

TOWNSHIP OF LOPATCONG  
Council Meeting

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

June 2, 2022

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

A Prayer was offered followed by the Oath of Allegiance.

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

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

Swore In: Brian Nixon as Sergeant in the Police Department.

**Public Comment:** None

**Old Business:**

**Minutes** – Approve minutes of May 4<sup>th</sup> and May 24<sup>th</sup>, 2022 Executive and Regular session. Motion by Council President Wright, seconded by Mayor Mengucci. Roll call vote:  
AYES: Councilman Belcaro, Councilman McQuade, Councilman Palitto, Council President Wright, Mayor Mengucci.  
NAYS: None

**NJDOT Local Aid Funding** – Apply for second phase of Belview Road.

R 22-91

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY SUPPORTING APPLICATION FOR A GRANT WITH THE NEW  
JERSEY DEPARTMENT OF TRANSPORTATION FOR THE BELVIEW ROAD  
IMPROVEMENT PROJECT

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Belview Road Improvement project.

NOW, THEREFORE, BE IT RESOLVED that Council of Lopatcong formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the (Mayor/Council) and Clerk are hereby authorized to submit an electronic grant application identified as MA-2023-Belview Road Improvement Project-00194 to the New Jersey Department of Transportation on behalf of the Township of Lopatcong .

BE IT FURTHER RESOLVED that (Mayor/Council) and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Lopatcong and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

#### CERTIFICATION

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

Margaret B. Dilts, CMC

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL \_\_\_\_\_

(Clerk) (Presiding Officer)

Motion to proceed with that by Councilman Palitto, seconded by Council President Wright. Roll call vote:

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

NAYS: None

#### **New Business:**

**Parent's Bill of Rights** – Support Warren County Commissioners Resolution regarding the creation of a Parent's Bill of Rights. Motion by Councilman Belcaro, seconded by Councilman McQuade. Roll call vote:

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

NAYS: None

**Section 203 – “Streets and Sidewalks”** – Engineer Sterbenz discussed the changes to require utility companies to mill and resurface roadways of the length of the opening to exceed a certain length. An ordinance with revisions will be prepared for the July meeting.

**Annual Audit** – Approve 2021 Audit – Sign Group Affidavit having reviewed at a minimal the Recommendations and Comment Section.

R 22-90

#### RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY CERTIFYING THE ANNUAL AUDIT FOR 2021

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2021 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6 and a copy has been received by each member of the Governing Body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance

Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of the certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, a failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27bB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the Township of Lopatcong, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of the Resolution and the required affidavit to said Board to show evidence of said compliance.

#### 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, June 2, 2022.

Margaret B. Dilts, CMC

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

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

NAYS: None

#### **Consent Agenda:**

**Resolution No. 22-94** – Approve Consent Agenda. Motion by Councilman Palitto, seconded by Councilman McQuade. Roll call vote:

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

NAYS: None

R 22-94

#### 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 eight on the Consent Agenda.

1. Resolution – Renew Liquor Licenses for 2022/23 Term.
2. Partial Payment No. 1 to Simone Collins for work completed on the Park Master Plan.
3. Final Payment and Change Order No. 1 to Top Line Construction for Belview Road Improvement Project.
4. Release Performance Guarantee to Joseph Aluffi for work completed at 214 Strykers Road.
5. Appoint members terms for the Shade Tree Commission.
6. Approve membership to Fire Co. No. 2 for Nihar Shah as recommended by Fire Chief Lou LaFord.
7. Resolution authorizing redemption of Tax Sale Certificate No. 2021-007 on Block 61, Lot 3 in the amount of \$10,663.43.
8. Resolution rescinding Resolution and Cancel redemption of Tax Sale Certificate No. 2020-005 in the amount of \$1,866.76, Premium \$500.00.
9. Resolution authorizing redemption of Tax Sale Certificate No. 2020-012 on Block 43, Lot 7 in the amount of \$1,040.84, Premium \$1,200.00.

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, March 2, 2022.

Margaret B. Dilts, CMC

**Resolution No. 22-89 – Renew Liquor Licenses for 2022/23 Term.**

R 22-89

#### RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING THE RENEWAL OF CERTAIN LIQUOR LICENSES

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey have received the following applications for liquor license renewal:

Strykers Golf, LLC., License No. 2115-33-003-007

Brass Rail, Inc., License No. 2115-33-004-007

Santram Liquors, Inc., License No. – 2115-44-001-003

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey that the applications for renewal of the

above-named liquor license holders be approved pursuant to N.J.S.A. 33: 1-12-26 from July 1, 2022 to June 30, 2023.

#### 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, June 2, 2022.

Margaret B. Dilts, CMC

**Park Master Plan Simone Collins** – Partial Payment No. 1 to Simone Collins for work completed on the Park Master Plan.

**Top Line Construction – Belview Road** – Final Payment and Change Order No. 1 to Top Line Construction for Belview Road Improvement Project.

**Performance Guarantee Joseph Aluffi** – Release Performance Guarantee to Joseph Aluffi for work completed at 214 Strykers Road.

**Shade Tree Commission** – Governing Body set the terms for the members.

**Fire Co. No. 2 Membership Nihar Shah** – Approve membership for Nihar Shah as recommended by Fire Chief Lou LaFord to Fire Co., No. 2.

**Resolution 22-92** – Authorize Redemption of Tax Sale Certificate no. 2021-061 on Block 61, Lot 3 in the amount of \$10,663.43.

R 22-92

#### RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE NO. 2021-007 ON BLOCK 61, LOT 3

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on December 14, 2021 a lien was sold on Block 61, Lot 3 also known as 865 US Highway Route 22 for delinquent sewer; and

WHEREAS, this lien known as Tax Sale Certificate No. 2021-007 was sold to US Bank Cust/Pro Cap 8/Pro Cap; and

WHEREAS, on May 20, 2022 the mortgage company for the property owner has satisfied the redemption amount on Certificate No. 2021-007 in the amount of \$10,663.43.

NOW, THEREFORE, BE IT RESOLVED on this 1<sup>st</sup> day of June 2022, that the Chief Financial Officer is authorized to issue a check in the amount of \$10,663.43 for the redemption of Tax Sale Certificate No. 2021-007 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, June 2, 2022.

Margaret B. Dilts, CMC

**Resolution No. 22-93** – Rescind Resolution and Cancel redemption of Tax Sale Certificate No. 2020-005 in the amount of \$1,866.76, Premium \$500.00.

R 22-93

#### RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN, NEW JERSEY, RESCINDING RESOLUTION

WHEREAS, the Township adopted Resolution # on May 4, 2022 for the redemption of Tax Sale Certificate 2020-005 in the amount of \$1,866.76, premium \$500; and

WHEREAS, on April 27, 2022 the mortgage company for the property owner was notified that there was additional money due for the redemption of Tax Sale Certificate 2020-005; and

WHEREAS, the mortgage company for the property owner did not submit the additional money by the deadline to redeem Tax Sale Certificate in order to redeem the lien in full; and

WHEREAS, the Township wishes to refund the mortgage company for the property owner in the amount of \$1,768.17.

BE IT RESOLVED, by the Council of the Township of Lopatcong, County of Warren and State of New Jersey that Resolution # is hereby rescinded; and

BE IT FURTHER RESOLVED, that the Tax Collector is here by authorized to cancel the redemption of Tax Sale Certificate 2020-005 in the amount of \$1,866.76, premium \$500.00; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to issue a check in the amount of \$1,768.17 to:

Corelogic Tax Services  
Attn: Refund Department  
P.O. Box 9202  
Coppell, TX 75019

#### CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren a 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, June 2, 2022.

Margaret B. Dilts, RMC

**Resolution No. 22-94** – Authorize redemption of Tax Sale Certificate No. 2020-012 on Block 43, Lot 7 in the amount of \$1,040.84, Premium \$1,200.00.

R 22-94

#### RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE NO. 2020-012 ON BLOCK 43, LOT 7

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on December 29, 2020, a lien was sold on Block 43, Lot 7 also known as 624 Rugby Road for delinquent sewer; and

WHEREAS, this lien known as Tax Sale Certificate No. 2020-012 was sold to Arthur Frustaci; and

WHEREAS, on May 4, 2022 the mortgage company for the property owner has satisfied the redemption amount on Certificate No. 2020-012 in the amount of \$1040.84, Premium \$1,200.00.

NOW, THEREFORE, BE IT RESOLVED on this 1<sup>st</sup> day of June 2022, that the Chief Financial Officer is authorized to issue a check in the amount of \$1,040.84, Premium \$1,200.00 for the redemption of Tax Sale Certificate No. 2020-012 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, June 2, 2022.

Margaret B. Dilts, CMC

**Announcement** – Virtual Microsoft Team Meeting Tuesday, June 7, 2022 at 6:00-7:00 pm – QR Code or link: <https://tinyurl.com/LopatcongPMI>.

### **Council Reports:**

Councilman McQuade – Informed the Council and public that he attended a meeting in Phillipsburg regarding the sewer system. They spoke primarily about the infrastructure of their sewer system indicating the need for dire repairs. The contract ends in 2025 for Lopatcong.

Councilman Belcaro – No report.

Councilman Palitto – On Recreation, looking to begin “Movies in the Park” in July. A movie will be shown every Tuesday night weather permitting.

Council President Wright – Spoke about the truck traffic that he continues to battle. The Zoning Officer is working on the property at the old Bell and Howell building that is under court review which will now be scheduled for trial as they have not abated their violations. The mall was clear now. Clerk Dilts researched the Cooper’s business out on Rt. 22 to locate the resolutions regulating them which go back to 1957. There were numerous resolutions over the years which have been turned over to the Zoning Officer to review and move forward and address any violations. He noted that there are now tractor trailers now parked in the Red Rose Diner. This will be investigated as well. The Chief of Police is addressing truck traffic on Belvidere Road.

Chief Garcia informed the Council and public that over the past month, there is enforcement being done on Belvidere Road and other local roads. He reported that 17 tractor trailers were issued violations over the past two weeks.

Council President Wright also noted that additional signage is being looked into for Belvidere Road as well as possibly hiring an officer just for target enforcement.

Mayor Mengucci – Commented on the county resolution regarding Bill of Rights for Parents and that the teaching must begin at home.

Mayor Mengucci reported that the Tax Assessor will be leaving the Township June 30<sup>th</sup>.

Interviews were conducted and the Township will be hiring a person at a salary of \$55,000.

Pending her acceptance, the effective date will be July 1<sup>st</sup>. Motion by Council President Wright, seconded by Mayor Mengucci. Roll call vote:

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

NAYS: None

Engineer Sterbenz – Reported that the surveying work on Baltimore Street between Red School Lane and Strykers Road is completed so the design phase would be next.

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

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

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

NAYS: None

### **Audience Participation:**

John Betz – Wondered what the Parents Bill of Rights consists of and who he could speak to.

Richard Mercker – 1400 Belvidere Road – Agreed with the resolution K-2 is not enough but K-8 is what is needed. It's what they are already teaching. Councilman McQuade noted that it has been extended up to 8<sup>th</sup> grade. Noted that the people have to help the Police Department with the truck traffic on Belvidere Road.

Donna Schneider – 26 Meadowview – Thanked the Council for passing the bill as well. Thanked the Council for staying on top of the truck situation. Thanked the Council for getting rid of the porta potties too. Asked about the sewer connection between Berry Plastics and NFI.

Lori Ciesla – 12 Meadowview Drive. Thanked the Council for the supporting resolution. The County is working to meet with the DOT to go over the road system issues now that the truck traffic has increased.

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

Respectfully submitted,

Margaret B. Dilts, CMC  
Clerk/Administrator

James E. Mengucci  
Mayor