

TOWNSHIP OF LOPATCONG
COUNCIL MEETING

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

December 29, 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 McQuade, Councilman Palitto, Council President Wright, Mayor Mengucci. Attorney Lavery and Engineer Sterbenz.

Executive Session – Motion to leave Executive Session by Council President Wright, seconded by Councilman McQuade. All in favor. Attorney Lavery – Provided a summary of Executive Session.

Public Comment –

Judy Liptak – 47 Kyle Drive – Asked what a recording secretary make – what is the stipend.

Old Business:

Ordinance No. 2022-12 - Second reading and public hearing to Amend the Township Code of Ordinances of the Township to Repeal Chapter 123 entitled “Flood Damage Prevention”, to Adopt a New Chapter 123 entitled “Flood Plain Management and Regulations; to Adopt Flood Hazard Maps; to Designate a Floodplain Administrator; and providing for Severability and an Effective Date. Motion to hold a public hearing by Council President Wright, seconded by Councilman Palitto. All in favor. No comments from the public. Motion to close the hearing by Council President Wright, seconded by Councilman Palitto. All in favor.

ORDINANCE NO. 22-12

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 Thursday, December 29, 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.

AN ORDINANCE BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LOPATCONG AMENDING THE TOWNSHIP CODE OF ORDINANCES OF THE TOWNSHIP OF LOPATCONG TO REPEAL CHAPTER 123, FLOOD DAMAGE PREVENTION, TO ADOPT A NEW CHAPTER, CHAPTER 123, ENTITLED FLOODPLAIN MANAGEMENT AND REGULATIONS; TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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 Councilman Palitto.

Roll call vote:

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

NAYS: None

Consent Agenda:

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

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

NAYS: None

R 22-194

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 nine on the Consent Agenda.

1. Resolution – Record salary of Shade Tree Commission Secretary.
2. Resolution – Fire Dept. members who qualify for 2022 Uniform Allowance.
3. Resolution – Authorize redemption of Tax Sale Certificate No. 2021-008 on Block 72, Lot 2.02 in the amount of \$26,581.08, Premium \$26,000.00.
4. Resolution – Authorize redemption of Tax Sale Certificate No. 2020-029 on Block 99, Lot 92 C0016 in the amount of \$8,564.20.
5. Resolution – Issue Credit for interest accrued for Block 99, Lot 220, C1004 in the amount of \$3,626.66.
6. Resolution – Refund Tax Overpayment on Block 99, Lot 233, C1030 in the amount of \$551.20.
7. Resolution – Reimbursement for Police Officer transfer to Warren County in the amount of \$13,991.56.
8. Release Escrow back to Annual Jessamine for work completed on S. Second Street pursuant to Engineer Sterbenz recommendation.
9. Resolution – Correct Sewer Account Block 50, lot 3.

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, December 29, 2022.

Margaret B. Dilts, CMC

Resolution No. 22-195 – Shade Tree Secretary Salary.

R 22-195

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY APPOINTING KAYLA MARCONI AS SECRETARY TO THE
SHADE TREE COMMISSION

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey authorize the appointment of Kayla Macaroni as Secretary to the Shade Tree Commission; and

WHEREAS, Kayla Marconi will be paid a yearly salary of \$3500.00; and

WHEREAS, Kayla Marconi has held this position for the year 2022.

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 appointment of Kayla Marconi at a yearly salary of \$3500.00.

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, December 29, 2022.

Margaret B. Dilts, CMC

Resolution No 22-196 – Authorize redemption of Tax Sale Certificate No. 2021-008 on Block 71, Lot 2.02 in the amount of \$26,581.08, Premium \$26,000.00.

R 22-196

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE
NO. 2021-008 ON BLOCK 72, LOT 2.02

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on December 14, 2021, a lien was sold on Block 72, Lot 2.02 also known as 412 South Fourth Street for delinquent sewer; and

WHEREAS, this lien known as Tax Sale Certificate No. 2021-008 was sold to US Bank Cust for Tower DB XI Trust 2021-1; and

WHEREAS, on December 21, 2022, the mortgage company for the property owner has satisfied the redemption amount on Certificate No. 2021-008 in the amount of \$26,581.08, Premium \$26,000.00.

NOW, THEREFORE, BE IT RESOVLED on this 29th day of December 2022, that the Chief Financial Officer is authorized to issue a check in the amount of \$26,581.08, Premium \$26,000.00 for the redemption of Tax Sale Certificate No. k2021-008 to:

US Bank Cust for Tower DB XI Trust 2021-1

50 South 16th Street, Suite 2050

Philadelphia, PA 19102

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 Thursday, December 29, 2022.

Margaret B. Dilts, CMC

Resolution No. 22-197 – Authorize redemption of Tax Sale Certificate No. 2020-029 on Block 99, Lot 92 C0016 in the amount of \$8,564.20.

R 22-197

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE
NO. 2020-029 ON BLOCK 99, LOT 92 C0016

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on December 29, 2020, a lien was sold on Block 99, Lot 92 C0016 also known as 16 Overlook Drive for delinquent sewer; and

WHEREAS, this lien known as Tax Sale Certificate no. 2020-029 was sold to US Bank Cust/Pro Cap 8k/Pro Cap; and

WHEREAS, on December 21, 2022, the mortgage company for the property owner has satisfied the redemption amount on Certificate No. 2020-029 in the amount of \$8,564.20.

NOW, THEREFORE, BE IT RESOLVED on this 29th day of December 2022, that the Chief Financial Officer is authorized to issue a check in the amount of \$8,564.20 for the redemption of Tax Sale Certificate No. 2020-029 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 Thursday, December 29, 2022.

Margaret B. Dilts, CMC

Resolution No. 22-198 – Issue Credit for interest accrued for Block 99, Lot 220, C1004 in the amount of \$3,626.66.

R 22-198

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY TO ISSUE A CREDIT FOR INTEREST ACCRUED FOR BLOCK
99, LOT 220, C1004

WHEREAS, the Township has no record of the 1st quarter of 2015 being paid for Block 99, Lot 22, C1004 and the owner has an account statement dated March 23, 2015 representing a zero balance; and

WHEREAS, the property owner has been unable to find a cancelled check for the missed payment in February of 2015 and the interest that is accruing due to this missed payment has become significant; and

WHEREAS, the property owner has agreed to make the payment for the principal that was due in the amount of \$1,420.02 but is asking forgiveness of the interest due to the statement he has representing a zero balance; and

WHEREAS, the Township Council wishes to waive the interest that accrued on the account due to the statement that was provided by the resident that is in conflict with the Township records in the amount of \$3,626.66.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Lopatcong hereby authorizes the tax account for Block 99, Lot 220, C1004 be credited in the amount of \$3,626.66.

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 Thursday, December 29, 2022.

Margaret B. Dilts, CMC

Resolution No. 22-199 – Refund Tax Overpayment on Block 99, Lot 233, C1030 in the amount of \$551.20.

R 22-199

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY TO ISSUE A REFUND FOR A TAX OVERPAYMENT FOR BLOCK 99, LOT 233 C 1030

WHEREAS, Block 99, Lot 233 C1030 qualified as tax exempt (disabled veteran) on October 10, 2022; and

WHEREAS, the Tax Collector has adjusted the tax account to refund \$551.20 cancel taxes in the amount of \$645.75 for the 1st and in the amount of \$645.75 for the 2nd quarter of 2023; and

WHEREAS, the homeowner for the property owner paid the 4th quarter 2022 payment in the amount of \$1291.51 on October 28, 2022; and

WHEREAS, the property is only exempt for 50% resulting in an overpayment of \$551.20 for the 4th quarter 2022; and

NOW, THEREFORE, BE IT RESOVLED that the Township Council of the Township of Lopatcong hereby authorizes a refund in the amount of \$551.20 to: Gregory Gengaro, 1030 Deerhaven Terrace, Stewartsville, NJ 08886.

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 Thursday, December 29, 2022.

Margaret B. Dilts, CMC

Resolution No. 22-200 - Reimbursement for Police Officer transferred from Warren County in the amount of \$13,991.56.

R 22-200

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY AUTHORIZING PAYMENT TO THE COUNTY OF WARREN
FOR COSTS RELATED TO INTERGOVERNMENTAL TRANSFER OF POLICE OFFICER
PATRICK ZEGADLO

WHEREAS, the Township of Lopatcong, County of Warren and State of New Jersey authorized a governmental transfer of Police Officer, Patrick Zegadlo from the Warren County Sheriff's Office; and

WHEREAS, pursuant to the statute, certain expenses must be reimbursed; and

WHEREAS, the amount of the reimbursement for costs related to hiring and training were in the amount of \$13,991.56.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey that costs pursuant to statute be reimbursed to the County of Warren in the amount of \$13,991.56.

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 Thursday, December 29, 2022.

Margaret B. Dilts, CMC

South Second Street Escrow Account – Release escrow back to Annual Jessamine for work completed on S. Second Street pursuant to Engineer Sterbenz recommendations.

Resolution No. 22-201 – Correct Sewer Account on Block 50, Lot 3.

R 22-201

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 done a review of the sewer payer's account which shows irregular payments prior to the 2nd quarter of 2018; and

WHEREAS, the sewer payer was unable to provide receipts for all cash payments made, however, the sewer payer has agreed to sign an add davit 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 1st 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 50, Lot 3 to bring the account current through the 1st quarter of 2018.

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 Thursday, December 29, 2022.

Margaret B. Dilts, CMC

Council Reports:

Councilman McQuade – No report.

Councilman Palitto – No report.

Council President Wright –

Zoning Officer reported back to Council on the old Cooper's lot – Court issued a violation for \$250.00 and given 90 days to remove all the trucks. This took over one year. Met with Commissioner Ciesla and she has been advocating an alternative solution to traffic on 519, Strykers Road; all the traffic issues there. If possible, Council President Wright would like to authorize Engineer Sterbenz to conduct a feasibility study to find a truck route from Strykers Road out to 22; maybe matching up with Rand Blvd. or the mall entrance. This would be for trucks only; adding a new road completely. Senator Steinhardt would discuss this with the NJDOT to Performa study on the 519/22 intersections.

Mayor Mengucci wished everyone a happy and healthy new year. Mayor Mengucci made a motion to make an offer to the candidate discussed in Exec. Session, seconded by Council President Wright. Roll call vote:

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

NAYS: None

Mayor Mengucci made a motion to advertised the positions discussed in Exec. Session., seconded by Council President Wright. Roll call vote:

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

NAYS: None

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

Payment of Bills – Motion by Councilman Palitto, seconded by Councilman McQuade. Roll call vote:

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

NAYS: None

Audience Participation:

Robert Bruce – 11 Harwich Road – Thanked the Council for their statement regarding the truck route. Truck traffic from new warehouse – Engineer Sterbenz looked at the plans and there is no turn prohibitions on the site plan.

John Kecherson – 38 Jade Lane – looking for information on the meeting on website and ran across a posting on the Jan. 4th meeting – a warehouse presentation on just the mall property not the property in the back. Engineer Sterbenz said this is correct. Asked if there was a cost associated with the proposed thoughts of a road from Strykers to 22. Asked how much revenue the warehouses are bringing in at this point? CFO will attend next meeting.

Judy Liptak – 47 Kyle Drive – Read a statement that 2023 brings transparency and honesty from Council.

John Betz – Brakeley Gardens – Issue in Exec. Session could be resolved quickly. Attorney Lavery was instructed to call them regarding the complaints from residents of Brakeley Gardens.

Margaret Taylor – 1016 Deerhaven Terrace – asked about the pipes on the west side of Strykers Road. What are those pipes servicing. Engineer Sterbenz said there is a gap in the water line over the bridge.

Mayor Mengucci asked for a motion to adjourn the meeting. Council President Wright made a motion, seconded by Councilman McQuade. All in favor.

Respectfully submitted,

Margaret B. Dilts, CMC
Clerk/Administrator

James E. Mengucci
Mayor