

TOWNSHIP OF LOPATCONG  
Council Meeting

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

November 3, 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.”

Motion to come out of Executive Session by Councilman Belcaro, seconded by Councilman Palitto. All in favor.

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

**Old Business:**

**Minutes** – Approve August 4 and August 19, 2021 Executive and Regular Session. Motion 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. 21-10** – Establish/Adjust the Salaries, Retainers and Wage Rates for Certain Employees tabled from the October meeting.

2021-10

AN ORDINANCE TO ESTABLISH/ADJUST THE SALARIES, RETAINERS AND WAGE RATES OF CERTAIN EMPLOYEES IN THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY

BE IT ORDAINED by the Council of the Township of Lopatcong, County of Warren and State of New Jersey that the salaries, retainers and wage rates of officers and employees are as follows:

MUNICIPAL CLERK	\$85,000 - \$139,000
CONSTRUCTON OFFICIAL	\$45 - \$55/Hr.
TACO	\$45,000 - \$50,000
FIRE OFFICIAL	\$40 - \$45/Hr.
ELECTRICAL OFFICIAL	\$40 - \$45/Hr.
PLUMBING OFFICIAL	\$40 - \$45/Hr.

ZONING OFFICIAL	\$35 - \$40/Hr.
MUNICIPALCOURT/COUNCIL SECURITY	\$126.31 - \$130.00/Session
911 COORDINATOR	\$2,000
POLICE CHIEF	\$150,000 - \$168,000
POLICE DEPT. OIC	\$4.25 - \$5.35/Hr.
DPW SUPERINTENDENT	\$89,000 - \$94,000
SR. PUBLIC WORKS REPAIRER	\$35 - \$40/Hr.
PUBLIC WORKS REPAIRER	\$30 - \$35/Hr.
LABORER	\$25 - \$30/Hr.
DEPUTY REGISTRAR	\$1,200
COURT CALLOUT	\$65 Per Callout

This Ordinance shall take effect immediately upon passage and publication according to law (N.J.S.A. 40:69A-181(b)).

#### NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced for first reading at a meeting of the Council of the Township of Lopatcong held on Wednesday, November 3, 2021 and will be considered for adoption upon second and final reading at a regular Township meeting to be held on Wednesday, December 1, 2021.

Margaret B. Dilts, CMC

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. 21-11** – Second reading and public hearing to Amend and Revise Chapter 173 “Rent Control,” Section 1 “Definitions,” to Clarify the Definition of Dwelling. Motion to hold a public hearing by Councilman Belcaro, seconded by Councilman Palitto. No comments from the public. Motion to close the public hearing by Councilman Belcaro, seconded by Councilman Palitto. All in favor.

#### ORDINANCE NO. 21-11

#### 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, November 3, 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 AND REVISE CHAPTER 173 “RENT CONTROL,” SECTION 1 “DEFINITIONS,” OF THE CODE OF THE TOWNSHIP OF LOPATCONG TO CLARIFY THE DEFINITION OF DWELLING.**

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 this Ordinance by Councilman Belcaro, seconded by Councilman Palitto. Roll call vote:

AYES: Councilman Belcaro, Councilman Palitto, Mayor Mengucci

NAYS: None

ABSTAIN: Councilman Wright, Council President Pryor

**New Business:**

**Best Practices** – CFO Browne noted that every year at this time, the Division of Local Government Services puts out the Best Practices Inventory and this year it is 24 questions and then there is another 20 unscored questions and what this does, based on a certain score, otherwise the state will hold back a percentage of state aid. Lopatcong has never been in jeopardy and the total points this year were 23 and Lopatcong scored 21. This is mandated to be discussed at a public meeting.

**Fire Prevention Dept. Purchase** – Tent and Table Cover in the amount of \$1097.00. This equipment will be used by both Fire Companies as well. Motion to approve by Mayor Mengucci, seconded by Councilman Wright. Roll call vote:

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

NAYS: None

**Granicus – Website/Mobile Homepage** – Proposal to convert mobile homepage to replicate the website in the amount of \$4,100.00. Motion by Council President Pryor, seconded by Mayor Mengucci. Roll call vote:

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

NAYS: None

**Ordinance No. 21-12** – First reading to increase Dog Licenses Fees.

ORDINANCE NO. 2021-12

**ORDINANCE OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN, STATE OF NEW JERSEY TO AMEND CHAPTER 101 “DOGS, CATS AND OTHER ANIMALS,” ARTICLE I “LICENSING, REGISTRATION AND CONTROL,” SECTION 3 “LICENSE AND REGISTRATION FEES, EXCEPTION,” AND SECTION 14 “VIOLATIONS AND PENALTIES,” OF THE CODE OF THE TOWNSHIP OF LOPATCONG TO REVISE THE FEES FOR DOG LICENSES AND LATE FEES.**

**WHEREAS**, the Dog Licensing Agent of the Township of Lopatcong has recommended to the Mayor and Council that Section 101-3 of the Code of the Township of Lopatcong be amended; and

**WHEREAS**, the Township Council has evaluated the dog licensing fees for surrounding municipalities in Warren County and agree that Lopatcong Township's fees are significantly lower than all other municipalities.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Township of Lopatcong, County of Warren, that Chapter 101 entitled "Dogs, Cats and Other Animals," Article I "Licensing, Registration and Control," Section 3 "License and Registration Fee, Exception," and Section 14 "Violations and Penalties," of the Code of the Township of Lopatcong ("Code") is hereby amended as follows:

**SECTION 1.** Section 101-3 of the Code of the Township of Lopatcong is hereby deleted and amended as follows:

- A. Any person applying for a license and registration shall pay for each new or renewed license a fee of \$13 per dog. Persons applying for a license who present a certificate signed by a licensed veterinarian stating that the dog has been spayed or neutered shall be entitled to a reduction of \$3 in the annual fee.
- B. Dogs used as guides for blind persons and commonly known as "Seeing Eye" dogs, dogs used to assist handicapped persons and commonly known as "Service Dogs" and dogs used to assist deaf persons and commonly known as "Hearing Ear" dogs shall be licensed and registered as other dogs hereinabove provided for, except that the owners and keepers of such dogs shall not be required to pay any fee therefor.

**SECTION 2.** Section 101-14(A) shall be amended as follows:

- A. Any person in violation of the license and registration §and 101-3 of this Article shall be subject to a late fee of ~~\$2~~ \$5 per month for each month beginning with February 1 of each year, up to the time a license is obtained.

**SECTION 3** All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

**SECTION 4.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 5.** This Ordinance shall take effect upon final passage and publication according to law.

### **NOTICE**

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Township of Lopatcong held on November 3, 2021 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Council to be held on December 1, 2021 at 6:30 p.m. or as soon thereafter as the Township Council may hear this Ordinance at the Municipal Building, 232 South Third Street, Phillipsburg, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Margaret B. Dilts, CMC

Motion to adopt this on reading 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

**Ordinance No. 21-13** – First reading to increase fees for Certified Copies of vital Records to \$15.00 each.

ORDINANCE NO. 21-13

**ORDINANCE OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN, STATE OF NEW JERSEY TO AMEND CHAPTER 115 “FEES,” ARTICLE I “COPIES OF PUBLIC RECORDS,” OF THE CODE OF THE TOWNSHIP OF LOPATCONG TO ADD SECTION 7.1 ENTITLED “CERTIFIED COPIES”.**

**WHEREAS**, the Township adopted Ordinance 1985-17 to create former Ch. 15, Fees, consisting of Art. I, Certified Copies of Certain Documents, adopted October 16, 1985; and

**WHEREAS**, Ordinance 1985-17 was amended by Ord. No. 1997-05 on June 4, 1997; and

**WHEREAS**, the current Township Codification does not have the fees for certified copies listed and just includes an editor’s note about the prior ordinance; and

**WHEREAS**, the Township Council wishes to amend the Ordinance to ensure the fees are listed in the Code and also to increase the fee.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Township of Lopatcong, County of Warren, that Chapter 115 entitled “Fees,” Article I “Copies of Public Records,” of the Code of the Township of Lopatcong (“Code”) is hereby amended as follows:

**SECTION 1.** Section 115-7.1 of the Code of the Township of Lopatcong is hereby created as follows:

§115-7.1 Certified Copies

The fee to obtain a certified copy of a marriage, birth or death certificate shall be fifteen dollars (\$15) each.

**SECTION 2.** All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

**SECTION 3** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 4.** This Ordinance shall take effect upon final passage and publication according to law.

**NOTICE**

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Township of Lopatcong held on November 3, 2021 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Council to be held on December 1, 2021 at 6:30 p.m. or as soon thereafter as the Township Council may hear this Ordinance at the Municipal Building, 232 South Third Street, Phillipsburg, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Margaret B. Dilts  
Township Clerk

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

NAYS: None

**Ordinance No. 21-14** – First reading to Amend Chapter 101 “Dogs, Cats and Other Animals,” to Create Article VI “Chickens and Other Fowl,” to Regulate Keeping of Chickens and Other Fowl in the Township.

ORDINANCE NO. 21-14

**ORDINANCE OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN, STATE OF NEW JERSEY TO AMEND CHAPTER 101 “DOGS, CATS AND OTHER ANIMALS,” TO CREATE ARTICLE VI “CHICKENS AND OTHER FOWL,” OF THE CODE OF THE TOWNSHIP OF LOPATCONG TO REGULATE THE KEEPING OF CHICKENS AND OTHER FOWL IN THE TOWNSHIP.**

**WHEREAS**, the Township of Lopatcong wishes to regulate the keeping of chickens and other fowl in the Township; and

**NOW THEREFORE IT BE ORDAINED** by the Council of the Township of Lopatcong, County of Warren, State of New Jersey that Chapter 101 “Chickens and Other Fowl,” shall be amended to create Article VI “Chickens and Other Fowls,” as follows:

Section 1:

**ARTICLE VI Chickens and Other Fowl**

**§ 101-31 Definitions.**

For the purposes of this Section, "fowl" shall be defined as chickens, turkeys, pigeons, ducks, geese or other undomesticated bird kept for its eggs, flesh or insect/tick control.

**§ 101-32 Land Required.**

- a. No more than four (4) fowl may be kept on properties less than three (3) acres. There shall be no limit for the number of fowl allowed to be kept on lots three (3) acres and larger provided all other provisions of this section are in compliance.
- b. No crowing roosters shall be kept on a farm or tract of land containing less than five (5) acres.
- c. No fowl may be kept on any townhome, condominium, garden apartment or other planned community existing of common elements.

**§ 101-33 Unattended Animals, Free-Ranging Prohibited.**

All fowl permitted pursuant to this section shall be kept in a fenced area. No free-ranging shall be permitted. All fowl if left unattended, shall remain confined in its shelter/coop.

**§ 101-34 Shelter.**

All fowl kept pursuant to this Section must be kept in a suitable shelter or coop.

- (1) All shelters and coops must have a floor impervious to moisture, and must be waterproof, free from rats and vermin, and properly ventilated and lighted.
- (2) All shelters shall be constructed in such a manner and of such material to prevent said animal or animals from running at large.
- (2) All shelters and coops shall comply with any and all side and rear yard setback requirements but in no case less than 20 feet from any property line.
- (3) All shelters and coops must be kept in a clean and sanitary condition, open to inspection by the Township

**§ 101-35 Manure.**

All manure, pending disposal, shall be kept or stored in tightly covered metal containers, or in such manner as shall be approved by the Zoning Officer or Animal Control Officer, as not to create a nuisance or breed flies.

**§ 101-36 Noise.**

All fowl kept pursuant to this section shall be subject to the provisions of Chapter 149, Nuisance

**§ 101-37 Farmland Assessment.**

Nothing in this section shall be construed to apply to any property owner whose property has qualified for farmland assessment under the provisions of N.J.S.A. 54:4-23.1 et seq. by the Tax Assessor of the Township of Lopatcong.

**§ 101-38. Enforcement.**

The provisions of this article may be enforced by the Lopatcong Township Police Department, the Township Zoning Officer or upon the filing of a complaint in the Municipal Court of the Township of Lopatcong by any inhabitant of the Township of Lopatcong, either with or without prior notice to the person committing a violation of this article.

**§ 101-39. Violations and penalties.**

Any person who violates any provision of this article shall, upon conviction thereof, be liable to a penalty of not more than \$1,000 or imprisonment for not more than 90 days, or both, for each violation. Each day that said violation continues shall be deemed a separate and distinct violation.

Section 2:

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 3:

Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 4:

Effective Date. This Ordinance shall take effect upon final passage and publication as provided by law.

**NOTICE**

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Township of Lopatcong held on November 3, 2021 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Council to be held on December 1, 2021 at 6:30 p.m. or as soon thereafter as the Township Council may hear this Ordinance at the Municipal Building, 232 South Third Street, Phillipsburg, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Margaret B. Dilts  
Township Clerk

**Welcome to Lopatcong Signs** – Replace around town. Will get quotes to consider.

**Consent Agenda:**

Mayor Mengucci made the motion to adopt the consent agenda, seconded by Council President Pryor. Roll call vote:

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

NAYS: None

Mayor Mengucci also noted that No. 6 should read Block 85.02, Lot 20 not Block 2, Lot 29

**Resolution No. 21-112** – Transfer certain Current Fund Appropriations no longer necessary – USDA Loan Interest and Principal to Fund Balance in the amount of \$532.00.

R 21-112

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY AUTHORIZING CANCELLATION OF CERTAIN CURRENT  
FUND APPROPRIATIONS THAT ARE NO LONGER NECESSARY

WHEREAS, certain Sewer Fund Appropriation ordinances have funding that are no longer necessary; and

WHEREAS, it is necessary to formally cancel said balances.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Lopatcong, County of Warren and State of New Jersey that the following unexpended balances be cancelled:

USDA Loan Interest Amount - \$9438

Cancel To: Fund Balance

USDA Loan Principal Amount - \$437.62

Cancel To: Fund Balance

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, November 3, 2021.

Margaret B. Dilts, CMC

R 21-113



RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY AUTHORIZING CANCELLATION OF CERTAIN CURRENT  
FUND APPROPRIATION THAT ARE NO LONGER NECESSARY

WHEREAS, certain Current Fund appropriation ordinances have funding that are no longer necessary; and

WHEREAS, it is necessary to formally cancel said balances.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Lopatcong, County of Warren and State of New Jersey that the following unexpended balances be cancelled:

Note Interest Amount - \$2,791.33                      Cancel To: Fund Balance

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, November 3, 2021.

Margaret B. Dilts, CMC

**Resolution No. R 21-114** – Transfer Appropriations in the 2021 Budget during the last two months of the year in the amount of \$21,000.00.

R 21-114

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY AUTHORIZING THE TRANSFER OF APPROPRIATIONS OF  
THE 2021 LOPATCONG TOWNSHIP MUNICIPAL BUDGET DURING THE LAST TWO  
MONTHS OF THE YEAR AS PER N.J.S.A. 40A:4-58

WHEREAS, it has become necessary to expend an amount in excess of the respective items appropriated in the 2021 Lopatcong Township Municipal Operating Budget.

NOW, THEREFORE, BE IT RESOLVED as per N.J.S.A. 40A: 4-58 that the Mayor and Council of the Township of Lopatcong authorize the Chief Financial Officer to make the following appropriation transfers:

CURRENT FUND:

FROM:

TO:

Engineering OE	\$10,000.00	Tax Assessor OE	\$10,000.00
Rent Board S&W	\$3,000.00	Computer Svc OE	\$5,000.00
Planning Bd OE	\$3,000.00	Planning Board S&W	\$1,000.00
Legal OE	\$5,000.00	Zoning Officer S&W	\$500.00
		Zoning Board OE	\$1,000.00
		Bldg S&W	\$2,500.00
		Animal Control S&W	\$1,000.00
<b>Total</b>	<b>\$21,000.00</b>	<b>Total</b>	<b>\$21,000.00</b>

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, November 3, 2021.

Margaret B. Dilts, CMC

**Resolution No. 21-116** – Correct Tax Account for Block 77, Lot 12 in the amount of \$2,808.37.

R 21-116

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY TO CORRECT THE TAX ACCOUNT FOR BLOCK 77, LOT 12

WHEREAS, the Township of Lopatcong has been provided with receipts for tax payments for Block 77, Lot 12 which were not applied to the taxpayer's account; and

WHEREAS, the Township wishes to apply these payments to the account and cancel any interest associated with the failure to timely post these payments.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Lopatcong hereby authorizes the Township Tax Office to apply the following payments to Block 77, Lot 12:

December 30, 2016

\$2,808.37

BE IT FURTHER RESOLVED, that the Lopatcong Tax Office shall cancel any and all interest resulting from the failure to timely post these payments.

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, November 3, 2021.

Margaret B. Dilts, CMC

**Resolution No. 21-117** – Refund Tax overpayment for Block 85.02, Lot 20 in the amount of \$2341.70.

R 21-117

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 4<sup>th</sup> quarter of 2021 in the amount of \$2,341.75 and 1<sup>st</sup> and 2<sup>nd</sup> quarters of 2022 as billed.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Lopatcong hereby authorizes the Tax Collector to cancel taxes in the amount of \$2,341.70 for the 4<sup>th</sup> quarter of 2021 and the 1<sup>st</sup> and 2<sup>nd</sup> quarters of 2022 as billed.

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, November 3, 2021.

Margaret B. Dilts, CMC

**Resolution No. 21-118** – Authorize Redemption of Tax Sale Certificate No. 2020-004 on Block 11, Lot 4.

R 21-118

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE NO. 2020-004 ON BLOCK 11, LOT 4

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on December 29, 2020, a lien was sold on Block 11, Lot 4 also known as 214 Beers Street for delinquent sewer; and

WHEREAS, this lien known as Tax Sale Certificate No. 2020-004 was sold to US Bank Cust/Pro Cap 8/Pro Cap; and

WHEREAS, on October 2021 the mortgage company for the property owner has satisfied the redemption amount on Certificate No. 2020-004 in the amount of \$766.80, Premium \$600.00.

NOW, THEREFORE, BE IT RESOLVED on this 3<sup>rd</sup> day of November 2021 that the Chief Financial Officer is authorized to issue a check in the amount of \$766.88, Premium \$600.00 for the redemption of Tax Sale Certificate No. 2020-004 to:

US Bank Cust/Pro Cap 8/Pro Cap  
50 S 16<sup>th</sup> 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, November 3, 2021.

Margaret B. Dilts, CMC

**Resolution No. 21-119** – Correct Tax Account on Block 99, Lot 220 C1004 in the amount of \$1,420.00.

R 21-119

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY TO CORRECT THE TAX ACCOUNT FOR BLOCK 99, LOT 220 C1004

WHEREAS, the Township of Lopatcong has been provided with receipts for tax payments for Block 99, Lot 220 C1004 which were not applied to the taxpayer's account; and

WHEREAS, the Township wishes to apply these payments to the account and cancel any interest associated with the failure to timely post these payments.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Lopatcong hereby authorizes the Township Tax Office to apply the following payments to Block 99, Lot 220 C1004:

April 25, 2015	\$1,420.00
----------------	------------

BE IT FURTHER RESOLVED, that the Lopatcong Township Tax Office shall cancel any and all interest resulting from the failure to timely post these payments.

#### 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, November 3, 2021.

Margaret B. Dilts, CMC

**Oasis Road Restoration Bond** – Authorize release of Cash Bond in the amount of \$20,000.00 as recommended by Engineer Sterbenz.

**Announcement** – A letter was received from the governor’s office announcing that Lopatcong will be receiving \$141,000.00 for the improvement of Baltimore Street from Red School Lane out to Strykers now that the construction is completed out there it is a good time to resurface that section of Baltimore Street. The balance of the cost will have to be budgeted. Other Township roads are slated to be improved this coming year as well when it is hoped to get a better price. This includes Charles Road, Anna Place, etc.

#### **Council Reports -**

Councilman Palitto – Congratulate Lou and Rich and looks forward to working with both gentlemen. He received concerns from residents about the traffic on Strykers Road; specifically, trucks coming out of the warehouses not stopping at the stop sign and coming out onto the road in traffic cutting vehicles off. Need to look into regulating that traffic.

Councilman Belcaro – No report.

Councilman Wright – Question – Had some discussion with the Chief of Police and Sherriff McDonald from the County. We are experiencing a lot of tractor trailer traffic in the area and trying to come up a way to weigh some of these trucks that pull on the side roads and issues violations if necessary. This is in the planning stage which includes the State’s input.

Council President Pryor – Thanked Road Superintendent Brian Weeks for his monthly report; he found it to be a wealth of information. Passed on a complement wherein a resident watched your leaf crew the other day and found the equipment had been being used very efficiently.

Engineer Sterbenz – No report.

Chief of Police Garcia – Received a couple complaints regarding the stop sign at the warehouse facility and since then phone calls were made to the tenant as well as out to the USPS who is ultimately responsible for the trucks coming in and out of there. Their management will address this matter.

**Department Report** – Motion to approve by Councilman Wright, seconded by Council President Pryor. All in favor.

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

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

NAYS: None

**Audience Participation** –

Paul Murphy – 248 Stonehenge Drive – Asked if there was any consideration to an air quality study due to the high number of warehouses in the area now and potential new ones. The EPA Website has guidance on conducting that. Mayor Mengucci said this can be looked into and thought this was a good point.

John Betz – 225 Red School Lane – Asked if anything changed in the Rent Control Ordinance. Attorney Campbell noted that the definition of the word “dwelling” was added.

Jim Belske – 1020 Deerhaven Terrace – Asked if the ordinance that was passed that prevents warehouses was still in the courts? Attorney Campbell indicated that the Township adopted an ordinance that prohibits more warehouses on Strykers Road. Before the ordinance was finalized, two applications were filed. The Township proceeded to adopt the ordinance and as a result four lawsuits were filed against the Township. They are all still pending and the Township is defending each one of them. The two applications are still pending at the Planning Board and if they don’t hear them, they are automatically approved. The Planning Board was unsure what to do because there is an old ordinance as well as the new ordinance so they filed with the court and asked for guidance and said we don’t know how to handle these applications. The court came back and informed the Planning Board to hear those applications under the old ordinance. If the Township is successful in their litigation, then that would undo any of those approvals. So, developers are proceeding at their own risk knowing the litigation is out there. The Planning Board has to hear it under the ordinance that did not prohibit warehouses and follow the Municipal Land Use Law. In the meantime, the Township is continuing to litigation with both of these applicants. There are numerous conditions that have to be met. He noted he was not anti-warehouse. The one on Strykers Road sits back off the road and low, all the bays are in the back, there are numerous trees but where he has a problem is nine more of those, each progressively larger, in the same area, in-between residents and when you take a look at the proposed warehouses all within this area is crazy. Thanked the Council for their input and appreciated the ability to emphasize his concern.

Janet Blaine – 225 Red School Lane – She was wondering if the Rent Leveling Board is active. Attorney Campbell noted that we have a membership with council members appointed to it and Mayor Mengucci acknowledge that we do. She noted there are new landlords and is not sure what’s going to happen; there is only vague information that is being put out. She asked if the Township would be willing to help.

Tom Lasglazo 220 Bald Eagle in Overlook – If they did build a ware house where the solar panels are, would that be subject to noise and light ordinances? Attorney Campbell noted they would be subject to the site plan approval. There would be conditions stipulated in the resolution of approval. There is a buffer and a berm that is required stated Council President Pryor. He noted that Jim Kern is trying to do some regional planning but asked the Council if there is anything else that can be done with the zoning that is on the books now? Attorney Campbell noted this is what they are trying to do. There is an ordinance on the books to prevent warehouse going forward.

Resident – Out on the road a lot. Notice that there’s signs up for Jake Breaking. Attorney Campbell informed him that the ordinances are invalid. A Jake Break is an emergency device on

a truck and they are technically there for safety so an ordinance cannot be created to tell someone they can't use their safety mechanism.

Tom Lasglazo – Asked if it can be said engine breaking for emergency use only. Attorney Campbell said maybe but you would have to see them do it and we'd have to prove it wasn't an emergency.

Diana Beno – Homestead Court – Asked if the Township had a Master Plan that can be looked at. Township has had one since before the Municipal Land Use Law was adopted. The first one was in the 50's explained Council President Pryor. It is reexamined periodically and it has been amended. Also asked if the fire department can handle any emergency with regard to these warehouses. She asked about the stormwater runoff and emergency response plans for the Township.

Mr. Stengel – Lower Strykers Road – He brought a box containing a large piece of Strykers Road in it to demonstrate the conditions that the road has been left in as well as the garbage that is around the area created by the warehouses. Engineer Sterbenz will address this with the developer.

Diana Beno – Inbound and outbound traffic – can it be controlled with timing when they can and cannot do business?

Patti Liedenbauch – 919 Barn Owl Way – Attended the Planning Board Meeting and asked if the Township ordinance protects us from any other warehouses coming in? Attorney Campbell – indicated the current ordinance does not allow any more warehouses so this covers most of the town. That ordinance is under attack.

Ken Fitzsimmons – Goldfinch Terrace – Asked to explain and show on the map where the Overlook Development is compared to the warehouses. Engineer Sterbenz went over the map and explained to the public how the warehouse would be placed on the property and the setbacks intended to provide between the building and the Overlook development.

Resident – Asked about detention ponds and that they are not being maintained properly. Engineer Sterbenz indicated that there are maintenance plans required and approved by the Board and recorded in the County Clerk's Office. They are required to keep maintenance logs which are reviewed by my office.

Ken Fitzsimmons – Asked about the new bridge going into the warehouses as you circle around to cross over at Third Street at Rt. 22. Will trucks be using that? Mayor Mengucci said there will be no trucks crossing over the bridge. It has only been designed for cars.

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

Respectfully submitted,

Margaret B. Dilts, CMC  
Clerk/Administrator

James E. Mengucci  
Mayor