

TOWNSHIP OF LOPATCONG
MEETING MINUTES

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

December 28, 2023

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 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, Council President Wright, Mayor Mengucci. Also, present were Engineer Sterbenz and Attorney Baldwin.

Council President Wright – Requested Senator Steinhardt approach the podium to present a Resolution from Assemblyman DiMaio and Peterson as well as himself signed by Senate President, Nick Scutari and Speaker of the Assembly, Craig Coughlin to Mayor James Mengucci honoring him for his outstanding service to the Township of Lopatcong.

Motion to resume Regular Session by Council President Wright, seconded by Councilman McQuade. All in favor.

Attorney Baldwin – Noted Executive Session was held for one hour and topics of discussion were as stated on the agenda.

Public Comment – Agenda Items Only

John Kecherson – What is the amendment and how’s it changed since approved on April 5th. Were changes discussed in a public meeting and when. John Kecherson made a statement regarding the process.

Donna Schneider – 26 Meadowview – Urged the Council to withdrawal the resolution as there are too many warehouses already.

Judy Liptak – Kyle Drive – Read a statement regarding warehouse development in the Township and the negative impacts that were brought to the town.

Presentation: Luminace Solar Energy Provider – Representative from Luminace was present to explain the project which is located a 9000 Rand Boulevard on Bldg. 7. He is seeking a letter of support from the Township. The project is 1.6 mega watts built on the roof of the building. The Board of Public Utilities at the State had presented a grant which has been reopened it for applications. The Board requires the letter to allow the community solar project to move forward under the grant. There is subscription company that works for Luminace which through an outreach program will offer a subscription to residents for a discount on their monthly electric bill. This is a 20-year project. This project serves low- and moderate-income residents. Motion by Mayor Mengucci, seconded by Councilman Belcaro to approve the letter of support. Roll call vote:

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

NAYS: None

Old Business:

Resolution No. 23-187 – Authorizing Submission of a Petition to the Highlands Council for Designation of Highlands Redevelopment Area – Block 102, Lots 9, 9.01 and 9.03. Planner George Ritter explained that after substantial amount of discussion with the Highlands staff, they have recommended that the application to include the mall and the area behind the mall as well as some of the single-family homes along the canal in an expansion of the Township’s center. They have asked that the application be changed. Make a separate application for a designated Highlands Redevelopment Area that would cover what is the mall and the open farmland behind to make separate applications to be designated as a Highlands Center. Essentially what this resolution is doing to requesting that the Highlands Council consider our request to include those two areas; those two properties in the Highlands Designated Center which will be handled administratively differently and also requires to make additional submissions to them in terms of what is intended to go in that area, how we are going to handle it, what restrictions are going to be put on it as a new process; essentially, starting over for the mall area. The Highlands Council, through this process, will address the rear property. They felt that this gives them more say in how the rear is developed, how they can stipulate about what types of development per the intensity and how the natural systems in the back will be handled.

R 23-187

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY AUTHORIZING SUBMISSION OF A PETITION TO THE
HIGHLANDS COUNCIL FOR DESIGNATION OF HIGHLANDS REDEVELOPMENT
AREA

WHEREAS, Township of Lopatcong is located in the Highlands Region with lands lying within the Planning Area as defined by the Highlands Water Protection and Planning Act (Highlands Act) (N.J.S.A. 13:20-1 et seq.); and

WHEREAS, the Highlands Act, at N.J.S.A. 13:20-10.b.(7) and N.J.S.A. 13:20-10.c.(8), establishes as a goal of the Highlands Regional Master Plan (RMP), the promotion of brownfield remediation and redevelopment in both the Highlands Preservation and Planning Area; and

WHEREAS, the Highlands Act, at N.J.S.A. 13:20-9.b. and N.J.S.A. 13:20-11.a.(6)(h), specifies that in preparing the Highlands Regional Master Plan (RMP), the Highlands Water Protection and Planning Council (Highlands Council) may, in conjunction with municipalities in the Preservation Area, identify areas in which redevelopment shall be encouraged and shall identify areas appropriate for redevelopment conforms with the goals of the Preservation Area and the Highlands Act, with the rules and regulations adopted by the Department of Environmental Protection (NJDEP), and any area so identified for possible redevelopment shall be either a brownfield site designated by the NJDEP or a site at which at least 70% of the area thereof is covered with impervious surface; and

WHEREAS, the Highlands Act, N.J.S.A. 13:k20-33.b.(2), authorized NJDEP to grant a waiver of any provision of a Highlands permitting review on a case-by-case basis for redevelopment in certain previously developed areas in the Preservation Area identified by the Highlands Council pursuant to Section 9.b or Section 11.2.(6)(h); and

WHEREAS, the NJDEP had adopted rules at N.J.A.C. 7:38-1.1 et seq. (Highlands Rules) government the NJDEP’s review of projects in the Preservation Area of the Highlands Region; and

WHEREAS, the Highlands Rules, at N.J.A.C. 7:38-6.4, specify that as provided in the Highlands Act, the NJDEP may waive any provision of the rules for redevelopment in certain previously developed areas in the Preservation Area identified by the Highlands Council pursuant to the Highlands Act; and

WHEREAS, the Highlands Act has created a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council); and

WHEREAS, the Highlands Council prepared and adopted Procedures for Highlands Redevelopment Areas Designation (Procedures); and

WHEREAS, the Township of Lopatcong Governing Body has examined the Procedures, understands the purposes and goals of the Highlands Act and the RMP with respect to Highlands Redevelopment Area designations, has considered such designation for a specific area of the municipality as outlined below, and has determined that Highlands Redevelopment Area designation of this portion of the municipality would be consistent with both the Highlands Act and the RMP; and

WHEREAS, the Township of Lopatcong thus intends to submit an application to the Highlands Council seeking designation of a Highlands Redevelopment Area, said Area to include specifically the parcel(s) designated by the municipal Tax Map as: Block 102, Lots 9, 9.01, 9.03, together forming a contiguous area fronting on US Rt. 22 as depicted in the attached exhibit; and

WHEREAS, the designation of the Highlands Redevelopment Area could affect the development potential of the properties located within its designated boundary, some potentially being restricted from future expansion of developed impervious surface area; and

WHEREAS, all the owners of all properties located wholly or partially within this proposed Highlands Redevelopment Area have been provided notice from the Township of Lopatcong, that the municipal Governing Body proposes to adopt this resolution authorizing submission of a Petition for Highlands Redevelopment Area designation to the Highlands Council; and

WHEREAS, any such designation of a Highlands Redevelopment Area will be conducted at a duly notice public hearing of the Highlands Council.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Township of Lopatcong hereby authorizes the Mayor/Administrator of the municipality to prepare, execute and submit to the Highlands Council, all documents as required to constitute a complete Petition seeking designation of a Highlands Redevelopment Area for the specific portion of the municipality as described herein (above) and illustrated in the exhibit attached and made herewith an integral part of this resolution.

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 28, 2023.

Margaret B. Dilts, MMC

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

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

NAYS: None

Ordinance No. 2023-24 – Second reading and public hearing to Delete Chapter 97 entitled “Curfew,” and Replacing same to be Consistent with N.J.S.A. 40:48-2.52. Motion to hold a public hearing by Councilman Belcaro, seconded by Mayor Mengucci. All in favor. No comments from the public. Motion to close the public hearing by Council President Wright, seconded by Mayor Mengucci. All in favor.

ORDINANCE NO. 2023-24

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 28, 2023 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 DELETING CHAPTER 97 ENTITLED “CURFEW,” AND REPLACING SAME TO BE CONSISTENT WITH N.J.S.A. 40:48-2.52

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, MMC

Motion to adopt this Ordinance by Mayor Mengucci, seconded by Council President Wright.

Roll call vote:

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

NAYS: None

Ordinance No. 23-25 – Second reading and public hearing to Delete Chapter 145 entitled “message, Bodywork and Somatic Therapy Establishments,” and Replacing same to be Consistent with N.J.S.A. 45:11053 et. seq. Motion to hold a public hearing by Council President Wright, seconded by Mayor Mengucci. All in favor. Donna Schneider – 26 Meadowview Drive – what is the wording now for this, what does it mean for the town? Attorney Baldwin said this is a routine update. Motion to close the public hearing by Council President Wright, seconded by Councilman McQuade. All in favor.

ORDINANCE NO. 2023-25

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 28, 2023 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 DELETING CHAPTER 145 ENTITLED “MASSAGE, BODYWORK AND SOMATIC THERAPY ESTABLISHMENTS,” AND REPLACING SAME TO BE CONSISTENT WITH N.J.S.A. 45:11-53 ET SEQ.

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, MMC

Motion to adopt this Ordinance by Mayor Mengucci, seconded by Council President Wright.

Roll call vote:

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

NAYS: None

Ordinance No. 2023-26 – Second reading and public hearing to Delete Chapter 195 entitled “Solid Waste Disposal,” and Replacing same to be Consistent with N.J.S.A. 13:1E-1 et seq. Motion to hold a public hearing by Council President Wright, seconded by Councilman McQuade. All in favor. No comments from the public. Motion to close the public hearing by Mayor Mengucci, seconded by Council President Wright. All in favor.

ORDINANCE NO. 2023-26

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 28, 2023 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.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY DELETING CHAPTER 195 ENTITLED “SOLID WASTE DISPOSAL,” AND REPLACING SAME TO BE CONSISTENT WITH N.J.S.A. 13:1E-1 ET SEQ.

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, MMC

Motion to adopt this Ordinance by Councilman Belcaro, seconded by Councilman McQuade.

Roll call vote:

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

NAYS: None

Consent Agenda:

On motion by Councilman Belcaro, seconded by Councilman McQuade to adopt this Consent Agenda. Roll call vote:

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

NAYS: None

Resolution No. 23-188 – Authorize Redemption of Tax Sale Certificate no. 2022-001 on Block 2, Lot 22.21 in the amount of \$1,137.12, Premium \$2,200.00.

R 23-188

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE
NO. 2022-001 ON BLOCK 2 LOT 22.21

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on December 15, 2022 a lien was sold on Block 2, Lot 22.21 also known as 8 Jacob Way for delinquent sewer; and

WHEREAS, this lien known as Tax Sale Certificate No. 2022-001 was sold to BALA Partners, LLC; and

WHEREAS, on December 18, 2023, the Certificate No. 2022-001 has been satisfied in the amount of \$1,137.12, Premium \$2,200.00.

NOW, THEREFORE, BE IT RESOLVED on this 28th day of December 2023, that the Chief Financial Officer is authorized to issue a check in the amount of \$1,137.12, Premium \$2,200.00 for the redemption of Tax Sale Certificate No. 2022-001 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, December 28, 2023.

Margaret B. Dilts, MMC

Resolution No. 23-189 – Authorize Refund of Tax Overpayment on Block 133, Lot 1 in the amount of \$250.00.

R 23-189

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY TO ISSUE A REFUND FOR A TAX OVERPAYMENT FOR
BLOCK 133, LOT 1

WHEREAS, at the taxpayer's request, the Township wishes to issue a refund in the amount of \$250.00 to the taxpayer for the payment that was made in excess of the 4th Quarter 2023 taxes due; and

WHEREAS, the taxpayer had qualified for a Veteran Deduction during which time the 4th Quarter 2023 taxes were paid.

NOW, THEREFORE, BE IT RESOLVED the Mayor and Council 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 28, 2023.

Margaret B. Dilts, MMC

Space Farm Zoo – Renew contract for 2024 for removal of deer carcasses from municipal roads at \$35.00 per deer.

Common Sense for Animals – Renew contract for 2024 for animals (cats).

Council Reports:

Councilman McQuade – No report

Councilman Belcaro – No report

Council President Wright – Special police official is being processed and sworn in next month.

Mayor Mengucci – No report

Engineer Sterbenz – No report

Payment of Bills – Motion by Councilman Belcaro, seconded by Council President Wright. Roll call vote:

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

NAYS: None

Audience Participation:

Donna Schneider – 26 Meadowview Drive – Ethics Training questioned. Attorney Baldwin addressed the question which is to go over attorney/client privileged information.

John Kecherson – Asked if the mall was already in the Highlands Center? Requested procedure on the release of Executive Session Minutes.

Judy Liptak – Wonder when public can ask questions? Noted the increase in door-to-door solicitation.

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

Respectfully,

Margaret B. Dilts, MMC
Clerk/Administrator

James E. Mengucci
Mayor