

TOWNSHIP OF LOPATCONG
Meeting Minutes
6:30 pm Executive/7:30 Regular Session

February 1, 2023

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 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. Also present were Attorney Lavery and Engineer Sterbenz.

Attorney Lavery discussed the Executive Session matters and noted no action was taken.

Motion to return to Regular Session by Council President Wright, seconded by Councilman Palitto. All in favor.

Presentation: The Cubes at US 22 Sub 1, LLC – Industrial Warehouse – Block 102, Lots 9.01 and 9.03. Attorney Lavery informed the public that there will be a presentation by The Cubes at US 22 – this is not a public hearing but the applicant’s presentation of the concept plan and the Township Council will make a determination that it is generally consistent with the Township Redevelopment Plan. If the Council makes the determination, then the applicant has the ability to go before the Planning Board where it is treated like a regular land use application. Mr. Chris Costa of the law firm of Stevens and Lee who represented the applicant. The property in questions is Block 102, Lots 9.01 and 9.03. The property is a portion of the tract that is commonly known as the Phillipsburg Mall. This mall straddles both Lopatcong and Pohatcong. Both Townships have designated the Phillipsburg Mall property and the property directly behind the mall which is Lot 9 in Lopatcong as areas in need of redevelopment and both have designated warehouses as a use permitted in their respective redevelopment zones. Both Townships have provided similar bulk standards and similar buffer and setback standards so that the development of the warehouse on both sides of the town borders is consistent, however, each town has a slightly different procedure for proceeding. In Lopatcong the redevelopment plan sets forth in Section 3.4.7 that the layout of all structure in the redevelopment area shall be subject to a concept plan approval by the Township Council. We are here this evening seeking the approval of the layout. Detailed concept plans have been submitted – they were amended pursuant to comments from the Township professionals. The Redevelopment Plan provides for an overlay zone which allows warehouses facilities as an independent operation or as an accessory to a permitted use. The redevelopment zone includes the Phillipsburg Mall property

and also includes the property behind the Phillipsburg Mall. The property behind the Phillipsburg Mall is not ready to proceed so a lot of the information presented tonight addresses making sure the properties work together but at this point the Phillipsburg Mall is the only property being dealt with this evening.

Engineer Thaon – First exhibit prepared is an aerial exhibit prepared by Bohler dated 2/7/2023 showing the Phillipsburg Mall site. On the north side of the site is Lopatcong and the right-hand side or southern side is Pohatcong. Block 102, Lot 9.03 and 9.01 within Lopatcong will be discussed. In both towns is 72.189 acres and the specific area within Lopatcong 34.963 acres. There is a right-in and right-out driveway to enter the site. In the center of the site is a signalized intersection that allows for left hand movement into the site from Rt. 22 and out of the site onto 22 to go west bound and then further south is another right-in and right-out driveway. Those driveways are not changing in their configuration or in their geometry. The outer loop road to the north there is a vacant former Friendly's restaurant. That is going to be removed as part of the application. South of that is an existing Taco Bell which will remain as well as Star Bucks and Chick-Fil-A and Panera. Proper circulation and access to those restaurants will remain part of this. Kohls will remain as well as much of the parking field. Provided was a colorized site Layout Plan and Circulation Plan submitted as part of the General Development Plan. Circulation enhancements like Sidewalks would be provided for pedestrians. The outer loop road will remain as designed but striping modifications would be made. Vast majority of trucks will exit going back to Rt. 78. The parking spaces total 351 spaces; 106 in Lopatcong, 160 loading docks and 195 trailer parking spaces proposed. A significant amount of berming and landscaping will be done. All utilities are available to the site. There will be signage to guide trucks where to go. Traffic Engineer John Harter – discussed the traffic routes and timing to make sure the flow would be without issues. Attorney Costa indicated the presentation of the plan is consistent with the Redevelopment Plan adopted by the Township. Council President Wright made a motion that the proposal is generally consistent with the Redevelopment Plan, seconded by Councilman McQuade. Roll call vote:
AYES: Councilman McQuade, Councilman Palitto, Council President Wright, Mayor Mengucci.
NAYS: None

Public Comment:

John Betz – Brakeley Gardens – Inquired about Ordinance No. 23-02.

Donna Schneider – 26 Meadowview Drive – Explain how blighted properties are Attorney/Client Privilege – Attorney Lavery indicated advice was provided on enforcement. Commented about the cars and trucks going in and out of the mall is a recipe for a disaster using the same lanes which will affect the businesses already there.

William Simpson – 1125 Monroe Drive – Commented on the turn lanes going into the mall regarding extra room and potential hazard when trucks are entering.

Robyn George – 34 Raleigh Court – Commented on trees – encouraged developer when looking at the trees to consider biodiversity of what they are planting. Friendly’s space could be a community garden.

Harvey Walters – 325 South Third – We have enough warehouses and trucks as it is.

Old Business:

Minutes – Approve minutes from December 7 and December 29, 2022 – Executive and Regular Sessions. Motion to approve by Councilman Palitto, seconded by Mayor Mengucci. Roll call vote:

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

NAYS: None

Resolution No. 23-38 – Approve Mayor Mengucci execute Upper Belvidere Road Sidewalk Agreement – TAP Grant.

R 23-38

**RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY AUTHORIZING MAYOR TO EXECUTE FEDERAL AID COST
REIMBURSEMENT AGREEMENT NO. 2022-DT-BLA1-04 FOR THE UPPER BELVIDERE
ROAD SIDEWALK IMPROVEMENT PROJECT**

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey are the Subrecipient of a Federal Aid Grant in the amount of \$439,338.50; and

WHEREAS, said Agreement is with the New Jersey Department of Transportation, Division of Local Aid and Economic Development under Agreement No. 2022-DT-BLA1-04, Contract ID 2370035; and

WHEREAS, this Agreement is for the Upper Belvidere Road Sidewalk Improvement Project.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey do hereby authorize Mayor James Mengucci to execute the Federal Aid Cost Agreement under the Transportation Alternative Program using federal funds in the amount of \$439,338.50.

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk, in 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 the Council at a Meeting held on Wednesday, February 1, 2023.

Margaret B. Dilts, CMC

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

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

NAYS: None

New Business:

Ordinance No. 2023-01 – First reading to establish a CAP Bank.

**ORD. 23-01
CALENDAR YEAR 2023
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

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

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

WHEREAS, the Township Council of the Township of Lopatcong in the County of Warren finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$240,224.78 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

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

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Lopatcong, in the County of Warren, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Township of Lopatcong shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$240,224.78 and that the CY 2023 municipal budget for the Township of Lopatcong be approved and adopted in accordance with this ordinance; and,

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

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

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

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Township of Lopatcong held on February 1, 2023 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Council to be held on March 1, 2023 at 7:30 pm or as soon thereafter as the Township Council may hear this Ordinance in the Municipal Building, 232 S. Third Street, Phillipsburg, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Margaret B. Dilts, CMC

Motion to adopt this Ordinance on First Reading by Mayor Mengucci, seconded by Councilman Palitto. Roll call vote:

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

NAYS: None

Ordinance No. 2023-02 – First reading to establish Chapter 86 entitled “Business Registry” establishing a Registry for Business, Rental Unit and Multifamily Homeowners Insurance Certificate.

ORDINANCE NO. 2023-02

ORDINANCE OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN, STATE OF NEW JERSEY CREATING CHAPTER 86 ENTITLED “BUSINESS REGISTRY” ESTABLISHING A REGISTRY FOR BUSINESS, RENTAL UNIT, AND MULTIFAMILY HOMEOWNERS INSURANCE CERTIFICATES

WHEREAS, the State of New Jersey has enacted a new statute, N.J.S.A. 40A:10A-1 et seq., which requires business owners, rental unit owners, and owners of multifamily homes which is four or fewer units, one of which is owner-occupied, to maintain certain liability insurance

policies and register certificates of insurance demonstrating compliance with such statute with the municipality; and

WHEREAS, said law provides that the municipality may, by ordinance, establish a reasonable administrative fee for the certificate of registration.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Lopatcong, County of Warren, State of New Jersey, as follows:

SECTION I

Chapter 86 – Business Registry

§ 86-1. Liability Insurance Requirements.

Pursuant to S.B. 1368, codified under N.J.S.A. 40A:10A-1 and -2, the owner of a business or owner of a rental unit(s) shall maintain liability insurance for negligent acts and omissions in an amount of no less than five hundred thousand dollars (\$500,000.00) for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence.

The owner of a multifamily home which is four or fewer units, one of which is owner-occupied, shall maintain liability insurance for negligent acts and omissions in an amount of no less than three hundred thousand dollars (\$300,000.00) for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence.

§ 86-2. Registration Requirements.

All business owners, rental unit owners, and owners of multi-family homes of four or fewer units, one of which is owner occupied, shall register a certificate of insurance as required by the aforementioned statute in the office of the Township Clerk on an annual basis, which office shall maintain a registry of certificates of insurance filed with it, and each registration shall be accompanied by payment of one hundred dollars (\$100.00) as an administrative fee for such registration payable to the Township of Lopatcong.

§ 86-3. Failure to Register.

The governing body is authorized to collect, through a summary proceeding pursuant to the “Penalty Enforcement Law of 1999,” P.L. 1999, C. 274 (C.2A:58-10 et seq.), a fine of not less than five hundred dollars (\$500.00) but no more than five thousand dollars (\$5,000.00) against an owner who failed to comply with the provisions of this Ordinance.

SECTION II

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION III

If any article, section, subsection, paragraphs, phrase or sentence is, for any reason, inconsistent with the Code of the Township of Lopatcong, or is held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

SECTION IV

This Ordinance shall take effect immediately upon final passage and publication as provided by law.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Township of Lopatcong held on February 1, 2023 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Council to be held on March 1, 2023 at 7:30 PM, or as soon thereafter as the Township Council may hear this Ordinance, at the Municipal Building, 232 South Third Street, Phillipsburg, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Margaret B. Dilts, CMC

Motion to adopt this Ordinance on First Reading by Mayor Mengucci, seconded by Council President Wright. Roll call vote:

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

NAYS: None

Ordinance No. 2023-03 – First reading Deleting Article II of Chapter 165 entitled “Residential Maintenance of Properties in Foreclosure,” and Replacing same to be consistent with P.L. 2021, C.444.

ORDINANCE NO. 2023-03

ORDINANCE OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN, STATE OF NEW JERSEY, DELETING ARTICLE II OF CHAPTER 165 ENTITLED “RESIDENTIAL MAINTENANCE OF PROPERTIES IN FORECLOSURE,” AND REPLACING SAME TO BE CONSISTENT WITH P.L. 2021, C. 444

WHEREAS, the Township of Lopatcong seeks to identify and locate responsible parties who can maintain the properties that are in the foreclosure process or that have been foreclosed; and

WHEREAS, the Township of Lopatcong finds that the presence of vacant and abandoned properties can lead to a decline in property value, create attractive nuisances, and lead to a general decrease in neighborhood and community aesthetic; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety, and welfare, and as may be necessary to carry out into effect the powers and duties conferred and imposed upon the Municipality by law; and

WHEREAS, pursuant to P.L. 2021, C. 444, the governing body of a municipality is authorized to adopt or amend ordinances creating a property registration program for the purpose of identifying and monitoring properties within the municipality for which a summons and complaint in an action to foreclose on a mortgage has been filed; regulate the care, maintenance, security, and upkeep of such properties; and impose a registration fee on the mortgagee of such properties; and

WHEREAS, the Township has adopted Ordinance 2016-14 regulating the registration and maintenance of vacant and abandoned residential properties in foreclosure; and

WHEREAS, the Legislature has amended the statute to require municipalities to impose registration requirements on both commercial and residential properties;

WHEREAS, the Township has a vested interest in protecting neighborhoods against decay caused by vacant and abandoned properties and concludes that it is in the best interest of the health, safety, and welfare of its citizens and residents to impose registration and certification requirements on abandoned, vacant, and foreclosed properties located within the Township's borders; and

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Lopatcong, County of Warren, State of New Jersey as follows:

SECTION I:

The Lopatcong Township Code, Chapter 165, Article II entitled "Residential Maintenance of Properties in Foreclosure" is deleted in its entirety and is replaced as follows:

Article II. Maintenance of Properties in Foreclosure.

§ 165-10. Definitions.

The following words, terms, and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except when the context clearly indicates a different meaning.

VACANT AND ABANDONED REAL PROPERTY – As defined in accordance with N.J.S.A. 40:48-2.12s3(b)(8), shall mean property that is not legally occupied by a mortgagor or tenant, which is in such condition that it cannot be legally reoccupied, because of the presence or finding of at least two of the following:

- (a) Overgrown or neglected vegetation;
- (b) The accumulation of newspapers, circulars, flyers, or mail on the property;
- (c) Disconnected gas, electric, or water utility services to the property;
- (d) The accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
- (e) The accumulation of junk, litter, trash, or debris on the property;
- (f) The absence of window treatments such as blinds, curtains, or shutters;
- (g) The absence of furnishings and personal items;
- (h) Statements of neighbors, delivery persons, or government employees indicating that the property is vacant and abandoned;

- (i) Windows or entrances to the property that are boarded up or closed off, or multiple window panes that are damaged, broken, and unrepaired;
- (j) Doors to the property that are smashed through, broken off, unhinged, or continuously unlocked;
- (k) A risk to the health and safety, or welfare of the public or any adjoining or adjacent property owners due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property;
- (l) An uncorrected violation of a municipal building, housing, or similar code during the preceding year, or an order by municipal authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied;
- (m) The mortgagee or other authorized party has secured or winterized the property due to the property being deemed vacant and unprotected or in danger of freezing;
- (n) A written statement issued by a mortgagor expressing the clear intent of all mortgagors to abandon the property; or
- (o) Any other reasonable indicia of abandonment.

APPLICABLE CODES – means to include, but not be limited to, the Lopatcong Township Code (“the Code”), and the New Jersey Building Code.

CREDITOR – As defined in accordance with N.J.S.A. 40:48-2.12s2(d), means state-chartered bank, savings bank, savings and loan association or credit union, any person required to be licensed under the provisions of the “New Jersey Residential Mortgage Lending Act,” sections 1 through 39 of P.L. 2009, C. 53 (N.J.S.A. 17:11C-51 through 17:11C-89), and any entity acting on behalf of the creditor named in the debt obligation including, but not limited to, servicers. For purposes of this section, a “creditor” shall not include the State, a political subdivision of the State, or a State, county, or local government entity, or their agent or assignee, such as the servicer.

ENFORCEMENT OFFICER – means any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector or building inspector, or other person authorized by the Township of Lopatcong to enforce the applicable code(s).

FORECLOSURE – means the legal process by which a mortgagee terminates a mortgagor’s interest in real property either to obtain legal and equitable title to the real property pledged as security for a debt or to force a sale of said property to satisfy a debt. For purposes of this article, this process begins upon the service of a summons and a complaint on the mortgagor on any interested party. For purposes of this article, the process is not concluded until the property is sold to a bona fide purchaser not related to the mortgagee in an arm’s length transaction, whether by Sheriff’s sale, private sale following a Sheriff’s sale, or private sale following the vesting of title in the mortgagee pursuant to a judgment.

MORTGAGEE – means the creditor, including but not limited to, lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee to the creditor’s rights, interests, or obligations under the mortgage agreement, excluding governmental entities as assignee or owner.

PROPERTY MANAGEMENT COMPANY – means a local property manager, property Maintenance Company or similar entity responsible for the maintenance of abandoned property.

VACANT – means any building or structure that is not legally occupied.

§ 165-11. Applicability.

These sections shall be considered cumulative and not superseding or subject to any other law or provision for same, but rather be an additional remedy available to the Township of Lopatcong above and beyond any other state, county, or local provisions for same.

§ 165-12. Establishment of Registry.

Pursuant to the provisions of § 165-13, the Township of Lopatcong or its designee shall establish a vacant and abandoned property registry containing the information required by this Article.

§ 165-13. Registration of Property.

- a) Any creditor who holds a mortgage or equity lien on real property located within the Township shall perform an inspection of the property to determine vacancy or occupancy, upon the commencement of foreclosure as evidenced by a foreclosure filing. The creditor shall, within ten (10) day of the inspection, register the property with the Township Code Enforcement Official, or its designee, on forms or website access provided by the Township, and indicate whether the Property is vacant or occupied. A separate registration is required for each property, whether it is found to be vacant or occupied.
- b) If the property is occupied but remains in foreclosure, it shall be inspected by the creditor or his designee monthly until (1) the mortgagor or other party remedies the foreclosure, or (2) it is found to be vacant or shows evidence of vacancy at which time it is deemed abandoned, and the mortgagee shall, within ten (10) days of that inspection, update the property registration to a vacancy status on forms provided by the Township.
- c) Registration pursuant to this Section shall contain the name of the creditor and the servicing entity, if any, the direct mailing address of the mortgagee and the servicing entity, a direct contact name and telephone number for both parties, facsimile number and e-mail address for both parties, the folio or tax number, and the name and twenty-four (24) hour contact telephone number of the property management company responsible for the security and maintenance of the property.
- d) A non-refundable annual registration fee in the amount of five-hundred dollars (\$500.00) per property shall accompany the registration form or website registration. On each anniversary date of the initial registration, the creditor shall submit a renewal registration fee as follows: 1) five hundred dollars (\$500.00) per property annually for any property that is required to be registered because a summons and a complaint in an action to foreclose was filed by the creditor; and 2) an additional two thousand dollars (\$2,000.00) per property annually if the property is vacant and abandoned pursuant to the definition in the ordinance when the summons and complaint in complaint in an action to foreclose is filed, or becomes vacant and abandoned pursuant to the definition in the ordinance at any time thereafter while the property is in foreclosure.
- e) If the property is not registered, or the registration fee is not paid within thirty (30) days of when the registration or renewal is required pursuant to this section, a late fee equivalent to ten percent (10%) of the annual registration fee shall be charged for every thirty-day period (30), or portion thereof, that the property is not registered and shall be due and payable with the registration.
- f) All registration fees must be paid directly from the creditor, Mortgagee, Servicer, or Trustee. Third Party Registration fees are not allowed without the consent of the Township and/or its authorized designee.

- g) This section shall also apply to properties that have been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale.
- h) Properties subject to this section shall remain under the annual registration requirement, and the inspection, security, and maintenance standards of this section as long as they remain in foreclosure.
- i) Any person or legal entity that has registered a property under this section must report any change of information contained in the registration within ten (10) days of the change.
- j) Failure of the creditor to properly register or to modify the registration form from time to time to reflect a change of circumstances as required by this Chapter is a violation of the Chapter and shall be subject to enforcement.
- k) Pursuant to any administrative or judicial finding and determination that any property is in violation of this Chapter, the Township may take the necessary action to ensure compliance with and place a lien on the property for the cost of the work performed to benefit the property and bring it into compliance.
- l) Registration of foreclosure property does not alleviate the creditor from obtaining all required licenses, permits, and inspections required by applicable codes or applicable State Statutes.
- m) If the mortgage and/or servicing on a property is sold or transferred, the new creditor is subject to all terms of this Chapter. Within ten (10) days of the transfer, the new creditor shall register the property or update the existing registration. The previous Mortgagee(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during the creditor's involvement with the Registrable Property.
- n) If the creditor sells or transfers the Registrable Property in a non-arm's length transaction to a related entity or person, the transferee is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the transferee shall register the property or update the existing registration. Any and all previous unpaid fees, fines, and penalties, regardless of who the Mortgagee was at the time registration was required, including but not limited to unregistered periods during the Foreclosure process, are the responsibility of the transferee and are due and payable with the updated registration. The previous creditor will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that creditor's involvement with the Registrable Property.

§ 165-14. Maintenance Requirements.

- a) Properties subject to this Article shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state, or local law, discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned.
- b) Properties subject to this Article shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.

- c) Front, side, and rear yards, including landscaping, shall be maintained in accordance with all applicable code(s) at the time registration was required.
- d) Yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential installation. Acceptable maintenance of yards and/or landscape shall not include weeds, gravel, broken concrete, asphalt, or similar material.
- e) Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of all trimmings.
- f) Pools and spas shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in the applicable code(s).
- g) Failure of the mortgagee and/or owner to properly maintain the property may result in a violation of the applicable Code(s) and issuance of a citation or Notice of Violation in accordance with this Chapter, Chapter 149 (“Nuisances, Public Health”), Chapter 165 (“Property Maintenance”), and Chapter 203 (“Streets and Sidewalks”) of the Township Code. Pursuant to a finding and determination by the Township Code Enforcement Officer or a Court of competent jurisdiction, the Township may take the necessary action to ensure compliance with this Section.
- h) In addition to the above, the property is required to be maintained in accordance with the applicable Code(s).

§ 165-15. Security Requirements.

- a) Properties subject to this Chapter shall be maintained in a secure manner so as not to be accessible to unauthorized persons.
- b) A “secure manner” shall include, but not be limited to, the closure and locking of windows, doors, gates, and other openings of such size that may allow a child to access the interior of the property or structure. Broken windows, doors, gates, and other openings of such size may allow a child to access the interior of the property or structure must be repaired. Broken windows shall be secured by reglazing of the window.
- c) If a mortgage on a property is in default, and the property has become vacant and abandoned, a property manager shall be designated by the mortgagee to perform the work necessary to bring the property into compliance with the applicable code(s), and the property manager must perform regular inspections to verify compliance with the requirements of this Chapter, and any other applicable law(s).

§ 165-16. Public Nuisance.

All vacant and abandoned real property is hereby declared to be a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare and safety of the residents of the Township.

§ 165-17. Violations and Penalties.

Any person who shall violate the provisions of this Chapter shall be cited and fined by one or more of the following: imprisonment in the county jail or in any place provided by the municipality for the detention of prisoners, for any term not exceeding ninety (90) days; or by a fine not less than five hundred dollars (\$500.00) or exceeding one thousand two hundred and fifty dollars (\$1,250.00); or by a period of community service not exceeding ninety (90) days. Any person who is convicted of violating this Chapter within one year of the date of a previous violation of the same Section, and who was fined for the previous violation, shall be sentenced by a Court to an additional fine as a repeat offender. The additional fine imposed by the Court

upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of this Chapter, but shall be calculated separately from the fine imposed for the violation of this Chapter.

§ 165-18. Inspections for Violations.

Adherence to this Chapter does not relieve any person, legal entity, or agent from any other obligations set forth in any applicable Code(s), which may apply to the property. Upon sale or transfer of title to the property, the owner shall be responsible for all violations of the applicable Code(s).

§ 165-19. Additional Authority.

- a) If the Enforcement Officer has reason to believe that a property subject to the provisions of this Chapter is posing a serious threat to the public health, safety, and welfare, the Code Enforcement Officer may temporarily secure the property at the expense of the mortgagee and/or owner, and may bring the violations before a Court of competent jurisdiction as soon as possible to address the conditions of the property.
- b) The Code Enforcement Officer shall have the authority to require the mortgagee and/or owner of record of any property affected by this Section, to implement additional maintenance and/or security measures including, but not limited to, securing any and all doors, windows or other openings, employment of an on-site security guard or other measures as may be reasonably required to help prevent further decline of the property.
- c) If there is a finding that the condition of the property is posing a serious threat to the public health, safety, and welfare, then the Code Enforcement Officer may direct the Municipality to abate the violations and charge the mortgagee with the cost of abatement.
- d) If the mortgagee does not reimburse the Township for the cost of temporarily securing the property, or of any abatement directed by the code enforcement board of special magistrate, within thirty (30) days of the Township sending the mortgagee the invoice, then the Township may lien the property with such cost, along with an administrative fee of five hundred dollars (\$500.00) to recover the administrative personnel services.
- e) No less than twenty percent (20%) of the money collected pursuant to this Ordinance shall be utilized by the Township for municipal code enforcement purposes.

§ 165-20. Opposing, Obstructing Enforcement Officer; Penalty.

Whoever opposes, obstructs, or resists any enforcement officer or any person authorized by the Code Enforcement Office in the discharge of duties as provided in this Chapter shall be punishable as provided by the Township Code, the New Jersey Building Code, or a Court of competent jurisdiction.

§ 165-21. Immunity of Enforcement Officer.

Any enforcement officer or any person authorized by the Township to enforce the Sections contained herein shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon real property while in the discharge of duties imposed by this Chapter.

SECTION II

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION III

If any article, section, subsection, paragraphs, phrase or sentence is, for any reason, inconsistent with the Code of the Township of Lopatcong, or is held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

SECTION IV

This Ordinance shall take effect immediately upon final passage and publication as provided by law.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Township of Lopatcong held on February 1, 2023 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Council to be held on March 1, 2023 at 7:30 PM, or as soon thereafter as the Township Council may hear this Ordinance, at the Municipal Building, 232 South Third Street, Phillipsburg, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Margaret B. Dilts, CMC

Motion to adopt this Ordinance on First Reading by Council President Wright, seconded by Mayor Mengucci. Roll call vote:

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

NAYS: None

Ordinance No. 2023-04 – First reading Amending and Supplementing Chapter 243-87 entitled “Powers and Duties of Zoning Officer” to increase the Fees for Zoning Permits issued by the Zoning Officer.

ORDINANCE NO. 2023-04

ORDINANCE OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 243-87 ENTITLED “POWERS AND DUTIES OF ZONING OFFICER” TO INCREASE THE FEES FOR ZONING PERMITS ISSUED BY THE ZONING OFFICER

WHEREAS, the Township Council of the Township of Lopatcong, County of Warren State of New Jersey believes that the permit fees pertaining to the Zoning Permits issued by the Zoning Officer under Chapter 243-87 need to be increased from thirty dollars (\$30) to seventy-five dollars (\$75); and

WHEREAS, the Township Council believes such amendment is in the best interest of the Township and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Lopatcong, County of Warren, State of New Jersey, that Chapter 243-87 entitled “Powers and Duties of Zoning Officer” be amended as follows:

SECTION I

Deletions shall be indicated by strikethrough text ~~thusly~~. Additions shall be indicated by underlined text thusly.

§ 243-87. Powers and Duties of Zoning Officer

[. . .]

C. Issuance of Zoning Permits

(1) [. . .]

(2) A fee of ~~\$30~~ seventy-five dollars \$75 shall be charged for the issuance of a permit by the Lopatcong Township Zoning Officer.

SECTION II

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION III

If any article, section, subsection, paragraphs, phrase or sentence is, for any reason, inconsistent with the Code of the Township of Lopatcong, or is held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

SECTION IV

This Ordinance shall take effect immediately upon final passage and publication as provided by law.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Township of Lopatcong held on February 1, 2023 and ordered published in accordance with the law. Said Ordinance will be considered for final reading

and adoption at a regular meeting of the Township Council to be held on March 1, 2023 at 7:30 PM, or as soon thereafter as the Township Council may hear this Ordinance, at the Municipal Building, 232 South Third Street, Phillipsburg, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Margaret B. Dilts, CMC

Motion to adopt this Ordinance on First Reading by Councilman Palitto, seconded by Mayor Mengucci. Roll call vote:

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

NAYS: None

Consent Agenda:

Motion to approve Consent Agenda by Mayor Mengucci, seconded by Councilman Wright. All in favor.

R 23-39

**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 – Authorize refund of Overpayments for Taxes in year 2022.
2. Resolution -Authorize Redemption of Tax Sale Certificate No. 2020-052 on Block 131, Lot 10 in the amount of \$13,972.90.
3. Resolution – Authorize Redemption of Tax Sale Certificate No. 2022-004 on Block 2, Lot 42 in the amount of \$907.97, Premium \$1,800.00.
4. Resolution – Authorize Redemption of Tax Sale Certificate No. 2021-021 on Block 130, Lot 4 in the amount of \$1,783.34, Premium \$1,600.00.
5. Resolution – Authorize Redemption of Tax Sale Certificate No. 2022-018 in the amount of \$6,734.30.
6. Resolution – Authorize Redemption of Tax Sale Certificate No. 2020-008 on Block 20, Lot 11.
7. Authorize payment to Simone/Collins for work competed on the Lopatcong Park Master Plan.
8. Authorize Animal Control Services Contract with Common Sense for Animals.

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

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, February 1, 2022.

Margaret B. Dilts, CMC

Resolution No. 23-40 – Authorize refund of Overpayments for Taxes for year 2022.

R 23-40

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING THE REFUND OF OVERPAYMENTS FOR TAXES YEAR 2022

WHEREAS, the attached list of properties have an overpayment of property taxes for the tax year 2022;

WHEREAS, any overpayment greater than \$10.00 must be returned;

NOW THEREFORE IT BE RESOLVED, by the Township of Lopatcong Mayor and Council on this 1st day of February, 2023 that the Chief Financial Officer is hereby authorized to issue a refund check for all the attached properties and the Tax Collector shall note the records accordingly.

BLOCK	LOT	QUAL	NAME	ADDRESS	CITY	STATE	ZIP	AMOUNT
2	22.33		Kadi, William & Shannon	1020 Ridge Road	Phillipsburg	NJ	08865	\$39.25
15	21		Fritz, John & Jennifer	135 Park Ave, Delaware Park	Phillipsburg	NJ	08865	\$593.98
23	5		Chill Properties NJ LLC	18 Aurora Street	Phillipsburg	NJ	08865	\$17.02

23	15		Zeeman, Matthew & Monica	577 Belvidere Road	Phillipsburg	NJ	08865	\$62.46
26	13		Todd, Francis	715 Belvidere Road	Phillipsburg	NJ	08865	\$381.17
76	4		Maharaj Properties, Inc.	77 Ortleigh Court	Matawan	NJ	07747	\$10.82
79	6.01		Ott, Donald	122 Red School Lane	Phillipsburg	NJ	08865	\$499.70
81	3		Greenevich, A. Estate C/O Plesnarski	14 Chaucer Terrace	Phillipsburg	NJ	08865	\$86.96
99	103	C0038	Owens, John	38 Overlook Drive	Stewartsville	NJ	08886	\$171.17
107	9		Doll, Roger & Christina	31 Buckeley Hill Drive	Phillipsburg	NJ	08865	\$122.99
116.12	23	C0067	Rosa, Luz	67 Limerick Lane	Phillipsburg	NJ	08865	\$12.24

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 a meeting held on Wednesday, February 1, 2023.

Margaret B. Dilts, CMC

Resolution No. 23-41 – Authorize Redemption of Tax Sale Certificate No. 2020-052 on Block 131, Lot 10.

R 23-41

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE
NO. 2020-052 ON BLOCK 131, LOT 10

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on December 29, 2020, a lien was sold on Block 131, Lot 10 also known as 17 Kyle Drive for delinquent sewer; and

WHEREAS, this lien known as Tax Sale Certificate No. 2020-052 was sold to US Bank Cust/Pro Cap 8/Pro Cap; and

WHEREAS, on January 25, 2023, the Certificate No. 2020-052 has been satisfied in the amount of \$13,972.90.

NOW, THEREFORE, BE IT RESOLVED on this 1st day of February, 2023, that the Chief Financial Officer is authorized to issue a check in the amount of \$13,972.90 for the redemption of Tax Sale Certificate No. 2020-052 to:

US Bank Cust/Pro Cap 8/Pro Cap
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 Wednesday, February 1, 2023.

Margaret B. Dilts, CMC

Resolution No. 23-42 – Authorize redemption of Tax Sale Certificate no. 2022-044 on Block 2, Lot 42.

R 23-42

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE NO. 2022-004 ON BLOCK 2, LOT 42

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on December 15, 2022, a lien was sold on Block 2, Lot 42 also known as 997 Belvidere Road for delinquent sewer; and

WHEREAS, this lien known as Tax Sale Certificate No. 2022-004 was sold to BALA Partners, LLC; and

WHEREAS, on January 23, 2023, Certificate No. 2022-004 has been satisfied in the amount of \$907.97, Premium \$1,800.00.

NOW, THEREFORE, BE IT RESOLVED on this 1st day of February 2023, that the Chief Financial Officer is authorized to issue a check in the amount of \$907.07, Premium \$1,800.00 for the redemption of Tax Sale Certificate No. 2022-004 to:

BALA Partners, LLC
P.O. Box 303
Pottersville, NJ 07979

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, February 1, 2023.

Margaret B. Dilts, CMC

Resolution No. 23-43 – Authorize Redemption of Tax Sale Certificate No. 2021-021 on Block 130, Lot 4 in the amount of \$1,783.34, Premium \$1,600.00.

R 23-43

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE NO. 2021-031 ON BLOCK 130, LOT 4

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on December 14, 2021, a lien was sold on Block 130, Lot 4 also known as 43 Kyle Drive for delinquent sewer; and

WHEREAS, this lien known as Tax Sale Certificate No. 2021-031 has been sold to BALA Partners, LLC; and

WHEREAS, on January 20, 2023, the Certificate No. 2021-031 has been satisfied in the amount of \$1,783.34, Premium \$1,600.00.

NOW, THEREFORE, BE IT RESOLVED on this 1st day of February, 2023, that the Chief Financial Officer is authorized to issue a check in the amount of \$1,783.34, Premium \$1,600.00 for the redemption of Tax Sale Certificate No. 2021-031 to:

BALA Partners, LLC
P.O. Box 303
Pottersville, NJ 07979

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, February 1, 2023.

Margaret B. Dilts, CMC

Resolution No. 23-44 – Authorize redemption of Tax Sale Certificate No. 2022-018 in the amount of \$6,734.30.

R 23-44

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE
NO. 2022-018 ON BLOCK 85 LOT 5

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on December 15, 2022, a lien was sold on Block 85, Lot 5 also known as 212/222 Red School Lane for delinquent sewer; and

WHEREAS, this lien known as Tax Sale Certificate No. 2022-018 was sold to Pro Cap 8 FBO First Trust Bank; and

WHEREAS, on January 25, 2023 the Certificate No. 2022-018 has been satisfied in the amount of \$6,734.30.

NOW, THEREFORE, BE IT RESOLVED on this 1st day of February, 2023, that the Chief Financial Officer is authorized to issue a check in the amount of \$6,734.30 for the redemption of Tax Sale Certificate No. 2022-018 to:

Pro Cap 8 FBO First Trust Bank
P.O. Box 774
Fort Washington, PA 19034

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, February 1, 2023.

Margaret B. Dilts, CMC

Resolution No. 23-45 – Authorize redemption of Tax Sale Certificate No. 2020-008 on Block 20, Lot 11.

R 23-45

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE
NO. 2020-008 ON BLOCK 20, LOT 11

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on December 29, 2020, a lien was sold on Block 20, Lot 11 also known as 239 Aurora Street for delinquent sewer; and

WHEREAS, this lien known as Tax Sale Certificate No. 2020-008 was sold to US Bank Cust/Pro Cap 8/Pro Cap; and

WHEREAS, on January 27, 2023, the Certificate No. 2020-008 has been satisfied in the amount of \$15,026.07.

NOW, THEREFORE, BE IT RESOLVED on this 1st day of February 2023, that the Chief Financial Officer is authorized to issue a check in the amount of \$15,026.07 for the redemption of Tax Sale Certificate No. 2020-008 to:

US Bank Cust/Pro Cap 8/Pro Cap
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 Wednesday, February 1, 2023.

Margaret B. Dilts, CMC

Lopatcong Park Master Plan – Authorize payment to Simone/Collins for work completed on the Park Master Plan.

Common Sense for Animals Contract – Authorize contract for services under contract.

Council Reports:

Councilman McQuade – No report.

Councilman Palitto – No report.

Council President Wright – Council President Wright relayed he is working with the Township Engineer and the Township Auditor, John Mooney on the park plan. Mr. Mooney will be addressing the financing of the project. The park will be done as a whole rather than in phases.

Engineer Sterbenz – Reported the Baltimore Street Plans have been submitted to the Dept. of Transportation for approval for bidding the project. Capital Plans for this year will be discussed with the CFO in the coming weeks.

Department Reports – Motion to approve by Councilman Palitto, seconded by Mayor Mengucci. All in favor.

Payment of Bills – Motion to pay bills by Mayor Mengucci, seconded by Council President Wright. Roll call vote:

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

NAYS: None

Public Comment:

Donna Schneider – Asked if it is the resident permits that are being increased on cost. Both Resident and Commercial permits will be increased. Asked if it was The Cubes who came in 2020. She confirmed it was in the minutes wherein there was discussion about redevelopment plans for the Phillipsburg Mall. The next step for The Cubes will be to go before the Planning Board. Trucks are everywhere and it is terrible and disappointing she indicated.

John Betz – Brakeley Gardens – Commented on the trucks making a left-hand turn coming out of the mall. Attorney Lavery will address the lease with Harbor Management in a letter.

John Kecherson – 38 Jade Lane – Coming to the meetings for over a year now asking about plans for the mall. Pohatcong's minutes state The Cubes. Provided his thoughts on comments within past minutes of April 6, July 6 and August 22nd of 2022 wherein the Mayor, Council and Attorney spoke about the Phillipsburg Mall and with regard to building warehouses. He also noted that tractor trailers are on section of Belvidere Road everyday and wanted to know when enforcement would begin. He recounted the illegal truck stops on the twilight parking lot and the heavy duty lot and what happens if they continue to park there.

Bob Bruce – 11 Harwich Road – He felt his question and answer back from Attorney Lavery was confusing.

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

Respectfully submitted,

Margaret B. Dilts, CMC
Clerk/Administrator

James E. Mengucci
Mayor

