

TOWNSHIP OF LOPATCONG  
REGULAR MEETING  
6:30 pm

November 6, 2019

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 Gazette and The Express-Times and by posting a copy on the bulletin board in the Municipal Building.”

Present – Councilman Belcaro, Councilman Palitto, Councilman Wright, Council President Pryor, Mayor Mengucci. Also present were Attorney Campbell and Engineer Sterbenz.

Motion was made to come out of Executive Session by Councilman Belcaro, seconded by Councilman Palitto.

**Executive Session** – Attorney Campbell reported the Council held an Executive Session and Items 1 through 6 were discussed. In addition to that, a personnel matter was added.

**Public Comment:** None

**Old Business:**

**Minutes** – Executive and Regular Session Minutes for October 2, 2019. Motion to approve by Councilman Belcaro, seconded by Councilman Wright. Roll call vote:

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

NAYS: None

**Ordinance No. 2019-16** – Second reading and public hearing to Amend, Revise, or Supplement Chapter 27, “Fire Department”, Article II, “Election of Officers,” Section 5 “Selection of Nominees and Election of Officer,” of the Code of the Township of Lopatcong. Motion to hold a public hearing by Councilman Wright, seconded by Council President Pryor. No questions from the public. Motion to close the public hearing by Councilman Belcaro, seconded by Councilman Palitto.

ORDINANCE NO. 2019-16

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, November 6, 2019 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 TO AMEND, REVISE OR SUPPLEMENT CHAPTER 27 “FIRE DEPARTMENT,” ARTICLE II “ELECTION OF OFFICERS,” SECTION 5 “SELECTION OF NOMINEES AND ELECTION OF OFFICERS,” OF THE CODE OF THE TOWNSHIP OF

LOPATCONG TO REQUIRE ALL LINE OFFICERS OF THE FIRE DEPARTMENT TO BE RESIDENTS OF LOPATCONG 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 on second reading by Council President Pryor, seconded by Mayor Mengucci. Roll call vote:

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

NAYS: None

**Fire Chief Durango** – Approve quote submitted by Harmony Garage to fix Fire Chief’s Durango in the amount of \$1320.89. Motion by Council President Pryor, seconded by Councilman Belcaro. Roll call vote:

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

NAYS: None

**New Business:**

**Ordinance No. 2019-17** – First reading to Amend, Revise and Supplement Chapter 199 entitled “Stormwater Management” as part of the Re-examination of the Lopatcong Township Master Plan Report adopted by the Lopatcong Township Planning Board on October 23<sup>rd</sup>, 2019 and conformance with the Highlands Water Protection and Planning Act.

**Ordinance 2019-17  
Stormwater Management Ordinance Amendments  
Lopatcong Township, Chapter 199**

**An Ordinance to Amend Chapter 199, “Stormwater Management”, of the Code of Lopatcong Township to update/revise regulations to comply with requirements of the Highlands Regional Master Plan.**

WHEREAS, Lopatcong Township recognizes its responsibility to protect the Township’s natural resources and groundwater reserves as crucial to the well-being of its residents and as an essential source of drinking water for the Township and region; and

WHEREAS, Highlands-specific amendments to Chapter 199 are required in order to comply with the Highlands Regional Master Plan (RMP) and reflect RMP resource protection standards; and

WHEREAS, the Planning Board adopted a Master Plan Reexamination Report that incorporates modifications to the underlying objectives, policies and standards, all as outlined in detail, in the “Highlands Area Master Plan Element” approved by the Highlands Council as part of the Township’s Petition for Plan Conformance; and

WHEREAS, the Master Plan updates/revisions designate certain areas of the Township as Municipally Important Groundwater Recharge Areas (MIGWRA) as shown in Exhibit B and provide for enhanced stormwater management standards for protection of MIGWRA as required by the Highlands Council; and

WHEREAS, the updates/revisions apply to all lands located within Municipally Important Groundwater Recharge Areas; and

WHEREAS, that if a project is deemed exempt from the Highlands Act, the enhanced standards identified in this ordinance shall not apply.

NOW THEREFORE, BE IT ORDAINED by the Township Council of Lopatcong Township, County of Warren, and State of New Jersey that Chapter 199 of the Code for Lopatcong Township is hereby amended as follows:

SECTION ONE. Chapter 199 is hereby amended to add the following definitions.

§ 199-2: Definitions (*new and amended*)

**Carbonate Rock Area** means an area where rock consisting chiefly of calcium and magnesium carbonates, such as limestone and dolomite, has been identified.

**Current Deficit Area** means any United States Geological Survey 14-digit Hydrologic Unit Code subwatershed area that is identified in the Highlands Regional Master Plan as having negative Net Water Availability, meaning that existing consumptive and depletive water uses exceed the capacity of the ground water supply to sustain.

**Disturbance** means the placement of impervious surface, the exposure or movement of soil or bedrock, or the clearing, cutting, or removing of vegetation.

**Highlands Open Waters** means all springs, wetlands, intermittent and ephemeral streams, perennial streams and bodies of surface water, whether natural or artificial, located wholly or partially within the boundaries of the Highlands Region, but shall not mean swimming pools.

**Karst** means a distinctive topography that indicates solution of underlying carbonate rocks (such as limestone and dolomite) by surface water or groundwater over time, often producing surface depressions, sinkholes, sinking streams, enlarged bedrock fractures, caves, and underground streams.

**Major development** (*amended definition*) means any development that provides for ultimately disturbing one or more acres of land or increasing impervious coverage by 0.25 acres or more. Disturbance for the purpose of this rule is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation, or the redevelopment of previously developed sites.

**Maximum extent practicable** means designing stormwater management systems so that all reasonable opportunities for using non-structural stormwater practices are exhausted and a structural BMP is implemented only where absolutely necessary.

**Mitigation** means an action by an applicant providing compensation or offset actions for onsite stormwater management requirements where the applicant has demonstrated the inability or impracticality of strict compliance with the stormwater management requirements set forth in NJAC 7:8, in an adopted regional stormwater management plan, or in this local ordinance, and has received a waiver from strict compliance from the municipality. Mitigation shall include the implementation of the approved mitigation plan within the same drainage area where the subject project is proposed, or a contribution of funding toward a municipal stormwater control project, or provision for equivalent treatment at an alternate location, or any other equivalent water quality benefit as approved by the municipality.

**Municipally Important Ground Water Recharge Area** means preserved or constrained lands that cannot be developed or built upon under current regulations. These areas have recharge rates above the median recharge rate for the subwatershed in which they are located; meaning they provide 40% or greater total recharge volume for the subwatershed. Constrained lands are comprised of undeveloped lands within the Highlands Open Water buffer as well as moderately and severely constrained steep

slopes. Preserved lands are those that are permanently preserved by local, county, state, federal or non-profit entities.

**Non-Exempt Project** means any project not eligible for an exemption from the Highlands Water Protection and Planning Act Rules, pursuant to N.J.A.C. 7:38-2.3.

**Redevelopment** means land-disturbing activity those results in the creation, addition, or replacement of impervious surface area on an already developed or disturbed site. Redevelopment includes, but is not limited to: the expansion of a building footprint, addition or replacement of a structure, replacement of impervious surface area that is not part of a routine maintenance activity, and land disturbing activities related to structural or impervious surfaces. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.

**Regional Master Plan** means the Highlands regional master plan or any revision thereof adopted by the Highlands Water Protection and Planning Council pursuant to N.J.S.A. C.13:20-8.

### § 119-3. General standards

F: Erosion Control, Groundwater Recharge and Runoff Quantity Standards

Subsection 1.b:

*Amended section* (1) The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section 199-5, demonstrate compliance with either (a) or (b) below. Additional standards set forth in subsections (c) and (d) may apply as required.

*New section* (c) Non-Exempt Projects located in a Current Deficit Area: Where the project is located in a Current Deficit Area as identified in Exhibit A, the project shall demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures provide for enhanced recharge standards set forth in (e) below.

*New section* (d) Non-Exempt Projects located in a Municipally Important Ground Water Recharge Area. Where the project is located in a Municipally Important Ground Water Recharge Area as identified in Exhibit B, the following standards shall apply:

- i. Where disturbance is permitted in accordance with this subsection, it shall be limited to no greater than 15% of the Municipally Important Ground Water Recharge Area on the site and shall preferentially be sited on that portion of Municipally Important Ground Water Recharge Area that has the lowest groundwater recharge rates.
- ii. Where disturbance to the Municipally Important Ground Water Recharge Area is permitted, the project shall demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures provide for enhanced recharge standards set forth in (e) below.

*New section* (e) Enhanced Recharge Standards: Non-Exempt Projects that are subject to the enhanced recharge requirements by (c) or (d) above, shall apply the following standards, either:

- i. Recharge 125 percent of the percentage of the average annual pre-construction groundwater recharge volume for the site; or

- ii. In addition to complying with the infiltration requirements of section 4.F.1(b), retain on-site with no discharge, the Stormwater Quality Design Volume (SWQDv), defined as the runoff from the 1.25-inch, 2-hour rainfall event. Where meeting the infiltration requirement will not result in retention of the full SWQDv, the major development shall retain any additional volume to meet the requirements of this section through additional infiltration, or through evapotranspiration or capture and on-site re-use of rainfall.

Subsection 1.b (3): The following types of stormwater shall not be recharged:

*New Section (c) Carbonate Rock Areas*, where surficial or subsurface karst features have been identified and recharge facilities cannot be designed in a manner that would eliminate the concentrated subsurface release of stormwater. (*Note: The mere presence of carbonate bedrock does not constitute a karst feature*).

Subsection 1.b

*New Section (5) Mitigation Required for Non-Exempt Projects*: In lieu of on-site recharge, the applicant shall be responsible for providing mitigation of the groundwater recharge volume in the required amount. The applicant should provide mitigation within the following areas, in order of priority:

- (a) the same development site where feasible;
- (b) the same HUC14 subwatershed, or
- (c) an interrelated HUC14 subwatershed where no feasible option exists in the same HUC14 subwatershed.

If none of the above options are feasible or achievable, then the applicant shall comply with the mitigation requirements set forth in paragraph H.

*(New section) H. Mitigation Required for Non-Exempt Projects*: A waiver from strict compliance with the requirements of the Municipal Stormwater ordinance shall be approved by the municipality only in those cases where an applicant has demonstrated the inability to strictly comply with any standard of the municipal stormwater ordinance. A waiver from strict compliance for such projects can only be obtained if the applicant agrees to undertake a suitable mitigation measure identified in the mitigation section of the municipality's Stormwater Management Plan. In such cases, the applicant must submit a mitigation plan detailing how the project's failure to strictly comply will be compensated. In cases where a waiver is granted, an applicant should provide mitigation, if possible and/or practical, within the same drainage area within which the subject project is proposed, or contribute funding toward a municipal stormwater control project, or provide for equivalent treatment at an alternate location, or provide for another equivalent water quality benefit, in lieu of implementing the required stormwater control measures on their specific site.

### Section 1:

§199. Amend Chapter 199, "Stormwater Management", of the Code of Lopatcong Township to update/revise regulations to comply with requirements of the Highlands Regional Master Plan.

### Section 2:

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or

invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 3:

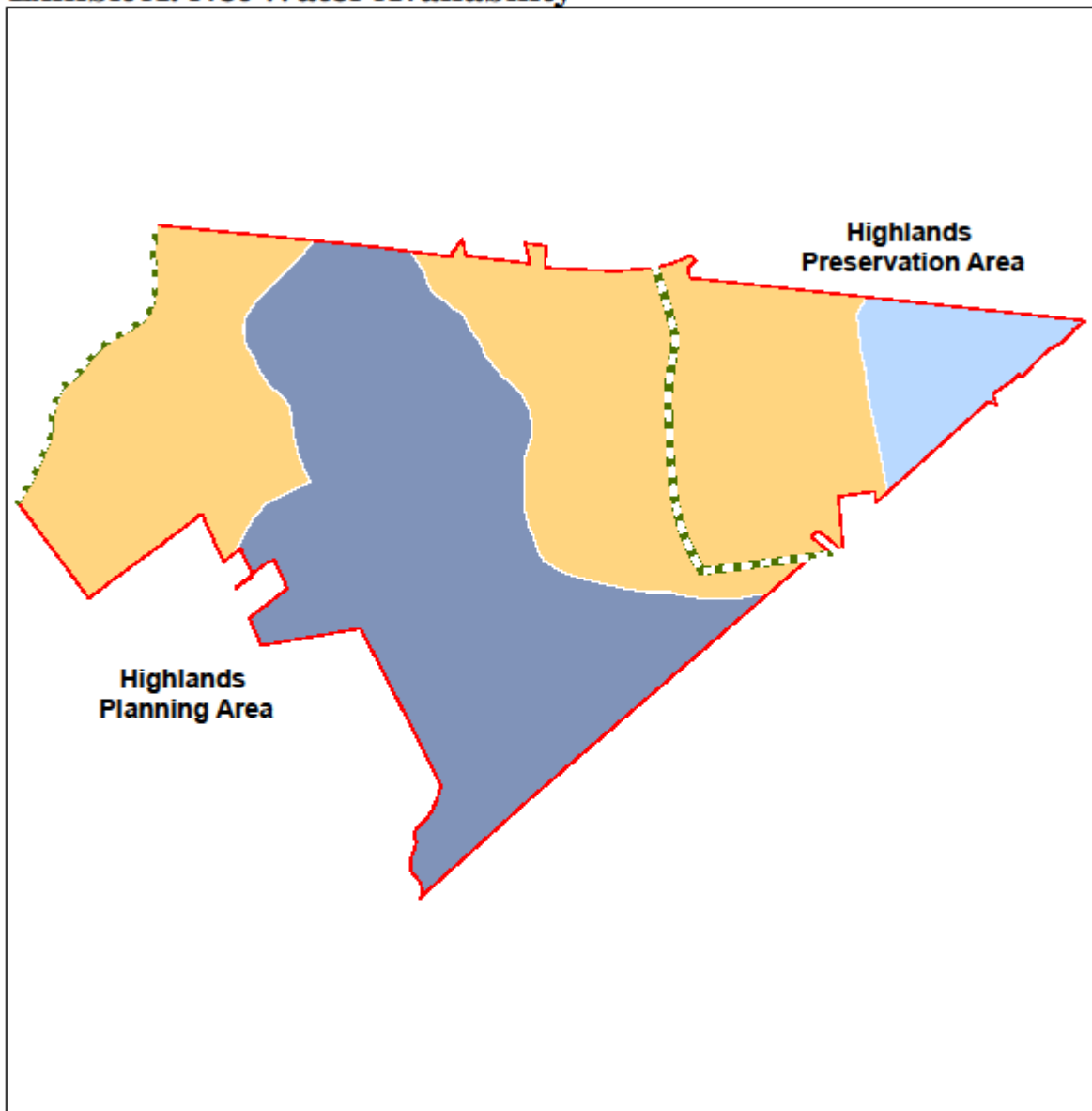
Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 4:

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

TOWNSHIP OF LOPATCONG  
STORMWATER MANAGEMENT ORDINANCE

**Exhibit A: Net Water Availability**

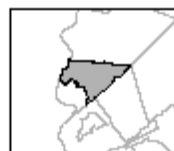


Net Water Availability By HUC14  
Million Gallons Per Day (MGD)

- 0.10 - 0.39
- 0.05 - 0.09
- 0.00 - 0.04
- 0.09 - 0.00
- 0.99 - -0.10
- 7.10 - -1.00

- Preservation Area
- Municipal Boundaries

**Lopatcong Township**



October 2019  
1 inch = 0.631 miles



**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 November 6, 2019 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 4, 2019 at 6:30 p.m. 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 Pryor, seconded by Councilman Wright. Roll call vote:

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

NAYS: None

**Surplus Policy** – CFO Browne discussed with Council the content of the draft Surplus Policy.

Council President Pryor proposed to set the floor at 10% as because when the Township refinanced existing bonds, a commitment was made for the 10% which triggered the bond rating to be upgraded and was assigned a lower rate. Ten percent is one point two months reserve – 10 to 12%. Katrina will prepare the resolution for next meeting. Motion to adopt the Reserve Policy with a floor of 10% and a cap of 12%, seconded by Councilman Wright. Roll call vote:

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

NAYS: None

**Towing Contract** – Clerk Dilts stated that the Township has a need for towing services and the Township is in the middle of a three-year contract and our Heavy Duty Tower sent us a notification that they will no longer be able to provide this service. Right now there are two Heavy Duty Towing operators who are interested; Superior Towing and Stews Auto Body that can provide the services interim through the RFP process. Motion by Councilman Belcaro to appoint Superior Towing and Stews Auto Body interim, seconded by Councilman Wright. Roll call vote:

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

NAYS: None

**Consent Agenda:**

Motion to approve the Consent Agenda by Councilman Palitto, seconded by Councilman Wright.

Roll call vote:

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

NAYS: None

**Resolution No. 19-278** – Correct tax account for Block 86.02, Lot 18.

R 19-278

Amend Resolution No. 18-204

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN, STATE  
OF NEW JERSEY TO CORRECT FOR BLOCK 86.02, LOT 18

WHEREAS, the Township of Lopatcong has been provided with receipts for tax payments for Block 86.02, Lot 18 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 86.02, Lot 18:

October 15, 2017	\$920.00 (Amended)
December 30, 2017	\$1,000.00

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, November 6, 2019.

Margaret B. Dilts, CMC

**Resolution No. 19-279** – Correct tax account for Block 86.02, Lot 18.

R 19-279

#### RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY TO CORRECT THE TAX ACCOUNT FOR BLOCK 86.02, LOT 18

WHEREAS, the Township previously made a correction to this accounting September of 2018; however, the taxpayer has provided the Township with additional receipts for payments that there 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 86.02, Lot 18:

January 18, 2018	\$250.00
January 24, 2018	\$250.00
January 29, 2018	\$250.00
March 3, 2018	\$250.00

BE IT FURTHER RESOLVED, that the Lopatcong Township Tax Office shall cancel any and all interest 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, November 6, 2019.

Margaret B. Dilts, CMC



**Resolution No. 19-280** – Adjust the tax account for Block 99, Lot 190, C0816.

R 19-280

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY TO ADJUST THE TAX ACCOUNT FOR BLOCK 99, LOT 190,  
C0816

WHEREAS, Township Tax Collector reviewed the tax account for Block 99, Lot 190, C0816 and determined that the account should have a credit of \$1,200.82 as of October 2, 2019; and

WHEREAS, on October 2, 2019, the Township Council, via Resolution 19-273, authorized the Tax Collector to adjust the account to credit the account; and

WHEREAS, the taxpayer has requested that the Township issue refund in the amount of her credit directly to her as she has already paid the mortgage company for making this payment in her behalf.

NOW, THEREFORE, BE IT RESOLVED that the Township shall refund \$1,200.82 to the following:

Clara Szeplaki  
816 Honeybrook Circle  
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 Wednesday, November 6, 2019.

Margaret B. Dilts, CMC

**Resolution No. 19-281** – Correct sewer account for Block 85, Lot 58.01.

R 19-281

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY TO CORRECT THE SEWER ACCOUNT FOR BLOCK 85, LOT  
58.01

WHEREAS, the Township of Lopatcong has been provided with receipts for sewer payments for Block 85, Lot 58.01 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 85, Lot 58.01:

12/27/2017

\$200.00

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, November 6, 2019.

Margaret B. Dilts, CMC

**Resolution No. 19-282** – Correct the sewer account for Block 81, Lot 10.

R 19-282

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY TO CORRECT THE SEWER ACCOUNT FOR BLOCK 81, LOT 10

WHEREAS, the Township of Lopatcong has been provided with receipts for sewer payments for Block 81, Lot 10 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 81, Lot 10:

8/28/2017 \$200.00

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, November 6, 2019.

Margaret B. Dilts, CMC

**Resolution No. 19-283** – Correct sewer account for Block 58, Lot 12.

R 19-283

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY TO CORRECT THE SEWER ACCOUNT FOR BLOCK 58, LOT 12

WHEREAS, the Township of Lopatcong has been provided with receipts for sewer payments for Block 58, Lot 12 which were not applied to the taxpayer’s account; and

WHEREAS, the Township wishes to apply these payments to be 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 58, Lot 12:

4/25/2017

\$68.51

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, November 6, 2019.

Margaret B. Dilts, CMC

**Resolution No. 19-284** – Correct sewer account for Block 136, Lot 16.

R 19-284

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY TO CORRECT THE SEWER ACCOUNT FOR BLOCK 136, LOT  
16

WHEREAS, the Township of Lopatcong has been provided with a receipt for a payment to the sewer account for Block 136, Lot 16 which were not applied to the taxpayer's account; and

WHEREAS, the Township wishes to apply this payment to the account and credit interest associated with the failure to timely post this payment.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Lopatcong hereby authorizes the Township Tax Office to apply a payment of \$300.00 for January 30, 2015 to the sewer account for Block 136, Lot 16.

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, November 6, 2019.

Margaret B. Dilts, CMC

**Resolution No. 19-285** – Refund tax overpayment for Block 138, Lot 22.

R 19-285

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY TO ISSUE A REFUND FOR A TAX OVERPAYMENT FOR  
BLOCK 138, LOT 22

WHEREAS, Block 138, Lot 22 qualified as tax exempt (disabled veteran) in August of 2018; and

WHEREAS, the tax account for this property was not adjusted to list the property as tax exempt; therefore taxes continued to be charged on this property through 2<sup>nd</sup> quarter of 2019; and

WHEREAS, the Tax Collector has adjusted the tax account to cancel taxes for 1<sup>st</sup> and 2<sup>nd</sup> quarter of 2019; and

WHEREAS, before the Tax Collector could make the adjustment on the account, the mortgage company made two payments of \$2,429.07 in February of 2019 and \$2,429.05 in April of 2019; and

WHEREAS, the mortgage company payments totaling \$4,858.12 should be refunded to the mortgage company.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Lopatcong hereby authorizes a refund in the amount of \$4,858.12 to: CoreLogic, Attn: Refund Dept. P.O. Box 9202, Coppell, TX 75019

#### 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, November 6, 2019.

Margaret B. Dilts, CMC

**Resolution No. 19-286** – Refund tax overpayment for Block 45, Lot 10.

R 19-286

#### RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AMENDING RESOLUTION NO. 19-267 TO REFUND TAX OVERPAYMENT MADE BY THE HOMEOWNER ON AN ESCROW ACCOUNT FOR 2019 TAXES

WHEREAS, on October 2, 2019, a refund on Block 45, Lot 10 was approved by Resolution No. 19-267 for the overpayment of 2019 property taxes; and

WHEREAS, it has been determined that the amount of the refund should be \$1,498.18; and

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey desires to amend Resolution No. 19-267 and so that warrants be drawn to the property owner listed below in the designated amounts representing tax payments as follows for the tax year 2019 on an escrowed account.

<u>Block &amp; Lot</u>	<u>Name of Payee/Mortgage</u>	<u>Amount</u>
45/10	Peter R. Pisello 509 Guy Road Phillipsburg, NJ 08865	\$1,498.18

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey have approved the Resolution No. 19-267 be amended to refund the property owner in the amount of \$1,498.18.

#### 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, November 6, 2019.

Margaret B. Dilts, CMC

**Resolution No. 19-287** – Redemption of Tax Sale Certificate on Block 99, Lot 370 C0723 in the amount of \$388.58.

R 19-287

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE  
NO. 2017-058 ON BLOCK 99, LOT 370 C0723

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on December 6, 2017, a lien was sold on Block 99, Lot 370 C0723 also known as 723 Young's Road for delinquent sewer; and

WHEREAS, this lien known as Tax Sale Certificate No. 2017-058 was sold to US Bank BV002 Trst & Crdtrs; and

WHEREAS, on October 7, 2019 the property owner has satisfied the redemption amount on Certificate No. 2017-058 in the amount of \$388.58.

NOW, THEREFORE, BE IT RESOLVED on this 6<sup>th</sup> day of November 2019, that the Chief Financial Officer is authorized to issue a check in the amount of \$388.58 for the redemption of Tax Sale Certificate No. 2017-058 to:

US BANK CUST BV002 TRST & CRDTRS  
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, November 6, 2019.

Margaret B. Dilts, CMC

**Resolution No. 19-288** – Redemption of Tax Sale Certificate on Block 131, Lot 12 in the amount of \$2310.87.

R 19-288

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE  
NO. 2017-092 ON BLOCK 131, LOT 12

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on December 6, 2017, a lien was sold on Block 131, Lot 12 also known as 13 Kyle Drive for delinquent sewer; and

WHEREAS, this lien known as Tax Sale Certificate No. 2017-092 was sold to US Bank BV002 Trst & Crdtrs; and

WHEREAS, on October 4, 2019 the mortgage company for the property owner has satisfied the redemption amount on Certificate No. 2017-092 in the amount of \$2,310.87.

NOW, THEREFORE, BE IT RESOLVED on this 6<sup>th</sup> day of November 2019, that the Chief Financial Officer is authorized to issue a check in the amount of \$2,310.87 for the redemption of Tax Sale Certificate No. 2017-092 to:

US BANK CUST BV002 TRST & CRDTRS  
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, November 6, 2019.

Margaret B. Dilts, CMC

**Resolution No. 19-289** – Cancel certain Current Fund appropriations that are no longer necessary – USDA Loan Interest \$36.77 and USDA Loan Principal \$95.23.

R 19-289

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY AUTHORIZING CANCELLATION OF CERTAIN CURRENT  
FUND APPROPRIATION THAT ARE NO LONGER NECESSARY

WHEREAS, certain Sewer Fund Appropriation ordinances have funding that are no longer necessary; and

WHEREAS, it is necessary to formally cancel said balances.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Lopatcong, County of Warren and State of New Jersey that the following unexpended balances be cancelled:

USDA Loan Interest Amount - \$36.77	Cancel To: Fund Balance
USDA Loan Principal Amount - \$95.23	Cancel To: Fund Balance

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, November 6, 2019.

Margaret B. Dilts, CMC

**Resolution No. 19-290** – Cancel Current Fund appropriation no longer necessary – Note Interest \$4,285.76.

R 19-290

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY AUTHORIZING CANCELLATION OF CERTAIN CURRENT  
FUND APPROPRIATION THAT ARE NO LONGER NECESSARY

WHEREAS, certain Current Fund appropriation ordinances have funding that are no longer necessary; and

WHEREAS, it is necessary to formally cancel said balances.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Lopatcong, County of Warren and State of New Jersey that the following unexpended balances be cancelled:

Note Interest Amount - \$4,285.76    Cancel To: Fund Balance

#### 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, November 6, 2019.

Margaret B. Dilts, CMC

**Resolution No. 19-291** – Authorize credit of \$70.00 against Sewer Bill on Block 107, Lot 9.

R 19-291

#### **RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY REGARDING THE SEWER APPEAL FOR BLOCK 107, LOT 9**

In the matter of Sewer Appeal of Block 107, Lot 9, after consulting with the board members, the findings of facts in this case are as follows:

WHEREAS, the Plaintiff, herein also defined as the owner of Block 107, Lot 9, more commonly known as: **31 Buckeley Hill Drive.**

The Plaintiff argued that his/her sewer bill for the 3rd quarter of 2019 should be decreased, because there was replacement of a pool liner.

Based upon the facts of the Plaintiff's documentation submitted, and an examination of the documentation provided to the Panel, it appears that 30,000 gallons of water was added to the pool.

WHEREAS, Section 183-10.1 of the Code of the Township of Lopatcong provides the Sewer Appeal Board with the power to hear sewer appeals and render a final decision.

WHEREAS, the Plaintiff's current sewer bill is \$707.72, and the panel agrees that the sewer bill should be a credited in the amount of \$75.00 due to the following reason: 30,000 gallons of water was added to the pool.

NOW, THEREFORE, BE IT RESOLVED as follows: The Sewer Appeal Panel of the Township of Lopatcong found as follows:

Plaintiff's current sewer bill dated 8/28/2019 is hereby reduced to \$637.72 and the Plaintiff shall receive a credit in the amount of \$75.00 toward their sewer bill for the 3rd quarter of 2019.

#### 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 the Resolution adopted by Council at a meeting held on Wednesday, November 6, 2019.

Margaret B. Dilts, CMC

**Garnet Boosterettes Raffle** – Approve Raffle Licenses.

**Resolution No. 19-292** – Transfer between appropriations within the 2019 Budget in the amount of \$105,200.00.

R 19-292

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING THE TRANSFER OF APPROPRIATIONS TO THE 2019 LOPATCONG TOWNSHIP MUNICIPAL BUDGET DURING THE LAST TWO MONTHS OF THE YEAR AS PER N.J.S.A. 40A:4-58

WHEREAS, it has become necessary to expend an amount in excess of the respective items appropriated in the 2019 Lopatcong Township Municipal Operating Budget.

NOW, THEREFORE, BE IT RESOLVED as per N.J.S.A. 40A:4-58 that the Mayor and Council of the Township of Lopatcong authorize the Chief Financial Officer to make the following appropriation transfers:

CURRENT FUND:

FROM:		TO:	
Finance OE	\$3,000.00	Administration OE	\$55,000.00
Tax Collector S&W	\$7,500.00	Finance S&W	\$5,750.00
Legal OE	\$45,000.00	Pool OE	\$3,000.00
Tax Assessor OE	\$4,700.00	Pool S&W	\$11,000.00
Planning Bd OE	\$7,000.00	Computer OE	\$20,000.00
Bldg. Sub-Code S&W	\$4,000.00	Mun. Clerk S&W	\$4,000.00
Bldg./Grounds OE	\$9,000.00	Tax Assessor S&W	\$300.00
Rent Board OE	\$3,000.00	Planning Bd S&W	\$150.00
Roads OE	\$5,000.00	Street Lighting OE	\$5,000.00
Parks OE	\$3,000.00	Water OE	\$1,000.00
Fire Hydrant	\$5,000.00		
Gasoline OE	\$9,000.00		
Total	\$105,200.00	Total	\$105,200.00

**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 the Resolution adopted by Council at a meeting held on Wednesday, November 6, 2019.

Margaret B. Dilts, CMC

**Resolution No. 19-293** – Mayor Mengucci to execute Form IB submitted by the County administering the South Warren Municipal Alliance Grant for fiscal year 2021 through 2025.

R 19-293

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY APPROVING GOVERNOR’S COUNCIL ON ALCOHOLISM AND DRUG ABUSE FISCAL GRANT CYCLE JULY 2021-JUNE 2025

Form IB

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and



WHEREAS, The Township Council of the Township of Lopatcong, County of Warren and State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Township Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Warren.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lopatcong, County of Warren and State of New Jersey hereby recognizes the following:

1. The Township Council does hereby authorize submission of a strategic plan for the South Warren Municipal Alliance grant for fiscal year 2021 in the amount of  
DEDR \$6,475.00  
Cash Match \$1,619.00  
In-Kind \$4,856.00
2. The Township Council acknowledges the terms and conditions for administering the Municipal Alliance Grant including the administrative compliance and audit requirements.

APPROVED: \_\_\_\_\_  
James E. Mengucci, Mayor

#### 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 authorized by the Council at a meeting held on Wednesday, November 6, 2019.

Margaret B. Dilts, CMC

#### **Council Reports:**

Councilman Palitto – Stated that he looks forward to serving the Township for another term.

Councilman Belcaro – Reported that the DPW is picking up leaves and will continue until the first snow fall.

Councilman Wright – Thanked the Police Chief for patrolling Belvidere Road where the flashing school signs are placed. Remarkd he was quite happy having won the election again.

Council President Pryor – Reported on behalf of the Finance Committee that the budget will be right on schedule with introduction and adoption.

Mayor Mengucci – Congratulated Mr. Palitto and Mr. Wright on their re-election. Thanked the CFO and staff for their hard work.

Engineer Sterbenz – Reported on the on-going projects – Baltimore Street completed and closed out with the DOT receiving the last 25% of the grant award which amounted to \$45,000.00.

Sally Port Project documents are completed and is out for advertisement. Bids will be opened on December 12<sup>th</sup>. TAP Grant Sidewalk Project – Plans have been submitted to the County, the Warren County Soil Conservation District and the DOT for their review and comments.

Decision on grant applications submitted in July to the DOT should be made in November. The Drainage and Sewer repair Project on Red School Lane is moving along well and the work

should be completed on or before December 15<sup>th</sup>. Milling and paving work will be scheduled in April 2020 during school spring recess. Scenic Ridge paved part of their development which includes Jacob Way and a portion of the entry road Mountain View Drive. County DPW and Engineering Department has received complaints about runoff affecting drainage structures the County owns on Liberty Road and the County thinks it has to do with Scotts Mountain Estates which did trigger a review of the drainage facilities and a report will be issued with their findings. Lastly, eleven of the twelve roads have been resurfaced except for South Fifth Street between Rt. 22 and Baltimore Street. This is a roadway that has an unusual cross section and affecting a structure on the west side of the road. Preliminary designs for reconstruction and curbing are being done and the cost is approximately \$200,000 to 225,000.

Mayor Mengucci acknowledged the Police and Fire Departments with regard to Halloween, the change in the day due to bad weather and the safety of the children.

Chief of Police Garcia announced that a charity event will be held in Washington Township on Saturday to hold a flag football game at Warren Hills stadium to raise funds for Grayson Schmalz who is undergoing treatment for cancer.

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

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

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

NAYS: None

**Audience Participation:**

John Betz – 225 Red School Lane Apt. Y-14. Ten to twelve percent reserve – what's the nominal amount of that approximately. Council President Pryor responded the budget was \$9 million this year = \$900,000. Asked Mayor Mengucci about filling the vacant positions of the Rent Leveling Board. With budget season coming up asked about the forwarding of money into the next year – Appropriation Reserves carries for two years. He reminded everyone of the scams that are still going on and mentioned a few of them.

Fred Hamlen – 1109 Belvidere Road – Mentioned that there is an ordinance on the books that prevents dogs up in the park and for years people are running their dogs, bringing them to events with police not speaking to them. The ordinance is not enforced so Council might get rid of it he said.

John Siminoff – Plaza Road – Requested sewer out in their area along with storm drains. Asked if there is an update to his request. Mayor Mengucci said there is no funds for this. After some discussion Council President Pryor stated that a feasibility study would be done. Motion to authorize the study by Council President Pryor, seconded by Councilman Wright. Roll call vote:

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

NAYS: None

Motion to adjourn the meeting by Councilman Belcaro, seconded by Councilman Palitto. All in favor.

Respectfully submitted,

Margaret B. Dilts, CMC  
Clerk/Administrator

James E. Mengucci  
Mayor