

TOWNSHIP OF LOPATCONG  
Regular Meeting Minutes  
6:30 pm

December 4 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 Cohen and Engineer Sterbenz.

**Public Comment:**

John Betz – Asked to have the Surplus Policy, sewer litigation settlement, Redevelopment Bonds and the Cert. of Eligibles numbers regarding John Fritts. Also the Forensic Report.

**Presentation:** A Proclamation was presented to Michael Coppola for his Eagle Scout Project – Batting Cages at the municipal park.

**Old Business:**

**Minutes** – Executive and Regular Session Minutes for November 6, 2019. Motion to approve by Councilman Wright, seconded by Council President Pryor. Roll call vote:

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

NAYS: None

**Resolution No. 19-295** – Adopt Surplus Policy.

**R 19-295**

**RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY IMPLEMENTING A POLICY FOR SURPLUS FUND BALANCE.**

**WHEREAS**, the Mayor and Township Council wishes to implement a policy for surplus fund balance serve as a cushion against potential revenue shortfalls and unplanned expenditure.

**NOW, THEREFORE BE IT RESOLVED**, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey the following policy is hereby created:

**Surplus Policy**

The purpose of this policy is to provide working capital for Lopatcong Township to meet cash flow needs during the year, to fund one-time emergency unanticipated expenditure requirements or revenue shortfalls, to ensure a stable tax rate, and to preserve the credit worthiness of Lopatcong Township.

Available fund balances serve as a cushion against potential revenue shortfalls and unplanned expenditures. In funding a project, Lopatcong Township can decide to use fund balance or issue

bonds. The decision as to whether to bond for the full costs of a project or pay part of the project with available fund balance must be made at the same time. Therefore, a fund balance target should be established along with guidelines for debt affordability. The maintenance of certain levels of fund balance is not to be construed as surpluses or over taxation by Lopatcong Township. Fund balance is essential element of sound fiscal management required to sustain a high credit rating, provide financial management flexibility and ensure availability of funds to address unanticipated financial requirements.

1. The maintenance of fiscal stability is particularly important to the prudent operation of government and determining its creditworthiness; and
2. The ability to adjust local government revenues during the budget year and from year to year may be limited to meet unanticipated expenditures resulting from natural disasters, unforeseen increases in operating costs and unanticipated capital expenditures; and
3. Changes in federal and state government spending policies can also impact local government revenues, particularly if reductions in such spending force local governments to increase their own spending to make up for the loss in federal and state government revenue; and
4. Unassigned fund balance, represents an available resource that can be used to meet working capital requirements, emergency expenditures and afford transition due to systematic changes in revenue and expenditures; and
5. Sufficient levels of unassigned fund balance can assure the continued orderly operation of the government and the provision of services to taxpayers and the stability of the tax structure; and
6. Local governments frequently utilize a percentage of the municipality's annual operating expenditures as the means of determining the appropriate level of an unassigned fund balance; and
7. Maintaining the stability of sufficient levels of unassigned fund balance will be equally important for Lopatcong Township so that our fund balance policy will be meaningful and effective.

The goal of Lopatcong Township is to maintain a minimum of unassigned fund balance of 10% to 12% of the previous year's budgeted Current Fund expenditures; to review during the annual budget process the anticipate surplus or deficit for the current year and project year-end fund balance; and any excess may be allocated to accomplish fund reserves, capital improvement purchases, or debt pay downs.

#### 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 4, 2019.

Margaret B. Dilts, CMC

Motion to adopt this Resolution 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

**Resolution No. 19-296** – Authorize Settlement of Sewer Rate Litigation and execute Sewer Agreement with the Town of Phillipsburg.

**R 19-296**

**RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF  
WARREN AND STATE OF NEW JERSEY, AUTHORIZING  
SETTLEMENT OF SEWER RATE LITIGATION**

**WHEREAS**, on or about February 7, 2014, the Township of Lopatcong (the “Township”) filed a Complaint against the Town of Phillipsburg (the “Town”), asserting claims against the Town regarding its establishment of sewer user rates and charges pursuant to an Inter-Municipal Sewerage Agreement dated December 31, 1998, and the Town subsequently filed a Counterclaim against the Township and asserted defenses in the same action (the “Lopatcong Action”); and

**WHEREAS**, on or about June 27, 2014, the Township of Greenwich filed a Complaint against the Town asserting similar claims (the “Greenwich Action”); and

**WHEREAS**, by Court Order dated May 8, 2015, the Greenwich Action and the Lopatcong Action were consolidated (collectively, the “Action”); and

**WHEREAS**, the parties engaged in extensive discovery, including, but not limited to, interrogatories, document production, demand for admissions, engaged in fact witness depositions and retained expert witnesses; and

**WHEREAS**, the parties subsequently engaged in mediation with the Honorable William A. Dreier (Ret.) in 2018, and engaged in a constructive dialogue thereafter in an effort to resolve the dispute; and

**WHEREAS**, as a result of the parties’ good faith mediation efforts, the parties have agreed to enter into a written settlement agreement resolving all claims and counterclaims in the Action, and setting forth the respective obligations of the parties; and

**WHEREAS**, the settlement will result in a reduction of the Township’s sewer user rate, a substantial credit to be applied to future sewer user rates, and similarly resolve any and all claims regarding certain sewer connection fees; and

**WHEREAS**, the Township Council finds that it is prudent to enter into a settlement agreement at this time which will resolve the dispute between the parties as it concerns the Action and also avoid the time and expense of continued litigation.

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

1. That the aforesaid recitals are hereby adopted and incorporated herein as if repeated in full; and
2. That the Mayor be and is hereby authorized to execute, and the Township Clerk be and is hereby authorized to witness, a settlement agreement with the Town of Phillipsburg and the Township of Greenwich, in a form and content acceptable to counsel for the Township of Lopatcong; and
3. That the Township Administration and counsel for the Township be and are hereby authorized to undertake all reasonable and necessary steps to effectuate the foregoing; and
4. This Resolution shall take effect immediately.

**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 the Council at a meeting held on Wednesday, December 4, 2019.

Margaret B. Dilts, CMC

Motion to adopt this Resolution by Councilman Belcaro, seconded by Councilman Palitto. Roll call vote:

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

NAYS: None

**Resolution No 19-311** – Approve submission of application to the Local Finance Board in connection with the issuance of the Redevelopment Area Bonds to be secured by pilot payments from the warehouse and light industrial space project.

### **R 19-311**

#### **RESOLUTION OF THE TOWNSHIP OF LOPATCONG, IN THE COUNTY OF WARREN, NEW JERSEY APPROVING THE SUBMISSION OF AN APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:12A-67(g) AND N.J.S.A. 40A:12A-29(a) IN CONNECTION WITH THE ISSUANCE OF REDEVELOPMENT AREA BONDS (NON-RECOURSE TO THE FULL FAITH AND CREDIT OF THE TOWNSHIP) TO BE SECURED BY PILOT PAYMENTS FROM THE WAREHOUSE AND LIGHT INDUSTRIAL SPACE PROJECT**

**WHEREAS**, pursuant to and in accordance with the provisions of the Redevelopment Area Bond Financing Law, constituting Chapter 310 of the Pamphlet Laws of 2001 of the State, and the acts amendatory thereof and supplemental thereto (the “Redevelopment Bond Law”, as codified in N.J.S.A. 40A:12A-64 et seq.), specifically N.J.S.A. 40A:12A-66(a), the Township is authorized to provide for tax abatement within a redevelopment area and for payments in lieu of taxes (“PILOTS”) in accordance with certain applicable provisions of the Long Term Tax Exemption Law, constituting Chapter 431 of the Pamphlet Laws of 1991 of the State, and the acts amendatory thereof and supplement thereto (the “Long Term Tax Law”, as codified in N.J.S.A. 40A:20-1 et seq.); and

**WHEREAS**, pursuant to and in accordance with the provisions of the Redevelopment Bond Law, specifically N.J.S.A. 40A:12A-67(a), the Township may issue, or cause to be issued, bonds for the purpose of financing all or a portion of the cost of redevelopment projects, which bonds may be secured by PILOTS; and

**WHEREAS**, I-78 Logistics Park Lopatcong Urban Renewal, LLC (the “Entity”) is undertaking the construction of approximately 1 million square feet of warehouse and light industrial space and all on-site and off-site infrastructure required therefor, all within a designated “area in need of redevelopment” located within the Township (collectively, the “Project”); and

**WHEREAS**, the Entity has submitted an application to the Township seeking a long term tax exemption for the Project pursuant to the Long Term Tax Law; and

**WHEREAS**, the Township intends to issue bonds in an aggregate principal amount not to exceed \$750,000 (the “Bonds”) pursuant to the Redevelopment Bond Law, debt service for the repayment of which Bonds will come from the PILOTS paid by the Entity; and

**WHEREAS**, pursuant to the provisions of the Redevelopment Bond Law, specifically N.J.S.A. 40A:12A-67(g), the issuance of the Bonds is subject to the approval of the Local Finance Board; and

**WHEREAS**, the Township desires to make application to the Local Finance Board for (i) its approval of the issuance of the Bonds pursuant to N.J.S.A. 40A:12A-67(g), (ii) its approval of the private sale of the Bonds to such purchaser as may be designated by Township Committee pursuant to N.J.S.A. 40A:12A-29a, and (iii) and such other approvals and/or findings as may be required in connection therewith; and

**WHEREAS**, the Township Committee of the Township believes that:

- (a) it is in the public interest to accomplish such purposes;
- (b) said purpose or improvements are for the health, welfare, convenience or betterment of the inhabitants of the Township;
- (c) the amounts to be expended for such purpose or improvements are not unreasonable or exorbitant; and
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the Township and will not create an undue financial burden to be placed upon the Township;

**NOW THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Lopatcong, in the County of Warren, New Jersey as follows:

**Section 1.** The application to the Local Finance Board is hereby authorized and approved, and the Township's Mayor, Chief Financial Officer, bond counsel and auditor, along with other representatives of the Township, are hereby authorized to prepare such application, to file such application with the Local Finance Board in connection with the above transaction and to represent the Township in matters pertaining thereto.

**Section 2.** The Clerk is hereby directed to prepare and file a copy of the proposed resolution with the Local Finance Board as part of such application.

**Section 3.** The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute, including causing its consent to be endorsed upon certified copies of the ordinances (as applicable).

**Section 4.** This Resolution shall take effect immediately.

#### 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 4, 2019.

Margaret B. Dilts, CMC

Motion to adopt this Resolution by Councilman Belcaro, seconded by Councilman Wright. Roll call vote:

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

NAYS: None

**New Business:**

**Ordinance No. 2019-18** – First reading to update the salary ordinance to establish title and wage range for employees. An additional title for seasonal employee with a range will be placed into the Ordinance as well.

2019-18

AN ORDINANCE FIXING THE SALARIES, RETAINERS AND WAGE RANGES OF CERTAIN EMPLOYEES IN THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY

BE IT ORDAINED by the Council of the Township of Lopatcong, County of Warren and State of New Jersey that the salaries, retainers and wage ranges of officers and employees are as follows:

Administrative Clerk/Deputy Registrar of Vital Statistics	\$38,000.00 - \$65,000.00
Laborer - Seasonal	\$10.00 - \$35.00/HR.

NOTICE

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. (N.J.S.A. 40:69A-181(b)).

**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 December 4, 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 30, 2019 at 6:30 p.m. or as soon thereafter as the Township Council may hear this Ordinance at 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 Councilman Palitto, seconded by Councilman Belcaro. Roll call vote:

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

NAYS: None

**Ordinance – Sewer Connection Fee** – Council President Pryor stated that the Township charges a connection fee for new connections to the sewer line and the statutes require Township Utility to update that periodically. Last year there were also changes to the law; certain discount for COAH units and redevelopment. This ordinance must be updated. Council President Pryor made a motion to authorize the Inglesino law firm used for the sewer litigation matter who is familiar with the law and the Township’s utility to update the sewer connection ordinance, seconded by Mayor Mengucci.

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

NAYS: None

**Consent Agenda:**

Motion to adopt this Consent Agenda by Councilman Wright, seconded by Councilman Belcaro. Further discussion on No. 4 and No. 14 was held to provide further information to John Betz.

Roll call vote:

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

NAYS: None

**Resolution No. 19-297** – Approve Salary increases of 2% for certain employees.

R 19-297

**RESOLUTION TO ESTABLISH PAY RATES FOR MUNICIPAL EMPLOYEES FOR THE YEAR 2019**

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey shall set a two percent 2% raise for the job titles as listed below. Employees hired in 2019 will not receive an increase. Employees with a star by their title will not receive an increase.

NOW, THEREFORE, BE IT RESOLVED that the following pay rates will be used during 2019 to compensate municipal employees:

TOWNSHIP CLERK – Margaret Dilts	\$132,661.61
*TOWNSHIP ADMINISTRATOR – Margaret Dilts	\$15,600.00
DEPUTY MUNICIPAL CLERK - Phyllis Coleman	\$46,878.77
*MAYOR	\$5,230.00
*COUNCILPERSON	\$2,960.00
CHIEF FINANCIAL OFFICER/SEWER TREASURER – Kimberley Browne	\$117,300.00
TAX ASSESSOR – Robert Sweeney	\$40,325.90
SENIOR PAYROLL CLERK – Jennifer Patricia	\$48,215.60
*TAX/SEWER COLLECTOR-Daniele Lattig	\$62,000.00
ELECTION BOARD CLERK – Margaret Dilts	\$1,485.69
CUSTODIAN MUNICIPAL BUILDING & PUBLIC PROPERTY – Gary Woolf	\$14,195.78
*PLANNING BOARD SECRETARY – Margaret Dilts	\$12,070.66
*BOARD OF ADJUSTMENT SECRETARY – Phyllis Coleman	\$5,951.70
*RENT LEVELING BOARD – Phyllis Coleman	\$4,359.62

*CUSTODIAN MUNICIPAL BUILDING – William Noto	\$17.84/Hr.
*MUNICIPAL COURT JUDGE – William Mennen	\$31,497.60
*MUNICIPAL PROSECUTOR – Christopher Troxell	\$20,155.20
MUNICIPAL COURT ADMINISTRATOR – Kristin Glinko	\$66,300.00
MUNICIPAL COURT VIOLATIONS CLERK – Christine Matthews	\$20.40/Hr.
MUNICIPAL COURT SECURITY – Michael Clancy	\$121.40/Session
CONSTRUCTION OFFICIAL/BUILDING SUBCODE – Joseph Rossi	\$16,750.44
ELECTRICAL SUB-CODE – Joseph Rossi	\$9,259.66
PLUMBING SUBCODE OFFICIAL – Valentine De Santo	\$31.83/Hr.
FIRE SUBCODE OFFICIAL/FIRE PREVENTION – Kevin Maguire	\$33.11/Hr.
TECHNICAL ASSISTANT TO CONSTRUCTION OFFICIAL – Eileen Apple	\$43,346.10
BUILDING SUB-CODE OFFICIAL – John Fritts	\$30.60/Hr.
FIRE SUB-CODE OFFICIAL – Thomas Reynolds	\$30.60/Hr.
ZONING OFFICIAL – Joseph Rossi	\$8,219.16
*EMERGENCY MANAGEMENT OFFICIAL – Gary Woolf	\$2,065.19
*DEPUTY EMERGENCY MANAGEMENT OFFICIAL – Patrick Rivoli	\$1,326.00
*ANIMAL CONTROL REGISTRAR – Phyllis Coleman	\$1,229.10
RECORDS TECHNICIAN – Kathryn DeStefano	\$40,856.51
*POLICE MATRON – Kathryn DeStefano	\$25.00/Hr.
SCHOOL CROSSING GUARDS	\$15.97/Hr.
*HERBICIDE LICENSE OPERATOR	\$2,000.00
*CLEAN COMMUNITIES COORDINATOR	\$2,000.00

NOW, THEREFORE, BE IT RESOLVED that the Township of Lopatcong, County of Warren and State of New Jersey, approve a two percent increase for employees as listed above.

#### 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 4, 2019.

Margaret B. Dilts, CMC

**Resolution No. 19-298** – Approve Salary increase for DPW employees for year 2018.

R 19-298

#### RESOLUTION TO ESTABLISH PAY RATES FOR MUNICIPAL EMPLOYEES FOR THE YEAR 2018

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey shall set a two percent 2% raise for the job titles as listed below.

NOW, THEREFORE, BE IT RESOLVED that the following pay rates will be used during 2018 to compensate municipal employees:



Supervisor Public Works-Brian Weeks	\$84,629.78
Acting Supervisor of Public Works	\$1.00/Hour
Senior Public Works Repairer-Joseph Bichler	\$65,894.77
Senior Public Works Repairer-Joseph DiMassi	\$60,465.60
Public Works Repairer-Brian Race	\$59,888.79
Laborer-Scott Tetteimer	\$40,575.60
Laborer- Christopher Gara	\$40,575.60
Herbicide License Operator	\$2,000.00
Certified Pool Operator	\$2,000.00
Seasonal Worker	\$10.00-\$25.00/Hour

NOW, THEREFORE, BE IT RESOLVED that the Township of Lopatcong, County of Warren and State of New Jersey, approve a two percent increase for employees as listed above.

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 4, 2019.

Margaret B. Dilts, CMC

**Resolution No. 19-299** – Approve Salary increase for DPW employees for year 2019.

R 19-299

RESOLUTION TO ESTABLISH PAY RATES FOR MUNICIPAL EMPLOYEES FOR THE YEAR 2019

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey shall set a two percent 2% raise for the job titles as listed below.

NOW, THEREFORE, BE IT RESOLVED that the following pay rates will be used during 2019 to compensate municipal employees:

Supervisor Public Works-Brian Weeks	\$86,322.38
Acting Supervisor of Public Works	\$1.00/Hour
Senior Public Works Repairer-Joseph Bichler	\$67,212.67
Senior Public Works Repairer-Joseph DiMassi	\$61,674.91
Public Works Repairer-Brian Race	\$61,086.57
Laborer-Scott Tetteimer	\$41,387.11
Laborer- Christopher Gara	\$41,387.11
Herbicide License Operator	\$2,000.00
Certified Pool Operator	\$2,000.00
Seasonal Worker	\$10.00-\$25.00/Hour

NOW, THEREFORE, BE IT RESOLVED that the Township of Lopatcong, County of Warren and State of New Jersey, approve a two percent increase for employees as listed above.

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 4, 2019.

Margaret B. Dilts, CMC

**Resolution No. 19-300** – Appoint John Fritts Building Subcode Official part-time per Certification of Eligibles No. OL191405.

R 19-300

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING HIRE OF JOHN FRITTS AS A PERMANENT PART-TIME BUILDING SUBCODE OFFICIAL PER CIVIL SERVICE CERTIFICATION OF ELIGIBLES

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey authorize the permanent appointment of John Fritts as a part-time Building SubCode Official; and

WHEREAS, the Civil Service Commission has issued a Certification of Eligibles establishing the permanent appointment of John Fritts; and

WHEREAS, John Fritts is a qualified, licensed official in the State of New Jersey; and

WHEREAS, John Fritts will be paid at a rate established by the Salary Resolution.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey do hereby appoint John Fritts as a part-time Building Subcode Official to assist the Construction Official and be paid at a rate established in the Salary 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 Wednesday, December 4, 2019.

Margaret B. Dilts, CMC

**Resolution No. 19-301** – Transfer between appropriations within the 2019 Budget in the amount of \$55,300.00.

R 19-301

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING THE TRANSFER OF APPROPRIATIONS OF 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. 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:	
Legal OE	\$15,000.00	Administration OE	\$20,000.00
PFRS	\$16,000.00	PERS	\$29,000.00
Roads OE	\$6,300.00	Fire Dept. OE	\$6,300.00
Parks OE	\$10,000.00		
Bldg/Grounds OE	\$8,000.00		
Total	\$55,300.00	Total	\$55,300.00

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, December 4, 2019.

Margaret B. Dilts, CMC

**Resolution No. 19-302** – Correct Tax Account for Block 99, Lot 87, C0006.

R 19-302

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY TO CORRECT THE TAX ACCOUNT FOR BLOCK 99, LOT 87  
C0006

WHEREAS, the Township of Lopatcong has been provided with evidence from the owner of Block 99, Lot 87, C0006 that she made payments through and including the 3<sup>rd</sup> quarter of 2018.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Lopatcong hereby authorizes the Township Tax Office to correct the tax account for Block 99, Lot 87, C0006 to be paid in full through and including the 3<sup>rd</sup> quarter of 2018.

BE IT FURTHER RESOLVED that the Lopatcong Township Tax Office is hereby authorized to cancel any and all interest resulting from the failure to timely post payments or to make any other necessary corrections to the tax account that are attributed to this error.

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 4, 2019.

Margaret B. Dilts, CMC

**Resolution No. 19-303** – Redeem Tax Sale Certificate 2017-105 for Block 139, Lot 65 sold in error.

R 19-303

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY TO REDEEM TSC 2017-105 FOR BLOCK 139, LOT 65 THAT  
WAS SOLD IN ERROR

WHEREAS, due to an error in the Lopatcong Tax Office, the Township sold a lien (TSC 2017-105) on December 6, 2017 for unpaid sewer charges; and

WHEREAS, the taxpayer has provided the Township with proof of at least one cash payment that was not credited to her account and a representation from the prior Tax Collector that her 2016 sewer charges were paid in full on or before December 6, 2017; and

WHEREAS, the Township accepted a subsequent payment for unpaid sewer from the lienholder for 2017 and 2018 sewer charges which were added to the lien amount; and

WHEREAS, although the taxpayer's 2017 and 2018 sewer charges were delinquent in December 2018, the lienholder should not be penalized for purchasing the lien or making a subsequent payment; and

WHEREAS, the Township should redeem Tax Sale Certificate 2017-105 in the amount of \$2,367.52 and seek any sewer delinquencies directly from the taxpayer.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Lopatcong hereby authorizes redemption payment of \$2,367.52 made payable to:

US Bank Cust BV002 Trst & Crdtrs  
50 S 16<sup>th</sup> Street, Suite 2050  
Philadelphia, PA 19102-2513

BE IT FURTHER RESOLVED that the Township Tax Collector is authorized to adjust the sewer account for Block 139, Lot 65 as follows:

1. The account should have a balance of \$139.90 as of 3<sup>rd</sup> quarter of 2017.
2. The amounts paid by lien holder (original tax sale and subsequent payments) shall be removed from the account.
3. The following payments/credits shall be applied to the account:

3Q of 2018	\$35.00
1Q of 2019	\$344.68 payment
2Q of 2019	\$128.30 payment
3Q of 2019	\$35 credit
4Q of 2019	\$109.22 payment

#### 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 4, 2019.

Margaret B. Dilts, CMC

**Resolution No. 19-304** – Correct Tax Account for Block 99, Lot 373 C0729.

R 19-304

#### RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY TO CORRECT THE TAX ACCOUNT FOR BLOCK 99, LOT 373 C0729

WHEREAS, the Township of Lopatcong has been provided with receipts for tax payments for Block 99, Lot 373 C0729 which were not applied to the taxpayer's account; and

WHEREAS, the Township wishes to apply these payments to the account and cancel any interested 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 99, Lot 373 C0729:

1/29/2016	\$1,307.22
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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, December 4, 2019.

Margaret B. Dilts, CMC

**Resolution No. 19-305** – Adjust Tax Account for Block 86.02, Lot 18.

R 19-305

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

WHEREAS, Township Tax Collector reviewed the tax account for Block 86.02, Lot 18 and determined that the account should have a credit of \$5,415.96 as of November 7, 2019; and

WHEREAS, on September 26, 2019 the mortgage company paid the open delinquency on behalf of the property owner; and

WHEREAS, on November 6, 2019, the Township Council via Resolutions 19-264 and 19-265 authorized the Tax Collector to adjust the account which resulted in a credit to the account; and

WHEREAS, the mortgage company has requested that the Township issue a refund in the amount of the credit to the mortgage company.

NOW, THEREFORE, BE IT RESOLVED that the Township shall refund \$5,415.96 to the following:

Attn: Jami McMurray  
Wells Fargo Real Estate Tax Services  
1 Home Campus  
Des Moines, IA 50328-0001

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 4, 2019.

Margaret B. Dilts, CMC

**Resolution No. 19-306** – Refund Tax Overpayment on Block 55, Lot 1.

R 19-306

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY TO ISSUE A REFUND FOR A TAX OVERPAYMENT FOR BLOCK 55, LOT 1

WHEREAS, Block 55, Lot 1 qualified as tax exempt (disabled veteran) on November 1, 2019; and

WHEREAS, the Tax Collector has adjusted the tax account to cancel taxes for the 4<sup>th</sup> quarter of 2019 and 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 homeowner made the 4<sup>th</sup> quarter payment of \$1,156.56 in November 2019; and

WHEREAS, the homeowner's payment prorated to \$771.04 should be refunded to the property owner.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Lopatcong hereby authorizes a refund in the amount of \$771.04 to: Thomas H. & Heather McDowall, 996 Belvidere Avenue, Phillipsburg, NJ 08865.

#### 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 4, 2019.

Margaret B. Dilts, CMC

**Resolution No. 19-307** – Refund Tax Sale Premium on Certificate No. 2017-014 for Block 32, Lot 21.01.

R 19-307

#### RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING A REFUND OF TAX SALE PREMIUM ON CERTIFICATE NO. 2017-014 ON BLOCK 32, LOT 21.01

WHEREAS, at the Lopatcong Township Tax Sale held on December 6, 2017, a lien was sold on Block 32, Lot 21.01 also known as 807 Charles Road for delinquent sewer; and

WHEREAS, Tax Sale Certificate No. 2017-014 was sold to Light Properties; and

WHEREAS, on October 2, 2019 Resolution 19-270 was adopted for the redemption of Certificate No. 2017-014 in the amount of \$2,153.65; and

WHEREAS, there was premium paid for Tax Sale Certificate No. 2017-019 and a refund is due in the amount of \$300.00.

NOW, THEREFORE, BE IT RESOLVED on this 4<sup>th</sup> day of December 2019 that the Chief Financial Officer is authorized to issue a check in the amount of \$300.00 for the refund of the premium for Tax Sale Certificate No. 2017-014 to:

Light Properties, LLC  
17 W. Cliff Street  
Somerville, NJ 08876

#### 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 4, 2019.

Margaret B. Dilts, CMC

**Resolution No. 19-309** – Refund Tax Sale Premium on Certificate No. 2017-019 for Block 41, Lot 19.

R 19-309

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY AUTHORIZING A REFUND OF TAX SALE PREMIUM ON  
CERTIFICATE NO. 2017-019 ON BLOCK 41, LOT 19

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on December 6, 2017, a lien was sold on Block 41, Lot 19 also known as 623 Youngs Road for delinquent sewer; and

WHEREAS, Tax Sale Certificate No. 2017-019 was sold to Light Properties; and

WHEREAS, on October 2, 2019, Resolution No. 19-269 was adopted for the redemption of Certificate No. 2017-019 in the amount of \$1,945.93; and

WHEREAS, there was premium paid for Tax Sale Certificate No. 2017-019 and a refund is due in the amount of \$300.00.

NOW, THEREFORE, BE IT RESOLVED on this 4<sup>th</sup> day of December 2019 that the Chief Financial Officer is authorized to issue a check in the amount of \$300.00 for the refund of the premium for Tax Sale Certificate No. 2017-019 to:

Light Properties, LLC  
17 W. Cliff Street  
Somerville, NJ 08876

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 4, 2019.

Margaret B. Dilts, CMC

**Resolution No. 19-310** – Correct Tax Account for Block 96, Lot 2.01.

R 19-310

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY TO CORRECT THE TAX ACCOUNT FOR BLOCK 96, LOT 2.01

WHEREAS, the Township of Lopatcong has been provided with receipts for tax payments for Block 96, Lot 2.01 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 96, Lot 2.01:

1/19/2018

\$3,171.93

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, December 4, 2019.

Margaret B. Dilts, CMC

**Wagner & Associates, LLC** – Authorize payment of Invoice submitted by Wagner & Associates, LLC in the amount of \$22,712.00 for Forensic Report.

**Resolution No. 19-308** – Approve Chapter 159 for Body Armor Fund for 2019 in the amount of \$1,759.02.

R 19-308

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY REQUESTING APPROVAL OF ITEM OF REVENUE AND  
APPROPRIATION N.J.S.A. 40A:4-87

WHEREAS, N.J.S.A. 40A:4-87 – provides that the Director of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2019.

In the sum of \$1,759.02 is available from NJ Division of Criminal Justice.

BE IT FURTHER RESOLVED that the like sum of \$1,759.02 is hereby appropriated under the caption of Body Armor fund – 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 a Resolution adopted by Council at a meeting held on Wednesday, December 4, 2019.

Margaret B. Dilts, CMC

**Announcement:** - Year end Council Meeting will be held on Monday, December 30, 2019 at normal time.

**Council Reports:**

Councilman Palitto – LAA will hold elections this month for the LAA President. Thanked the DPW for the help with the water problem on Powderhorn Drive. Wished everyone a happy, safe, holiday season.

Councilman Belcaro – No report – Merry Christmas to all.

Councilman Wright – Noted that when at the local deli a gentleman approached him with regard to a problem in his neighborhood – Lynnfield Terrace. A resident is feeding vultures. Councilman Wright noted also that he went over and saw 30 to 40 of these birds. Sometimes



there are 80 the gentleman noted. Clerk Dilts said that a young lady came into the municipal building with this concern and she told us about this, showed us pictures. We called the Animal Control Officer who was aware of the matter and the Warren County Health Dept. has investigated the matter as well. One suggestion is for our ordinance to be revised to include suggested language put forth by the Warren County Health Dept. and Animal Control Officer in order to enter private property to enable the situation to be handled.

Council President Pryor – No report. Wished everyone a Happy Holiday and prosperous New Year.

Mayor Mengucci – End of his second year, he thanked all council members and the staff for everything; especially the civility here. He stated it has been fun, things are being accomplished and things straightened out. Been a pleasure to come back and serve. Announced the Emergency Squad is having a soup sale to keep an eye on that.

Engineer Sterbenz – DOT announced the grants for 2020 and the Township received a DOT Local Aid Grant in the amount of \$140,000 to improve the traffic signal at the intersection of Red School Lane and Baltimore Street. Paving will be done in April next year. Storm sewer and sanitary sewer repairs contracted out have been completed and the final invoice will be presented at the December 30<sup>th</sup> meeting. Council asked for a cost for the installation of sewer lines on 53 lots at and around Plaza Road and Plaza Place would be approximately \$1.5 million dollars; \$30,000 per lot. Soft costs would be added to this figure. If lower Strykers Road and Vista Court lots are added to this project that would at \$450,000 in costs; 35 lots. Soft costs would be additional. Total project approximately \$2 million dollars. A complaint from the County about flooding on Liberty Road and the matter was looked into. It was the opinion of the DPW that the flooding was coming from Scott's Mountain Estates. Engineer Sterbenz held a meeting back in November with the County and agreed to look into the issue. Engineer Sterbenz does not think Scott's Mountain Road is affecting the two culverts that the County has on Liberty Road. He noted that the culverts are very old and undersized and the runoff going to those locations is tremendous, than from Scott's Mountain Estates. A report was prepared states this but it was found that the property owners in Scott's Mountain Estates as well as Warren Materials are not maintaining their drainage facilities correctly so with objections from Council Engineer Sterbenz will issue correspondence to those owners. A storm sewer line is located on Scott's Mountain Road that is half clogged with material he believes comes from the Warren Material Site. The Wordsworth Lane neighborhood which includes Harwich Road has been hit hard by sinkhole activity over the last five years; the latest in front of house 31 which seems to be related to a broken sewer line and the line could be broken because of a sinkhole beneath it. This is being remediated. There might be a water main break as well.

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

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

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

NAYS: None

**Audience Participation:**

Resident of Lynnfield Terrace – Reported that a neighbor is feeding turkey vultures. This has become a nuisance in the neighborhood. This had been reported to the Warren County Health Department and the resident was fined. The case has been reopened by the Health Department as the problem continues. Pictures will be forwarded to the Clerk for evidence. Counsel will look into the matter and do some research to see what can be done.

John Betz – Brakeley Garden Apartments - Asked numerous questions about the Redevelopment Bonds authorized for I-78 Logistics Park. Attorney Cohen addressed the questions as well as Council President Pryor.

Anthony Guarino – Haze Way – Discussed with Council his ongoing issues with straightening out his tax problems. He also mentioned he is having difficulty deciphering what his mortgage company is trying to convey to him.

Lori Ciesla – Recreation Committee – Thanked Council President Pryor for his help with the grant from the County for Music at the Park. The final report will be submitted so the final funds can be dispersed to the Township. The LAA requested the \$7,500 donation be released before the end of the year and suggested the movies be moved from the pool location into the park and volunteered assistance with the pool dances.

Mayor Mengucci requested a motion to adjourn the meeting. On motion by Councilman Belcaro, seconded by Councilman Wright the meeting was adjourned. All in favor.

Respectfully submitted,

Margaret B. Dilts  
Clerk/Administrator

James E. Mengucci  
Mayor