees got a 1% raise. They weren't happy with that and that was a result of Covid. We tried really hard to keep a flat budget this year; weren't able to do it. It is not in this budget. There's \$8,000 (inaudible) from the CFO for Community Day. I'm against spending taxpayer dollars especially when there's donors out there willing to do it and I will be voting no; it will be an emphatic no.

Councilman Palitto – Well, we do have some money in reserve from last year and we are looking to get donations for this year.

Mayor Mengucci – Let me just say this, I think fireworks is something that everybody wants, however, I would stick with Joe on not using taxpayer dollars for it. Having said that, we had a shortage a couple years ago, I think we made it up so. What I will tell you, this is just me personally, you can call it grandstanding or whatever you want, I will donate up to \$500.00 if we are short. That's just me personally because I agree with Joe that we should not spend our tax dollars for that. I know everybody wants it, everybody likes; I like it myself, you know, there's 200 people at the new high school watching Heritage Day from Easton. The perfect site to look down and you see the fireworks going off. So, that's kind of my stand on it. I think people would genuinely make donations.

Councilman Palitto – We are looking for alternate prices. We're having a Rec. Committee meeting Tuesday; you're welcome to join as well as you Joe.

Council President Pryor – If you raise money I'm not going to object. If you want taxpayer money, then I'm, there's a motion on the floor it's been seconded.

Councilman Belcaro – Well, I don't think the intent is to use taxpayer's dollars.

Council President Pryor – Well, that's what the motion is.

Councilman Palitto – The motion is to have fireworks.

Councilman Belcaro – To have fireworks.

Councilman Pryor – It won't be taxpayer dollars in my book.

Councilman Belcaro – Well the way I understood that

Council President Pryor – I'll rephrase the motion if you want. If you raise private donations to fund the program, I have no problem with fireworks.

Councilman Belcaro – It should always be that way; private donations.

Council President Pryor – And that's the way it's always been.

Councilman Belcaro – Yes, but I would think the intent was to use tax dollars as much to say listen we want to have fireworks. That was it, that's the only difference. Having said this

Council President Pryor – I would say you're not going to use taxpayer dollars.

Councilman Belcaro – Right, I think you understood that right? All right so, having said that, all you folks; nice people out there, like to donate? Every dollar counts.

Mayor Mengucci – For your own fireworks.

Councilman Belcaro – Who doesn't like fireworks and especially in our own town, you know, something to think about and then pass it on to your neighbors. If you could reach Jim, okay and maybe we can help raise some money for it. So, I don't think we need a motion on this because we're not using tax dollars.

Council President Pryor – I agree.

Councilman Belcaro – So, we'll cancel the motion.

Attorney Campbell – So, I think though the Council's just saying that if any approvals were needed so, if the firework company may need some sort of approval that's it's like , I mean, simply approve, you have no objection to signing off that.

Mayor Mengucci – So, let's just put the motion out that we would approve fireworks as long as there are no taxpayer dollars are used out of this year's budget.

Attorney Campbell – Is that your motion to amend the motion?

Mayor Mengucci – That's my motion to amend the motion.

Attorney Campbell – Okay. So, does anyone want to second the amendment?

Councilman Belcaro – It's cleared up.

Attorney Campbell – You have to second the amendment and then vote on it.

Councilman Belcaro – We'll second it.

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

NAYS: None

Councilman Palitto – Reported that they would be working with the Fire Dept. on the Town wide Yard Sale which is scheduled for September 18<sup>th</sup>.

Mayor Mengucci – That's always gone over well so.

Councilman Palitto – That will be, I think we'll try to get it on the website and I think the Fire Dept. if anyone wants to get the application. We've had it on the website the past few years. It should probably go out in the next two weeks.

Mayor Mengucci – We are not charging for that application for that day, right?

Councilman Palitto – It's a \$10 fee that goes to the Fire Dept. That's how it's worked the last two years.

Mayor Mengucci – All right.

Attorney Campbell – That's to get on the map.

Councilman Belcaro – No report.

Council President Pryor – I want to bring up, I would like to go out on this RFQ for a park planner. I thought we had settled all this on about the 14<sup>th</sup> and then at 1:00 today I got another email from Mr. Wright and it's an alternate version of what we had all seen and it talks again about the municipal complex in part of it. I'd like to go ahead with the resolution and the RFP that you all saw from me. The big difference is, it's a request for qualifications not an RFP and the idea is we would have the chance to qualify (inaudible) through discussion really get closer to what we want in trying to write something that says you get two copies of this (inaudible). That's my motion. I would like to move ahead with the RFP that was distributed to everybody.

I don't know if it has all the legal stuff in it. It has you know substance (inaudible) RFQ did I say RFP?

Mayor Mengucci – You did.

Council President Pryor – It's RFQ. I'll make the motion

Councilman Belcaro – Second.

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

NAYS: None

Mayor Mengucci – The only thing I would like to say is kind of piggy back on what Joe, we want to keep the taxes flat. In my first 15 years sitting up here from January of 98 to December 2012 there were times when we held the rate flat. Quite honestly, I find it foolish at times. Not that I want to take things up a nickel or whatever. Everything goes up every year; you cannot continue to hold your taxes flat. Now if you looked at your tax bills over the last three or four years, I think we've done a darn good job of keeping the taxes down from our end of it. The county has done a great job. The school board's done a good job. I think my taxes from my personal property total went up \$2.35 a month this year. That's to me is impressive and not just thanking ourselves but everybody but there was a gentleman that I served with up here that quite honestly, it's my fault, I'm part of the five-member group, it was my fault at that time, just bowed down to him because you got tired of hearing about "I got to keep it, you know, taxes down". Well, I've always been under the impression that not that people don't pay attention. I can tell you what my taxes are. I can't tell you what my municipal tax is. I can't tell you what my county tax is. I can't tell you what my school tax is. I can tell you, my total. So, you know, you need to pay attention to that but again, you know, the sewer rate reduction that's Mr. Pryor's baby. He's pushed for that and we've been able to do that. We're not borrowing money for the sewer account to balance our budget any more which happened in some prior years. So, and we've raised our surplus. At one point, Mr. Pryor said there was a \$65,000 surplus in this Township. That's ridiculous. Right now, we're 2.3 million. Sounds like a lot of money. It is until you get a couple sink holes and we've had them especially on the Brakeley Park section. I don't know why that tends to be out there but we can get a sink hole at any time. So, 2.3 million, yeah, it's good so we need to get better. We're looking at our community pool. I haven't gotten a price on that yet to possibly open that back up. Just let me say some things about that. 1967 we were probably a Township of about 3,000 people. I was 9 years old at the time. My father happened to be mayor when that ribbon was cut for that pool. It was nothing to see 400 kids up there. That was it. It was 1967. Even the 70's maybe even the early 80's but as more and more households started to go to 2 members working, it seemed that we got a reduction in the pool attendance. So, the pool really has become a public service. It's just a question of how much of your tax dollars do we want to put in it and again as Mr. Pryor said, we're going to be subsidizing the pool for how many people. In 2019, correct me if I'm wrong, we had 62 family passes; 63 family passes for our pool. So, again, if I'm looking at it from a business decision, it's ridiculous to open up that pool for 75/80 days for which I'd have to deduct rain and now I've got to pay more for lifeguards and what not, because the minimum wage has gone up. So, it's really has become a business decision. My heart, I don't want to close that pool. It means something to me in generations of kids that grew up here, raised my family here but there comes a time this is not, you know, believe there's a line in a song that says a fool will lose tomorrow reaching back for yesterday. It's 2021, it's not 1967 anymore. Times have changed, you can either become a fool reaching back for yesterday or you can deal with what you got and move on. So, those are the types of decisions that we made up here. If think I expounded on this several times, you know, we've really looked at the budget and what we're doing. What most people don't know is right now, we're in the middle of a \$725,000 tax appeal to the people that own Warren Heights. We're in the third year of that; we've got two more years on that. We just used \$300,000 to pay off a fire truck that we bought 6 years ago and so, the ladder truck's getting up there. So, these

are the things that you gotta kind of look forward on. We've paved a ton of roads and we intend to just keep a road program coming and we've just gotten too big and we can't, we just can't say we're not going to pave roads for 5 years. It's just not the way it's going to be any more; can't be that way. We've applied for grants and gotten some, Paul, we got some on Red School Lane. I believe we got some on Baltimore Street. We have another application in for Baltimore Street. We got some money for Belview Road so, that's the thought process of not only myself but this entire Council up here. So, it's nice to say you kept taxes flat, trust me, I'm as conservative as the day is long. I live in a modest home; that was my childhood home so, but it's also foolish to sit up here and think you know, now you got to buy a new ladder truck probably for a million five or a \$140,000 truck or a \$200,00 backhoe and expect to keep taxes flat. I just don't, I'm not criticizing Joe or anybody else up here. I just don't believe it any more. We can't do it. So, Joe's championed this thing with the sewer service. If I look at my sewer bill as opposed to my tax increase this year, it's almost a wash, so, that's it.

Council President Pryor – Can't I gently rebut something you said. I'm going him there. I'm not going to talk about the pool. Your tax rate is dependent on many moving parts. I now the period he's referring to and yes there was a move to blindly keep taxes flat or low without looking at all the moving parts and we wound up with a small increase, no roads being done or whatever, but you not only have what you raise through taxes. You have state aid, your assessed valuation, your total assessed valuation moves. During those years, it was the real estate market was declining. We had lots of tax appeals. It was a bad economy. It would have been foolish in that environment to go for a flat tax rate. Right now, our total assessed valuation and they look at in terms of your debt limit, they look at an average of the last few years. There's a whole number of things you look at and you can keep a flat tax rate and next thing you know, it's like a glove, you're squeezing one end and your debt's going up. You have to look at the whole equation. Right now, we're doing well all around the edges and I think when the sun and the moon and everything lines up in the right place, there's no reason why you can't give the tax payer a break. I don't believe in an automatic tax increase when you have money in the bank, you're paying your bills and I think last year we were able to do it; it took a little work. We were able to do it. We just missed it this year. We did a penny. I think things are going to be better next year. Now, that doesn't mean you don't make investment. We've been retiring debt; taking new debt. The total debt has edged up a little bit but when you look at the ration debt to total assessed valuation, I think we're less than a third of what the debt limit is, you know, we're healthy as far as debt goes. So, you have to look at the whole thing and then you decide where your rates going to be and I think when everything is working for you, we're not transferring money, we're not in a cash crunch, we're funding our projects; no reason why you can't give the taxpayers a break or you can take it from them and spend it on, invent something to spend it on so. That's my feeling, so that's that.

Mayor Mengucci – Well put. Anybody else chime in? No. Okay, Paul we have your report.

Engineer Sterbenz – Thank you Mayor. There are roads that we're targeting to improve early next year. There is some preparatory work that has to be done on these roadways including drainage structure repairs, handicap ramps, there's a replacement of sanitary sewer and covers. I believe that work is going to cost more than \$44,0000 so I put together a bid document and I'm going to be advertising that for bid. So, there will be bids to review with you at the next meeting. I just wanted to let you know that. Also, I want to let you know that the plans for Belview Road which is another roadway we're going to do early next year. The goal is to get them completed and bid during the dead of winter so we get good bids for early 2022 project.

Mayor Mengucci – And we have our application in for the rest of Baltimore Street.

Engineer Sterbenz – We do.

Council President Pryor - I do have a quick question Paul on these roads we're going to redo. Do we look at the sewer? Make sure that's in good shape?

Engineer Sterbenz – We do. Brian typically assists me and gets that information so.

Mayor Mengucci – Chief's Report. Thanked Chief Garcia for National Night Out. Thought it was well attended and thanked all the volunteers.

Police Chief Garcia – Thank you very much and that's the comment I wanted to make. Thanked the community for making that possible. Without them, the event couldn't have happened. We had so many sponsors and so much outreach to make it possible; a lot of resources and donated time.

**Department Reports** – Motion to approve reports by Council President Pryor, seconded by Councilman Palitto. All in favor.

**Payment of Bills** – Motion to pay bills by Council President Pryor, seconded by Councilman Palitto. Roll call vote:

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

NAYS: None

**Audience Participation:**

Lauren Bohowski – 104 Powderhorn Drive – Discussed the ordinances regarding her neighbor who has chickens and roosters. She has contacted both zoning officer and the animal control officer. Listens to crowing of roosters from 5:30 am until sunset all day long. Mayor Mengucci said he would get a hold of the zoning officer. Council President Pryor said a matter involving chickens came up twice before; chickens but no roosters. Attorney Campbell noted that a discussion was held about an ordinance for just chickens and it never took flight.

Harvey Walters – 325 S. Third Street – Wife wants to know what's going on with the Phillipsburg Mall. Mayor Mengucci said he was under impression it was going to be demolished by now but have heard nothing.

Mayor Mengucci noted a need for Executive Session. Thanked the public for attending the meeting. Motion by Council President Pryor, seconded by Mayor Mengucci to go into Executive Session. All in favor.

R 21-98

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND THE STATE OF NEW JERSEY AUTHORIZING AN EXECUTIVE SESSION

WHEREAS, there are presently pending matters to be considered in Executive Session concerning possible matters listed:

Attorney/Client Privilege – Land Use Litigation  
Contractual – Sidewalk Agreement

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Lopatcong, County of Warren and the State of New Jersey that the Council is authorized to hold an Executive Session.

BE IT FURTHER RESOLVED that the Council of the Township of Lopatcong will make said matters public within approximately 30 days of said meeting or until such a time as

confidentiality of the matters is no longer required.

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at the Meeting held on Wednesday, August 4, 2021.

Margaret B. Dilts, CMC

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

Respectfully submitted,

Margaret B. Dilts, CMC  
Clerk/Administrator

James E. Mengucci  
Mayor