

TOWNSHIP OF LOPATCONG
Council Meeting

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

February 2, 2022

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

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

Public Comment: No comments

Old Business:

Minutes – December 29, 2021 and January 5, 2022 Executive and Regular Sessions.

Motion by Councilman Palitto to approve, seconded by Mayor Mengucci. Roll call vote:

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

NAYS: None

ABSTAIN: Councilman McQuade

Sidewalk Agreement – Running from Willdew Avenue down to North First Street in Delaware Park. Attorney Campbell noted this is a Resolution to approve the sidewalk plans and authorize the execution of County Sidewalk Agreement. Motion by Council President Wright, seconded by Councilman McQuade. Roll call vote:

AYES: Councilman McQuade, Councilman Palitto Council President Wright.

NAYS: None

ABSTAIN: Mayor Mengucci

Redevelopment Plan Resolution Amendment – Attorney Campbell explained this amendment would change to authorize the Council to prepare the Redevelopment Plan with the Township professionals instead of the Planning Board. Motion by Council President Wright, seconded by Councilman Palitto. Roll call vote:

AYES: Councilman McQuade, Councilman Palitto, Council President Wright, Mayor Mengucci.

NAYS: None

New Business:

Ordinance No. 22-01 – First reading to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank.

ORD. 22-01
CALENDAR YEAR 2022
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS

**AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Council of the Township of Lopatcong in the County of Warren finds it advisable and necessary to increase its CY 2022 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$235,790.84 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Lopatcong, in the County of Warren, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2022 budget year, the final appropriations of the Township of Lopatcong shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$235,790.84 and that the CY 2022 municipal budget for the Township of Lopatcong be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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 February 2, 2022 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 March 2, 2022 at 7:30 pm or as soon thereafter as the Township Council may hear this Ordinance in the Municipal Building, 232 S. 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 on first reading by Council President Wright, seconded by Mayor Mengucci. Roll call vote:

AYES: Councilman McQuade, Councilman Palitto, Council President Wright, Mayor Mengucci.

NAYS: None

Consent Agenda:

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY AUTHORIZING CONSENT AGENDA FOR COUNCIL'S
CONSIDERATION

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey do hereby approve and authorize a Consent Agenda to move routine items of business requiring no discussion; and

WHEREAS, there are listed Items one through seven on the Consent Agenda.

1. Resolution – Authorize Transfer between the 2021 Budget Appropriation Reserves in the amount of \$2,000.00.
2. Resolution – Authorize Sewer Credit in the amount of \$853.05 as approved by the Sewer Appeal Panel on January 19, 2022 for resident of 4 Meadowview Drive.
3. Resolution – Authorize Redemption of Tax Sale Certificate No. 2020-044 in the Amount of \$6,765.09, Premium \$800.00 on Block 116.04, Lot 7.
4. Resolution – Authorize Redemption of Tax Sale Certificate No. 2021-02 on Block 86.02, Lot 17 in the amount of \$646.69, Premium \$1,500.00.
5. Resolution – Authorize Redemption of Tax Sale Certificate No. 2021-003 in the amount of \$544.56, Premium 1,500.00.
6. Authorize release of escrow in the amount of \$39,000 to Bridge Development for work completed as recommended by Engineer Sterbenz.
7. Approve membership application for Yanni A. Paredes-Moreira for Fire House No. 2 as recommended by Fire Chief LaFord.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey approve and authorize this Consent Agenda to move routine items of business that require no discussion.

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, February 2, 2022.

Margaret B. Dilts, CMC

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

AYES: Councilman McQuade, Councilman Palitto, Council President Wright, Mayor Mengucci.

NAYS: None

Resolution No. 22-39 – Authorize Transfer between the 2021 Budget Appropriation Reserves in the amount of \$2,000.00.

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY AUTHORIZING TRANSFER BETWEEN THE 2021 BUDGET
APPROPRIATION RESERVES

WHEREAS, various 2021 bills have been presented for payment this year, which bills represent obligations of the prior fiscal year and were not covered by order number and/or recorded at the time of transfers between the 2021 Budget in the last two months of 2021; and

WHEREAS, N.J.S.A. 40A:4-59 provides that all unexpired balances carried forward after the close of the fiscal year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from the unexpended balances to those which are expected to be insufficient during the first three months of the succeeding year.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Township of Lopatcong, County of Warren and State of New Jersey, (2/3 of the majority of the full membership concurring herein) that the transfers in the amount of \$2,000.00 be made between the 2021 Budget Appropriation Reserves as follows:

ACCOUNT:	FROM:	TO:
OTHER EXPENSES		
Aid to Vol. Ambulance Co.	\$2,000.00	
OTHER EXPENSES		
Building		\$1,000.00
Rent Board		\$ 500.00
Aid to Vol Fire Co.		\$ 500.00
Total	\$2,000.00	\$2,000.00

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, February 2, 2022.

Margaret B. Dilts, CMC

Resolution No. 22-40 – Authorize Sewer Credit in the amount of \$853.05 as approved by the Sewer Appeal Panel on January 19, 2022 for resident of 4 Meadowview Drive.

R 22-40

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING SEWER REFUND ON BLOCK 86.07, LOT 55 IN THE AMOUNT OF \$853.05

WHEREAS, resident of 4 Meadowview Drive, Block 86.07, Lot 55 appeared before the Sewer Appeal Board on January 19, 2022 concerning high quarterly sewer bills; and

WHEREAS, resident explained that during 2020 and 2021, he had to refill his in-ground swimming pool four times. Resident produced various documentation including insurance reimbursement for his flooded basement caused by a problem with his pool filter. The resident used his own hose to refill the pool. The last time, the resident employed the help of a pool cleaner who had to drain and refill the pool due to mold. The pool cleaner verified that the resident again filled the pool via his hose instead of trucking in water and also verified that he had pumped out the pool twice without the water going into the sanitary sewer system; and

WHEREAS, the sewer panel reviewed all the documentation presented and agreed the proof submitted that twice the water did not go into the sewer system; and

WHEREAS, the panel approved a one-time credit to the resident for two fills at 36,300 gallons each time which equates to a Sewer Credit of \$853.05. The resident was instructed to put in a deduct meter on his property to avoid such a situation in the future.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey do hereby authorize this credit approved by the Sewer Appeal Panel for resident of Block 86.07, Lot 55 in the amount of \$853.05.

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, February 2, 2022.

Margaret B. Dilts, CMC

Resolution No. 22-41 – Authorize Redemption of Tax Sale Certificate No. 2020-044 in the amount of \$6,765.00, Premium \$800.00 on Block 116.04, Lot 7.

R 22-41

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE NO. 2020-044 ON BLOCK 116.04, LOT 7

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on December 29, 2020, a lien was sold on Block 116.04, Lot 7 also known as 14 Sundance Way for delinquent sewer; and

WHEREAS, this lien known as Tax Sale Certificate No. 2020-044 was sold to US Bank Cust/Pro CAP 8/PRO CAP; and

WHEREAS, on January 24, 202, the mortgage company for the property owner has satisfied the redemption amount on Certificate No. 2020-044 in the amount of \$6,765.09, Premium \$800.00.

NOW, THEREFORE, BE IT RESOLVED on this 2nd day of February 2, 2022, that the Chief Financial Officer is authorized to issue a check in the amount of \$6,765.09, Premium \$800.00 for the redemption of Tax Sale Certificate No. 2020-044 to:

US Bank Cust/Pro Cap 8/Pro Cap
50 S 16th Street, Suite 2050
Philadelphia, PA 19102-2513

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, February 2, 2022.

Margaret B. Dilts, CMC

Resolution No. 22-42 – Authorize Redemption of Tax Sale Certificate no. 2021-02 on Block 86.02, Lot 17 in the amount of \$646.69, Premium \$1,500.00.

R 22-42

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE NO. 2021-02 ON BLOCK 86.02, LOT 17

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on December 14, 2021, a lien was sold on Block 86.02 ,Lot 17 also known as 25 Meadowview Drive for delinquent sewer; and

WHEREAS, this lien known as Tax Sale Certificate No. 2021-012 was sold to BALA Partners, LLC; and

WHEREAS, on January 4, 2022 property owner, has satisfied the redemption amount on Certificate No. 2021-012 in the amount of \$646.69, Premium \$1,500.00.

NOW, THEREFORE, BE IT RESOLVED on this 2nd day of February 2022, that the Chief Financial Officer is authorized to issue a check in the amount of \$646.69, Premium \$1,500.00 for the redemption of Tax Sale Certificate No. 2021-012 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, February 2, 2022.

Margaret B. Dilts, CMC

Resolution No. 22-43 – Authorize Redemption of Tax Sale Certificate No. 2021-003 in the amount of \$544.56, Premium \$1,500.00.

R 22-43

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE NO. 2021-003 ON BLOCK 34, LOT 5

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on December 14, 2021, a lien was sold on Block 34, Lot 5 also known as 620 Red School Lane for delinquent sewer; and

WHEREAS, this lien known as Tax Sale Certificate No. 2021-003 was sold to BALA Partners, LLC; and

WHEREAS, on January 24, 2022, property owner has satisfied the redemption amount on Certificate No. 2021-003 in the amount of \$544.56, Premium \$1,500.00.

NOW, THEREFORE, BE IT RESOLVED on this 2nd day of February 2022, that the Chief Financial Officer is authorized to issue a check in the amount of \$544.56, Premium \$1,500.00 for the redemption of Tax Sale Certificate No. 2021-003 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, February 2, 2022.

Margaret B. Dilts, CMC

Bridge Development Escrow – Authorize release of escrow in the amount of \$39,000.00 to Bridge Development for work completed as recommended by Engineer Sterbenz.

Strykers Road Fire House No. 2 – Approve membership application for Yanni A. Paredes-Moreira for Fire House No. 2 as recommended by Fire Chief LaFord.

Council Reports:

Councilman Palitto – Looking to schedule a joint Recreation/EDAC Committee meeting for the third week of the month.

Council President Wright – Asked about the truck situation and where that stands. Clerk Dilts informed the public that summons were issued and the property owners will be scheduled for court. Attorney Campbell stated that the time frames cannot be changed as the property owners have a period of time to rectify the situation. The Zoning Officer can continue to write violations. Council President Wright asked about the Recreation Program if it will be held this year. Clerk Dilts said it used to be housed at the pool and will need another location; something that can be discussed.

Council President Wright noted that there were interviews for the position of Keyboarding Clerk and a candidate has been decided on.

Attorney Campbell said that a motion would be necessary to authorize to extend an offer to the person discussed in Executive Session for the salary discussed and upon the acceptance of the offer, a Resolution to memorialize the hire would be adopted.

Council President Wright set forth that exact motion as stated by the Township Attorney, seconded by Councilman Palitto. Roll call vote:

AYES: Councilman McQuade, Councilman Palitto, Council President Wright, Mayor Mengucci.

NAYS: None

Mayor Mengucci – noted there was a second personnel issue.

Attorney Campbell explained that the Tax Assessor made a request for payment for certain required work related to his position in which Council discussed and decided to move forward with what was decided. Motion by Mayor Mengucci, seconded by Councilman McQuade. Roll call vote:

AYES: Councilman McQuade, Councilman Palitto, Council President Wright, Mayor Mengucci.

NAYS: None

Mayor Mengucci – informed the public that Engineer Sterbenz would comment on the pool but noted that he would like to put this matter on a referendum allowing the Township residents to make the decision on its fate. It has been a staple in the community since 1967 and it has not been open in the last two years and it would not be open this season. Engineer Sterbenz noted there is a leaking condition and the pool is not holding water. The age contributes to the concrete being cracked and porous at this point along with many other issues including piping over 50 years old. The kiddie pool also has issues.

Department Reports: Motion to approve by Council President Wright, seconded by Councilman Palitto. All in favor.

Payment of Bills: Mayor Mengucci made a motion seconded by Council President Wright. Roll call vote:

AYES: Councilman McQuade, Councilman Palitto, Council President Wright, Mayor Mengucci.

NAYS: None

Audience Participation:

John Betz – Talked about the leases being signed and read from a document to the attention of Council.

Donna Schneider – Redevelopment Plan – asked questions regarding the process. Attorney Campbell informed her that a committee will entertain ideas for possible uses and also engage the property owners. This will be reviewed by the Planning Board and put into an ordinance. Asked about the approvals NFI and Bridge have. Asked about videos on the web.

John Ketcherson – Took pictures and asked who to send them too. Clerk Dilts provided the Zoning Officer’s email address. Talked about the pool and options for consideration.

Motion to adjourn the meeting by Council President Wright, seconded by Councilman Palitto. All in favor.

Respectfully,

Margaret B. Dilts, CMC
Clerk/Administrator

James E. Mengucci
Mayor