

TOWNSHIP OF LOPATCONG
Council Meeting

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

October 6, 2021

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

A Prayer was offered followed by the Oath of Allegiance.

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

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

Save a Life Award - Phillipsburg Emergency Squad presented awards -

Presenters: Christopher Lee, Squad President, William Strausser, Squad Chief, James Campbell, Squad Captain, Derrick Flavelle, Squad Supervisor to Squad Members: Blaise Strausser, Brody Merker, Cody Reiger, Ricky Galando, James Wright and Lopatcong Police Officers Samuel Rivera and Christopher Petrella.

Public Comment: No comments from the public.

Old Business:

Minutes – Approve minutes for Executive and Regular Sessions for July 7, 2021. Council President Pryor noted two corrections. Motion by Councilman Wright, seconded by Council President Pryor to approve. Roll call vote:

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

NAYS: None

New Business:

Ordinance No. 21-10 – First reading to Establish/Adjust Salary Ranges for certain job titles – Tabled.

Street Opening Permit – 20 James Avenue for gas connection. This has been done in the past. These roads were paved two years ago. Attorney Campbell noted that they must have a legitimate purpose. The gas company had been notified well in advance of the town’s program. Engineer Sterbenz said he cannot approve this unless there is a waiver granted by the Township Council. Attorney Campbell noted the property is owned by a non-profit organization and it is a group home for adults with disabilities. They bought it in 2006 and they want to install a generator in the home; gas powered generator because they feel their residents would need stability. Motion to approve by Councilman Wright, seconded by Council President Pryor. Roll call vote:

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

NAYS: None

Outstanding Invoices – Authorize Attorney Campbell to address letters to the owners of property on Block 94, Lot 14.01 and property at Block 40, Lot 12 to collect funds that are outstanding for work performed by municipal employees. Motion by Mayor Mengucci to have Attorney Campbell address letters to these homeowners, seconded by Councilman Wright. Roll call vote:

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

NAYS: None

Municipal Electric Vehicle Ordinance – Attorney Campbell said the Governor decided that electric vehicles are important and that range anxiety is a real problem and so they decided that every town needed this ordinance but instead of making a state statute that says when you come before the land use board you get this level, kind of like when they decided solar panels were inherently beneficial, they made this decision. The DCA published it and now in every town, it's an ordinance. If you come to Lopatcong and look up your code book, it's not going to be in there. It is the rule and the land use board should be made aware of it. There is one piece of the ordinance that you can make changes to and that's the standards; so, you may want to send it to the land use board and ask them because it falls under their purview if they would like to make any adjustments within that one section that is allowed. You may want to do it to put it in the code book.

Dept. of Transportation 2022 Local Freight Impact Fund – Engineer Sterbenz said this is a grant process that can be utilized to obtain funds for roadways where there is a lot of truck traffic. There is a standard to prove; 10% of traffic within the zone. This maybe something we could use on Strykers Road and we could use the recent traffic studies to determine the 10% but if there is not at least 10% or more than we could wait for next time. Council will entertain this down the line.

Ordinance No. 21-11 – First reading to amend Chapter 173, Section 1 to Clarify the Definition of Dwelling in the Rent Control Ordinance.

ORDINANCE NO. 2021-11

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.

WHEREAS, a landlord within the Township has raised some questions regarding the definition of “dwelling” within the Rent Control ordinance; and

WHEREAS, while the Township of Lopatcong believes the ordinance to be straightforward and supported by caselaw, the township Council feels that it is in the best interest of all parties to amend the definition of the word “dwelling” to alleviate any confusion on the part of this landlord and any future landlords; and

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Lopatcong, County of Warren, State of New Jersey, that Chapter 173 “Rent Control,” Section 1 “Definitions,” of the Code of the Township of Lopatcong is amended and revised as follows:

SECTION 1

DWELLING

Includes any building or structure or trailer or land used as a trailer park, rented or offered for rent to one or more tenants or family units. Excluding from this definition and from the operation of this chapter are motels, hotels and similar types of buildings. Also, excluded are housing units which are fewer than three units under common ownership. Units of three or more that are part of a planned community or other development existing on one lot or multiple adjoining lots or with common elements shall be included in this definition and the operation of this chapter, regardless of the number of units per structure.

SECTION 2

All other definitions in Section 173-1 shall remain unchanged.

SECTION 3

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

SECTION 4

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

SECTION 5

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

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Township of Lopatcong held on October 6, 2021 and ordered published in accordance with the law. Said Ordinance will be considered for public hearing, final reading and adoption at a regular meeting of the Township Council to be held November 3, 2021 at 7:30 p.m. or as soon thereafter as the Township Council may hear this Ordinance. A copy of the Ordinance is available from the Township Clerk Monday through Friday between 9am and 4pm. 908-859-3355 x 223 or diltsb@lopatcongtwp.com

Margaret B. Dilts, CMC

Township Clerk

Motion to adopt Ordinance on first reading by Mayor Mengucci, seconded by Councilman Belcaro. Roll call vote:

AYES: Councilman Belcaro, Councilman Palitto, Mayor Mengucci

NAYS: None

ABSTAIN: Councilman Wright, Council President Pryor

Consent Agenda:

Motion by Mayor Mengucci to approve the Consent Agenda, seconded by Councilman Belcaro.

Roll call vote:

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

NAYS: None

Resolution No. 21-107 - Authorize redemption of Tax Sale Certificate No. 2020-017 on Block 66, Lot 6 in the amount of \$5,749.36, Premium \$13,500.00.

R 21-107

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE
NO. 2020-017 ON BLOCK 66, LOT 6

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on December 29, 2020 a lien was sold on Block 66, Lot 6 also known as 305 South Second Street for delinquent sewer; and

WHEREAS, this lien known as Tax Sale Certificate No. 2020-017 was sold to US Bank Custodian for Actlien Holding; and

WHEREAS, on September 20, 2021, the mortgage company of the property owner has satisfied the redemption amount on Certificate No. 2020-017 in the amount of \$5,749.36, Premium \$13,500.00.

NOW, THEREFORE, BE IT RESOLVED on this 6th day of October 2021, that the Chief Financial Officer is authorized to issue a check in the amount of \$5,749.36, Premium \$13,500.00 for the redemption of Tax Sale Certificate No. 2020-017 to:

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

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, October 6, 2021.

Margaret B. Dilts, CMC

Resolution No. 21-108 - Authorize redemption of Tax Sale Certificate no. 2020-032 on Block 24, Lot C0662 in the amount of \$1,345.77, Premium \$1,500.00.

R 21-108

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE
NO. 2020-032 ON BLOCK 99, LOT 24 C0662

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on December 29, 2020, a lien was sold on Block 99, Lot 24 C0662 also known as 662 Honeybrook Circle for delinquent sewer; and

WHEREAS, this lien known as Tax Sale Certificate No. 2020-032 was sold to US Bank Custodian for Actlien Holding; and

WHEREAS, on September 15, 2021, the mortgage company for the property owner has satisfied the redemption amount on Certificate No. 2020-032 in the amount of \$1,345.77, Premium \$1,500.00.

NOW, THEREFORE, BE IT RESOLVED on this 6th day of October 2021, that the Chief Financial Officer is authorized to issue a check in the amount of \$1,345.77, Premium \$1,500.00 for the redemption of Tax Sale Certificate no. 2020-032 to:

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

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, October 6, 2021.

Margaret B. Dilts, CMC

Resolution No. 21-109 - Authorize redemption of Tax Sale Certificate No. 2020-037 on Block 99, Lot 379 C0509 in the amount of \$5,809.81, Premium \$11,500.00.

R 21-109

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE
NO. 2020-037 ON BLOCK 99, LOT 379 C0509

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on December 29, 2020, a lien was sold on Block 99, Lot 397 C0509 also known as 509 Goldfinch Terrace for delinquent sewer; and

WHEREAS, this lien known as Tax Sale Certificate o. 2020-037 was sold to US Bank Custodian for Actlien Holding; and

WHEREAS, on September 20, 2021, the mortgage company for the property owner has satisfied the redemption amount on Certificate No. 2020-037 in the amount of \$5,809.81, Premium \$11,500.00.

NOW, THEREFORE, BE IT RESOLVED on this 6th day of October 2021, that the Chief Financial Officer is authorized to issue a check in the amount of \$5,809.81, Premium \$11,500.00 for the redemption of Tax Sale Certificate no. 2020-037 to:

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

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, October 6, 2021.

Margaret B. Dilts, CMC

Resolution No. 21-110 - Refund for a Tax Overpayment on Block 2, Lot 29 in the amount of \$376.80.

R 21-110

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY TO ISSUE A REFUND FOR A TAX OVERPAYMENT FOR BLOCK 2, LOT 29

WHEREAS, Block 2, Lot 29 qualified as tax exempt (disabled veteran) on September 15, 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 2020; and

WHEREAS, before the Tax Collector could make the adjustment on the account for the homeowner made the 4th quarter payment of \$2,260.37 on August 5, 2021; and

WHEREAS, the homeowner's payment prorated to \$376.80 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 \$376.80 to: Gary and Patricia Cox

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, October 6, 2021.

Margaret B. Dilts, CMC

Raffle License – PHS Boosterettes – Approve application.

Council Reports:

Councilman Palitto – Reported Community Day went very well. Thanked the Recreation Committee members and the EDAC members for all the planning. Also, thanked Brian Weeks of the DPW for all of his help. The Township Yard Sale yielded over \$900.00 for the Lopatcong Fire Departments. Thanked Tim Weiss for his efforts and the Fire Dept. for all their assistance as well.

Councilman Belcaro – No report.

Councilman Wright – Stated that the Sally Port Project needs to be addressed and moved forward before we are notified by the state. Mayor Mengucci thought that it is too late in the process and noted the cost would be much higher. It was over \$300,000 last time we looked at it he said. Councilman Wright thought the cost was cut back. Council President Pryor asked Engineer Sterbenz to provide input. Engineer Sterbenz stated pricing was received on the project but the contractor noted that he did not consider pricing on the fire protection and the whole thing fell apart. This was mid to late 2020 and was put on hold at this point but that the contractor was interested in negotiating this. Engineer Sterbenz noted that he would set up a meeting with the contractor.

Council President Pryor – The Redevelopment Plan is at the Planning Board. There has been a presentation and discussion. The plan is to have a formal hearing November 29th and possibly even a vote that evening. This would then come back to the Council to accept it by resolution and that this is a two-step process. There needs a determination that it is an area in need of redevelopment. At that point it will go back to the Planning Board and be charged with coming up with the Redevelopment Plan and back to Council again to shape an ordinance and so on. It is mostly likely will take a year. It is moving steadily.

Inquiries have been made about the Agri-solar. There was more legislation and a pilot program and would like to request Katrina to do a little bit of research to lay out what the current rules are because it has changed from the previous administration. Attorney Campbell said there is no application before the town but she would prepare a memo.

Mayor Mengucci – Thanked Councilman Palitto for his efforts with Community Day. It went very smoothly this year. Thanked the DPW and Police Dept. as well. Township Cleanup went very well this year. The Township Yard Sale also went well and thanked the volunteers for their continued effort and to member the fire company and emergency squad during their donation drives.

Reported that he has met several times at the pool with different contractors and pricing could be as high as \$800,000 or more depending on what had to be addressed. This would be a public bid and asked Engineer Sterbenz to further address this subject.

Engineer's Report – He noted that drawings, specification, etc., would have to be prepared in order to move forward. After reviewing the report, he will come back with recommendations for the November meeting.

Engineer Sterbenz has received bids on preparatory work that will be done on the roads in the spring; specifically, Charles Road, Anna Place and a portion of Stonehenge Drive. This was a second bid and received three bids. The pricing was all over the place and the low bidder came in 60% low in relation to the cost estimate. The low bidder has now asked to withdraw their bid.

Police Chief Garcia – Thanked Mayor and Council for the tremendous support for emergency services here in the Township recognizing the work of the officers and beyond what they do on a daily basis. September 20th body worn cameras were rolled out program. Every officer is equipped with body worn cameras. This is in line with the Attorney General’s mandate and in compliance. Recent storm affected some in town. FEMA spent time in the building to assist residents as needed.

Attorney Campbell – From Executive Session there was one item – motion to authorize Beth to advertise the position of Deputy Clerk with the understanding this position would be assisting helping the Tax Office and other offices. Mayor Mengucci made the motion, seconded by Councilman Wright. Roll call vote:

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

NAYS: None

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

Payment of Bills – Motion by Council President Pryor, seconded by Councilman Wright. Roll call vote:

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

NAYS: None

Audience Participation:

Stephanie Roth Tickle – 713 Lynda Road. Spoke to the Mayor and thanked him for taking the time to talk to her. She was interested in keeping a couple of backyard hens and she would like to go about it the right way. She put in an application for a Zoning Permit and it was denied based on a section of the code. He put down 243-66B5 which only applies to livestock. As far as she could tell that the Township code does allow for 5 backyard poultry based on section 243-66B which does allow accessory buildings for up to 5 pets of the household. She felt all of this would have deemed approval of her permit. She noted that she has researched other town ordinances of which Phillipsburg has one. Attorney Campbell informed her that she will be putting an ordinance together and it was suggested that she refer to Phillipsburg’s ordinance.

Richard Mercker – 1400 Belvidere Road – Asked about the sidewalk project going in on Belvidere Road. Engineer Sterbenz noted that plans have been prepared and have been submitted to the DOT for approval. Sidewalks will be reduced to 4 feet which will cause the plans to be modified. He would like to know what distance from the curb as he will be installing a fence. The other concern was the speed of cars traveling on the road and would like it reduced. Attorney Campbell informed him that he would have to get in touch with the County. He also said he went to the school to vent about the children wearing masks. Initially the school said it was the parent’s choice. The Governor set a mandate. What do we have to do to protect our children? There is no data; CDC effectiveness of masks if worn properly, 40%. Mr. Mercker stated some other facts. The children have to wear masks for 6 hours per day. He did not know who else to speak to about this.

Tiffany Valdez – 41 Puddingstone Way – The last storm there is land behind her home that belongs to the Township and all the trees in the back wooded area and she asked who owned that property. Attorney Campbell stated that the Township owns Lot 26 which is located behind her house. Ms.

Valdez asked what will the Township do about the trees. Attorney Campbell noted that she has a list of properties of people who have said that a tree fell in their yard and this has been reviewed and it is the Township's tree and this will be taken care of. Some others have trees located in an easement and it is not the Township's tree. The tree has caused damage to her shed and asked how that will be handled. This will be looked at by the DPW when they come out.

Corrine Torrez – 37 Woodbine – Asked about the pool and to get it going by the community. How do we get numbers, do we need petitions to get it going? Mayor Mengucci said we would welcome any public input. This all comes with a price; 75-day window to make money.

Jenny Schetler and Valerie – 849 Uniontown Road – reported a cat problem – thirteen/fourteen cats between the neighborhood yards. There is a lot of young cats. Animal Control said they could get homes for the kittens but no resolution yet. I was told not to feed these cats. They came from Shandor's property. Attorney Campbell will call Robert Lagonera and see what the story is.

Resident – Address a speeding issue on S. Sixth Street. What can be done? This is a 25 MPH speed limit. Mayor Mengucci asked Chief Garcia to look into this matter.

Donna Schneider – Regarding the cats, this has been an ongoing issue in the town. There is an ordinance on the books that you are not allowed to feed feral cats. Asked Council President Pryor about the November 29th meeting. He stated that is the formal hearing for the first part of the redevelopment plan. Ask about the asphalt plant and has it changed names. Ownership was transferred before it was open. There is a land owner and a user. North State is the user and Oasis Holdings to the owner.

Dona Bellfy – 16 Anna Place – Member on Recreation Committee – wants information on state of the pool. What is the status on the grant? Engineer Sterbenz stated that state was to expedite the review and approval within a few weeks but to date they have acted upon the applications. What is the next step forward for the Council? Mayor Mengucci said Mr. Sterbenz will be looking into this next. The pool is not the only project at the park that needs to be addressed said Mayor Mengucci. She and her husband want to be actively involved in the process.

Donna Schneider – Indicated her family is clearing brush and putting in signs behind the pavilion. It is a county trail. Would like the police to be aware that her family is back there.

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

Respectfully submitted,

Margaret B. Dilts, CMC
Clerk/Administrator

James E. Mengucci
Mayor