

TOWNSHIP OF LOPATCONG  
Council Meeting

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

October 5, 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 Warren County Zone 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 Lavery and Engineer Sterbenz.

Motion to come out of executive session by Council President Wright, seconded by Councilman Belcaro. All in favor. Attorney Lavery reported the items discussed in Executive Session were as listed on the agenda.

**Public Comment:**

John Betz – Brakeley Garden Apts. – Questions the second reading of the Ordinance 22-08 – Mayor Mengucci indicated this will be addressed at the hearing.

Steve Kiley – Block 50, Lot 3 – Sewer matter one of which will be address through a resolution this evening and the other to be addressed next month.

Michael Sazanov – Questioned No. 4 – RFP for computer matter.

**Old Business:**

**Minutes** – Approve September 7, 2022 Executive and Regular Sessions. Motion by Councilman Palitto, seconded by Mayor Mengucci. Roll call vote:

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

NAYS: None

ABSTAIN: Councilman Belcaro, Councilman McQuade

**Ordinance No. 2022-08** – Second reading and public hearing to adopt a Redevelopment Plan and request Center Designation from the Highlands. Motion to hold a public hearing by Council President Wright, seconded by Mayor Mengucci. John Betz questioned the allowable redevelopments in the redevelopment area. Planner, George Ritter – the plan is basically an Overlay District. What that means is up until a plan is approved for the redevelopment of the property, the underlying zoning which is Highway Business would continue. Under the redevelopment option, there is actually very limited uses; no conditional uses and anything is not a permitted use is a prohibited use so that anything that would be proposed on that site would basically be not permitted. The actual named prohibited uses in the redevelopment district are truck stops, advertising signs, refuse, waste handling and all that type of thing and no toxics. Motion to close the public hearing by Councilman Palitto, seconded by Council President Wright.

ORDINANCE NO. 22-08

## 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, October 5, 2022 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, ADOPTING THE REDEVELOPMENT PLAN FOR THE PROPERTY REFERRED TO AS THE PHILLIPSBURG MALL (AREA B), COMMONLY KNOWN AS BLOCK 102, LOTS 9, 9.01, 9.03, AND 9.04 ON THE TAX MAP OF THE TOWNSHIP.**

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 Council President Wright, seconded by Mayor Mengucci.

Roll call vote:

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

NAYS: None

**New Business:**

**Ordinance No. 2022-09** – First reading to grant Municipal Consent to Comcast to Construct, Connect, Operate and Maintain a Cable Television and Communications System in Lopatcong Township.

**ORDINANCE NO. 22-09**

**AN ORDINANCE GRANTING MUNICIPAL CONSENT TO COMCAST TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN LOPATCONG TOWNSHIP, COUNTY OF WARREN, NEW JERSEY.**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF LOPATCONG TOWNSHIP, AS FOLLOWS:**

**SECTION 1. PURPOSE OF THE ORDINANCE**

The Township hereby grants to Comcast of its non-exclusive Municipal Consent to place in, upon, across, above, over and under highways, streets, alleys, sidewalks, easements, public ways and public places in the municipality, poles, wires, cables, underground conduits, manholes and other television conductors, fixtures, apparatus and equipment as may be necessary for the construction, operation and maintenance in the Township of a cable television and communications system. This consent is subject to the terms and conditions of this Ordinance and upon the condition that the Company accepts the provisions of this Ordinance and confirms that it shall comply with the commitments contained herein.

**SECTION 2. DEFINITIONS**

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Such meaning or definition of terms is supplemental to those definitions of the Federal Communications Commission ("FCC") rules and regulations, 47 C.F.R. Subsection 76.1 et seq., and the Cable Communications Policy Act, 47 U.S.C. Section 521 et seq., as amended, and the Cable Television Act, N.J.S.A. 48:5A-1 et seq., and shall in no way be construed to broaden, alter or conflict with the federal and state definitions:

- a. "Township" or "Municipality" is Lopatcong Township, County of Warren, State of New Jersey.
- b. "Company" is the grantee of rights under this Ordinance and is known as Comcast of Northwest New Jersey, LLC.
- c. "Act" or "Cable Television Act" is Chapter 186 of the General Laws of New Jersey, and subsequent amendments thereto, N.J.S.A. 48:5A-1, et seq.
- d. "FCC" is the Federal Communications Commission.
- e. "Board" or "BPU" is the Board of Public Utilities, State of New Jersey.
- f. "Office" or "OCTV" is the Office of Cable Television of the Board.
- g. "Cable Service" means the one-way transmission to subscribers of (i) video programing or (ii) other programing service, and subscriber interaction, if required for the selection or use of such video programming or other programing service.
- h. "Application" is the Company's Application for of Municipal Consent.
- i. "Primary Service Area" or "PSA" consists of the area of the Municipality currently served with existing plant as set forth in the map annexed to the Company's Application for Municipal Consent.

### **SECTION 3. STATEMENT OF FINDINGS**

A public hearing concerning the consent herein granted to the Company was held after proper public notice pursuant to the terms and conditions of the Act. Said hearing having been held and fully open to the public, and the municipality having received all comments regarding the qualifications of the Company to receive this consent, and the representations of the Company that the Company possesses the necessary legal, technical, character, financial and other qualifications and that the Company's operating and construction arrangements are adequate and feasible.

### **SECTION 4. DURATION OF FRANCHISE**

The non-exclusive Municipal Consent granted herein shall expire 10 years from the Effective Date.

In the event that the Municipality shall find that the Company has not substantially complied with the material terms and conditions of this Ordinance, the Municipality shall have the right to petition the OCTV, pursuant to N.J.S.A. 48:5A-47, for appropriate action, including modification and/or termination of the Certificate of Approval; provided however, that the Municipality shall first have given the Company written notice of all alleged instances of non-compliance and an opportunity to cure same within ninety (90) days of that notification.

### **SECTION 5. FRANCHISE FEE**

Pursuant to the terms and conditions of the Act, the Company shall, during each year of operation under the consent granted herein, pay to the Township two percent (2%) of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for Cable Service

in the Township or any higher amount permitted by the Act or otherwise allowable by law, whichever is greater.

## **SECTION 6. FRANCHISE TERRITORY**

The consent granted under this Ordinance for the franchise shall apply to the entirety of the Municipality and any property subsequently annexed hereto.

## **SECTION 7. EXTENSION OF SERVICE**

The Company shall be required to proffer Cable Service to any residence or business along any public right-of-way in the Primary Service Area, as set forth in the Company's Application. Any extension of plant beyond the Primary Service Area shall be governed by the Company's Line Extension Policy, as set forth in the Company's Application. For purposes of this section and the Company's implementation of the LEP, a home shall only be counted as a "dwelling unit" if such home is within two hundred seventy-five (275) feet of the public right of way.

## **SECTION 8. CONSTRUCTION REQUIREMENTS**

- a. Restoration: In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways, or other surface in the natural topography, the Company shall, at its sole expense, restore and replace such places or things so disturbed in as reasonably good a condition as existed prior to the commencement of said work.
- b. Relocation: If at any time during the period of this consent, the City shall alter or change the grade of any street, alley or other way or place the Company, upon reasonable notice by the City, shall remove, re-lay or relocate its equipment, at the expense of the Company.
- c. Removal or Trimming of Trees: During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks or other public places of the City so as to prevent the branches of such trees from coming in contact with the wires and cable of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance of the Company's wire and cables.

## **SECTION 9. CUSTOMER SERVICE**

In providing Cable Service to its customers, the Company shall comply with N.J.A.C. 14:18-1, et seq. and all applicable state and federal statutes and regulations. The Company shall strive to meet or exceed all voluntary company and industry standards in the delivery of customer service.

- a. The Company shall continue to comply fully with all applicable state and federal statutes and regulations regarding credit for outages, the reporting of same to regulatory agencies and notification of same to customers.
- b. The Company shall continue to fully comply with all applicable state and federal statutes and regulations regarding the availability of devices for the hearing impaired and the notification of same to customers.
- c. Nothing herein shall impair the right of any subscriber or the Township to express any comment with respect to telephone accessibility to the Complaint Officer or impair the right of the Complaint Officer to take any action that is permitted under applicable law.

## **SECTION 10. MUNICIPAL COMPLAINT OFFICER**

The Office of Cable Television is hereby designated as the Complaint Officer for the Township pursuant to N.J.S.A. 48:5A-26(b). All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5. The Township shall have the right to request copies of records and reports pertaining to complaints by Township customers from the OCTV.

#### **SECTION 11. LOCAL OFFICE**

During the term of this franchise, and any renewal thereof, the Company shall maintain a business office or agent in accordance with N.J.A.C. 14:18-5.1 for the purpose of receiving, investigating and resolving local complaints regarding the quality of service, equipment malfunctions, and similar matters.

#### **SECTION 12. PERFORMANCE BONDS**

During the life of the franchise the Company shall give to the municipality a performance bond in the amount of twenty-five thousand dollars (\$25,000.00). Such bond shall be to insure the faithful performance of all undertakings of the Company as represented in its application for municipal consent incorporated herein.

#### **SECTION 13. SUBSCRIBER RATES**

The rates of the Company shall be subject to regulation as permitted by federal and state law.

#### **SECTION 14. COMMITMENTS BY THE COMPANY**

- a. Subject to applicable law, the Company will provide courtesy cable television service on one (1) outlet, to the municipal building, fire department facility, first aid squad, library, community or senior center and public works facility, provided each facility is within 200 feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the school requesting service. Monthly service charges shall be waived on all additional outlets except for equipment.
- b. The Communications Act of 1934, as amended (47 U.S.C. §543(b)(4)), allows the Company to itemize and/or identify the amount on the monthly bill assessed to satisfy any requirements imposed on the Company by the cable franchise to support public, educational, and governmental channels, or the use of such channels or any other services required under the franchise. The Company reserves its external cost, pass-through rights to the extent permitted by law.

#### **SECTION 15. PUBLIC, EDUCATIONAL AND GOVERNMENTAL ACCESS**

- a. The Company shall continue to make available a system-wide public access channel maintained by the Company. Qualified individuals and organizations may utilize public access for the purpose of cablecasting non-commercial access programming in conformance with the Company's published public access rules.
- b. The Company shall continue to provide a system-wide leased access channel maintained by the Company for the purpose of cablecasting commercial leased access programming in conformance with the Company's guideline and applicable state and federal statutes and regulations.
- c. The Company shall not exercise editorial control over any educational or governmental use PEG Access channels, except Company may refuse to transmit any educational or governmental access program or portion of an educational or governmental access program that contains obscenity, indecency, or nudity.

- d. The Company shall take any steps that are necessary to ensure that the signals originated on the access channels are carried without material degradation, and with a signal whose quality is equal to that of the other standard channels that the Company transmits.

#### **SECTION 16.           EMERGENCY USES**

- a. The Company will comply with the Emergency Alert System (“EAS”) rules in accordance with applicable state and federal statutes and regulations.
- b. The Company shall in no way be held liable for any injury suffered by the municipality or any other person, during an emergency, if for any reason the Municipality is unable to make full use of the cable television system as contemplated herein.

#### **SECTION 17.           LIABILITY INSURANCE**

The Company shall at all times maintain a comprehensive general liability insurance policy with a single limit amount of \$1,000,000 covering liability for any death, personal injury, property damages or other liability arising out of its construction and operation of the cable television system, and an excess liability (or "umbrella") policy in the amount of \$5,000,000.

#### **SECTION 18.           INCORPORATION OF THE APPLICATION**

All of the statements and commitments contained in the Application or annexed thereto and incorporated therein, and any amendment thereto, except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and other relevant writings submitted by the Company shall be annexed hereto and made a part hereof by reference provided same do not conflict with applicable State or Federal law.

#### **SECTION 19.           COMPETITIVE EQUITY**

Should the Municipality grant a franchise or other authorization to construct, operate and maintain a cable television system to any other person, corporation or entity on terms materially less burdensome or more favorable than the terms contained herein, the Company may substitute such language that is more favorable or less burdensome for the comparable provision of this Ordinance subject to the provisions of N.J.A.C. 14:17-6.7.

#### **SECTION 20.           SEPARABILITY**

If any section, subsection, sentence, clause, phrase, or other portion of this Ordinance is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body, or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

#### **SECTION 21.           THIRD PARTY BENEFICIARIES**

Nothing in this Franchise or in any prior agreement is or was intended to confer third-party beneficiary status on any member of the public to enforce the terms of such agreements or Franchise.

#### **SECTION 22.           NEW DEVELOPMENTS**

The Municipality shall endeavor to exercise reasonable efforts to require developers and utility companies to provide the Company with at least fifteen (15) days advance notice of an available open trench for the placement of necessary cable.

#### **SECTION 23.           EFFECTIVE DATE**

This Ordinance shall take effect immediately upon issuance of a Certificate of Approval from the BPU.

## 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 5, 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 December 7, 2022 at 7:30 p.m. or as soon thereafter as the Township Council may hear this Ordinance at the Municipal Building, 232 South Third Street, Phillipsburg, NJ at which time all persons interested may appear for or against the passage of said Ordinance.

Margaret B. Dilts, CMC

Motion to adopt this Ordinance by Councilman Wright, seconded by Mayor Mengucci. Roll call vote:

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

NAYS: None

### **Consent Agenda:**

Motion to adopt the Consent Agenda by Council President Wright, seconded by Mayor Mengucci. Roll call vote:

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

NAYS: None

**Resolution No. 22-161** – Consent Agenda.

R 22-161

## 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 twenty on the Consent Agenda.

1. Resolution appointing Henry Bell as Plumbing Subcode Official per Civil Service Certification of Eligibles.
2. Resolution authorizing Mayor Mengucci to execute contract with the County of Warren regarding the South Warren Municipal Alliance Grant through June 30, 2023.
3. Resolution authorizing refund of additional Premium for Tax Sale Certificate No. 2021-026 on Block 116.11, Lot 9 C0101 in the amount of \$700.00.
4. Resolution to Correct Sewer Account on Block 85, Lot 12.
5. Resolution to Correct Sewer Account on Block 50, Lot 3.
6. Resolution to Correct Tax Account on Block 93, Lot 23.02.
7. Resolution to Correct Tax Account affected by Deed Merger for Block 63, Lot 3.01.
8. Reject RFP's for Township Wide Tree Inventory and GIS System.

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, October 5, 2022.

Margaret B. Dilts, CMC

**Resolution 22-162** - Appoint Henry Bell as Plumbing Subcode Official per Civil Service Certification of Eligibles.

R 22-162

#### RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING PERMENANT APPOINTMENT TO HENRY BELL AS PLUMBING SUBCODE OFFICIAL

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey do hereby permanently appoint Henry Bell to the position of Plumbing Subcode Official; and

WHEREAS, Henry Bell has been certified through the process of the New Jersey Civil Service Commission Certification No. OL221071.

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 permanent appointment of Henry Bell.

#### 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 5, 2022.

Margaret B. Dilts, CMC

**Resolution No. 22-163** - Authorize Mayor Mengucci to execute contract with the County of Warren regarding the South Warren Municipal Alliance Grant through June 30, 2023.

**Resolution No. 22-164** - authorizing refund of additional Premium for Tax Sale Certificate No. 2021-026 on Block 116.11, Lot 9 C0101 in the amount of \$700.00.

R 22-164

#### RESOLUTION AMENDING RESOLUTION 22-153 OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE NO. 2021-026 ON BLOCK 116.11, LOT 9 C0101



WHEREAS, on September 7, 2022, the Lopatcong Township adopted a Resolution 22-153 for the redemption of Tax Sale Certificate 2021-026 for Block 116.11, Lot 9 C0101 also known as 106 Limerick Lane for delinquent tax; and

WHEREAS, after further review by the CFO and the Tax Collector, it was found that the redemption was for Tax Sale Certificate No. 2021-027 for Block 116.11, Lot 14 C0106 also known as 106 Limerick Lane; and

WHEREAS, on August 31, 2022, the property owner has satisfied the redemption AMOUNT ON Certificate No. 2021-027 in the amount of \$2,753.07, Premium \$1,500.00; and

WHEREAS, Resolution 22-153 authorized a Premium in the amount of \$800.00; and

WHEREAS, the Premium for Tax Sale Certificate should have been \$1,500.00.

NOW, THEREFORE, BE IT RESOLVED on this 5<sup>th</sup> day of October 2022, that the Chief Financial Officer is authorized to issue a check in the amount of \$1,500.00 for the Premium due to the lienholder for Tax Sale Certificate No. 2021-027 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, October 5, 2022.

Margaret B. Dilts, CMC

**Resolution No. 22-165 - Correct Sewer Account on Block 85, Lot 12.**

R 22-165

#### RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY TO CORRECT THE SEWER ACCOUNT FOR BLOCK 85, LOT 12

WHEREAS, the Township of Lopatcong has been provided that there was sufficient proof that the property owners tax payments were not properly applied to their tax account which required a correction to the tax account; and

WHEREAS, a review of the sewer payer's account shows irregular payments and adjustments prior to 2<sup>nd</sup> quarter of 2018; and

WHEREAS, the sewer payer was unable to provide receipts for cash payments made, however, the sewer payer has agreed to sign an affidavit certifying that the payments were made on time and in full; and

WHEREAS, the Township Council wishes to correct the sewer payer's account to show a zero balance as of the 1<sup>st</sup> quarter of 2018 once a signed affidavit is received.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Lopatcong hereby authorizes the Township Tax Office to apply a credit to Block 85, Lot 12 to bring the account current through the 1<sup>st</sup> quarter of 2018.

BE IT FURTHER RESOLVED that the Lopatcong Township Tax Office shall cancel all interest resulting from 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, October 5, 2022.

Margaret B. Dilts, CMC

**Resolution No. 22-166** - Correct Sewer Account on Block 50, Lot 3.

R 22-166

#### RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY TO CORRECT THE SEWER ACCOUNT FOR BLOCK 50, LOT 3

WHEREAS, the Township of Lopatcong has been provided with receipts for sewer payments for Block 50, Lot 3 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 50, Lot 3:

2/7/2017

\$300.00

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, October 5, 2022.

Margaret B. Dilts, CMC

**Resolution No. 22-167** - Correct Tax Account on Block 93, Lot 23.02.

R 22-167

#### RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY TO CORRECT THE TAX ACCOUNT FOR BLOCK 93, LOT 23.02

WHEREAS, a review of the tax account shows a delinquency on the taxpayer's account dates back to 2010; and

WHEREAS, the Township of Lopatcong is in receipt of an affidavit dated March 7, 2016 stating that the lien on this property has been redeemed; and

WHEREAS, the property owner has not supplied the Township with any proof of any additional payments made to the account.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Lopatcong hereby authorizes the Township Tax Office to apply a credit to Block 93, Lot 23.02 to bring the account current through March 7, 2016.

BE IT FURTHER RESOLVED that the Lopatcong Township Tax Office shall cancel any and all interest resulting from 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, October 5, 2022.

Margaret B. Dilts, CMC

Resolution No. 22-168 - Correct Tax Account affected by Deed Merger for Block 63, Lot 3.01.

R 22-168

#### RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY TO CORRECT THE TAX ACCOUNTS AFFECTED BY A DEED MERGER FOR BLOCK 63, LOT 3.01

WHEREAS, a deed merger was issued on October 17, 2016 and recorded in Book 2723 Page 215 in the Warren County Clerk's Office which merged Block 63, Lot 3, Block 63, Lot 4 and Block 63, Lot 5 into Block 63, Lot 3.01; and

WHEREAS, a review of tax account records indicates that the payments and cancellation of balances were not properly handled by the previous Tax Collector; and

WHEREAS, the 2016 tax records for Block 63, Lot 3 and Block 63, Lot 4 show prior year delinquent balances and Block 63, Lot 5 reflects a prior year overpayment; and

WHEREAS, the Block 63, Lot 3, Block 63, Lot 4 and Block 63, Lot 5 are no longer a part of the Township of Lopatcong tax duplicate; and

WHEREAS, the prior year delinquencies and overpayment should be cancelled to clear up prior year tax records.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Lopatcong hereby authorizes the Township Tax Office to cancel the prior year delinquent balances for Block 63, Lot 3 and Block 63, Lot 4.

BE IT FURTHER RESOLVED, that the Township Tax Office shall cancel the prior year overpayment on Block 63, Lot 5.

#### 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 5, 2022.

Margaret B. Dilts, CMC

**Township Wide Tree Inventory and GIS System** – Reject the bids.

**Resolution No. 22-169** – Increase Boat Storage fees at the Pavilion.

R 22-169

#### RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY APPROVING THE PAVILION SPACE RENTAL RATE INCREASE FOR BOATS AND OTHER RECREATIONAL VEHICLES IN A TOTAL AMOUNT OF- \$200.00 PER SEASON.

WHEREAS, The Township of Lopatcong, Mayor and Council provide the opportunity for residents to rent space in the park pavilion for boats and or recreational vehicles during the winter season; and

WHEREAS, it is determined that the cost will be \$200.00 per season, per vehicle which runs from November 1<sup>st</sup>, 2022 to April 1<sup>st</sup>, 2022; and

WHEREAS, the tenants agree to provide the Township of Lopatcong with a copy of the registration and insurance card for said stored boat or recreational equipment; and

WHERE S, the tenants agree to remove the battery from any stored boat; and

WHERE AS, the tenant agrees that neither the space nor the premises shall be used by the tenant for on-premises exhibition or sale of property of any kind, nor for repairs, maintenance, or work of any kind. The premises to be used for storage only; and

WHERE AS, the tenants hold harmless the Township of Lopatcong for any and all damages, costs, judgments, injuries, causes of action or other such contingencies as a result of the storage of boats at the aforesaid location; and

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey do hereby authorize the pavilion boat storage rental rate of; \$200.00 per season.

#### 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 true and correct copy of a Resolution adopted by Council at meeting held on Wednesday October 5, 2022.

Margaret B. Dilts, CMC

**Fire House No. 2 – Membership Application** – Fire Chief LaFord recommended Matthew Hikade for membership.

**Announcements** – October 8 – Fall Cleanup – pool parking lot and Strykers Road Fire House – Electronics and White Good go to the pool parking lot only – 7:00 am to 12:00 pm.

**Council Reports:**

Councilman McQuade – No report.

Councilman Belcaro – No report.

Councilman Palitto – Noted a special thanks to Kayla Marconi for a successful Community Day. Also reported the Yard Sale was a success as well.

Councilman Wright – Discussed the situation at the old Cooper’s Gas Station and the changes going on there.

Mayor Mengucci – Informed the public that he stopped by the gas station on Belvidere Road to speak to the owner about the large number of cars on his lot and asked him to clean that up.

**Report of the Engineer** – Engineer Sterbenz announced that the DOT approved the plans for the TAP Grant. The documents for the project are now being sent off to the Federal Government for authorization. The SRTS Grant – Requested additional funds for this project.

**Report of Chief of Police** – No report.

**Approve Dept. Reports** – Motion by Council President Wright, seconded by Councilman Palitto. All in favor.

**Approve Payment of Bills** – Motion to pay bills by Councilman Belcaro, 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 – Asked if anything has been received from Harbor Group – Brakeley Gardens; prices going up.

Brian Weeks – Strykers Road signs will be going up on lower Strykers Road. Parking Lot will be fixed tomorrow and possibly Friday and on Sunday and Monday. Structure on River Road is to be taken down in another week.

Michael Sazanov – Request for signage on Rt. 57 noting no littering/no dumping in the area that was cleaned up.

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

Respectfully submitted,

Margaret B. Dilts, CMC  
Clerk/Administration

James E. Mengucci  
Mayor

