

TOWNSHIP OF LOPATCONG
Special Council Meeting

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

May 24, 2022

The Special 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 Clauss.

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

Public Comment: None

Old Business:

Resolution No. 22-85 – Clerk Dilts read aloud the Budget Resolution sums into the record. The Resolution is contained within the 2022 Budget documents. Motion by Mayor Mengucci, seconded by Council President Wright to adopt. Roll call vote:

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

NAYS: None

2022 Budget – A public hearing and discussion ensued regarding the 2022 Budget with the Chief Financial Officer Kim Browne. No comments were made from the public. Motion to adopt the 2022 Budget by Council President Wright, second by Councilman Palitto. Roll call vote:

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

NAYS: None

Ordinance No. 22-05 – Bond Ordinance providing an appropriation of \$416,000 for various capital improvements and in and by the Township of Lopatcong, in the County of Warren, New Jersey and authorizing the issuance of \$391,000 Bonds or Notes for financing part of the appropriation.

ORDINANCE NO. 2022-05

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$416,000 FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF LOPATCONG, IN THE COUNTY OF WARREN, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$391,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION.

BE IT ORDAINED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LOPATCONG, IN THE COUNTY OF WARREN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1:

The improvement described in Section 3 of this Bond Ordinance (the "Improvement") is hereby authorized to be undertaken by the Township of Lopatcong, in the County of Warren, New Jersey (the "Township") as a general improvement. For the said Improvement there is hereby appropriated the amount of \$416,000, such sum includes \$25,000 as the down payment (the "Down Payment") required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law"). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments or capital improvement purposes.

SECTION 2:

In order to finance the additional cost of the Improvement not covered by application of the Down Payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$391,000 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said Improvement or purposes, negotiable bond anticipation notes of the Township are hereby authorized to be issued in the principal amount not exceeding \$391,000 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

(a) The Improvements authorized and the purposes for which obligations are to be issued are as follows:

Improvements	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Useful Life
Acquisition of various equipment for the Fire Department, including but not limited to structural gear, SCBA bottles, nozzles, hoses and headsets, all as shown on and in accordance with the plans and specifications thereon on file in the office of the Clerk and hereby approved.	\$51,000	\$47,000	5 Years
Acquisition of various equipment for the Police Department, including but not limited to patrol rifles and duty-off duty weapons, including all work and materials necessary therefor and incidental thereto, all as shown on and in accordance with the plans and specifications thereon on file in the office of the Clerk and hereby approved.	45,000	40,000	5 Years
Improvements to various municipal properties, including but not limited to renovation of the Municipal Building front entrance, basketball courts and parking lots, including all work and materials necessary therefor and incidental thereto, all as shown on and in accordance with the plans and specifications thereon on file in the office of the Clerk and hereby approved.	100,000	95,000	15 Years
Acquisition of vehicles and equipment for the Department of Public Works, including loader, tractor and back hoe, all as shown on and in accordance with the plans and specifications thereon on file in the office of the Clerk and hereby approved.	\$220,000	\$209,000	15 Years
TOTAL ALL PURPOSES	\$416,000	\$391,000	

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvement is \$391,000.

(c) The estimated cost of the Improvement is \$416,000 which amount represents the initial appropriation made by the Township.

SECTION 4:

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the municipal finance officer of the Township (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and

to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Township Council of the Township at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 5:

The capital budget of the Township is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Township Clerk and is available for public inspection.

SECTION 6:

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvement described in Section 3 of this Bond Ordinance is not a current expense, and is a capital improvement or property that the Township may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the Improvement, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for such purpose, according to the reasonable life thereof computed from the date of the Bonds authorized by this Bond Ordinance, is 12.77 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Township, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this Bond Ordinance by \$391,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$40,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

Any funds or grant monies received for the purpose described in Section 3 of this Ordinance shall be used for financing said Improvement by application thereof either to direct payment of the cost of said Improvement or to the payment or reduction of the authorization of the obligations of the Township authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvement shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this Bond Ordinance.

SECTION 8:

The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this Bond Ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9:

The Chief Financial Officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 10:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Township reasonably expects to pay expenditures with respect to the Improvement prior to the date that Township incurs debt obligations under this Bond Ordinance. The Township reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Township under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the cost of the Improvement is \$391,000.

SECTION 11:

This Bond Ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

TOWNSHIP OF LOPATCONG
WARREN COUNTY, NEW JERSEY

PUBLIC NOTICE

NOTICE OF PENDING BOND ORDINANCE

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Township of Lopatcong, in the County of Warren, State of New Jersey, on May 24, 2022. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Municipal Building, 232 South 3rd Street, in the Township of Lopatcong, on July 6, 2022 at 7:30 o'clock PM. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: Bond Ordinance Providing An Appropriation Of \$416,000 For Various Capital Improvements In And By The Township Of Lopatcong, In The County Of Warren, New Jersey And Authorizing The Issuance Of \$391,000 Bonds Or Notes Of The Township For Financing Part Of The Appropriation

Purpose(s): Acquisition of various equipment for the Fire Department, including but not limited to structural gear, SCBA bottles, nozzles, hoses and headsets; Acquisition of various equipment for the Police Department, including but not limited to patrol rifles and duty-off duty weapons; Improvements to various municipal properties, including but not limited to renovation of the Municipal Building front entrance, basketball courts and parking lots; and Acquisition of vehicles and equipment for the Department of Public Works, including loader, tractor and back hoe.

Appropriation: \$416,000

Bonds/Notes Authorized: \$391,000

Grants (if any) Appropriated: N/A

Section 20 Costs: \$40,000

Useful Life: 12.77 Years

M. Beth Dilts, Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17.

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

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

NAYS: None

Ordinance No. 22-06 – First reading of Bond Ordinance providing an appropriation of \$750,000 for various road improvements in and by the Township of Lopatcong, County of Warren and

State of New Jersey and authorizing the issuance of \$574,000 Bonds or Notes for financing part of the appropriation.

ORDINANCE NO. 22-06

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$750,000 FOR VARIOUS ROAD IMPROVEMENTS IN AND BY THE TOWNSHIP OF LOPATCONG, IN THE COUNTY OF WARREN, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$574,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION.

BE IT ORDAINED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LOPATCONG, IN THE COUNTY OF WARREN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 12:

The improvement described in Section 3 of this Bond Ordinance (the "Improvement") is hereby authorized to be undertaken by the Township of Lopatcong, in the County of Warren, New Jersey (the "Township") as a general improvement. For the said Improvement there is hereby appropriated the amount of \$750,000. Such sum includes the sum of (a) \$141,000 from the New Jersey Department of Transportation and (b) \$35,000 as the down payment (the "Down Payment") required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law"). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments or capital improvement purposes.

SECTION 13:

In order to finance the additional cost of the Improvement not covered by application of the Down Payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$574,000 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said Improvement or purposes, negotiable bond anticipation notes of the Township are hereby authorized to be issued in the principal amount not exceeding \$574,000 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 14:

(a) The Improvements hereby authorized and the purposes for the financing of which said obligations are to be issued is for various road improvements, including but not limited to Baltimore Street (between Red School Lane and Strykers Road), Stonehenge Drive (between Pudding Stone Way and Buckley Hill Drive) and Jade Lane, including traffic stripping, curbing, milling and paving, and including all work and materials necessary therefor and incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file in the Office of Engineering.

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvement is \$574,000.

(c) The estimated cost of the Improvement is \$750,000 which amount represents the initial appropriation made by the Township.

SECTION 15:

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the municipal finance officer of the Township (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The

Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Township Council of the Township at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 16:

The capital budget of the Township is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Township Clerk and is available for public inspection.

SECTION 17:

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvement described in Section 3 of this Bond Ordinance is not a current expense, and is a capital improvement or property that the Township may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the Improvement, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for such purpose, according to the reasonable life thereof computed from the date of the Bonds authorized by this Bond Ordinance, is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Township, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this Bond Ordinance by \$574,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$225,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 18:

Any funds or grant monies received for the purpose described in Section 3 of this Ordinance shall be used for financing said Improvement by application thereof either to direct payment of the cost of said Improvement or to the payment or reduction of the authorization of the obligations of the Township authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvement shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this Bond Ordinance.

SECTION 19:

The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this Bond Ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 20:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Township reasonably expects to pay expenditures with respect to the Improvement prior to the date that Township incurs debt obligations under this Bond Ordinance. The Township reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Township under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the cost of the Improvement is \$574,000.

SECTION 21:

This Bond Ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

**TOWNSHIP OF LOPATCONG
WARREN COUNTY, NEW JERSEY**

PUBLIC NOTICE

NOTICE OF PENDING BOND ORDINANCE

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Township of Lopatcong, in the County of Warren, State of New Jersey, on May 24, 2022. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Municipal Building, 232 South 3rd Street, in the Township of Lopatcong, on July 6, 2022 at 7:30 o'clock PM. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: Bond Ordinance Providing An Appropriation Of \$750,000 For Various Road Improvements In And By The Township Of Lopatcong, In The County Of Warren, New Jersey And Authorizing The Issuance Of \$574,000 Bonds Or Notes Of The Township For Financing Part Of The Appropriation.

Purpose(s): For various road improvements, including but not limited to Baltimore Street (between Red School Lane and Strykers Road), Stonehenge Drive (between Pudding Stone Way and Buckley Hill Drive) and Jade Lane, including traffic stripping, curbing, milling and paving, and including all work and materials necessary therefor and incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file in the Office of Engineering.

Appropriation: \$750,000

Bonds/Notes Authorized: \$574,000

Grants (if any) Appropriated: \$141,000 from the New Jersey Department of Transportation

Section 20 Costs: \$225,000

Useful Life: 10 Years

M. Beth Dilts, Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17.

Motion to adopt this Ordinance on first reading by Council President Wright, seconded by Councilman Palitto. Roll call vote:

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

NAYS: None

Resolution No. 22-86 – Approve item of revenue and appropriation per N.J.S.A. 40A:4-87 to insert Recycling Tonnage Grant in the amount of \$2679.31 into the 2022 Budget.

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY REQUESTING APPROVAL OF ITEM OF REVENUE AND
APPROPRIATION N.J.S.A. 40A:4-87

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Series may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2022.

\$2679.31 NJ ENVIRONMENTAL PROTECTION

BE IT FURTHER RESOLVED that the like sum of \$2679.31 is hereby appropriated to Recycling Tonnage Grant – 2022.

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 Tuesday, May 24, 2022.

Margaret B. Dilts, CMC

Motion to adopt this Resolution by Councilman Palitto, seconded by Councilman McQuade. Roll call vote:

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

NAYS: None

Resolution No. 22-87 – Hire Kyle Suruda as Laborer in the Department of Public Works.

R 22-87

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY AUTHORIZING HIRE OF KYLE SURUDA AS LABORER
FULL-TIME IN THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey authorize the hire Kyle Suruda full-time as Laborer in the Department of Public Works; and

WHEREAS, Kyle Suruda will be paid a salary of \$23.00 per hour and upon a qualifying review, after six months, be paid an increase of \$2.00 per hour; and

WHEREAS, Kyle Suruda will be available to work emergencies, weekends and holidays as determined necessary; and

WHEREAS, Kyle Suruda will receive all the benefits as outlined in the Lopatcong Township Employee Manual.

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 the hire of Kyle Suruda, full-time in the Department of Public Works at a rate of \$23.00 per hour with a raise of \$2.00 following a review at six months.

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, May 24, 2022.

Margaret B. Dilts, CMC

Motion to adopt this Resolution by Councilman Palitto, seconded by Council President Wright.

Roll call vote:

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

NAYS: None

Public Comment – None

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

Respectfully submitted,

Margaret B. Dilts, CMC
Clerk/Administrator

James E. Mengucci
Mayor

