

TOWNSHIP OF LOPATCONG
Council Meeting

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

December 29, 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 Belcaro, Councilman Palitto, Councilman Wright, Mayor Mengucci. Also, present were Attorney Campbell and Engineer Sterbenz.

Motion to come out of Executive Session by Councilman Belcaro, seconded by Councilman Wright. All in favor. Attorney Campbell noted that an Executive Session was held for one hour to discuss what was on the agenda.

Public Comment – No comments.

Old Business:

Minutes – Approve the Minutes of October 6, 2021 Executive and Regular Sessions. Motion to approve by Councilman Belcaro, seconded by Councilman Palitto. Roll call vote:

AYES: Councilman Belcaro, Councilman Palitto, Councilman Wright, Mayor Mengucci

NAYS: None

New Business:

Shared Service Agreement – Animal Control Services - Motion to approve the agreement by Councilman Belcaro, seconded by Councilman Wright. Roll call vote:

AYES: Councilman Belcaro, Councilman Palitto, Councilman Wright, Mayor Mengucci

NAYS: None

Road Opening Permit – Approve 15 James Avenue for gas service. Motion by Councilman Wright, seconded by Mayor Mengucci. Roll call vote:

AYES: Councilman Belcaro, Councilman Palitto, Councilman Wright, Mayor Mengucci

NAYS: None

Everstream Solutions, LLC – Municipal consent for use of the public rights of way to install telecommunications fiber optic cable to existing utility poles and conduits. Tabled – looking to see the plan first.

Banking Services – RFP went out for banking services with a response from Provident Bank. Motion to accept by Mayor Mengucci, seconded by Councilman Wright. Roll call vote:

AYES: Councilman Belcaro, Councilman Palitto, Councilman Wright, Mayor Mengucci

NAYS: None

Resolution No. 21-127 – Determining that the properties identified as Block 100, Lots 2.03, 3, 4, and 6.03 and Block 102, Lots 9.01, 9.03, 9.04 and 9 be designated as a Non-Condensation

Redevelopment Area in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.

R 21-127

**TOWNSHIP OF LOPATCONG
WARREN COUNTY**

A RESOLUTION DETERMINING THAT THE PROPERTIES IDENTIFIED AS BLOCK 100, LOTS 2.03, 3, 4 AND 6.03 AND 19 AND BLOCK 102, LOTS 9.01, 9.03, 9.04 AND 9 BE DESIGNATED AS A NON-CONDEMNATION REDEVELOPMENT AREA IN ACCORDANCE WITH THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. ("Redevelopment Law"), authorizes municipalities to determine whether certain parcels of land located therein constitute areas in need of redevelopment; and

WHEREAS, pursuant to a Resolution adopted on November 29, 2021 and memorialized on December 22, 2021, the Township Council ("Council ") of the Township of Lopatcong (the "Township") authorized and directed the Planning Board of the Township of Lopatcong (the "Board") to conduct an investigation to determine whether certain properties, identified as Block 100, Lots 1, 2.01, 2.03, 3, 4, 6.03, 6.05, 7.02, 8, 9, 10, 11, 12 and 13 and Block 102, Lots 1.01, 2.01, 2.02, 9.01, 9.03, 9.04 and 9, or any portions thereof (the "Study Area"), meet the criteria set forth in the Redevelopment Law and should be designated as a Non-Condensation Redevelopment Area, as that term is defined by the Redevelopment Law; and

WHEREAS, the Board conducted an investigation of the Study Area to determine whether it should be designated as a Non-Condensation Redevelopment Area in accordance with the criteria and procedures set forth in N.J.S.A. 40A:12A-5 and 40A:12A-6; and

WHEREAS, as part of its investigation, the Board directed George Ritter, AICP, P.P. of Ruggiero Plante Land Design, LLC, to prepare an Area In Need of Redevelopment Investigation Study ("Area in Need Study") for the Board for its consideration in determining whether the Study Area should be designated a Non-Condensation Redevelopment Area entitled "Township of Lopatcong Non- Condensation Area in Need of Redevelopment Study" dated June 30, 2021; and

WHEREAS, Mr. Ritter recommended that Block 100, Lots 2.03, 3, 4 and 6.03 and Block 102, Lots 9.01, 9.03, 9.04 and 9 be included in the Redevelopment Map area included in the Redevelopment Plan; and

WHEREAS, the Area in Need Study included a map prepared by Mr. Ritter showing the boundaries of the proposed redevelopment area and locations of the parcels included therein, along with a statement setting forth the basis for its investigation in accordance with N.J.S.A. 40A:12A-6(b)(1); and

WHEREAS, the Board conducted a public hearing on November 29, 2021, with notice having been properly given pursuant to N.J.S.A. 40A:12A-6(b)(3); and

WHEREAS, at the public hearing, the Board reviewed the Area in Need Study and heard testimony from Mr. Ritter and others; and

WHEREAS, at the public hearing, members of the general public were given an opportunity to be heard and to address questions to the Board and Mr. Ritter concerning the potential designation of the Study Area as a Non-Condensation Redevelopment Area; and

WHEREAS, after completing its investigation and public hearing on this matter, the Board concluded that there was sufficient credible evidence to support findings that satisfy the criteria set forth in the Redevelopment Law, particularly at N.J.S.A. 40A:12A-5 et seq., for designating the Study Area as a Non-Condensation Redevelopment Area and that said designation is necessary for the effective redevelopment of the area comprising the Study Area; and

WHEREAS, the Board further concluded that there was sufficient credible evidence to support findings that any designation of the Study Area as a Non-Condensation Study Area shall not authorize the municipality to exercise the power of eminent domain to acquire any property in the Study Area; and

WHEREAS, in accordance with the Redevelopment Law and as approved by Motion, dated November 29, 2021, and memorialized by Resolution dated December 22, 2021, the Board recommended to the Township Council that Block 100, Lots 2.03, 3, 4 and 6.03 and Block 102, Lots 9.01, 9.03, 9.04 and 9 be designated as a Non-Condensation Redevelopment Area; and

WHEREAS, the Board recommended that Block 100, Lots 1, 2.01, 6.05, 7.02, 8, 9, 10, 11, 12 and 13 and Block 102, Lots 1.01, 2.01 and 2.02 be excluded from such designation as they did not meet the requirements of the Redevelopment Law; and

WHEREAS, the Township Council considered the Board's recommendation at its year-end scheduled public meeting on December 29, 2021; and

WHEREAS, at the Township Council 's public meeting, members of the general public were given an opportunity to be heard and to address questions concerning the potential designation of the Study Area as a Non-Condensation Redevelopment Area; and

WHEREAS, Township Council accepted the recommendation of the Board to declare a portion of the Study Area (Block 100, Lots 2.03, 3, 4 and 6.03 and Block 102, Lots 9.01, 9.03, 9.04 and 9) as a Non-Condensation Redevelopment Area; and

WHEREAS, in order to effectuate the Township Council 's designation of the Study Area as an Area in Need of Redevelopment, the preparation of a Redevelopment Plan and presentation to the Planning Board and Township Council is required; and

WHEREAS, the Township Council desires to authorize Mr. Ritter to draft a Redevelopment Plan in consultation with the Board and to authorize the Board to review the Redevelopment Plan and transmit the proposed Plan to the Township Council for its consideration upon completion of the Planning Board's review.

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

1. That the Township Council accepts the recommendation from the Planning Board of the Township of Lopatcong and finds that Block 100, Lots 2.03, 3, 4 and 6.03 and Block 102, Lots 9.01, 9.03, 9.04 and 9 as shown on the official tax map of the Township of Lopatcong be and are hereby deemed to be a Non-Condensation Redevelopment Area pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.; and
2. That the designation of Block 100, Lots 2.03, 3, 4 and 6.03 and Block 102, Lots 9.01, 9.03, 9.04 and 9 as a Non-Condensation Redevelopment Area shall not authorize the Township to exercise the power of eminent domain to acquire any property in the Study Area; and
3. That the Township hereby reserves all other authority and powers granted to it under the Redevelopment Law; and

4. That the Clerk of the Township of Lopatcong shall forthwith transmit a copy of the within Resolution to the Commissioner of the Department of Community Affairs for review; and
5. That within ten (10) days of the Township Council 's adoption of the within Resolution, the Clerk of the Township of Lopatcong shall serve notice of the Township Council 's determination and the within Resolution upon all record owners of property within the Non-Condensation Redevelopment Area, those whose names are listed on the tax assessor's records, and upon each person who filed a written objection thereto and stated, in or upon the written submission, an address to which notice of the determination and Resolution may be sent and upon the Commission of the New Jersey Department of Community Affairs; and
6. That George Ritter, P.P., A.I.C.P., having been previously retained by the Township, is authorized and directed to prepare a Redevelopment Plan for Block 100, Lots 2.03, 3, 4 and 6.03 and Block 102, Lots 9.01, 9.03, 9.04 and 9, including an outline for the planning, development and redevelopment of the Study Area pursuant to N.J.S.A. 40A:12A-7 and present same to the Planning Board and Township Council at the hourly rate stated in his proposal; and

The Township encourages the Plan to contain requirements that contiguous property owners work together, where possible, to provide for stormwater management, parking and other infrastructure.

7. That the Planning Board shall transmit a report containing its recommendation concerning the Redevelopment Plan to the Township Council. The Planning Board's report shall include an identification of any provisions in the proposed Redevelopment Plan which are inconsistent with the Master Plan and recommendations concerning these inconsistencies and any other matters as the Planning Board deems appropriate; and
8. That this Resolution shall take effect immediately.

I hereby certify the foregoing to be a true copy of a Resolution approved by the Lopatcong Township Council at their regular meeting on December 29, 2021.

Margaret Beth Dilts, Township Clerk, CMC

Motion to adopt this Resolution by Councilman Wright, seconded by Mayor Mengucci. Roll call vote:

AYES: Councilman Belcaro, Councilman Palitto, Councilman Wright, Mayor Mengucci

NAYS: None

Consent Agenda:

Councilman Wright made a motion to approve the Consent Agenda, seconded by Councilman Palitto. Roll call vote:

AYES: Councilman Belcaro, Councilman Palitto, Councilman Wright, Mayor Mengucci

NAYS: None

Resolution No. 21-128 – Revise Salary Resolution to reflect Plumbing and Fire Subcode Officials increase for year 2021 was from January thru December 2021.

R 21-128

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY TO AMEND RESOLUTION 21-83 TO REFLECT PLUMBING AND FIRE SUBCODE OFFICIAL'S RAISES TO BE EFFECTIVE JANUARY 1, 2021

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey shall set a two percent 2% raise (effective July 1, 2021) for the job titles as listed below. Titles marked with an * did not receive a two percent raise AND Title with a ** received a raise back to January 1, 2021.

NOW, THEREFORE, BE IT RESOLVED that the following pay rates will be used during 2021 to compensate municipal employees:

	SALARY	HOURLY
*MAYOR	\$5,230.00	
*COUNCILPERSON	\$2,960.00	
TOWNSHIP CLERK – Margaret Dilts	\$138,021.14	
*TOWNSHIP ADMINISTRATOR – Margaret Dilts	\$15,600.00	
ELECTION BOARD CLERK – Margaret Dilts	\$1,545.71	
*PLANNING BOARD SECRETARY – Margaret Dilts	\$12,070.66	
*BOARD OF ADJUSTMENT SECRETARY – Patricia Segeda	Up to \$6,000.00	
*RENT LEVELING BOARD –	\$4,359.62	
CHIEF FINANCIAL OFFICER – Kimberley Browne	\$122,038.92	
TAX ASSESSOR – Robert Sweeney	\$41,955.07	
TAX/SEWER COLLECTOR - Daniele Lattig	\$65,794.90	
SUPERINTENDENT OF PUBLIC WORKS – Brian Weeks	\$89,809.81	
*MUNICIPAL COURT JUDGE – William Mennen	\$31,497.60	
*MUNICIPAL PROSECUTOR – Christopher Troxell	\$20,155.20	
MUNICIPAL COURT ADMINISTRATOR – Kristin Glinko	\$68,978.52	
*EMERGENCY MANAGEMENT OFFICIAL – Jason Garcia	\$2,065.19	
*DEPUTY EMERGENCY MANAGEMENT OFFICIAL – Patrick Rivoli	\$1,326.00	
*HERBICIDE LICENSE OPERATOR	\$2,000.00	
*CLEAN COMMUNITIES COORDINATOR	\$2,000.00	
SENIOR PAYROLL CLERK – Jennifer Patricia		\$30.22/Hr.
ANIMAL CONTROL REGISTRAR – Jennifer Patricia		\$18.00/Hr.

CUSTODIAN MUNICIPAL BUILDING – William Noto		\$18.56/Hr.
CUSTODIAN MUNICIPAL BUILDING – Heidi Shackleford		\$18.56/Hr.
MUNICIPAL COURT SECURITY – Michael Clancy		\$126.31/Session
RECORDS TECHNICIAN – Kathryn DeStefano		\$23.36/Hr.
*POLICE MATRON – Kathryn DeStefano		\$25.00/Hr.
SCHOOL CROSSING GUARDS		\$16.62/Hr.
CLASS III POLICE OFFICER-Donald Obley		\$26.01/Hr.
SENIOR PUBLIC WORKS REPAIRER – Joseph Bichler		\$35.86/Hr.
SENIOR PUBLIC WORKS REPAIRER – Joseph DiMassi		\$32.91/Hr.
PUBLIC WORKS REPAIRER – Brian Race		\$32.59/Hr.
LABORER – Scott Tetteimer		\$25.00/Hr.
LABORER – Christopher Gara		\$25.00/Hr.
ACTING SUPERVISOR OF PUBLIC WORKS		\$1.00/Hr.
*PARK SEASONAL MAINTENANCE		\$20.00/Hr.
CONSTRUCTION OFFICIAL/BUILDING SUB-CODE OFFICIAL – John Fritts		\$45.90/Hr.
TECHNICAL ASSISTANT TO CONSTRUCTION OFFICIAL – Eileen Apple		\$26.37/Hr.
** FIRE SUB-CODE OFFICIAL/FIRE PREVENTION – Kevin Maguire		\$40.00/Hr.
FIRE SUB-CODE OFFICIAL – Thomas Reynolds		\$40.00/Hr.
** PLUMBING SUB-CODE OFFICIAL – Valentine DeSanto		\$40.00/Hr.
ELECTRICIAL SUB-CODE OFFICIAL – Paul Esposito		\$40.00/Hr.
ZONING OFFICIAL – Andrew Melendez		\$35.70/Hr.

NOW, THEREFORE, BE IT RESOLVED that the Township of Lopatcong, County of Warren and State of New Jersey, approve a two percent increase for employees as listed above.

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, December 29, 2021.

Margaret B. Dilts, CMC

Space Farms – Authorize contract for 2022 for removal of deer carcasses from municipal road rights-of-way in the amount of \$31.00 per deer.

Morris County Co-op – Renew membership in the amount of \$1,100.00.

Resolution No. 21-129 – Authorize Tax Refund due to overpayment on Block 85.02, Lot 20 in the amount of \$2479.27.

R 21-129

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY TO ISSUE A REFUND FOR A TAX OVERPAYMENT FOR BLOCK 85.02, LOT 20

WHEREAS, Block 85.02, Lot 20 qualified as tax exempt (disabled veteran) on October 6, 2021; and

WHEREAS, the Tax Collector has adjusted the tax account to cancel taxes for the 4th quarter of 2021 and 1st and 2nd quarter of 2022; and

WHEREAS, before the Tax Collector could make the adjustment on the account for the homeowner made the 4th quarter payment of \$2,479.27 on November 8, 2021; and

WHEREAS, the homeowner’s payment in the amount of \$2,479.27 should be refunded to the property owner.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Lopatcong hereby authorizes a refund in the amount of \$2,479.27 to: Herman Barreto & Nereida Diaz, 581 Edward Street, Phillipsburg, NJ.

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, December 29, 2021.

Margaret B. Dilts, CMC

Resolution No. 21-130 – Authorize Tax Refund due to overpayment on Block 133, Lot 7 in the amount of \$699.61.

R 21-130

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING TO REFUND OVERPAYMENT ON SEWER PAYMENT FOR THE TAX YEAR 2021

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey that warrants be drawn to the property owners listed below in the designated amounts representing overpayment on sewer payments as follows for the tax year 2021.

<u>Block & Lot</u>	<u>Name of Payee</u>	<u>Amount</u>
Block 133, Lot 7	Jean, Exume & Jacquelin Tankersley 372 Stonehenge Drive Phillipsburg, NJ 08865	\$699.61

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey have approved the refunds made rather than applying these payments to the 2022 sewer taxes due.

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, December 29, 2021.

Margaret B. Dilts, CMC

Resolution No. 21-131 – Redemption of Tax Sale Certificate within 10 days of sale on 70 Buckley Hill Drive.

R 21-131

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE WITHIN 10 DAYS OF SALE ON 70 BUCKELEY HILL DRIVE

WHEREAS, the Tax Collector's Office has received payment for redemption prior to the issuance of Tax Sale Certificate 2021-032 on Block 139, Lot 6 known as 70 Buckeley Hill Drive in the name of Exavier & Cupidon for the amount of \$150.35.

WHEREAS, reimbursement is now required to be made to the following lien holder:

Arthur Frustaci
712 Rugby Road
Phillipsburg, NJ 08865

From Tax Lien redemption account, lien, penalty, interest and cost

<u>Tax Sale Certificate No.</u>	<u>Certificate Amount</u>	<u>Premium</u>	<u>Tax Refund</u>
2021-32	\$150.35	\$400.00	\$550.35

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lopatcong, County of Warren and State of New Jersey that the Treasurer is authorized to prepare payment in the amount of \$150.35, Premium \$550.35 made payable to:

Arthur Frustaci
712 Rugby Road
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, December 29, 2021.

Margaret B. Dilts, CMC

Resolution No. 21-132 – Authorize redemption of Tax Sale Certificate No. 116.07, Lot 2 in the amount of \$323.80, Premium \$1,500.00.

R 21-132

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE WITHIN 10 DAYS OF SALE ON 3 DOGWOOD LANE

WHEREAS, the Tax Collector's Office has received payment for redemption prior to issuance of Tax Sale Certificate No. 2021-023 on Block 116.07, Lot 2 known as 3 Dogwood Lane. In the name of Goodman for the amount of \$323.80; and

WHEREAS, reimbursement is now required to be made to the following Lien Holder:

BALA Partners, LLC
P.O. Box 303
Pottersville, NJ 07979

From Tax Lien Redemption account, lien, penalty, interest and cost

<u>Tax Sale Certificate No.</u>	<u>Certificate Amount</u>	<u>Premium</u>	<u>Total Refund</u>
2021-023	\$323.80	\$1,500.00	\$1,823.80

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lopatcong, County of Warren and State of New Jersey that the Treasurer is authorized to prepare payment in the amount of \$323.80, Premium \$1,500.00 made payable to:

BALA Partners, LLC
P.O. Box 303
Pottersville, NJ 07979

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, December 29, 2021.

Margaret B. Dilts, CMC

Resolution No. 21-133 – Reappoint Don Obley as Class III Police Officer at \$30.00 per hour.

R 21-133

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING REHIRE OF DONALD OBLEY PART-TIME AS CLASS III POLICE OFFICER IN THE POLICE DEPARTMENT

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey hereby authorizing rehire of one part-time Class III Police Officer in the Police Department; and

WHEREAS, Donald Obley shall be paid a salary of \$30.00 per hour; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey hereby approve the rehire of Donald Obley part-time as Class III Police Officer in the Police Department and shall be paid an hourly rate of \$30.00 per hour.

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, December 29, 2021.

Margaret B. Dilts, CMC

Resolution No. 21-134 – Safe and Secure Grant.

R 21-134

SAFE AND SECURE COMMUNITIES PROGRAM
2022-2115
RESOLUTION OF PARTICIPATION

A RESOLUTION APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY
FEDERAL GRANT PROGRAM ADMINISTERED BY THE DEPARTMENT OF LAW AND
PUBLIC SAFETY OFFICE OF THE ATTORNEY GENERAL

WHEREAS, the Township of Lopatcong wishes to apply for funding of approximately \$16,200.00 with a match of \$153,222.78 for an approximate project total cost of \$169,422.78 for a project under the State of New Jersey Safe and Secure Communities Grant Program, 22-2115 (Period 1/9/2022 – 1/8/2023); and

WHEREAS, the Mayor and Council has reviewed the accompanying application and has approved said request; and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety and the Township of Lopatcong Police Department for the purpose described in the application.

THEREFORE, BE IT RESOLVED by the Township of Lopatcong, Mayor and Council that

1. As a matter of public policy Township of Lopatcong wishes to participate to the fullest extent possible with the New Jersey Department of Law and Public Safety, Office of Attorney General.
2. The Attorney General will receive funds on behalf of the applicant.
3. The New Jersey Department of Law and Public Safety, Office of Attorney General shall be responsible for the receipt and review of the applications for said funds.
4. The New Jersey Department of Law and Public Safety, Office of Attorney General shall initiate allocations to each applicant as authorized.
5. The Township of Lopatcong, Non-Profit Organization, is authorized to accept and/or does accept the Subaward.

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, December 29, 2021.

Margaret B. Dilts, CMC

Brian's Professional Duct Cleaning – Approve quote for duct cleaning at the Municipal Building and DPW Garage in the amount of \$700.00 and \$500 respectively.

Council Reports:

Councilman Palitto – Wished everyone a Happy, Safe and Healthy New Year.

Councilman Belcaro – Wished everyone a Happy New Year.

Councilman Wright – Mentioned that there is a problem on 22 with trucks parking in various lots and that is being addressed with violations being issued. Wished everyone a Happy New Year as well.

Mayor Mengucci – Read a note from Greg Troxell the Phillipsburg School District Superintendent thanking the Police Department and Chief Garcia for their presence regarding traffic and all other assistance they provide.

Engineer Sterbenz – Noted that roadwork projects will be bid in January so awards of contracts in 2022. Roads: Portion of Belview Road, drainage and handicap work on Charles Road, section of Stonehenge Drive, and Anna Place. There is a grant for Baltimore Street as well if there is availability of funds.

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

Payment of Bills – Motion by Mayor Mengucci to approve payment of bills, seconded by Councilman Palitto. Roll call vote:

AYES: Councilman Belcaro, Councilman Palitto, Councilman Wright, Mayor Mengucci.

NAYS: None

Audience Participation:

John Betz – Brakeley Gardens – Asked if anyone is checking the rent rolls to compare last year's new tenants to this year's rents. Attorney Campbell noted that she was not sure if rent rolls have been sent. She noted complaints received have been addressed and those outstanding will be heard at the meeting on the 24th.

Dave Lorimer – 809 Rugby Road – Asked about Item No. 5 – is this the Christmas Tree Farm? Attorney Campbell noted that the Township evaluated the Phillipsburg Mall and the stretch on the opposite side of the road down to the Christmas Tree Farm. This was asked of the Planning Board to take a look to determine if there is a need of redevelopment of any of these properties. After the Board held public hearing, they came back with a recommendation of 8 properties that are in need of redevelopment to the Council. Council adopted the resolution agreeing that these 8 properties are the ones in need of redevelopment. The Resolution will go back to the Planning Board for the Planner to come up with a plan for what uses will be good for these properties.

Asked if Strykers Road was included in the reconstruction and repaving project. Mayor noted that this road was not included at this time. Asked for an analysis of the warehouse situation. Attorney Campbell said that it is all in litigation before the courts. Application that have been submitted are in the process of being heard. Bridge has been given preliminary approval and must meet certain conditions and will have to have final approval. NFI is the piece behind Berry Plastics is still pending before the Planning Board.

Jim Belske – 1020 Deerhaven Terrace – Asked if the ordinance would apply to Bridge as well. Attorney Campbell said this is part of the litigation but applications presently are to be heard under the old ordinance. The Planning Board was specifically told by the court that they have to hear the applications as if those ordinances are not in effect. Mr. Belske had repeated parts of questions and answers he received from Attorney Bryce from a Parking Board Meeting. Also questioned the truck traffic topic in Executive Session. Attorney Campbell explained she gave them advice on the situations with the trucks and the properties they were parked, etc. He asked about the completed warehouse on Strykers that he saw pictures of the porta potties on the property to accommodate employees. They are in horrific condition he noted. Engineer Sterbenz noted that they were brought because there was not enough restrooms built in the facility. There are more restrooms being built to address the situation. Engineer Sterbenz noted that John Fritts in construction should be made aware of this situation. Mr. Belske brought up the notice issue for the Overlook residents. Attorney Campbell said that this is a problem for the property manager. She made a mistake and this matter is between the board and the management company. Councilman Wright said that he is being sued personally fighting this lawsuit to stand up and fight for you guys. Attorney Campbell clarified that each of the Council persons were sued individually in addition and a whole Council. Mr. Belske said that is absurd. Why is that, like who would run for office if anything I'm going to do can hold (inaudible). So, you have to pay your own legal fees.

Attorney Campbell – If indictment was against them personally, they'd have

Jim Belske – That was part of the tactic I'm assuming the developer to put pressure, hey, I'm going to go after you personally.

Councilman Wright – I'm sure. I'm sure. So, we're here for you and you know, hearing you talk up here, it kills us because we can't talk about it. We'd love to be more frank but we're being sued, that's it. It sucks; anything else, that's what it does.

Jim Belske - I hear you and I think I've said this before and I've written back. I appreciate what everybody's doing.

Councilman Wright – No, I know you do and I'm glad you're here.

Jim Belske – I have the easy job. I get on the internet and talk to people and get information and play

Councilman Wright – Here's the problem, you're smart enough to come here, listen to us, hopefully you take what we say, you don't go home and you take it on Facebook and all this other stuff and say, well, Council stinks, you know what I mean because people come here, they play the game oh thanks for helping us, but then they go home and on Facebook, they switch it all around just to get everybody else hot and bothered and it's not the way it is. We're here fighting for you and you know, we want your backing but there's only so much we can do and trust me, we're here for you.

Jim Belske – And personally, I think, I get that impression from the Township Council. I don't get that necessarily when I go to the Planning Board, in particular, I don't get that.

Attorney Campbell – You have to understand, so they are a quasi-judicial board so they are, there like little judges almost that have to hear these applications so they have to be even more careful about what they say. It would be like if you went to court and you were trying to talk to the judge about the case, like they have a very different set of rules, just like they have different Open Public Meeting Act rules then we do here at the Council. Planning Board is different. So, don't judge them too harshly either because they're doing their best. They're, you know, volunteers.

Councilman Wright – They've been told by a judge what to do already.

Attorney Campbell – Well, and that's true too. They filed their own lawsuit. They used their money, budget money, you know, the Planning Board and they filed a lawsuit and said what, tell us what to do, because we couldn't help them either. We said, I don't know what to tell you. We're saying no and the court, you know, so they went ahead too. They're doing what they can within their little piece of the law, but they're, you know, the Municipal Land Use Law has been around a long time and it's pretty clear on what we can and cannot do. I think, you know, we've gone back and forth, I've been trying to be helpful but I know you're not getting the answers you want but if this Council wasn't as helpful, they would have told me to stop talking to you a long time ago and not billed them but I'm trying so cause, if you find something, I'm going to tell you but so far, unfortunately, is Overlook's problem.

Jim Belske – I understand that.

Attorney Campbell – I think what I would do if I were you going forward, Venessa is going to get a copy of the notice when it comes for final and she's got to blast that out, you know, you got to get it to you and get it to everybody and

Jim Belske – And there'll be no issues sending that notice because I know there were some issues with some other issues Overlook sent out. That one to me would be a legal notice that we

Attorney Campbell – The one they sent out that was full of false information, she shouldn't have sent that out. The one that was a public notice, a legal public notice, that she sent out. So, yeah. no, she, those are public notices and for you, you know, you can read the public newspaper you can read the public notices on line so you can check every week to see notices. You can check the Planning Board agenda to see if Bridge is on, you know, and come to the meeting, you can call Beth and say what's on, is that on the agenda, you know, unfortunately, you have to put some effort into it because you,

Jim Belske – I have no problem doing that.

Attorney Campbell – That's great, residents of Overlook should be thankful to have you.

Jim Belske – It's all of us and I do appreciate everything that you do and the information and I think you've been up, you've been tolerant and up front with your interpretation and again, there will be differences of opinion but I do hope the Township continues to fight this and I understand there is always, you know, some pitfalls and battles that are not won but the bigger pictures to keep pursuing this through because it's the right thing to do for the Township and the residents.

Attorney Campbell – The fact that they got sued four times about this, clearly, they are trying; the Township.

Jim Belske – Thank you all, Happy New Year to you.

Mayor Mengucci – Anyone else? John.

John Betz – I was thinking, the gentleman said the porta potties over there at the one warehouse. Now, say all this stuff gets done, they get around with sewerage capacity coming out of the new warehouse on the, would be the north/west side or western side of Strykers and then like they juggle it around and create all this different sewerage flows, you know, they don't happen, but then all of sudden porta potties go, the two warehouses are in and the sewerage capacity spikes up high and then that is Phillipsburg's sewerage plant. What happens to Lopatcong? What

Mayor Mengucci – As far as what?

John Betz – As far as fines or as far as

Mayor Mengucci – There's only so much sewer capacity

John Betz – Yeah, I understand that.

Attorney Campbell – Capacity is based upon a range. So, they're trying to account for that.

John Betz – So, if they're juggling this capacity right now.

Mayor Mengucci – When you say juggling, what are you talking about.

John Betz – Porta potties outside.

Councilman Wright – He says they're hooked up to the sewer now.

John Betz – They are.

Attorney Campbell – It's not capacity. That's just a lack of bathrooms actually being built.

Mayor Mengucci – You're saying they're trying to get around the sewer capacity.

John Betz – That's what I'm asking about, yes Jim.

Engineer Sterbenz – The existing warehouse is permitted to connect to the sewer system, so that's really not an issue. Regarding the other proposed warehouses, we're not certain there is capacity to allow them to connect in and that's something that's going to be evaluated. The study was done by the sewer engineer for the Township and if there is capacity, we're not going to approve them to connect to the sewer.

Patti Lienenbach – 919 Barn Owl Way – Are we allowed, all of these discussions I haven't heard anything about a truck stop which I guess is also a potential use for the mall area. I'm just wondering if there's any ordinance, does the ordinance prevent truck stops as well as warehouses; the new ordinance, does it specifically call out truck stops?

Attorney Campbell – No, it doesn't but what we did is, we removed warehouse and distribution from the existing but I can tell you the Phillipsburg Mall is currently not permitted to have a truck stop and so a zoning violation was issued to the owner of the mall yesterday. So, if you saw the article with the trucks parking, they're only parking on the Pohat side I think, but they cannot park trucks overnight there so we issued them a violation.

Patti Lienenbach – Is it possible for someone to submit an application for a truck stop anywhere in Lopatcong Township? Based on our current

Mayor Mengucci – You say truck stop, you're talking about something they have down in Bloomsbury?

Attorney Campbell – I would have to look at your zoning.

Engineer Sterbenz – It is possible for anybody to file any application they want. It may not be permitted and they may need variances so we see all sorts of crazy applications, Katrina and I in all the different towns that we work in. Doesn't mean, it's ever going to get approved.

Attorney Campbell – But is it a permitted use in the zone. Well, we'd have to look at each zone and honestly, I don't know off the top of my head.

Patti Lienenbach – How would I find that information because I asked at the Planning Board and I've asked here and I've also asked because you're saying kind of the same thing as I've understood it for several weeks now that it's all been a timing issue, these warehouses got in under the fact that there was this timing issue with going from the old ordinance to the new ordinance and they go in under the change and so I've said so, therefore, there is nowhere else in Lopatcong Township that we would be able to accept or even be able to consider an application for development of a warehouse. Based on what you're saying now one else has submitted an application to build a warehouse, therefore, they would be holding to the new ordinance because it's in place for anything in the future. It's only these that got in under the old ordinance possibly that, I can't get a straight answer on that either. I want a straight answer on all those so we can

Attorney Campbell – So, as Paul just said. It's not that simple is really the answer. As Paul said, so right now we, on Strykers Road there is no warehouses permitted currently under, we, according to us, we have an ordinance in place, no warehouses. If someone came in

Patti Lienenbach - But only on Strykers Road, so down by Belview

Attorney Campbell – No

Mayor Mengucci – No, no

Attorney Campbell – In the ROM Zone, in the PD Zone, in the, there's a bunch of ROM Zones where that kind of use could be permitted, we've taken it out. I think effectively taken it out of all of the town but if someone came along and said Hey um, I bought Precast Concrete which is across from Berry Plastic, I'm going tear that down and I'm going to build a warehouse. We'd say not permitted. That doesn't mean they can't come in with a variance and ask to build one anyway but it is not permitted.

Patti Lienenbach – And, can a judge say, you are required to accept that variance? Or, is that specifically in the Planning Board and the Town Council's hands to approve or deny that?

Attorney Campbell – It is first in the Zoning Board's hands; it would go away from the Planning Board it would go to the Zoning Board because it's a variance. If the town denied it and said no, we're not doing that they could file a lawsuit and say it was arbitrary and capricious and we should have allowed it and it met the positive and negative criteria; there's all this municipal land use that, so yes, technically, someone could keep trying to put one in but when you start with an ordinance that says it's not permitted here, you are on much stronger grounds.

Patti Lienenbach – Okay. So, so right now, I'm sorry, give me a minute because my head (inaudible) so right now truck stop is not, you don't foresee that being a big concern.

Attorney Campbell – I don't know if that is permitted or a permitted use. You'd have to look at the zoning.

Patti Lienenbach – So, how could I find that, when you say me look at it, I'm not going to, first of all, our zoning map is horrible. If you look at other Township zoning maps, they have these beautiful color-coded zones; they're very crisp and clear

Attorney Campbell – That's what we have. That's what we have. Color coded

Patti Lienenbach – You do?

Attorney Campbell – I think

Patti – Lienenbach – Okay cause everyone

Attorney Campbell – Here it is.

Patti Lienenbach – All right. Everyone that I've seen is black and white and you can't read anything.

Engineer Sterbenz – If you give me hour email address, or you can get it online, I'll email it to you.

Attorney Campbell – It's online

Patti Lienenbach – No, if it's online, if it's there. Okay

Attorney Campbell – It's a link on the Township website. We switched it over but I'm pretty sure it's still there. It takes a while

Patti Lienenbach – If I can't find it, can I give you a call? Okay, thank you very much.

Engineer Sterbenz – What I'm seeing just, I guess you're talking about the Phillipsburg Mall property?

Patti Lienenbach – Yes, well, I'm talking about anywhere because I'm not, I really don't, I'm not familiar with the complete boundary lines and everything of the Township so, you know, I'm not just worried about Overlook. I'm worried about the area as a whole.

Mayor Mengucci – You piqued my curiosity, are you concerned because you're hearing that? Or you just assuming that with the warehouses, comes trucks, with trucks comes truck stops.

Patti Lienenbach – Yeah, well, I have heard, I believe Greenwich specifically prohibited trucks so they specifically called out truck stops. They will not allow warehouses. They will not allow truck stops.

Talking over each other.

Patti Lienenbach – Yeah, so, you know, I think it would smart of us to do the same, if we haven't already.

Attorney Campbell – We'll have to look and see. It may already be.

Engineer Sterbenz – I don't see anything in the HB Zone.

Patti Lienenbach – If you fighting for us, you know, we need, we need to do it sooner so that nobody gets in under the old ordinance. Truly appreciate it. Now, regarding the litigation, I know you can't comment on it. Can you give any idea, you know, can it last ten years?

Mayor Mengucci – Let's hope not.

Patti Lienenbach – No, make it last ten years because then, you know, they'll get bored hopefully and go away. No, but I know you're not going to be able to say exactly how long it's going to last but

Attorney Campbell – I would be shocked if it lasts past 2022. Some decisions, little ones have been made along the way so we're

Patti Lienenbach – So, the Planning Board is not obligated to proceed based on the old ordinance, fine. Will it get to a point where they're actually ready to break ground and they will be permitted to break ground even if this litigation is ongoing?

Attorney Campbell – It would be at their own risk because the litigation but the court has said they have, we have to proceed under the

Patti Lienenbach – So, the court won't sit there and say, there's no way, I was going to ask, can you ask them to say prohibit breaking ground?

Attorney Campbell – We asked them not to make us hear the applications at all until the litigation was over and they said no, but we're going to try but it may be over by then. Like I said cause, you know, they got preliminary, they

Patti Lienenbach – There's further way to go so let's hope the sewer capacity is what prevents them from proceeding. All right. Thank you very much.

Mayor Mengucci – Anyone else questions, comments? Yes sir.

Dave Larrimore – 809 Rugby Road. I'd just like to concur with what was just said here. Concerns about a potential truck stop. I think it's important for the Council and relate to the Municipal Planning Board that this is an issue that should be looked at. It should be specifically restricted in the ordinance because if it's not, you know, I know you could say I don't think so, I'm not sure. Why not just prohibit it just as you have done with the warehouses? All of these things and I'm not faulting anybody but not having the foresight about the warehouses, are how we're in this predicament right now and I don't know if there's any other, you know, issues to look at, I don't know how often things are updated. I really don't follow all that stuff and I don't know if you ever get help from the County Planning Board, you know, look at some of these issues, you know, you'd like to think they'd be proactive and outreach to the municipalities that things you should be looking at and updating in the zoning or you know ordinances, but certainly this issue about potential truck stops, maybe it's not feasible but it's something I really think everybody should be taking a look at. Be proactive and see what's going on there, so, thank you.

Mayor Mengucci – Thank you. Anyone else questions, comments? Hearing and seeing none, a motion to adjourn.

Councilman Belcaro – Motion.

Councilman Wright – Second.

Mayor Mengucci – All in favor. Folks, have a safe New Year's.

Respectfully submitted,

Margaret B. Dilts, CMC
Clerk/Administrator

James E. Mengucci
Mayor