

TOWNSHIP OF LOPATCONG
Regular Meeting Minutes
6:30 pm

March 4, 2020

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 to resume regular session by Councilman Belcaro, seconded by Councilman Palitto. All in favor.

Public Comment:

John Betz – Brakeley Gardens – Phillipsburg Mall Development Project.

Presentation: Aaron Gevers and his team of professionals presented their plans for the redevelopment of the Phillipsburg Mall into a warehouse. Council thanked them for their presentation.

Old Business:

Minutes – Executive and/or Regular Sessions for February 5, 2020. 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

Ordinance No. 20-02 – Second reading and public hearing to Establish CAP Bank. Motion by Council President Pryor to open the public hearing, seconded by Councilman Wright. No comments from the public. All in favor. Motion to close the public hearing by Council President Pryor, seconded by Councilman Wright. All in favor.

ORDINANCE NO. 20-02

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, March 4, 2020 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.

**CALENDAR YEAR 2020
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

Said Ordinance may be read and inspected at any time at the Office of the Municipal Clerk, Lopatcong Township Municipal Building, 232 S. Third Street, Phillipsburg, New Jersey Monday through Friday 9:00 am to 4:30 pm.

Margaret B. Dilts, CMC

Motion to adopt this Ordinance by Councilman Wright, seconded by Councilman Palitto. Roll call vote:

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

NAYS: None

Plaza Road Neighborhood – Council discussed but the matter was tabled.

Transportation Alternative Grant Program/Safe Routes to School Grant Program – This matter was tabled.

New Business:

TWA Strykers Road Associates – The pump station force main are to be privately owned The applicant shall investigate making provisions for nearby properties to connect to the station in the future under a privately negotiated cost sharing arrangement. Motion to authorize Mayor Mengucci to sign the TWP Application was made by Councilman Belcaro, seconded by Councilman Wright. Roll call vote:

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

NAYS: None

NFI – Block 99, Lot 3.01 – Request to be put into sewer service area. This matter tabled.

Ordinance No. 20-03 – First reading to accept roadway known as Jacob Way and a portion of Mountain View Road. Council discussed and agreed to take out Mountain View Road. Attorney Campbell will have the ordinance revised. Motion by Councilman Wright, seconded by Councilman Pryor. Roll call vote:

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

NAYS: None

Sally Port Project – Changes have been made to the plans for the Sally Port which will reduce overall costs. Motion to authorize bid 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

Pool/Pavilion Rentals and Pool Memberships/Daily Rates – Approve rates as proposed.

Council President Pryor made a motion to authorize the rates for the 2020 season, seconded by Mayor Mengucci. Roll call vote:

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

NAYS: None

Lows Hollow Road – Engineer Sterbenz explained that drainage study work had been done to determine why that road has been scoured. He noted that initially work on storm sewers would be built to collect the water but one of the complications was that the water would have to be put somewhere and since this is a flood hazard area along with wetlands, easements from a property owner would be necessary and this area is in the Highlands Preservation Area so the cost would double; \$90,000.00 for 2500 feet of road on a simple mill and overlay with no storm work. This would double if the storm sewer work would be done. A DEP application would also be required to in order to build the storm sewer system. That would be approximately \$20,000.00. He thought the job could be done through the co-op and use Tilcon which the cost would be about \$90,000.00. CFO stated that \$100,000.00 has been allocated for Fox Farm Road from a

2018 ordinance. Motion by Councilman Wright to direct the CFO and Engineer to meet to make sure proper documentation is completed for the improvements to Lows Hollow Road which would only involve milling and paving at a cost of \$100,000.00 seconded by Mayor Mengucci.

Roll call vote:

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

NAYS: None

Resolution No. 20-54 – I-78 Bridge Development – RAB Bond. Attorney Campbell stated that this is part of the financing of the Pilot for the Ingersoll Rand property that the Local Finance Board approved and this finalizes it. This is not the debt of the Township.

R 20-54

RESOLUTION AUTHORIZING AND PROVIDING FOR THE ISSUANCE AND SALE OF REDEVELOPMENT AREA BONDS (I-78 LOGISTICS PARK LOPATCONG URBAN RENEWAL, LLC PROJECT, SERIES 2020) (NON-RECOURSE) OF THE TOWNSHIP OF LOPATCONG, IN THE COUNTY OF WARREN, NEW JERSEY, PROVIDING FOR THE FORM, MATURITIES AND OTHER DETAILS OF SAID BONDS; AUTHORIZING THE EXECUTION AND DELIVERY BY THE TOWNSHIP OF A TRUST INDENTURE, A FIRST SUPPLEMENTAL INDENTURE, A PLEDGE AND ASSIGNMENT AGREEMENT AND SUCH OTHER DOCUMENTS AND INSTRUMENTS AS NECESSARY FOR THE ISSUANCE OF SAID BONDS

WHEREAS, in accordance with the Local Redevelopment and Housing Law, constituting Chapter 79 of the Pamphlet Laws of 1992 of the State, and the acts amendatory thereof and supplemental thereto (the “*Redevelopment Law*”, as codified by N.J.S.A. 40A: 12A-1 *et seq.*), the Township Committee of the Township (the “*Township Committee*”) has, by Ordinance No. 2015-15, adopted on December 30, 2015, approved the “Amended and Restated Redevelopment Plan” (the “*Redevelopment Plan*”), which Redevelopment Plan complies with the requirements of all applicable State and Federal statutes and regulations promulgated thereunder; and

WHEREAS, in 2006, the Township Committee adopted a resolution declaring all the area included in the Redevelopment Plan, including a portion of certain property in the Township identified and designated as the former Ingersoll Rand site, which portion was then known as Block 101, Lots 1 and 1.01, and such lots have since been merged into a single lot designated as Block 101, Lot 1 as set forth on the tax map of the Township (the “*Property*”), as a blighted area under Chapter 187 of the Laws of the State, 1949, the predecessor statute to the Redevelopment Law; and

WHEREAS, there is a pending application for subdivision of the Property, and after approval of such subdivision, it is anticipated that the Property will be designated as Block 101, Lots 1.01, 1.02, 1.03 and 1.04; and

WHEREAS, 1-78 Logistics Park Lopatcong Urban Renewal, LLC, an urban renewal entity (the “*Entity*”) qualified to do business under and in accordance with the Long Term Tax Exemption Law of 1992, constituting Chapter 431 of the Pamphlet Laws of 1991 of the State of New Jersey (the “*State*”), and the acts amendatory thereof and supplemental thereto (the “*Tax Exemption Law*”, as codified in N.J.S.A. 40A:20-1 *et seq.*) is fee simple owner of the Property and proposes to undertake the construction of approximately one (1) million square feet of warehouse and light industrial space and all on-site and off-site infrastructure required therefor, all within or incident to a designated “area in need of redevelopment” located within the Township (collectively, the “*Project*”); and

WHEREAS, in order to improve the feasibility of the Project, the Entity submitted to the Township the Exemption Application (as defined in the hereinafter defined Financial Agreement) in accordance with N.J.S.A. 40A:20-8 requesting a long term tax exemption and a financial agreement with respect to the Project pursuant to the Tax Exemption Law, which Exemption Application is on file with the Township Clerk; and

WHEREAS, pursuant to and in accordance with the provisions of the Tax Exemption Law and the New Jersey 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.*, and together with the Redevelopment Law and the Tax Exemption Law, the “*Acts*”), the Township is authorized to provide for and accept, in lieu of real property taxes, an annual service charge paid by the Entity to the Township; and

WHEREAS, on August 23, 2018, the Township Committee of the Township finally adopted Ordinance No. 18-12, entitled “Ordinance of the Township of Lopatcong, County of Warren, New Jersey approving an application for a long term tax exemption and authorizing the execution of a financial agreement for a tax exemption for an urban renewal project with respect to the property commonly known as Block 101, Lots 1 and 1.01 on the tax map of the Township” (the “*Ordinance*”), which Ordinance accepts and approves the Exemption Application, the Financial Agreement dated as of December 4, 2018 by and between the Entity and the Township (the “*Original Financial Agreement*”) and the Project; and

WHEREAS, on September 4, 2019, the Township adopted resolution 19-257 (the “Amending Resolution, and together with the Ordinance, the “*Financial Agreement Official Actions*”) authorizing a First Amended Financial Agreement, dated September 19, 2019 (the “*Financial Agreement*”); and

WHEREAS, pursuant to the Redevelopment Bond Law, specifically N.J.S.A. 40A:12A-68, the Annual Service Charge (as such term is hereinafter defined) shall, upon the recordation of the Financial Agreement and the Financial Agreement Official Actions, constitute a municipal lien on the Property and the Project within the meaning of Applicable Law; and

WHEREAS, in accordance with the Tax Exemption Law, the Financial Agreement provides for the payment of an Annual Service Charge (as defined in the Financial Agreement) to be made by the Entity to the Township (the “*Annual Service Charge*”) and further provides for a pledge of all or a portion of such Annual Service Charge to the debt service on the Bonds (as defined below) issued to fund a portion of the cost of the Project (the “*Pledged Annual Service Charge*”); and

WHEREAS, pursuant to and in accordance with the provisions of the Redevelopment Bond Law, specifically N.J.S.A. 40A:12A-65 and 67(a), the Township may issue bonds in order to finance a portion of the costs of a redevelopment project, which bonds may be secured by all or a portion of the Annual Service Charge; and

WHEREAS, in order to assist in financing a portion of the costs of the Project, the Township has determined to issue bonds to finance a portion of the costs of the Project (the “*Bonds*”) in accordance with the terms and provisions of that certain “Indenture of Trust” (the “*Master Trust Indenture*”), to be dated as of the first day of the month in which the Bonds are issued, by and between the Township and the trustee named therein (the “*Trustee*”), as supplemented by that certain “First Supplemental Indenture of Trust” (the “*First Supplemental Indenture*” and together with the Master Indenture of Trust, the “*Trust Indenture*”), to be dated as of the first day of the month in which the Bonds are issued, by and between the Township and the Trustee, and this resolution, which Bonds shall be secured by the Financial Agreement Official Actions, the Financial Agreement and that certain Pledge and Assignment Agreement to be dated as of the first day of the month of issuance of the Bonds (the “*Pledge Agreement*”); and

WHEREAS, pursuant to the terms of the Financial Agreement, the Pledged Annual Service Charge shall be pledged to the payment of the principal of, redemption premium, if any, and interest on the Bonds; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-67(g) of the RAB Law, a bond, such as the Bonds, that are secured in whole or in part by payments in lieu of taxes shall be subject to the review and approval of the Local Finance Board in the Division of Local Government Services of the States’ Department of Community Affairs (the “*Local Finance Board*”); and

WHEREAS, pursuant to N.J.S.A. 40A:12A-29(3)(a) of the Act, the Bonds may be sold at public sale to any willing buyer at less than par and at private sale to any willing buyer without advisement at par or less than par, upon application to and prior approval of the Local Finance Board; and

WHEREAS, the Township has heretofore submitted an application (the “*Application*”) to the Local Finance Board in connection with the issuance of the Bonds; and

WHEREAS, on December 11, 2019 the Local Finance Board approved such Application; and

WHEREAS, the Township now desires to authorize and approve the sale and issuance of the Bonds in the aggregate principal amount not to exceed \$750,000 pursuant to this resolution and the Trust Indenture and secured in accordance with the Financial Agreement Official Actions, the Financial Agreement and the Pledge Agreement); and

WHEREAS, in addition to the Trust Indenture and the Pledge Agreement, the Township has determined to authorize such other documents, agreements, instruments or certificates as may be necessary for the issuance of the Bonds, collectively, the “*Bond Documents*”); and

WHEREAS, in connection with the sale and issuance of the Bonds, the Township also desires to approve and authorize the forms of certain of the Bond Documents and the entering into of the Bond Documents and such other instruments, opinions, affidavits, certificates, resolutions, documents, agreements or other papers as may be deemed necessary for the issuance of the Bonds.

BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF LOPATCONG, IN THE COUNTY OF WARREN, as follows:

Section 1. The Township hereby authorizes the issuance and sale of the Bonds of the Township in the original principal amount not to exceed \$750,000. The Bonds shall be issued in a negotiated transaction with a purchaser, which may be an entity related to the Entity. The proceeds of the Bonds shall be applied to the payment of the costs of the Project.

Section 2. The Bonds shall be issued in one or more series, and shall be dated as of their date of delivery and will mature no later than thirty-five (35) years thereafter. The Bonds shall bear interest at a rate not to exceed five percent (5%). Interest on the Bonds shall be paid semiannually pursuant to the Trust Indenture. The Bonds shall be issued in the form, shall mature and shall have such other details and provisions as are prescribed by the Trust Indenture.

Section 3. The Bonds shall be secured by, *inter alia*, the pledge and assignment of Pledged Annual Service Charge as shall be provided in the Pledge Agreement and the Trust Indenture, and the full faith and credit of the Township ***shall not be pledged*** to the payment of the principal of and the interest on the Bonds.

Section 4. The Trust Indenture pertaining to the Bonds shall be substantially in the form attached to this Resolution as Exhibit A and made a part hereof, and the Mayor, Deputy Mayor, Chief Financial Officer, and the Clerk of the Township (each an “Authorized Officer”) are each hereby authorized to execute the Trust Indenture with such changes, revisions, or alterations thereto or insertions therein as may be approved by the officer executing the same after consultation with the Township’s Counsel and/or bond counsel, such approval to be conclusively evidenced by the execution thereof.

Section 5. The Pledge Agreement from the Township to the Trustee assigning the Pledged Annual Service Charges as security for Bonds shall be substantially in the form attached to this Resolution as Exhibit B and made a part hereof, and the Authorized Officers are each hereby authorized to execute the Pledge Agreement with such changes, revisions or alterations therefor as may be approved by the officer executing the same after consultation with the Township’s Counsel and/or bond counsel, such approval to be conclusively evidenced by the execution thereof.

Section 6. The distribution and, if necessary, the re-distribution, by the Township of a Preliminary Official Statement, a Preliminary Limited Offering Memorandum or a Preliminary Private Placement Memorandum pertaining to the Bonds, in the form approved by the Chief Financial Officer of the Township, and the use of an Official Statement, a Limited Offering Memorandum or a Private Placement Memorandum in substantially the form of the Preliminary

Official Statement, the Preliminary Limited Offering Memorandum Preliminary or the Private Placement Memorandum, is hereby authorized and approved. The Authorized Officers are each hereby authorized and directed to execute and deliver to the purchaser of the Bonds the final Official Statement, Limited Offering Memorandum or Private Placement Memorandum with such changes as the Township's bond counsel may advise and the officer executing the same may approve, such approval to be evidenced by such officer's execution thereof. The Chief Financial Officer is hereby authorized to deem final the Preliminary Official Statement, Preliminary Limited Offering Memorandum or Preliminary Private Placement Memorandum for purposes of Rule 15c2-12 of the Securities and Exchange Commission.

Section 7. The Authorized Officers are hereby designated, authorized and directed to execute and deliver any and all Bond Documents, including, without limitation, an escrow agreement for the Bonds in such form as may be agreed upon by the Authorized Officers in consultation with the Township's Counsel and/or bond counsel, providing, among other things, for the conditions precedent to the issuance of the Bonds, and perform or determine any other matters or details relating to the Bonds, to do or perform or cause to be done or performed any and all acts as such officers or the Township's Counsel and/or bond counsel may deem necessary or appropriate in order to effect the proper issuance, execution and delivery of the Bonds.

Section 8. This Bond Resolution shall take effect immediately.

CERTIFICATION

I, Margaret B. Dilts, RMC, 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 Lopatcong Township Council at its meeting on Wednesday, March 4, 2020.

Margaret B. Dilts, CMC
Township Clerk/Administrator

Motion to approve by Councilman Wright, seconded by councilman Palitto. Roll call vote:
AYES: Councilman Belcaro, Councilman Palitto, Councilman Wright, Council President Pryor, Mayor Mengucci.
NAYS: None

Safety Committee – Clerk Dilts explained that there exists a Safety Committee as ordered by the Township's insurance company. We will meet four times per year as recommended by Acrisure who is part of Statewide Insurance Company to review workman's comp. claims, training, as well as inspections that are performed at all of our facilities, etc. Clerk Dilts said the committee consists of herself, Chief Garcia, DPW Superintendent Brian Weeks, EMS and Fire representatives who meet here for about one hour. Clerk Dilts also indicated that the Township has been awarded recognition from Statewide for low claims over the past few years as well as a check in the amount of \$300.00. Councilman Wright said he would be present for those meetings.

St. Luke's TGIF Fundraiser – Donation of pool membership for this fundraiser was approved on motion by Council President Pryor, seconded by Councilman Palitto. Roll call vote:
AYES: Councilman Belcaro, Councilman Palitto, Councilman Wright, Council President Pryor, Mayor Mengucci.
NAYS: None

2020 Budget Discussion – CFO Browne explained that everyone was given their budget books that included capital was in there as well. For 2020 budget number is approximately \$9.7 million. This particular budget emphasizes paying down debt. Surplus revenues are being used to fill the gap to help paydown the debt. This year is just shy of one million dollars. Last year it was a little over \$600,000.00. The solar panels will be completely paid off. That and also with road repairs, sewer lines, the sink hole situations have a buffer built in to assist with those concerns because they are very costly. Bottom line is a two-cent increase equivalent to \$49.00 per year for a house assessed at \$231,000.00. Mayor Mengucci reported that as part of the debt \$300,000.00 is still owed on the fire truck and that should be wiped out next year. Council

President Pryor noted this is the first year there is no money being transferred from the Sewer Utility Budget. He also noted that a closer look will be taken at the third quarter of the sewer billing to see if that can be reduced. Looking to introduce at a special meeting on March 18th at 6:30 pm for Executive and 7:00 pm regular meeting and adopt at a special meeting on April 15th at those same times.

Consent Agenda:

Council President Pryor asked to table item 12 at this time.

Motion by Councilman Belcaro, seconded by Councilman Wright to approve Consent Agenda.

Roll call vote:

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

NAYS: None

Vanguard Energy Partners – Approve proposal for Operations and Maintenance Service for Solar Panels in the amount of \$2,782.95 beginning in May 2020 to May 2021.

Resolution No. 20-46 – Award contract to Tilcon New York, Inc., in the amount of \$256,599.25 and Denville Line Painting, Inc., in the amount of \$17,192.00 for the Red School Lane Improvement Project.

R 20 – 46

**RESOLUTION OF AWARD OF CONTRACT
RED SCHOOL LANE IMPROVEMENT PROJECT
TOWNSHIP OF LOPATCONG, WARREN COUNTY, NJ**

WHEREAS, the Township of Lopatcong plans to improve Red School Lane between Charles Road and a point 200 feet north of the Baltimore Street Intersection; and

WHEREAS, the Township has obtained a grant from the Municipal Aid portion of the Transportation Trust Fund to help fund the project; and

WHEREAS, the Township has appropriated monies to construct the improvements on Red School Lane; and

WHEREAS, the Township plans on utilizing Tilcon New York Inc. (“Tilcon”) and Denville Line Painting Inc. (“Denville”) through its membership in the Morris County Cooperative Pricing Council (“MCCPC”) to perform the required milling, paving and striping work on Red School Lane; and

WHEREAS, Tilcon and Denville are qualified contractors and have been found to be in compliance with the contract documents and technical specifications; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LOPATCONG that the Township shall utilize Tilcon and Denville for the improvements on Red School Lane through the Township’s membership in the MCCPC as follows:

1. HMA Milling, 19,500 square yards, 0-2” depth, at a unit price of \$3.05 per square yard for a total of \$59,475.00 (Tilcon).
2. HMA Milling, 975 square yards, 2-4” depth at a unit price of \$3.15 per square yard for a total of \$3,071.25 (Tilcon).
3. HMA 19M64 Surface Course, 170 tons, 3” minimum thickness at a unit price of \$68.90 per ton for a total of \$11,713.00.
4. HMA 9.5M64 Surface Course, 2,350 tons, 2” thick at a unit price of \$74.40 per ton for a total of \$ 174,840.00.
5. Asphalt Price Adjustment at \$5,000.00 (Tilcon).
6. Fuel Price Adjustment at \$2,500.00 (Tilcon).
7. Traffic Stripes, 4" wide, 1,200 linear feet at a unit price of \$0.30 per linear foot for a total of \$360.00 (Denville).

8. Traffic Stripes, 24" wide, 150 linear feet at a unit price of \$5.16 per linear foot for a total of \$774.00 (Denville).
9. Traffic Marking Lines, 4" wide, 14,500 linear feet at a unit price of \$0.30 per linear foot for a total of \$4,350.00 (Denville).
10. Traffic Marking Lines, 8" wide, 300 linear feet at a unit price of \$1.72 per linear foot for a total of \$516.00 (Denville).
11. Traffic Marking Lines, 24" wide, 1,200 linear feet at a unit price of \$5.16 per linear foot for a total of \$6,192.00 (Denville).
12. Traffic Marking Symbols, 750 square feet at a unit price of \$6.00 per square foot for a total of \$4,500.00 (Denville).
13. Traffic Striping Layout Work at \$500.00 (Denville).

BE IT FURTHER RESOLVED, that copies of this resolution, once adopted, shall be forwarded to the NJDOT's Division of Local Aid and Economic Development.

CERTIFICATION

I, Margaret B. Dilts, RMC, 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 Lopatcong Township Council at its meeting on Wednesday, March 4, 2020.

Margaret B. Dilts, CMC
Township Clerk/Administrator

Zuccaro, Inc. – Authorize final payment to Zuccaro, Inc., in the amount of \$73,860.24 for sinkhole remediation at 31 Wordsworth Lane.

Resolution No. 20-47 – Adopt Domestic Violence Policy.

R 20-47

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY ADOPTING A DOMESTIC VIOLENCE POLICY SOMERSET COUNTY, NEW JERSEY

WHEREAS, on or about October 15, 2019, the New Jersey Civil Service Commission issued a Statewide Domestic Violence Policy (DVP) for Public Employers, which is attached hereto; and

WHEREAS, pursuant to N.J.S.A. 11A:2-6a(b)(1), "The [Civil Service Commission] shall develop a uniform domestic violence policy, which all public employers shall adopt and distribute to their employees, regardless of whether a public employer is subject to the provisions of Title 11A, Civil Service, of the New Jersey Statutes;" and

WHEREAS, the Township of Lopatcong seeks to update its Personnel Policies and Procedures Manual to comply with N.J.S.A. 11A:2-6a(b)(1).

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Council of the Township of Lopatcong, in the County of Warren, that the Township of Lopatcong Policies and Procedures Manual is updated as follows:

1. The Statewide DVP (which is attached hereto) shall be referenced and adopted in the Township of Lopatcong Personnel Policies and Procedures Manual.
2. The Township of Lopatcong Personnel Policies and Procedures Manual shall designate Margaret B. Dilts and Kimberly Browne, as primary and secondary Human Resources Officer (HRO) for purposes of the DVP.
3. The Table of Contents shall be updated to reflect the inclusion Township's adoption of the Statewide DVP.

BE IT FURTHER RESOLVED that a copy of the updated Township of Lopatcong Personnel Policies and Procedures Manual is on file with the Clerk's office; and

BE IT FURTHER RESOLVED that a copy of this Resolution shall be forwarded to the Municipal Clerk/Administrator for distribution to all Township employees.

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, March 4, 2020.

Margaret B. Dilts, CMC

Board of Adjustment Appointments – Advance Gary Wolf from Alternate No. 1 to Rob Larsen’s unexpired term 12/22 and Doug Mace from Alternate No. 2 to Kathy Devos’ unexpired term 12/20.

Resolution No. 20-48 – Correct Ax Account for Block 42, Lot 2.

R 20-48

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY TO CORRECT THE TAX ACCOUNT FOR BLOCK 42, LOT 2

WHEREAS, the Township of Lopatcong has been provided with receipts for tax payments for Block 42, Lot 2 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; and

WHEREAS, once all payments are properly applied to the account and interest is waived, the account will have a credit of \$317.34; and

WHEREAS, the Council has agreed to issue a refund in the amount of \$317.34 directly to the taxpayer as he is scheduled to sell the property on February 21, 2020 and will not be the owner of the property as of the date of this Resolution.

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 42, Lot 2:

1Q2017	\$955.20	4Q2017	\$1,000.91
2Q2017	\$955.20	1Q2018	\$979.56
3Q2017	\$683.57	2Q2018	\$979.55

BE IT FURTHER RESOLVED that the Lopatcong Township Tax Office shall cancel any and all interest resulting from the failure to timely post this payment.

BE IT FURTHER RESOLVED, that the Township Council of the Township of Lopatcong hereby authorizes payment of \$317.34 made payable to:

Fred H. Schlecht
c/o Kathryn Horvath, POA
497 Hexenkopf Road
Easton, PA 18042

BE IT FURTHER RESOLVED that after the correction of the account and the issuance of the refund, the account should have a zero balance as of the 1st quarter of 2020.

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, March 4, 2020.

Margaret B. Dilts, CMC

Resolution No. 20-49 – Correct Sewer Account on Block 133, Lot 50.

R 20-49

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY TO CORRECT THE SEWER ACCOUNT FOR BLOCK 133, LOT 50

WHEREAS, the Township of Lopatcong has been provided with receipts for sewer payments for Block 133, Lot 50 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; and

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 133, Lot 50:

1/8/2018	\$1,124.70
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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, March 4, 2020.

Margaret B. Dilts, CMC

Resolution No. 20-50 – Correct Sewer Account for Block 106, Lot 32.

R 20-50

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY TO CORRECT THE SEWER ACCOUNT FOR BLOCK 106, LOT 32

WHEREAS, the Township of Lopatcong has been provided with a receipt for a payment to the sewer account for Block 106, Lot 32 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; and

WHEREAS, the Township also wishes to credit the taxpayer for the costs associated with the tax sale that occurred as a result of the failure to timely post these payments in the amount of \$250.47. The costs are as follows:

Tax Sale Cost	\$115.00
Interest to Redeem TSC	\$64.34
Redemption Penalty	\$ 9.13
Recording	\$50.00

Search Fee \$12.00

NOW, THEREFORE, BE IT RESOVLED, that the Township Council of the Township of Lopatcong hereby authorizes the Township Tax Office to apply the following payments to the sewer account for Block 106, Lot 32:

October 20, 2015	\$475.03
August 14, 2017	\$420.66
October 30, 2017	\$257.00

NOW, THEREFORE, BE IT FURTHER RESOLVED, that any interest that accrued as a result of the failure to timely post the three payments listed above shall be credited to the taxpayer's account.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the taxpayers account shall be credited an additional \$250.47 to refund the cost of the tax sale.

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, March 4, 2020.

Margaret B. Dilts, CMC

Resolution No. 20-51 – Redemption of Tax Sale Certificate No. 2017-047 on Block 99, Lot 99 C0030.

R 20-51

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE NO. 2017-047 ON BLOCK 99, LOT 99 C0030

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on December 6, 2017, a lien was sold on Block 99, Lot 99 C0030 also known as 30 Overlook Drive for delinquent sewer; and

WHEREAS this lien known as Tax Sale Certificate No. 2017-047 was sold to US Bank BV002 Trst & Crdtrs; and

WHEREAS, on February 18, 2020 the property owner, has satisfied the redemption amount on Certificate No. 2017-047 in the amount of \$485.86 for the redemption of Tax Sale Certificate No. 2017-047 to:

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

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, March 4, 2020.

Margaret B. Dilts, CMC

Resolution No. 20-52 – Redemption of Tax Sale Certificate No. 2016-048 on Block 139, Lot 69.

R 20-52

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE
NO. 2016-048 ON BLOCK 139, LOT 69

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on October 12, 2016, a lien was sold on Block 139, Lot 69 also known as 131 Puddingstone Way for delinquent sewer; and

WHEREAS, this lien known as Tax Sale Certificate No. 2016-048 was sold to US Bank Cust for Pro CAP 4 & Crdtrs; and

WHEREAS, on January 24, 2020, the mortgage company for the property owner has satisfied the redemption amount on Certificate No. 2016-048 in the amount of \$6,962.42, Premium \$1,200.00.

NOW, THEREFORE, BE IT RESOLVED on this 4th day of March 2020, that the Chief Financial Officer is authorized to issue a check in the amount of \$6,962.42, Premium \$1,200.00 for the redemption of Tax Sale Certificate No. 2016-048 to:

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

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, March 4, 2020.

Margaret B. Dilts, CMC

Castle Septic – Table to the 18th of March.

Announcements – Budget Meeting is scheduled for March 18th at 6:30 pm Executive Session and 7:00 pm Regular Session and adopt April 15th at same times.

Attorney Campbell – Motion to authorize Attorney Campbell to take action discussed in Executive Session regarding O & M Solutions. Motion by Councilman Belcaro, seconded by Mayor Mengucci. Roll call vote:

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

NAYS: None

Attorney Campbell asked for authorization for Clerk Dilts to advertise for an Account Clerk.

Motion by Mayor Mengucci, seconded by Councilman Wright. Roll call vote:

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

NAYS: None

Council Reports:

Councilman Palitto – LAA at their last meeting discussed the possibility of reducing money in the escrow accounts. They also discussed services for the contract with the Township.

Councilman Palitto has been seeing and hearing complaints about the roads and asked if a posting can be posted on the website what roads will be improved. Engineer Sterbenz noted that the work on Red School Lane is targeted for April 13 and 14.

Councilman Belcaro – Noted that a couple of trucks that are to be replaced need to be discarded. Discussion took place and the Township will put them for sale. Brian Weeks will send Clerk Dilts the specs to begin the process. A price of \$2,000 will start the process. Language will be “as is”. Mayor Mengucci said put them on Gov.deals and at this time next month there are no bites, we scrap them.

Councilman Wright – No report.

Councilman President Pryor – No report other than what has already been discussed.

Mayor Mengucci – No report as his matters were already discussed.

Report of Engineer: No report.

Report Chief of Police: No reports.

Approve Dept. Reports: Council President Pryor made a motion to approve, seconded by Councilman Wright. All in favor.

Payment of Bills: Council President Pryor noted that he would be recused from voting on JMT bills but also informed the Council that there is a bill there for \$513.00 to the Uniform Shop submitted by the squad and recommended that be held in abeyance until that is reviewed further. 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:

Faith Roncoroni – Greystone Avenue noted she is a Phillipsburg High School teacher and runs “In Her Element” at the high school. Three members asked the Council to provide the pavilion to them for a couple of hours to at no cost so they could have a banquet. At a Saturday or Sunday in June at noon. Motion by Councilman Belcaro to waive the fee, seconded by Councilman Palitto. All in favor.

Lori Ciesla – Meadowview Drive – Easter Egg Hunt is on April 4 at 10 am and if it rains or snows it will be Sunday at 2 pm. Thanked the Council for the Recreation Budget. Movies at the Park will be held at the pool this year until a proper storage unit for security can be obtained. Questions regarding the Zoning of the Phillipsburg Mall we asked as well as comments on the 2020 Budget.

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

Respectfully submitted,

Margaret B. Dilts, CMC
Clerk/Administrator

James E. Mengucci
Mayor