

TOWNSHIP OF LOPATCONG
COUNCIL MEETING

7:00 pm

March 2, 2016

The Council Meeting of the Lopatcong Township Council was called to order by Mayor McKay. The meeting was held in the Municipal Building located at 232 S. Third St., Phillipsburg, New Jersey 08865.

Motion to go out of Executive Session by Councilwoman Schneider, seconded by Councilwoman McCabe. All in favor.

A moment of silence was offered followed by the Oath of Allegiance.

Mayor McKay 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.”

Roll call: Councilman Belcaro, Councilwoman McCabe, Councilwoman Schneider, Council President Pryor, Mayor McKay. Also present was CFO Saponaro, Attorney Campbell and Engineer Sterbenz.

Attorney Campbell reported that Council was in Executive Session for approximately 30 minutes. The topics of discussion are listed on the agenda including LAA Wrestling Program.

R 16-37

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND THE
STATE OF NEW JERSEY AUTHORIZING AN EXECUTIVE SESSION

WHEREAS, there are presently pending matters to be considered in Executive Session concerning possible matters listed:

1. Personnel – Clerk’s Office/Tax Collector’s Office
2. Personnel - Finance Dept.
3. Personnel – Keyboarding Clerk 1
4. Contractual – Berry Plastics Developer’s Agreement
5. Personnel – COAH/ Administrator/Liaison/Treasurer
6. Contractual – LAA Wrestling Program

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Lopatcong, County of Warren and the State of New Jersey that the Council is authorized to hold an Executive Session.

BE IT FURTHER RESOLVED that the Council of the Township of Lopatcong will make said matters public within approximately 30 days of said meeting or until such a time as confidentiality of the matters is no longer required.

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 the Reorganization Meeting held on Wednesday, March 2, 2016.

Margaret B. Dilts, CMC

Mayor McKay asked that action be taken now on the items discussed in Executive Session.

Councilwoman McCabe – I'd like to make a motion to authorize action by attorney and auditor in a review of a situation regarding the LAA Wrestling Program. Motion by Councilman Pryor, seconded by Councilman Belcaro. Roll call vote:

AYES: Councilman Belcaro, Councilwoman McCabe, Councilwoman Schneider, Council President Pryor, Mayor McKay.

NAYS: None

Berry Plastics – Conditionally approve the agreement upon an indemnification agreement regarding sewer permitting. Engineer Sterbenz said there is an agenda item for this.

Keyboarding Clerk 1 – Motion to approve hiring by Councilwoman McCabe, seconded by Councilman Belcaro. Discussion:

Councilwoman Schneider – Yes I do, I just for future hires in this particular case Council was not given copies of any of the resumes nor did we participate in the interview process. Since I've been here I think they have been, we have been or at least to get the resumes which I received for the offices we have hired for. I'd like to in the future be a part of those processes because it would be nice to be part of the interviews when I have to say yes to spending the money so in the future I would like everyone here to be part of that process.

Councilwoman McCabe- You know, just to state that that was only done in the past year that Council was involved. Typically, prior to that, the department heads were capable and took care of the interviewing for the employees that they needed in their department. Council did not need to take care part in the interview process so, I really don't know that we need to be taking on interviews and departments that maybe the department head knows what they are looking for; they understand what type of experience is needed; I really don't think we need to be involved to that extent. Once the person is chosen, obviously, then we have to authorize the hiring but beyond that, I don't think we should be involved.

Mayor McKay – Okay now, first we have to do the vote on the hire. Roll call vote:

AYES: Councilman Belcaro, Councilwoman McCabe, Councilwoman Schneider, Council President Pryor, Mayor McKay.

NAYS: None

Mayor McKay – Now, as to the second part of the things that Maureen and Donna were speaking about, that's a policy matter and if the Council would like to now make that policy either way, if somebody wants to set forth what the policy should be and then we vote on it then we have a policy going forward so, everything is not one off so, I would prefer to do that we come up with a policy on that it has merit either way.

Attorney Campbell – Perhaps you want to move that to the next meeting just because each sound like you have two ideas maybe you can both bring them since this is a very long list.

Mayor McKay – Okay, we will do that.

Councilwoman Schneider – We are asking for compensation for our Deputy Clerk to receive compensation for last year she put in 39.75 hours when we needed some help in the CFO's office and at the time we had no budget and we would like to compensate her at her regular rate for 39.75 hours. We also had our Tax Collector and Phyllis also helped in the CFO's office for the months of February and partial for March until we have our fulltime person come in and we need to authorize payment to Phyllis for 73 hours; 61 hours in February and so far 12 in March and we also would like to continue and have Phyllis help out and train the new employee until the end of March. We'd hope to get that done by March 18th but it may run past that so we want to give that authorization to allow a little bit of more help in there. We'd also like to compensate Rachel for the month of February; she had 5 hours and she needs to be compensated for that and extend the same courtesy to her to train the new employee for payroll and keep her on as needed until the end of March.

Mayor McKay – Okay, there it is so, motion to approve that. Motion by Council President Pryor, seconded by Councilwoman McCabe. Roll call vote:

AYES: Councilman Belcaro, Councilwoman McCabe, Councilwoman Schneider, Council President Pryor, Mayor McKay.

NAYS: None

Public Comment: Agenda items only. Mayor McKay made a motion to open up to agenda items only, seconded by Councilwoman McCabe. All in favor.

Leslie Fronziak – 130 Puddingstone Way. I'm the Chairwoman for what we're hoping will be the Mayor's Wellness Campaign Committee. It is a program that over 375 New Jersey towns have joined and it gives mayor's tools and strategies to champion healthy and active living to improve the overall health of their communities. One town, Hillsborough won the designation of healthy town 2010 and so I called them and asked them how they achieved that and what they did is, they have a board of health because they are a town of 40,000 people so they have their own board of health and we have LAA for kids; we don't have a whole lot for your seniors and your working class and so I reached out to the Warren County Board of Health to assist Lopat with this initiative and I'm excited to say they've expressed interest in working with the Mayor's Wellness Campaign, if you approve it to achieve our goals of a healthy town. She asked for the recognition of this committee.

John Betz – 225 Red School Lane – Mayoral appointments that are volunteers – specifically, the Rent Leveling Board. He wanted to know who has been monitoring rent rolls for this year. Who will be responsible in the future to monitor the records as in the past it was the chairperson. Tenants want their rights watched and covered. He hoped the choices are the right people to carry out the duties.

Bill Nixon – 626 Young's Road – Update on financial status regarding the Veterans Rally Point. Memorials for Terry Lee and donations of over \$10,000 have been received. They sold 158 engraved pavers in memory of or in honor of veterans. They've taken in approximately \$26,000. They owe Prestige for the pavers \$8,000 so the balance is around \$7,784.00 that was made in profit from the pavers. Total available monies if \$17,805.00. The pavilion they have plans for through Green Acres is \$19,706.00. EP Henry issued a grant for this project in the amount of \$15,000 in materials; paver for walkway, pavers for retaining wall, material to use behind the pavilion as an acoustic wall. People have offered to do the work. Plans for May 29th are in progress for Memorial Day and the dedication ceremony. They are between \$5 and 7,000 short and would like help with this. Council President Pryor informed Mr. Nixon that he is on the agenda and the Mayor would move him up so this matter could be addressed quickly.

Lori Ciesla – 12 Meadowview Drive – Asked that the mayoral appointments be listed on the agenda. Commented on the Lopatcong Communications Advisory Committee. She felt that the Council would be giving away the power of the Council. Managing the audio/visual equipment should be done by employees not residents. The whole community and webmaster is appointed by the Mayor which does not give you much say in who's doing it. The administrator should be the person approving what is being placed on the website. The on-line tax payments are ready to go; vendor has been approved.

Councilwoman Schneider – She felt it really never did lie with them – something on the website did not actively involve Council and it is information that is not necessary to be on there and that is Council Corner; that needs to be off of the website and expressed taking that off.

Council President Pryor – Understood the Mayor posting things and just showing up there; if we could defer that to another meeting he would be willing to do that.

Mayor McKay – Thought an employee would be the person to run the website because then the employee can be subject to discipline if they screw up or they could be, you know, you have control over it and that is one of the main issues.

Lori Ciesla – I don't control what is on there – that has to come from Beth or from Council.

Mayor McKay – I can be very open as to how to construct this; it does not have to be the Mayor who chooses; it could be anything and has to be fair.

Peter Olschewski – Highlands Way – Since we have used Facebook, Twitter and Email as channels for emergencies, I would ask Katrina at one point in time since we have set the precedent to use these channels for emergency who is liable if in a case of emergency things are

not conveyed or are not used in the proper fashion. Why I say that is, during the last snow storm is you know I contacted Lori actually myself and she was gracious enough to let the residents know of what happened in town with the power outage. If I would not have been able to get Lori for whatever reason, or if we set the precedence that this is our emergency outlets somebody must be responsible for it and is probably also legally responsible for it and I'm not sure that that can be a volunteer but that is something maybe Katrina wants to weigh in on but that is my opinion.

Mayor McKay – As I say, communications is a really big issue and I think we have to modernize the way we do this and we have to do it in an intelligent way, fair to everybody and that's what I got to say on it.

Gary Woolf – I'm the Emergency Management Coordinator for Lopatcong Township. No emergency broadcasts go out from this Township unless I authorize it. For the general public, our emergency communication phone system that is paid for by Merrill Creek. They're required by law to cover Lopatcong Township, Pohatcong Township, Greenwich Township, Franklin Township, Harmony, Phillipsburg and Alpha. Merrill Creek pays the bills for those communities. So any emergency communication to go out over the phone comes through me.

Peter Olschewski – How about the other emergency channels like what we've done in the past Gary like Facebook, Twitter which has been used in the past now to let the public know what the issues are. Are they also going through you?

Gary Woolf – No. In my concern, they are not emergencies.

Attorney Campbell- They are informational.

Peter Olschewski – Since we have set precedents and use these in emergency situations, you are not saying

Attorney Campbell – No.

Councilwoman Schneider – I think it needs to be streamlined. We have a former council person still doing our posting, our videos, and taking the tapes and removing them from here, you know, it needs to be an employee also; someone who is accountable, someone that has a job description to find and something that we all can be secure in knowing an employee is accountable for it not a councilperson, not a past councilperson, not a volunteer.

Councilwoman McCabe – I disagree with that we've got a lot of good volunteers in this Township and this Township is built on volunteers so, I don't like any disrespect given to our volunteers and again, this is, this is just posting this is not putting in anyone's opinions on this. They are posting was they are authorized to post. It does not need to be an employee; they do not need to be paid to do that. So, I think we are getting a little overboard on that.

Councilman Belcaro- I just want to define volunteer. A volunteer is an employee of the town.

Attorney Campbell – I think Mayor, Mr. Pryor would also like to move this to the next meeting.

Council President Pryor – Right, I was just going to reiterate that.

Mayor McKay – Yes that would be good. Motion to move out of public comment agenda items only. Motion by Councilwoman Schneider, seconded by Councilwoman McCabe. All in favor.

Old Business:

Veteran's Rally Point - Mayor McKay stated Bill mentioned as he was just here and he spoke during the public comment period stating that the veterans needed a little bit more money to get this thing to become a reality, the Rally Point. I think they have done a tremendous job so far in raising money independent of the Township and I would like to propose that the Township supplement that with a donation/contribution that we can. I would like to see a contribution of \$7500.00.

Council President Pryor – If I can, Mr. Mayor, before this turns into a motion. I think what this goes back to is the previous Council in November authorized a contribution of \$10,000 subject to certification of availability. I understand from the CFO that we can do that if the money comes out of the 2015 funds and I further understand that there is \$10,000 available in 2015 funds and correct me if I'm wrong. So, all we really have to do is perfect that approval that was already given in November so it would be \$10,000 and Katrina

Mayor McKay – Well, he indicated he could get away with a little less now if you still need the full amount

Councilwoman McCabe – Well, we offered ten back in November and I'd like to, you know, stick with what we offered. If we have it, that was the condition if we had it if it was available so do I make a motion?

Council President Pryor – I guess my question is to Katrina what are we moving? I mean we already moved it subject to; do we just need a certification that this point or

Attorney Campbell – You know it can't hurt, especially, if it's been discussed about dollar amount. It can't hurt to ratify it again just to make sure you are clear on the dollar amount and that the funds are there and that it's from 2015.

Councilwoman McCabe – So, we can verify if the 10 is available from 2015.

CFO Saponaro – The funds are available.

Councilwoman McCabe – Then I'd like to make the motion to ratify that \$10,000 contribution to the Rally Point.

Council President Pryor – Then I'll second that.

No further discussion – Roll call vote:

AYES: Councilman Belcaro, Councilwoman McCabe, Councilwoman Schneider, Council President Pryor, Mayor McKay.

NAYS: None

Minutes – Special meeting minutes of December 14, 2015, Executive and Regular Session Minutes for December 30, 2015 and Executive and Regular Minutes for January 6, 2016, February 3rd and Special Meeting of February 18, 2016. Motion by Councilwoman McCabe, seconded by Councilman Belcaro. No further discussion. Roll call vote:

AYES: Councilman Belcaro, Councilwoman McCabe, Council President Pryor

NAYS: Councilwoman Schneider, Mayor McKay

Ordinance No. 16-01 – Second reading and public hearing Authorizing the Sale of Certain Property Owned by the Township and Not Required for Public Purposes – Fire Truck. Motion to open to public hearing by Councilwoman McCabe, seconded by Councilman Belcaro. No public comment. Motion to close public hearing by Councilwoman Schneider, seconded by Councilwoman McCabe. All in favor.

Ordinance No. 2016-01

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 2, 2016 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.

AN ORDINANCE OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN, STATE OF NEW JERSEY AUTHORIZING THE SALE OF CERTAIN PROPERTY OWNED BY THE TOWNSHIP AND NOT REQUIRED FOR PUBLIC PURPOSES.

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 approve the Ordinance by Councilwoman Schneider, seconded by Councilman Belcaro. Roll call vote:

AYES: Councilman Belcaro, Councilwoman McCabe, Councilwoman Schneider, Council President Pryor, Mayor McKay.

NAYS: None

Contract Public Defender Scott Wilhelm – Approve 2016 Contract. Council President Pryor informed everyone he had a meeting with Mayor Kern last night and there was a discussion regarding participation in their court and wondered if this affects the public defender in any way.

Attorney Campbell – The Public Defender is per case amount so, if the court were to merge it would depend on what the shared service agreement. She suggested a 30-day provision be added to the contract as it has been in the past.

Council President Pryor – Amend the motion to provide a provision for cancellation upon 30 days' notice, seconded by Councilwoman McCabe. Roll call vote:

AYES: Councilman Belcaro, Councilwoman McCabe, Councilwoman Schneider, Council President Pryor, Mayor McKay.

NAYS: None

Contract Auditor Nisivoccia, LLP – Mayor McKay – I believe I appointed another firm on February 3rd, 2016 to be Township Auditor so, and that's still a matter of litigation so I think we should table that for now.

Council President Pryor – Katrina I'd like an opinion on that please.

Attorney Campbell – Our office has given the opinion that it is not the Mayor's appointment and so Council appointed Nisivoccia. This contract would back that up. Now, if the Mayor is correct, then that piece of his litigation he wins, then obviously this contract would be invalid.

Council President Pryor – So we can approve the contract and if he wins, it can invalidate the contract. So then I make the motion to approve the contract, seconded by Councilman Belcaro.

Mayor McKay – Discussion, roll call.

Roll call vote:

AYES: Councilman Belcaro, Councilwoman McCabe, Council President Pryor.

NAYS: Councilwoman Schneider, Mayor McKay

VanGuard Energy Solutions – Approve annual contract in the amount of \$2,462.05. Motion by Councilman Belcaro, seconded by Councilwoman Schneider.

Council President Pryor – To be honest with you, I don't know this one. Somebody explain this to me.

Clerk Dilts – Vanguard is the folks that installed all solar on all of our buildings and we've had a maintenance contract to maintain them, so this is this year's contract and there is a difference of \$68.00. Roll call vote:

AYES: Councilman Belcaro, Councilwoman McCabe, Councilwoman Schneider, Council President Pryor, Mayor McKay.

NAYS: None

Ordinance - Establish Finance Committee, Liaisons to Departments and Municipal Engineer.

Attorney Campbell – All three of these items were presented separately from different members of Council and I made the recommendation they all be put into ordinance so they can be advertised together so you only pay one fee for advertising them and put in the Code Book under administration since Finance Committee, Liaison Departments and Municipal Engineer. I didn't make any changes from your Finance Committee or anything from Mr. Pryor's liaison; I merely put them in as they were given. I just put them into an ordinance; into a format. As for the Municipal Engineer, I think you said the last two meetings ago, I had given you a memo that I, according to the statute, you should have an ordinance for the Municipal Engineer and it should be the Mayor with advise and consent of Council which you said at the meeting so, I was merely putting that in place into your ordinance. I just put all three of those items together as one.

Council President Pryor – The first part deals with Council liaisons; I'd like to do that in two parts. I'd like to make a resolution tonight so that takes effect immediately and then I would like to embody that in this ordinance. The second part of the ordinance is the creation, appointments and purpose of the Finance Committee. This would document it for the first time. I did not use what the Mayor suggested; these are my suggestions and I'm proposing them tonight for first reading. The third part actually came from Katrina. There was some discussion over whose appointment the engineer was, how long the appointment was. Katrina, correct me if I'm wrong, but you did some research, you had to read several statutes and this is the way to do it, correct?

Mayor McKay – I don't think these things should have been joined. I think you joined them so that you could shove something down the Council's throat. I think it was in very poor taste and that's just more of the same.

Attorney Campbell – I was merely trying to save the Council several hundred dollars.

Councilwoman Schneider – I would like to, since I just got your versions last night, its a little short time to take yours and match it up to the Mayor's.

Council President Pryor – You know, what I'd like to do is, I'm going to move the liaisons by resolution tonight and I'd be willing to put the ordinance portion off a month and give you all time to review it.

Councilwoman Schneider – Sure that would be great. There wasn't enough time for me to look through that.

Council President Pryor – I understand that.

Attorney Campbell – Joe, just to be clear, you are asking the ordinance be moved to the special meeting or the

Council President Pryor – The next full meeting; give everybody. So 3.1, 3.2 and 3.3, I would like to move by resolution tonight and that would take effect immediately and I'm making that motion.

Mayor McKay – I can't even find it

Council President Pryor – Beth would you read 3.1, 3.2 and 3.3. Clerk Dilts read aloud as requested.

I would like to move that Resolution, seconded by Councilman Belcaro. Discussion.

Mayor McKay – The discussion is that, you know, this was never done in that fashion, at least the last 15 years the mayor made those appointments and it is part of the whole balancing of authority and power that goes on in the Township and has gone here for years. Now you want to change that so you have that power and I understand that some people are obsessed with power and they want control of everything but I don't see why we necessarily should do this.

Councilwoman McCabe – The reason this came up and we've discussed this continuously is that the prior mayor had discussions with most if not all of us as far as what our interests were and what we would like to be a liaison and serve on which committee. You have come in last year and you just threw it at us. You didn't talk to us, you didn't ask us what we wanted and you just gave it to us. We went along with it. Now, this year, 2016 comes in, you do it again but now you

shuffle it up and your excuse was, “Well, you all need to get experience”. Well, I’m sorry. I’m here for three years; you’ve got me on a committee, it takes time to learn the ins and outs of the committee and the rules and to keep shuffling it up does not help anyone. So, that’s the reason for this. To straighten out the nonsense.

Mayor McKay – It’s not nonsense and I did speak to almost, I spoke to you, I asked the things you wanted to have, I spoke to Donna.

Councilwoman McCabe – Who me? You didn’t speak to me.

Mayor McKay – Mr. Pryor.

Councilwoman McCabe – Well, you didn’t speak to me. Mr. Pryor just came on.

Mayor McKay – Well, you never come around.

Councilwoman Schneider – I have to say you guys continually say that the prior mayor did this and that is factually inaccurate, that is factually inaccurate. I’m not finished, please, all right I know Maureen you love to interrupt me. Can you just let me get my statement out? I listen very well. Apparently, I let you speak. It is not accurate, it is factually inaccurate. He did not go to everyone and ask what they wanted. That is not true and this is being done, I believe, not in the intention and spirit of what it should be. So it is not true. He did it, he had full reign to do this and there are even Council people that made speeches that said I was given LAA or I was given this so, it was given to them not with discussion. I had no discussion with the prior mayor. I looked at the agenda and my name was on there with my liaison positions. So, that is not true.

Council President Pryor – Maybe if I may, Mayor. I don’t argue with you perhaps that happened that year with you. I went back as far as I could in the minutes; it appeared to be inconsistent. Many years it was done by resolution of Council. It was inconsistent I don’t doubt that the year Donna came on it was not done by resolution of Council. What I’m suggesting and I’m suggesting two things here; one is I’m defining the position, it seems to be whatever anybody wants it to be; all the way from boss of department to whatever, so I’m proposing three things here. I said a communications link, a resource and oversight; very simple. The supervisor responsible remains with the Executive Branch; we are Legislators. Second thing is, I’m actually listing the boards; maybe this isn’t a complete list but it can be amended and the third thing is, it is to be filled by vote of Council and that’s my proposal. It is a very simple one; that’s the reason I’m doing it. I say this now, I don’t want to upset everything, the only suggestion I’m making; I’m making three suggestions really is Maureen asked for Building and Grounds; she had it last year and this is in conjunction with this motion. I move that that go back to her. I asked that Donna consider taking Recycling again; I don’t think that was assigned to her and I think she did a good job with that last year. I encourage her to take that again if she wants.

Councilwoman Schneider – I do have a lot of other liaison roles. I’d like to not have that but

Council President Pryor – If you are not interested, we’ll leave it out there. Now, again, the only thing I’m requesting, you know, lesson your load is the Buildings and Grounds. Still have Public Works and the other things that were assigned to you.

Councilwoman Schneider – Okay.

Council President Pryor – The other thing is the Administrative liaison I really think that belongs to the Council President. The Mayor already has the Administration so I think oversight liaison to Council should come from the Council President.

Mayor McKay – Is you.

Council President Pryor – Is me. So, that’s my motion and you know what, if the Council wanted to nominate somebody else other than me, I’m good with that too.

Mayor McKay – A few things, Recycling is Recycling/Clean Communities usually. You have the Rent Leveling Board, the Animal Control function, the Technology Committee, the Shade

Tree Committee and Mayor's Wellness among the ones that just came to my mind as I was jotting them down. They're unaccounted for in this.

Council President Pryor – The Mayor's Wellness is under a separate ordinance.

Mayor McKay – Not by me. Somebody else

Council President Pryor – We'll get to that.

Mayor McKay – You know what- the Mayor's Wellness

Council President Pryor - Well look, we have the, we have a

Mayor McKay – It's all right. Look, I know what you're trying to do

Council President Pryor – We have a motion on the floor. Could we have a vote?

Mayor McKay – I don't know what the motion is, repeat the motion.

Council President Pryor – She read the motion. The motion is to adopt 3.1, 3.2 and 3.3.

Mayor McKay – All three of those items. Wait a minute, no. You said you only wanted to do the part that has to do with Council Liaison.

Council President Pryor – 3.1, 3.2 and 3.3 Council Liaisons, Departments, Boards.

Mayor McKay – All right, you made your motion. You have a second? Do the vote?

Roll call vote:

AYES: Councilman Belcaro, Councilwoman McCabe, Council President Pryor.

NAYS: Councilwoman Schneider, Mayor McKay

Mayor McKay – I just feel this is another mechanism by which you are weakening the position of mayor and going down the road I'm not going to be mayor and I know you will change it back.

Council President Pryor – No, this does bind future mayors and I don't think they'll have a problem with it and in the end it takes three votes and that's how it works.

Attorney Campbell – Just for the record mayor, that's why I recommended it be done by ordinance.

Mayor McKay – But for 40 years, it was done some way else.

Attorney Campbell – So, this way it's in a different resolution.

Mayor McKay - I don't care. It's fine. I just don't like the way it was done.

Council President Pryor – And again, I'll do it this way. I'd like to nominate Maureen McCabe for Buildings and Grounds. I'll leave the administration liaison open to nomination.

Councilwoman McCabe – I agree to leave it with Joe, our Council President.

Council President Pryor – And, I ask if anyone is interested in Recycling. If no one is I'll

Councilwoman McCabe – I'll take it.

Council President Pryor – Mrs. McCabe has expressed an interest so, I'd like to make those, a motion to make those assignments for now.

Councilwoman McCabe – Second

Mayor McKay – Further discussion. Roll call.

AYES: Councilman Belcaro, Councilwoman McCabe, Council President Pryor
NAYS: Councilwoman Schneider, Mayor McKay

Resolution No. 16-55 – Authorizing a portion of Chapter 3 Administration entitled “Article I Council Liaisons.

R 16-55

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING ARTICLE I ENTITLED COUNCIL LIAISONS TO PROVIDE OVERSIGHT, SERVE AS A COMMUNICATIONS LINK AND ACT AS A RESOURCE FOR VARIOUS MUNICIPAL DEPARTMENTS AND VOLUNTEER BOARDS

WHEREAS, Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey wish to create an Ordinance entitled “Administration”; and

WHEREAS, a resolution was adopted as part of Chapter 3 entitled “Article 1 - Council Liaisons”; and

WHEREAS, Council Liaisons, Position Created, Departments and Boards and Positions Filled are as follows:

3.1 Council Liaisons, Position Created

The Council creates the position of Council Liaison to provide oversight, serve as a communications link and otherwise act as a resource for various municipal departments and volunteer boards. The liaisons have no supervisory responsibility or authorities.

3.2 Departments and Boards

Council Liaisons are specifically created for the following departments and/or volunteer boards: Administrative Liaison, Recreation Committee, Board of Education, Sewer Utility, Lopatcong Athletic Association, Buildings and Grounds, Environmental Commission, Economic Development Advisory Committee, Recycling, Department of Public Works. Council Liaisons may be added or deleted from time to time upon majority vote.

3.3 Positions Filled

All Council Liaisons positions shall be filled by majority vote of Council after Council members have expressed their interest in various positions.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Lopatcong, County of Warren and State of New Jersey that Article 1 as part of Ordinance entitled Chapter 3 – Administration is adopted by 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 the Reorganization Meeting held on Wednesday, March 2, 2016.

Margaret B. Dilts, CMC

Resolution No. 16-39 – Appoint Michael Unangst to Zoning Board of Adjustment.

R 16-39

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY APPROVING APPOINTMENT OF MICHAEL UNANGST TO THE ZONING BOARD OF ADJUSTMENT

WHEREAS, the Governing Body of the Township of Lopatcong, County of Warren and State of New Jersey nominates the following person to the Zoning Board of Adjustment.

4-year term Michael Unangst

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey all boards are approved.

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 the Reorganization Meeting held on Wednesday, March 2, 2016.

Margaret B. Dilts, CMC

Motion by Council President Pryor, seconded by Councilwoman McCabe. Roll call vote:
AYES: Councilman Belcaro, Councilwoman McCabe, Councilwoman Schneider, Council President Pryor, Mayor McKay.
NAYS: None

Berry Plastics Developer's Agreement –

Attorney Campbell – As mentioned earlier, we wanted to approve that conditioned upon an Indemnification Agreement for the sewer permitting by the Township and I believe the attorney and representative from Berry Plastics is here if you have any questions.

Mark Peck – That is correct. If there is any questions. I represent STAG who is the owner of the Berry Plastic site. STAG is actually the applicant at the Zoning Board. I am here with the Site Engineer, Cory Long if you have any questions about the Developer's Agreement or the next matter which is the sewer allocation; we are here to answer them.

Council President Pryor – Mr. Peck would you hang up here a second. The proposal was to approve the agreement with one addition.

Attorney Campbell – Correct which was an Indemnification Agreement between the Township and STAG for the sewer permitting; for the Township to get the permit.

Attorney Peck – We are fine with that. We've discussed that extensively with the board and your professionals.

Council President Pryor – Then I'd like to make a motion to approve the Developer's Agreement with that condition added subject to you working out the language.

Attorney Peck – Correct, satisfactory language.

Councilwoman McCabe – I second that.

Mayor McKay – Roll call please.

AYES: Councilman Belcaro, Councilwoman McCabe, Councilwoman Schneider, Council President Pryor, Mayor McKay.

Berry Plastics Wastewater Allocation Request –

Engineer Sterbenz – We discussed this briefly at the last meeting. Mr. Madden is handling this. I can briefly summarize. The property is in the sewer service area. The flows that are being proposed with the building expansion and the connection to the sewer I believe can be accommodated by the sewer system here in Lopatcong Township so

Council President Pryor – Does anybody remember the figure?

Engineer Sterbenz – It is roughly

Cory Long – The flows were approximately 14 to 15,000 per day calculated.

Council President Pryor – I have one suggestion, I would ask that the condition include the provision that flows be equalized to the maximum practical extent.

Cory Long – As far as discharge from our site, from a pump station?

Council President Pryor – Yeah, the problem is the peak flows go down to P'burg. We discharge to another town and the constraint, the downstream constraint of course, is peak flow and not the daily flow. So, we don't want to see it discharged a whole lot in an hour if that can be avoided.

Cory Long – We believe it can be and we've had discussions albeit conceptually with Paul and Dan Madden. I believe between our site engineer of record regarding that and the function of our facility

Council President Pryor – Okay. I suggest my motion would be to grant the allocation subject to examination of equalizing flows to the maximum practical extent.

Attorney Peck – We can accommodate that.

Engineer Sterbenz – And the flow is 14,130 gallons per day. I don't think this is going to interfere with any other project. There is capacity within our allocation with Phillipsburg to accommodate those flows. I would suggest the portion of the motion having to do with signatures, I think there is going to be signatures required from others beyond the mayor. I think either Mr. Madden or myself also have to sign the application as well so that could just be factored into the motion.

Councilwoman Schneider – I'll second it.

Mayor McKay – Any further discussion. Roll call please.

AYES: Councilman Belcaro, Councilwoman McCabe, Councilwoman Schneider, Council President Pryor, Mayor McKay.

NAYS: None

Engineer Sterbenz – I just have one thing, in order for the applicant to file an application with the DEP, they are going to need a resolution for the Governing Body so we kind of came up with the framework tonight but is it possible either at the next meeting or the April meeting we could actually have a formal resolution adopted?

Council President Pryor – As I remember, the Resolution for the TWA has to be a clean resolution so that is why I say the conditions have to be attached to the allocation. There's actually two resolutions; one authorizing the mayor to sign the TWA and that has to be clean and then the allocation is subject to the conditions about equalization.

Cory Long – As far as our process goes, we have gone to Phillipsburg as far as the treatment plant and received their conditional approval if you will in terms of the flow and I think we can accommodate that by getting the information on a peak flow to you pretty directly.

Engineer Sterbenz – What I'm talking about is theirs, the DEP has a checklist and one of the checklist items is they're going to want a local resolution. In fact, you'll need one from the Town of Phillipsburg as well so, we are giving you approvals tonight but we need to come up with a formal resolution that is signed to give to you. Katrina and I will work on getting those two resolutions prepared and ready for the Council's approval.

Council President Pryor – I'm going to make the first resolution to authorize the Mayor to sign the Treatment Works Approval.

Councilwoman McCabe – Second.

AYES: Councilman Belcaro, Councilwoman McCabe, Councilwoman Schneider, Council President Pryor, Mayor McKay.

NAYS: None

Council President Pryor – My second resolution is to ask Council to approve an allocation of 14,130 gallons a day subject to the applicant making his best most practical effort to equalize his discharge.

Councilwoman McCabe – Second.

Mayor McKay – Discussion. Roll call.

AYES: Councilman Belcaro, Councilwoman McCabe, Councilwoman Schneider, Council President Pryor, Mayor McKay.

NAYS: None

Ordinance No. 16-06 – First reading to Amend Chapter 183, Section 183-08 entitled “Base and Use Charges” to provide a Ten Percent Reduction in Residential Sewer User Fees to Qualified Senior Citizens and Disabled Persons.

ORDINANCE NO. 2016-06

AN ORDINANCE AMENDING CHAPTER 183, SECTION 183-8 OF THE LOPATCONG TOWNSHIP ORDINANCES ENTITLED “BASE AND USE CHARGES” TO PROVIDE A TEN PERCENT REDUCTION IN RESIDENTIAL SEWER USER FEES TO QUALIFIED SENIOR CITIZENS AND DISABLED PERSONS

WHEREAS, pursuant to the Municipal and County Sewerage Act, N.J.S.A. 40A:26A-1 *et seq.*, (the “Act”) local units “may prescribe and, from time to time, alter rates or rentals to be charges to users of sewerage services” subject to certain conditions to recover costs for the operation of the same together with establishing “a surplus in an amount sufficient to provide for the reasonable anticipation of any contingency that may affect the operating of the sewerage facility” N.J.S.A. 40A:26A-10.; and

WHEREAS, the Act permits the Township Council to provide a reduction in sewer user fees for residential sewer account holders that are least 65 years of age and provided that their total income does not exceed certain restrictions under the Act; and

WHEREAS, the Act permits the Township Council to provide a reduction in sewer user fees for residential sewer account holders that are less than 65 years of age and disabled, provided that their total income does not exceed certain restrictions under the Act; and

WHEREAS, the Township Council desires to provide a ten percent (10%) reduction in sewer user fees for residential sewer account holders that are at least 65 years of age that would qualify under the Act and a ten percent (10%) reduction in sewer user fees to residential sewer account holders that are less than 65 years of age and disabled and qualify under the Act.

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED by the Township Council of the Township of Lopatcong, County of Warren, State of New Jersey that Chapter 183, Section 183-8 be revised and amended to include new paragraph 183-8F. which shall read as follows:

- F. Sewer Rate Discount for eligible account holders.
 - 1. *Discounted rates.* There shall be a discount available to residential sewer account holders, who are 65 or more years of age, provided they meet the qualifications pursuant to subsection 183-8 F. 2(a). There shall be a discount available to residential sewer account holders, who are less than 65 of age and are disabled, provided they meet the qualifications pursuant to subsection 183-8 F. 2(b). A residential sewer account holder who meets all of the qualifications under either subsection shall receive a ten percent (10%) deduction in the cost of his/her sewer bills. Only one of the two discounts (i.e., either the age 65 or over discount or the disabled person discount) will be applied per account holder and/or dwelling unit.
 - 2. Qualifications and eligibility for discounted service:

(a) *Age 65 or over.* In order to qualify for a discounted sewer user fee, an age-qualified user must apply to the Township Clerk for the discount and must meet all of the following requirements:

- (1) Attain the age of 65 or more by the first day of the billing quarter for which a discount is claimed when applying. Proof of age shall be required, i.e., driver's license or birth certificate, shall be deemed sufficient. No discount shall apply retroactively for a preceding quarter.
- (2) The sewer account must be in the name of the claimant, the account must be for a residential unit, and all charges must be current at the time of application.
- (3) The property must be owned by the account holder or jointly owned with his or her spouse or domestic partner. It shall be the applicant's primary residence.
- (4) The user must meet the eligibility requirements of the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program or if the applicant does not meet the eligibility requirements of the PAAD program, must have a total income not in excess of \$10,000 during the year preceding the application, exclusive of any one of the following types of benefits: (a) social security benefits (b) federal benefits received by persons excluded from social security coverage including benefits under the Federal Railroad Retirement Act and other federal pensions, disability and retirement programs or (c) pension, disability or retirement programs of any state or its political subdivisions, or agencies thereof, for persons not covered under the Federal Social Security Act. Proof of income eligibility in the form of a tax return for the preceding year must be filed with the Township Clerk at the time of application and each year thereafter by April 20. If the user fails to meet the income requirement or does not file a copy with the Township Clerk of their last year's federal income tax return, the discount will be removed, effective April 1 of each year. If the user does not meet the Internal Revenue Service requirements to file a federal income tax return, the township will accept a sworn statement as to income.
- (5) Rental units owned by the applicant are not eligible for this discounted rate.

(b) *Disabled person.* In order to qualify for a discounted sewer user fee, a disabled person must apply to the Township Clerk for the discount and meet all of the following requirements:

- (1) The applicant must be disabled as of the first day of the billing quarter for which a discount is claimed when applying. Disability must total and permanent in accordance with the provisions of the federal Social Security Act, 42 U.S.C. sec. 301 et seq., or disabled under any federal law administrated by the United States Department of Veterans Affairs if the disability is rated as 60% or higher. No discount shall apply retroactively for a preceding quarter.
- (2) The sewer account must be in the name of the claimant, the account must be for a residential unit, and all charges must be current at the time of application.

- (3) The property must be owned by the account holder or jointly owned with his or her spouse or domestic partner. It shall be the applicant's primary residence.
- (4) The user must meet the eligibility requirements of the Pharmaceutical Assistance to the Aged and Disabled (PAAD) program or if the applicant does not meet the eligibility requirements of the PAAD program, must have a total income not in excess of \$10,000 during the year preceding the application, exclusive of any one of the following types of benefits: (a) social security benefits (b) federal benefits received by persons excluded from social security coverage including benefits under the Federal Railroad Retirement Act and other federal pensions, disability and retirement programs or (c) pension, disability or retirement programs of any state or its political subdivisions, or agencies thereof, for persons not covered under the Federal Social Security Act. Proof of income eligibility in the form of a tax return for the preceding year must be filed with the Township Clerk at the time of application and each year thereafter by April 20. If the user fails to meet the income requirement or does not file a copy with the Township Clerk of their last year's federal income tax return, the discount will be removed, effective April 1 of each year. If the user does not meet the Internal Revenue Service requirements to file a federal income tax return, the township will accept a sworn statement to as to income.
- (5) Rental units owned by the applicant are not eligible for this discounted rate.

BE IT FURTHER ORDAINED that all Ordinances or parts of Ordinances that are inconsistent with the terms of this Ordinance be and the same are hereby repealed to the extent of their inconsistency.

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon proper passage and publication in accordance with law.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced on first reading at a regular meeting of the Lopatcong Township Council held on March 2, 2016 and will be considered for adoption upon second and final reading on April 6, 2016 at 7:30 P.M. at the Lopatcong Township Municipal Building, 232 S. Third Street, Phillipsburg, New Jersey, when all persons interested shall be given an opportunity to be heard concerning the same.

Margaret B. Dilts

Motion to approve by Council President Pryor, seconded by Councilwoman McCabe. Roll call vote:

Mayor McKay – When you say qualified senior citizen what does that mean?

Council President Pryor – They also have to meet certain income thresholds and there is two ways they can qualify. I think there is a \$10,000 limit but that excludes your Social Security benefits so you can actually have a generous Social Security benefit and then you make the \$10,000 on top of that. The other one is participation in a Pharmaceutical Assistance to the Aged and Disabled Program and in that case, there is more exclusions but it is a more, the threshold for that program is a more generous threshold so I think they both work out. They're adjusted but I

think they both work out to around the same every year. So you have to meet an age requirement.

Mayor McKay – What’s the age?

Council President Pryor – I think it’s 65 and the disabled are also, if they meet the income threshold, disabled are also eligible but you have to meet a certain, there are several definitions for disabled so, you have to meet one of those.

Mayor McKay – Okay. So, you didn’t just do this so, you could get this for yourself? Only kidding.

Council President Pryor – I don’t think I’m eligible but

Mayor McKay - Okay roll call.

AYES: Councilman Belcaro, Councilwoman McCabe, Councilwoman Schneider, Council President Pryor, Mayor McKay.

NAYS: None

Ordinance No. 16-03 – First reading to Amend, Revise and Supplement Chapter 227 “Vehicles and Traffic”, including Section 23 “Through Streets” Relative to South Sixth Street.

Engineer Sterbenz – This ordinance would designate South Sixth Street in the neighborhood around the municipal building as a through street similar to South First through South Fourth Streets and the significance of that designation is that any street that would intersect that particular through street would be able to have a stop sign on it and I think some of the residents that live on some of the side streets approaching Sixth Street have been requesting stop sign installation so this would allow for that once it’s adopted.

ORDINANCE NO. 16-03

ORDINANCE OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN, STATE OF NEW JERSEY TO AMEND, REVISE AND SUPPLEMENT CHAPTER 227 "VEHICLES AND TRAFFIC", INCLUDING SECTION 23 "THROUGH STREETS" RELATIVE TO SOUTH SIXTH STREET

WHEREAS, Chapter 227 "Vehicles and Traffic" of the Code of the Township of Lopatcong contains various parking and traffic regulations; and

WHEREAS, there is a need to amend provisions relative to through streets to include South Sixth Street in the Morris Park neighborhood on the list of through streets due to the recently completed connection to Edward Street; and

NOW THEREFORE, BE IT ORDAINED by the Council of the Township of Lopatcong, County of Warren and State of New Jersey that Chapter 227 "Through Streets", Section 23 be amended, revised and supplemented as follows:

SECTION 1

The portion of 227-23 relative to through streets shall be amended to add the following provision:

<u>Name of Street</u>	<u>Limits</u>
South Sixth Street	From Baltimore Street to Edward Street

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.

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 March 2, 2016 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 April 6, 2016 at 7:30 p.m. or as soon thereafter as the Township Council may hear this Ordinance at the Municipal Building, 232 South Third Street, Phillipsburg, NJ at which time all persons interested may appear for or against the passage of said Ordinance.

Margaret B. Dilts, CMC

Motion by Councilman Belcaro, seconded by Councilwoman McCabe. Roll call vote:
AYES: Councilman Belcaro, Councilwoman McCabe, Councilwoman Schneider, Council President Pryor, Mayor McKay.
NAYS: None

Resolution No. 16-41 – Mayor’s Wellness Campaign.

Mayor McKay – I make a motion to approve this worthy program.

Council President Pryor – Did you read the resolution?

Mayor McKay – What, did you change? I put in a resolution. Has that been changed too? My resolution?

Council President Pryor – Your resolution did not address anything that the insurance carrier requested.

Mayor McKay – Let’s see, the insurance carrier said that, at least that’s what I’m told, that the insurance carrier said that we had some nerve putting a registered nurse in charge of this because you know, people might think that the Township is giving advice as to diet or health issues. Second thing that I was told is that, what was the second thing, um, because it didn’t have Township email address, it couldn’t be OPRA’d. Now, I don’t think any organization in this town, any committee or board has a Township email address that could be OPRA'd so I would greatly wonder why we would use that to try and stop this and (inaudible) I have to look at my notes.

Council President Pryor – I can tell you what it was. It was that Council, by resolution approve and adopt any wellness program sponsored by the Township, that the program should be defined in terms of the types of activities that the Township will be promoting or sponsoring, that the Township and volunteers involved in the program not offer medical or dietary advice cause this would be beyond the scope of typical operations of municipal government and it may not be carried by the Township's insurance and so

Councilwoman McCabe - And just to, sorry those are the three items, but the insurance email did not say that we have some nerve appointing a nurse, that's not what it said. It said

Mayor McKay – Perhaps I dramatized it

Councilwoman McCabe – Perhaps.

Mayor McKay – to display my disgust that anyone would try to stop something like this.

Councilwoman McCabe – That's not the purpose of the email. It stated they were not comfortable having a nurse in because as it is stated here on No. 3, we would not want someone offering medical or dietary advise because this is beyond the scope of our insurance

Mayor McKay – We should go out and get some, some, you know drunk or something and put him in charge.

Council President Pryor – You know, it is very straight forward

Mayor McKay – I don't know what to say, you know.

Council President Pryor – Well, it is responding to what the insurance company said.

Mayor McKay – We, what (inaudible).

Council President Pryor – we don't provide professional service. I'm a professional engineer; I don't sign PEF in my name.

Marla Endick – Is she going to provide a professional service?

Mayor McKay – This isn't the time for comment.

Councilwoman McCabe – So, the point is to not put this Township in liability.

Mayor McKay – I agree, I don't want to put the Township in liability, I strongly suspect, I mean an RN walking with a bunch of senior citizens through the mall isn't putting the Township at any kind of risk, but you know, whatever we have to do.

Council President Pryor – How about bringing the Yoga Program into a church and taking up donations and giving them to the yoga instructor.

Councilwoman McCabe – That you appointed.

Mayor McKay – That I appointed.

Council President Pryor – Run by the chairman that you appointed. The program has to run under the direction of the Township. There's no question and I'm not making that up

Councilwoman McCabe – and we can't put the Township in (inaudible).

Council President Pryor – And I'm not making that up about the yoga. I got a call on that today. It happened to involve the Pilgrim Church.

Mayor McKay – They may have been looking for places to have their meetings.

Council President Pryor – No they were looking to run a yoga program.

Mayor McKay – (Inaudible).

Council President Pryor – And take a collection and give it to the yoga instructor. To me, that's a

Mayor McKay – That I don't know about.

Council President Pryor – just, well I got the call and it was from wellness committee that they got the proposal.

Councilwoman McCabe – So, these are the things we have to examine that put the Township at risk.

Council President Pryor – Beth, again, could you read the resolution please.

Clerk Dilts read the Resolution for the Mayor's Wellness Campaign aloud.

Mayor McKay – All right, I've heard that. Now, this has restrictions in it that no other board or commission has. The last one, “it could be ended at any time by majority vote of Council”.

Council President Pryor – I'm not doing this, we're not doing this by ordinance, it's a resolution doing exactly what the insurance company requested and the feeling is, let's try it out, let's see how it goes. It's a campaign.

Mayor McKay – It was supposed to be an ongoing campaign from what I read about it and then you say you want to conduct informational programs featuring licensed wellness practitioners and then on the other hand, you say you don't want a registered nurse to be in charge of the program.

Council President Pryor – She's a volunteer; a Township employee. If Coordinated Health wants to offer a doctor to come down and speak on asthma.

Clerk Dilts – (Inaudible) assume liability on her own for anything she gives out, that's the difference you know.

Councilwoman McCabe – It would have to be subject to Local Governments Ethics Law as well. So it,

Mayor McKay – But I think we would have to subject committee, board,

Council President Pryor – They are

Councilwoman McCabe – They are

Mayor McKay – They don't have operable websites – web addresses.

Council President Pryor – That's a question.

Mayor McKay – Well a question, it's always the new things that people bring

Council President Pryor – Well, that's what's coming in front of me. I've been here two months.

Mayor McKay – Then I think we have to also require every one of the other boards and commission to have them.

Council President Pryor – I have no problem with a board being given a municipal web address.

Mayor McKay – All right then that will be something I want. Let's do that. I'll do it in a minute. All right. The only way I can get this through, I guess, is to agree to this. This is not what I submitted and I just want to make something that is available for the vast majority of the people who live in this Township not a small select group and there seemed to be a lot of support starting out with this. I had, in its formative stage, since the summer, we had an exhibit at the park during the Community Day. We've had an exhibit here in the hallway here since the summer. Everyone knew about this. It was discussed at the Council meetings but now you want to clamp down on it and control it. I understand that you have your concerns. In order that I get anything, I guess I have to agree to that stuff.

Council President Pryor – Do you want to make the motion?

Mayor McKay – No you make it.

Council President Pryor – I'll make the motion to adopt this resolution.

Councilman Belcaro – It's a simple liability issue so

Mayor McKay – No it's not.

Councilman Belcaro – insurance guidelines and you know, unfortunately we live in a time, when you know, people can and will sue

Councilwoman Schneider – That's for sure.

Councilman Belcaro – you know for anything, so the thing is we got to protect the Township. Unfortunately, we have to protect the Township. Unfortunately, that's where we are today. Maybe ten years ago it wasn't like this. Twenty years ago, it wasn't even thought of. Second.

Councilwoman McCabe – We're all in favor of a Wellness Campaign but we have to do it right to protect the Township.

Clerk Dilts – And, the people who are involved.

Councilwoman McCabe – The people who are involved.

Mayor McKay – And, you think it's necessary for the Council to approve the volunteers to this thing?

Clerk Dilts – That are representing themselves with their own credentials that possibly somebody could take

Mayor McKay – The other volunteers not the one that's the nurse but there's other people

Clerk Dilts – Well, I'm talking about the nurse. I wouldn't want her to assume liability

Council President Pryor – I think all volunteers at this point, going forward, that have approval of Council.

Mayor McKay – Of Council because we don't do that in a lot of things but okay.

Councilwoman McCabe – They'll have to submit a volunteer form so that's just like every other group.

Mayor McKay – I understand, I understand. Vote please.

AYES: Councilman Belcaro, Councilwoman McCabe, Councilwoman Schneider, Council President Pryor, Mayor McKay.

NAYS: None

R 16-41

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY IN SUPPORT OF THE MAYOR'S WELLNESS CAMPAIGN

WHEREAS, the Mayors Wellness Campaign is a joint collaboration between the New Jersey Health Care Quality Institute and the New Jersey State League of Municipalities; and

WHEREAS, the mission of the Mayors Wellness Campaign is to equip mayors and other key leaders with the tools to develop and implement active-living initiatives in their communities; and

WHEREAS, the Mayor has proposed such a campaign for Lopatcong; and

WHEREAS, the Township's insurer has recommended that (1) the Council, by resolution, should approve and adopt any wellness program sponsored by the Township; (2) that the program should be defined in terms of the types of activities that the Township will be promoting or sponsoring; and (3) that the Township and volunteers involved in the program not offer

medical or dietary advice because this would be beyond the scope of the typical operations of municipal government and may not be covered by the Township's insurance.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Lopatcong that:

1. The Mayor and Council support the establishment of a Mayor's Wellness Campaign in Lopatcong Township.
2. We encourage the residents of Lopatcong to participate in activities designed to achieve healthier, more active lives.
3. There shall be established a Mayor's Wellness Committee comprised of the following:
 - a. The Mayor, who shall serve as Chair.
 - b. A representative of Council, appointed by majority vote of Council, who shall serve as Vice Chair.
 - c. A maximum of five members of the public appointed by the Mayor with the advice and consent of Council.
 - d. All public members shall serve a one-year term subject to annual reappointment at the Township's reorganization meeting.
 - e. Applicants for the committee must submit a volunteer form to the Township Clerk and upon appointment shall be subject to the Local Government Ethics Law.
 - f. The Committee shall comply with all Township policies concerning email, website postings, social media and the like.
 - g. The mayor may authorize Township employees to assist the committee with those aspects of the program requiring Township involvement; e.g. advertising, finance, etc.
4. Responsibilities of the Committee shall include:
 - a. Identify, publicize and coordinate with existing programs and facilities that promote wellness and health awareness.
 - b. Plan and organize community events to promote wellness such as walking tours, cycling events and the like.
 - c. Conduct informational programs featuring licensed, wellness practitioners.
 - d. Invite local health-related businesses to participate in Community Day and sponsor events.
 - e. Undertake additional health-related initiatives as approved by the governing body.
 - f. No initiative or event shall include medical advice, dietary advice or other professional health advice by Township employees (including members of the Committee).
5. Municipal support of the Mayor's Wellness Campaign may be ended at any time by majority vote of Council.

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 the Reorganization Meeting held on Wednesday, March 2, 2016.

Margaret B. Dilts, CMC

Mayor McKay – I would also like to make a resolution that all boards, commissions, associations, associated with the Township of Lopatcong be required to have an OPRAable Township email address.

Councilwoman Schneider – Second.

Councilwoman McCabe – Wait a second, do we have discussion first.

Clerk Dilts – Well, there is a cost involved in that too, I believe.

Councilwoman McCabe – Yeah what about the cost and

Councilwoman Schneider – Don't we want to be compliant with insurance?

Council President Pryor – No, it's a different issue.

Mayor McKay – Second? I seconded it.

Councilwoman Schneider – Then its discussion. You mean for this, yes, I'm sorry yeah.

Council President Pryor – The problem (inaudible)

Mayor McKay – (Inaudible) you don't want to do that I understand. Let's just vote on it.

Council President Pryor – Now it would be a matter of discussion time right?

Councilman Belcaro – Its discussion time.

Council President Pryor – Township matters are OPRAable. Township matters are OPRAable. If you are using your personal email then that becomes a problem because your personal email gets co-mingled with your official

Mayor McKay – May I, may I, may I answer that. It's an email that this group made up and they share it so that none of them would (inaudible).

Council President Pryor – Well, there may be another way to do it but you have to restrict your emails to, you know, a volunteer organization. Maybe there's another way to do it that's cheaper than Township emails. So, I don't quarrel with that in principal. I think you are all volunteers are Township employees and they are subject to ethics rules and we want to make sure that their emails; people can't get into their personal emails so they have to do those communications in a certain way. Whether it is a Township address or we create an address for a group that might work as well, so I'd like to at least defer to the mechanics of it for a meeting but I'm okay with the concept.

Mayor McKay – So then, I'll revise the motion that we agree in concept that all boards, commissions, associations through which the Township of Lopatcong operates will be required to have in some form OPRAable emails in the near future.

Councilwoman McCabe – I would like to examine the cost of that first and go over the mechanics before we vote on anything.

Mayor McKay – The cost is irrelevant because we have to do this to comply with the insurance person.

Councilwoman McCabe – I'm not sure that's what they said because you misstated what they said about the nurse so I'd really like to read what they said about the emails

Mayor McKay – They said it has to be OPRAable period, so

Councilwoman McCabe – before we go over this. It is not on our agenda, I don't think we need to vote on that tonight.

Council President Pryor – I suggest we do a little research. I'm with you on concept and we'll nail it next meeting.

Councilwoman McCabe – I agree, let's put it to next week's meeting till we can research the issue more thoroughly.

Mayor McKay – Well, I just do this to illustrate how things work.

Councilwoman McCabe – So, do we.

Mayor McKay – So, I can't

Councilwoman McCabe – Because I think you misread the email.

Mayor McKay – I didn't misread it.

Councilman Belcaro – Which meeting do you want to do on the 21st.

Mayor McKay – Yeah, the 21st. I'm waiting for a vote. Vote please.

AYES: None

NAYS: Councilman Belcaro, Councilwoman McCabe, Councilwoman Schneider, Council President Pryor, Mayor McKay

Council President Pryor – Do you want to nominate the woman who just spoke as your first member?

Mayor McKay – Yes I do. Leslie is, I don't have everyone's names here with me, because I didn't think I would do that but I would like to Leslie Franzia as the first volunteer. All right let me think if I can remember who else is on this some other people.

Council President Pryor – Well, I'd like to get it started.

Mayor McKay – All right. Leslie Fronziak, Carol Carroll,

Council President Pryor – Well, I don't know the other ones; Leslie's been working at it so I'd like to start – I'm willing to make a motion to approve her.

Councilwoman McCabe – Second.

Mayor McKay – Discussion. Roll call.

Councilwoman McCabe – I'd like to see volunteer forms.

AYES: Councilman Belcaro, Councilwoman McCabe, Councilwoman Schneider, Council President Pryor, Mayor McKay.

NAYS: None

Council President Pryor – Is anyone interested in serving as Vice-Chair?

Councilwoman Schneider – For us?

Council President Pryor – For the Council.

Councilwoman Schneider - I'll do it.

Council President Pryor – Nobody else. All right, I make a motion that Donna Schneider serve as Vice-Chair.

Councilwoman McCabe – Second

Mayor McKay – Roll call.

AYES: Councilman Belcaro, Councilwoman McCabe, Councilwoman Schneider, Council President Pryor, Mayor McKay.

NAYS: None

PHS Roadway Intersection Project – Authorize condemnation proceedings.

Mayor McKay – I thought we did that already.

Attorney Campbell – This was discussed in Executive Session two meetings ago, however, you failed to take action to authorize me to do so, so I couldn't do it. So my letters have been on hold.

Mayor McKay – All right. I motion to do that.

Councilwoman McCabe – Second

Mayor McKay – We have a discussion. Any discussion. Okay roll call please.

AYES: Councilman Belcaro, Councilwoman McCabe, Councilwoman Schneider, Council President Pryor, Mayor McKay.

NAYS: None

Resolution No. 16-51 – Authorize Special Litigation Counsel Inglesino, Webster, Wyciskala & Taylor to retain sewer rate and valuation expert with regard to the pending litigation.

Mayor McKay – Explained this is litigation with Phillipsburg and we need to do that again this year. Right? Okay, so, I motion that we do that.

Councilwoman Schneider – Second

Mayor McKay – Any discussion.

Council President Pryor – I don't know if I agree with this. I'd like to hold it at least to the next meeting. As I understand it we are in this for a substantial amount. It is a relatively; when it started out it was relatively simple lawsuit and it involved language in the contract. Katrina, it is a point of law; I don't know what the expert does for us.

Attorney Campbell – I have conflict on this matter so I don't know too much about this

Council President Pryor – You can't comment at all. Okay.

Attorney Campbell – but I can tell you is if you discuss this at another meeting, I would recommend you put it in the Executive Session because it is litigation. I can tell you that from a general standpoint.

Council President Pryor – All right, so, I limited it to, I would recommend we hold this and I would have to have a discussion with Mr. Inglesino.

Clerk Dilts – I should invite them to the April meeting.

Councilwoman Schneider – Executive Session.

Mayor McKay – Okay. We're in the middle of a vote weren't we?

Council President Pryor – Yes you are.

Mayor McKay – So, and we were voting to approve this gentleman and now you wish to change that vote and so

Councilwoman Schneider – And it already passed.

Council President Pryor – It was motion and a second.

Attorney Campbell – Someone can make a motion to table it or you can vote on it.

Council President Pryor – That's a subsidiary motion – I can do that, can I Katrina? I'll make a subsidiary motion to table that till April meeting.

Mayor McKay – Second. Second on that subsidiary motion?

Councilman Belcaro – Second.

Mayor McKay – All right. Roll call

AYES: Councilman Belcaro, Councilwoman McCabe, Councilwoman Schneider, Council President Pryor, Mayor McKay.

NAYS: None

New Business:

Video Position – 1:19:49

Resolution No. 16-42 – Approve Privacy Policy with regard to the Township's Video Security System.

Mayor McKay – Yeah, this is another one that I find remarkable. For some reasons we have this elaborate security system and a year ago the security guy allowed me to go onto the, he put my computer, my computer that belongs to the Township, he opened it up so I could see the parking lot on the video feeds. Now, I think, you want to make in some fashion a way that I don't have that any more. I don't even look at it, so I don't care but, I guess, long range plan was to put it on the monitor, the big television screen in the hallway, at least some of the feeds that pertain to the parking lot so that when employees left, when it was dark or something, they could look up there and see what's going on. That is what I wanted to do. It is remarkable.

Council President Pryor – I'll make the motion

Mayor McKay – Motion to what?

Council President Pryor – Council Resolution 16-42 – Video security system.

Mayor McKay – You can make, I'll take a second and then we'll have further discussion.
Second.

Councilwoman McCabe – Second

Mayor McKay – Okay, I guess my big question is do we really need the system? You know what does it do and it cost a fortune to keep and if the only person can look at it is the, I, is Mrs. Dilts still going to look at it?

Council President Pryor – No Mayor.

Councilwoman McCabe – The Police Department.

Mayor McKay – You had access to it at home and all this stuff. I only

Clerk Dilts – I do not and I really object to you making a comment like that. Take it back

Mayor McKay – I take it back

Councilwoman McCabe – You have access to it at home.

Mayor McKay - No, I don't.

Councilwoman McCabe – Yes you do.

Mayor McKay – I do not have access to it at home. I've never look at, I haven't looked at it since

Councilwoman McCabe – I didn't ask if you looked at it. I said you have access at home.

Mayor McKay – I cannot never figure out how to do it but I don't and I never looked at it at my home or any place else on my phone. It's not that interesting.

Councilwoman McCabe – I'm not asking whether you looked, I'm sorry, it is our discussion you can wait until the end of the meeting. I'm not asking whether you looked at it or not, I'm telling you, I'm asking you, telling you that you do have access to it from home – that's a fact.

Mayor McKay – Well, I don't know how to do it. I'd have to find out.

Councilwoman McCabe – That's not our problem but here's the issue; security tapes should be handled by the Police Department not by

Mayor McKay – I agree, I can go with it. I'd like to see it up on here. I'd liked to do

Councilwoman McCabe – I don't agree with having it up on there either.

Mayor McKay – Oh, you don't

Councilwoman McCabe – This is a security camera so the reason for the security is to maintain the security of the building.

Mayor McKay – Has it every been used for any purpose?

Councilwoman McCabe – Not to, how would I know?

Mayor McKay – That what, we're spending a fortune on it.

Councilwoman McCabe – We get complaints if there's a problem. It's for liability, possibly, and we have the police right downstairs if there's an issue, we can get the police immediately.

Council President Pryor - I have no (inaudible) discussion, I made a motion was there a second?

Councilwoman McCabe – I think I seconded it.

Mayor McKay – She seconded it.

Attorney Campbell – We're in discussion.

Mayor McKay – So, we're in discussion.

Council President Pryor – This is also in accordance with recommendations by our insurance carrier that recommends the adoption of a policy that permits video surveillance only in cases with specific, legitimate purpose and with proper authorization.

Mayor McKay – Okay, so we have no specific purpose, they're just on all the time.

Council President Pryor – If you had an episode here

Mayor McKay – If

Council President Pryor – the police, they have approximately 30 days of tape they could review. If there was an incident here, you could file a police report and have 30 days of tape they could review. It is monitored down there by a police officer. Its sits right between the desks of two people.

Mayor McKay – I know where it is. Yes, on the wall down there. You know, to me it's just much to do about nothing but if you want to make an ordinance about this

Councilwoman Schneider – It's a resolution.

Councilwoman McCabe – It's a resolution and it's regarding the security of this building, it's protecting the liability issues of the Township and since you don't use your access anyway, hopefully included in this is that all access that was previous out there is being revoked and only the police will have access.

Councilman Belcaro – It's just so it protects

Mayor McKay – Protects what.

Councilman Belcaro – Any

Clerk Dilts – It's for safety. It protects even the police coming and going – prisoners.

Councilman Belcaro – Right now the way it is, anyone can get the I.P. Address and view it from home.

Mayor McKay – It doesn't protect the prisoners.

Clerk Dilts – You just said you wanted a feed on the outside monitor for safety purposes for the people

Everyone talking over each other.

Mayor McKay – (Inaudible) I see you point with it but, you know, it is up to the Council. If the Council wants to continue to spend thousands of dollars to maintain this system, which only the police can look at

Council President Pryor – Well, again, Mayor that's a separate issue, we have a motion on the floor right now.

Mayor McKay – Well while we're on this motion, there are security cameras elsewhere in the Township that probably we don't need either. There's one in the DPW.

Clerk Dilts – No there's more than one in the DPW.

Mayor McKay – There is one in the DPW's break room that I can't imagine why that's there and I think, invasion of privacy; that one's ridiculous.

Attorney Campbell – Mayor, in Executive Session at another time, I can tell you exactly why that's there. It was a long tortured history of why the DPW have certain cameras where they have certain cameras.

Councilwoman McCabe – Well let's stick to this resolution that we have on the table. We have a first and a second. We had discussion.

Attorney Campbell – (Inaudible).

Councilwoman Schneider – That means we should have it for everybody.

Council President Pryor – Mayor can we have a vote please.

Mayor McKay – I guess I see this as only partial solution to a particular issue.

Council President Pryor – And you know what, I agree. Put a program together, it will be discussed. It will be discussed whether we need it at all. I happen to think we do but that's not part of this resolution.

Mayor McKay – In some part maybe but not (inaudible).

Councilman Belcaro – It's just like anything else, it's only good when you need it.

R 16-42

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN, AND
STATE OF NEW JERSEY REGARDING OPERATION OF THE TOWNSHIP VIDEO
SECURITY SYSTEM

WHEREAS, the Township operates a video security system within and around the municipal building; and

WHEREAS, such a system requires limits and controls to prevent misuse including criminal and institutional abuse, harassment, the gathering of information for political and personal purposes, discriminatory targeting, voyeurism and access by unauthorized individuals; and

WHEREAS, the Township's insurance carrier has recommended the adoption of a policy that permits video surveillance only in cases of specific legitimate purpose and with proper authorization; and

WHEREAS, there are currently no policies or rules in place to limit invasions of privacy and protect against abuse of the Township's security system.

NOW, THEREFORE, BE IT RESOLVED, that the government body of the Township of Lopatcong adopts the following privacy policies in regards to the Township's video security system:

1. The primary purpose of the system shall be to offer video footage for use in solving crimes or investigating security incidents inside and around the municipal building.
2. The live feed from the system shall be restricted to the police department.
3. A system for storing and displaying approximately 30 days of archival footage shall be maintained within the police department
4. Police officers are authorized to monitor the live feed and access archival footage for the purposes of crime prevention, response, investigation and prosecution.
5. An elected official, Township officer or employee who wishes to view archival footage shall make a request to Council in Executive Session explaining the purpose of the request and the time frame and scope of the video to be viewed.
6. If approved, the viewing shall be conducted on a police computer under the supervision of the Chief of Police, who shall maintain a log detailing the date and name of all individuals (excluding police officers) who view/access a stored recording.
7. The live feed and archival footage will not be available to the press or general public unless so ordered by a court of competent jurisdiction.
8. The improper use of the Township's video surveillance system may result in discipline up to and including termination.

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 the Reorganization Meeting held on Wednesday, March 2, 2016.

Margaret B. Dilts, CMC

Mayor McKay – Roll call.

AYES: Councilman Belcaro, Councilwoman McCabe, Councilwoman Schneider, Council President Pryor, Mayor McKay.

NAYS: None

DPW/Municipal Building Replacement Cameras – Approve purchase of two replacement cameras for DPW and AC power

Councilwoman Schneider – Beth do you know

Clerk Dilts – I just know that there are two cameras that need to be replaced down there – they are the exterior front and rear lots.

Councilwoman Schneider – Are they broken?

Clerk Dilts – Yes.

Councilwoman Schneider – And non-repairable?

Councilman Belcaro – Are they still taking pictures right now or they just not operable?

Clerk Dilts – No.

Councilwoman Schneider – Can I ask Brian to come up since he's the expert there, if you guys don't mind?

Brian Weeks – About two years ago we priced out everything down there that sits outside the garage. It is approximately \$750,000 worth of equipment that sits out there at night, okay? You are not gated – you have a gate that's there but they can walk around, they can drive anything away okay. The cameras are there for your protection – they're stealing stuff all over the place at DPW's within the last two years. We know that, so if you want to take them out of certain places, whatever, I'm okay with that; but to take it off your yards.

Councilwoman Schneider – I didn't know where they were, that's why I'm asking.

Brian Weeks – They are on our yards and they are one in our office.

Councilwoman Schneider – Okay. Thank you.

Mayor McKay – A motion to approve purchase of these cameras.

Motion by Councilman Belcaro, seconded by Councilwoman McCabe. Roll call vote:
AYES: Councilman Belcaro, Councilwoman McCabe, Councilwoman Schneider, Council President Pryor, Mayor McKay.
NAYS: None

Eagle Scout Project -Approve Eagle Scout Project proposed by Jared Sander member of Penn Jersey Aquatics. Clerk Dilts explained this Eagle Scout provided a proposal of what he would like to do over at the pool. The Penn Jersey Aquatics have stored lines at the pool that they use during the swim season and store over the winter. He proposed to pour a concrete pad and build a shelter over the top for protection during weather. He wants to install a walkway to move the lane lines from the shelter to the pool. Clerk Dilts asked permission for Brian Weeks and herself to work with the young man to decide best where the installation will be placed. Mr. Sanders will raise the money for this project.

Mayor McKay asked for a motion. Motion by Councilwoman McCabe, seconded by Councilwoman Schneider. Discussion.

Councilwoman Schneider – Asked that we note that Brian and Beth will be working with Jared.

Roll call vote:
AYES: Councilman Belcaro, Councilwoman McCabe, Councilwoman Schneider, Council President Pryor, Mayor McKay.
NAYS: None

Resolution No. 16-43 – Authorize 2016 Temporary Capital Budget for Capital Improvement Projects include Debt Authorized.

Clerk Dilts – Explained this resolution was passed at the last meeting but you asked to have the last column eliminated which was the debt authorized and would entertain this again at this meeting.

CFO Saponaro – We can't pay certain bills or authorize debt if we don't authorize like we said last meeting.

Mayor McKay - Katrina and Paul were to meet to work out language.

Engineer Sterbenz – Yes we did, yesterday.

Mayor McKay – Were the letters sent?

Engineer Sterbenz – Katrina and I examined the agreement to determine what the letter would have to say and at this point Katrina has to develop the letter.

Attorney Campbell – We wanted to let Council know about it before we sent it out.

Mayor McKay – Is that later in the agenda here that that will be discussed?

Attorney Campbell – That can be discussed where ever you want to discuss it.

Mayor McKay – You know what my concern is, that we get stuck for the whole \$850,000.00 and that would be yucky.

Council President Pryor – Now, wait a minute we're on the wrong – we are talking about the \$50,000.

Councilwoman Schneider – We're talking about \$50,000 – you're looking at – he's not looking at the ordinance he's looking at the temporary. Yeah, that's what he's looking at.

Mayor McKay – Temporary Capital Budget to include debt authorized – 4 – New Business 4.

Clerk Dilts – It was 16-32 and now it is 16-43 because you have to do it again to include debt authorized column.

Mayor McKay – What changed?

CFO Saponaro – Mayor, last meeting you and Councilwoman Schneider asked to have the debt authorized taken off because you said you weren't authorizing debt. Now we need to authorize it because you have an introduction and you're going to have second reading of the bond ordinance. If you don't do it, I can't do any anything, therefore, the project fails.

Mayor McKay – So emphatic.

Council President Pryor – I'm sorry, the item on the agenda is \$50,000 but it is debt sewer that's eroding, right.

Engineer Sterbenz – Correct.

Mayor McKay – No, I don't think you are on the right one.

Clerk Dilts – That's No. 5 we are on No. 4.

Mayor McKay – The schedule to re-introduce into the schedule debt authorized column which was the right hand column. We had asked that that come off because we did not want to authorize debt the last meeting and this is all part of a larger thing about how we safeguard the Township against being put in a bad position when it comes to the collection of monies that it intended to repay this debt from other municipalities so.

CFO Saponaro – It has nothing to do with that – this is putting in place mechanisms so that if we do pass this, I can pay for the project. If you don't, you have to reintroduce as it stops the whole ordinance. It's for your three projects.

Mayor McKay – All right, I'll take a motion if someone wants to give me a motion on that.

R 16-43

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY PROVIDING FOR A TEMPORARY CAPITAL BUDGET

WHEREAS, the Township Council of the Township of Lopatcong desires to establish a 2016 Temporary Capital Budget.

NOW, THEREFORE, BE IT RESOLVED that the 2016 Temporary Capital Budget is hereby established as follows:

Temporary 2016 Capital Budget
Township of Lopatcong

Project Title	Estimated Total Cost	Capital Improvement Fund	Other Funding Sources	Town of Phillipsburg Down Payment
Sanitary Sewer Line Realignment	\$50,000.00	\$50,000.00		
Intersection Improvements at Belvidere Road and Roseberry Street	\$850,000.00	\$21,500.00		\$100,000.00
South Second Street	\$300,000	\$5,200	\$91,580	
TOTAL	\$1,200,000	\$76,700	\$91,580	100,000
Debt Authorized:				
Intersection Improvements Belvidere Rd and Roseberry St.	\$728,500			
South Second St	\$203,220			
TOTAL	\$931,720			

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 the Reorganization Meeting held on Wednesday, March 2, 2016.

Margaret B. Dilts, CMC

Motion by Councilman Belcaro, seconded by Councilwoman McCabe. Roll call:
 AYES: Councilman Belcaro, Councilwoman McCabe, Councilwoman Schneider, Council President Pryor, Mayor McKay.
 NAYS: None

Ordinance No. 16-04 – First reading to provide funding for the Sanitary Sewer Collection Line Realignment Adjacent to North Prospect Street for the Township of Lopatcong and Appropriating \$50,000 for such purpose. This will be appropriated out of the sewer capital fund.

**ORDINANCE NO. 16-04
TOWNSHIP OF LOPATCONG**

AN ORDINANCE PROVIDING FUNDING FOR SANITARY SEWER COLLECTION LINE REALIGNMENT ADJACENT TO NORTH PROSPECT STREET FOR THE TOWNSHIP OF LOPATCONG AND APPROPRIATING \$50,000 FOR SUCH PURPOSE.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LOPATCONG, IN THE COUNTY OF WARREN AND STATE OF NEW JERSEY, AS FOLLOWS:

Section 1. The Township of Lopatcong, in the County of Warren, New Jersey, authorizes to realign a sanitary sewer collection line within Block 10, Lots 10 and 11 adjacent to North Prospect Street for the Township of Lopatcong to be funded from the source specified in Section 3 of the Ordinance.

Section 2. The amount of \$50,000 is hereby appropriated for the purposes stated in Section 1 of the Ordinance and which amount was funded from the Sewer Utility Capital - Capital Improvement Fund in the amount of \$50,000.

Section 3. In connection with the purpose and the amount authorized in Sections 2 and 3 hereof, the Township determines the purpose described in Section 2 hereof is not a Current Expense and is an improvement which the Township of Lopatcong may lawfully make as a general improvement.

Section 4. All ordinances or parts of ordinances which are inconsistent with the terms of this Ordinance be and the same are hereby repealed to the extent of their inconsistency.

Section 5. This Ordinance shall take effect immediately upon due passage and publication according to law.

NOTICE OF PENDING ORDINANCE

The ordinance, the title of which is published herewith, was introduced and passed upon first reading at a meeting of the Township Council of the Township of Lopatcong, in the County of Warren, New Jersey, held on March 2, 2016. It will be further considered for final passage after public hearing thereon, at a meeting of said Borough Council to be held in the Municipal Building, 232 South 3rd Street in said Township on April 6, 2016 at 7 o'clock P.M., and during the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's Office in the Municipal Building said Township to the members of the general public who shall request the same. The purpose of said ordinance is to make an appropriation in the amount of \$50,000 to realign a sanitary sewer collection line within Block 10, Lots 10 and 11 adjacent to North Prospect Street, including all work and materials necessary therefor and incidental thereto..

/s/ M. Beth Dilts
Township Clerk

Motion by Council President Pryor, seconded by Councilman Belcaro. Discussion.

Council President Pryor – Paul, can we get any of this out of the loan from the USDA money.

Engineer Sterbenz – Not sure.

Clerk Dilts – We had discussions with the representatives of the USDA and they said we could roll this in to keep an accounting of everything and it will be an approved project. We have plenty of money.

Council President Pryor – So, I mean it is to our advantage to roll through this grant money. This is a potential project.

Roll call vote:

AYES: Councilman Belcaro, Councilwoman McCabe, Councilwoman Schneider, Council President Pryor, Mayor McKay.

NAYS: None

Ordinance No. 16-05 – Bond Ordinance Providing Appropriation of \$300,000 for the South Second Street Improvement Project In and By the Township of Lopatcong, County of Warren and State of New Jersey and Authorizing the Issuance of \$203,220 Bonds or Notes for Financing Part of the Appropriation. Mayor McKay confirmed the rest of the project is being financed by a grant and hoped this project would be paid out of general funds.

ORDINANCE 16-05

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$300,000 FOR THE SOUTH SECOND STREET IMPROVEMENT PROJECT IN AND BY THE TOWNSHIP OF LOPATCONG, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$203,220 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION.

BE IT ORDAINED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LOPATCONG, IN THE COUNTY OF WARREN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1:

The improvement described in Section 3 of this Bond Ordinance (the “Improvement”) is hereby authorized to be undertaken by the Township of Lopatcong, in the County of Warren, New Jersey (the “Township”) as a general improvement. For the said Improvement there is hereby appropriated the amount of \$300,000, consisting of a grant from the New Jersey Department of Transportation in the amount of \$100,000, such sum being in addition to the sum of (a) \$91,579.88 from the cancellation of Ordinance #14-06 in the amount of \$207.00, Ordinance #14-07 in the amount of \$20,242.52, Ordinance #14-08 in the amount of \$93.80, Ordinance #14-11 in the amount of \$5,409.56 and Ordinance #14-12 in the amount of \$65,627.00 and (b) \$5,200.12 as the down payment (the “Down Payment”) required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the “Local Bond Law”). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments or capital improvement purposes. No down payment is required by the Local Bond Law in connection with the portion of the Improvement described in Section 3(a)(1) in the amount of \$100,000 as the purpose authorized herein involves a portion of the Improvement funded by a State grant in the amount of \$100,000 from the Department of Transportation as permitted under N.J.S.A. 40A:2-11c.

SECTION 2:

In order to finance the additional cost of the Improvement not covered by application of the Down Payment, negotiable bonds of the Township are hereby authorized to be issued in the

principal amount of \$203,220 pursuant to the provisions of the Local Bond Law (the “Bonds”). In anticipation of the issuance of the Bonds and to temporarily finance said Improvement or purposes, negotiable bond anticipation notes of the Township are hereby authorized to be issued in the principal amount not exceeding \$203,220 pursuant to the provisions of the Local Bond Law (the “Bond Anticipation Notes” or “Notes”).

SECTION 3:

(a) The Improvements hereby authorized and the purposes for the financing of which said obligations are to be issued is for the improvement of South Second Street between Edward Street and the jug handle near Route 22 in the Township, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvement is \$203,220.

(c) The estimated cost of the Improvement is \$300,000 which amount represents the initial appropriation made by the Township.

SECTION 4:

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the municipal finance officer of the Township (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Township Council of the Township at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 5:

The capital budget of the Township is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Township Clerk and is available for public inspection.

SECTION 6:

The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvement described in Section 3 of this Bond Ordinance is not a current expense, and is a capital improvement or property that the Township may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the Improvement, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for such purpose, according to the reasonable life thereof computed from the date of the Bonds authorized by this Bond Ordinance, is 20 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Township, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this Bond Ordinance by \$203,220 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$70,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

Any funds or grant monies received for the purpose described in Section 3 of this Ordinance shall be used for financing said Improvement by application thereof either to direct payment of the cost of said Improvement or to the payment or reduction of the authorization of the obligations of the Township authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvement shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this Bond Ordinance.

SECTION 8:

The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this Bond Ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Township reasonably expects to pay expenditures with respect to the Improvement prior to the date that Township incurs debt obligations under this Bond Ordinance. The Township reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Township under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the cost of the Improvement is \$203,220.

SECTION 10:

This Bond Ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

NOTICE OF PENDING BOND ORDINANCE

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Township of Lopatcong, in the County of Warren, State of New Jersey, on March 2, 2016. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Municipal Building, 232 South 3rd Street, in the Township of Lopatcong, on April 6, 2016 at 7 o'clock PM. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: Bond Ordinance Providing An Appropriation Of \$300,000 For The South Second Street Improvement Project In And By The Township Of Lopatcong, In The County Of Warren, New Jersey And Authorizing The Issuance Of \$203,220 Bonds Or Notes Of The Township For Financing Part Of The Appropriation.

Purpose(s): For the improvement of South Second Street between Edward Street and the jug handle near Route 22 in the Township.

Appropriation: \$300,000

Bonds/Notes Authorized: \$203,220

Grants (if any) Appropriated: \$100,000 grant from the New Jersey Department of Transportation.

Section 20 Costs: \$70,000

Useful Life: 20 Years

M. Beth Dilts, Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17.

Motion by Council President Pryor, seconded by Councilman Belcaro to approve. Roll call vote:

AYES: Councilman Belcaro, Councilwoman McCabe, Council President Pryor

NAYS: Councilwoman Schneider, Mayor McKay

Ordinance No. 16-07 – First reading to establish a Lopatcong Communications Advisory Committee.

Mayor McKay asked if this had been changed from what he submitted.

Attorney Campbell – Anything I made a change to, I emailed you about it and told you why.

Councilwoman McCabe – I don't think we need to have a communications advisory committee at this time. I think it is just muddling the waters. I also see that you are appointing, you are setting it up so that it is appointed by you only.

Mayor McKay – Well, I mean a lot of committees were that way; you keep changing them.

Councilwoman McCabe – No, a lot of committees were not that way.

Councilwoman Schneider – Yes, they were.

Mayor McKay – Yes, they were.

Councilwoman McCabe – This town's run by Mayor and Council. They were not.

Councilwoman Schneider – Yes, they were, that's why we've had all these changes.

Councilwoman McCabe – Well, I disagree with this one. So, you want my opinion on it?

Councilwoman Schneider – Then don't say something that's not true.

Mayor McKay – Please let us be if anything, honest with each other, please, and in this situation again, I've given forth my points. I think the communications is extremely important and I think

it is going to be more important going down the road. I would like to have better control over it. I would like, in this case, it would be this committee that would have the control. Now, I sense from what you said earlier that some people feel this committee would be too powerful and you know, but what we have now is just a dictatorship – I don't have any say in what goes into any of this stuff so, to go from a dictatorship to a committee, I thought was a big first step.

Councilwoman McCabe – Yeah, it's not a dictatorship.

Mayor McKay – I'm not going to fight with you Maureen.

Councilwoman McCabe – That's fine but we're discussing it, we're not fighting but we are discussing and you're saying

Mayor McKay – I've had things put on the website where people gave themselves titles, assumed responsibilities they were never granted and all these things were happening and I just; I didn't bring it up here.

Councilwoman McCabe – You're going to have to give us a specific example of that, I don't know what you're talking about.

Mayor McKay – Well, we know.

Councilwoman McCabe – But your ordinance here says three to five residents to be appointed by the Mayor. I don't want residents controlling the communications coming out of this Township.

Councilwoman Schneider – But they're employees right?

Mayor McKay – What?

Councilwoman Schneider – They say it for everything else.

Mayor McKay – That's what the committee would be folks you know, I mean residents like any other committees; it's like any other committee we have volunteers. The people, the webmaster would control and does the work would be someone who works for the town and this way if they do it wrong, you can get after them. If they're a volunteer, you can't do anything so.

Attorney Campbell – Mayor, I haven't looked at this because it is more of a policy decision but I don't know if you ran this by your insurance carrier but I think that and I agree from a legal prospective, I don't know that it is a good idea for information from the Township to come from not the Township – to come from volunteers but

Mayor McKay – It's coming from a (inaudible).

Attorney Campbell – I think you are going to get the same opinion from the insurance carrier.

Mayor McKay – an employee. I think the insurance carrier will state it should be an employee – matter of fact, I talked to her about it, so, if an employee is much better because you can keep control over an employee – the worst thing is public (inaudible).

Councilwoman McCabe – Anything that is posted on the website is run through the Clerk to see, first of all, if it is allowed to be up on the website you know, if we have a resident running this, they may not understand.

Mayor McKay – Residents is running the committee which would apply guidance – it is not operational.

Councilwoman McCabe – But we have guidance. We have guidance from our Clerk who has the knowledge and the experience.

Clerk Dilts – And our insurance company and you know, Katrina (inaudible).

Councilwoman Schneider – So, the insurance company is okay with Council Corner being up on our website. Anybody run that by our insurance carrier that we're naming residents in it and putting things that are not necessarily factual on there – their opinion.

Councilwoman McCabe – I think it was all factual

Councilwoman Schneider – It is not factual- it was all

Councilwoman McCabe – it is three years old at this point, so

Councilwoman Schneider – Exactly, I've been asking for two and three years to have it removed. That is the

Council talking over each other

Mayor McKay – Take it down (inaudible).

Councilwoman Schneider – epitome of what you are talking about right now. We have things up there right now that are subjective and they shouldn't be on there and if you guys are not willing to change the subjective when I've asked you to, then we need someone else to take charge and do it.

Council President Pryor – Now, I agree we want it to be fair. I just ask we put it off for a meeting when we are prepared to talk about it.

Mayor McKay – We keep putting everything off, nothing gets

Councilwoman Schneider – Okay, well then, let's, let's, let's table it till next meeting but we do need to look at the website.

Council President Pryor – (Inaudible).

Mayor McKay – And, I said I would be very much, you know, I'll compromise on it, I'll change things, you know.

Council President Pryor – (Inaudible) We can talk about that; I want it to be fair.

Councilwoman Schneider – I think both of them coincide. I'd like to maybe talk about them both at the same time and present it at once with some guidelines in this.

Mayor McKay – That's what I want. I want guidelines. I like policies, procedures, guidelines. I don't like everything done one off cause that just creates all kinds of decent and problems. You have to have policies and procedures; everybody is treated equally – that's how you do it with the best results in my view. Okay. I guess we're going to have to table this.

Ordinance No. 16-08 – First reading of Refunding Bond Ordinance for the Refunding of the Certain General Obligation Bonds.

Mayor McKay – First reading, so we just have to approve it right? Correct Katrina?

Attorney Campbell – Yes.

CFO Saponaro – Mayor, may I tell you we have our Bond Counsel here John Draikiwicz in case you have any

Mayor McKay – I am aware of that.

CFO Saponaro – Okay. In case you have any questions. I just would like to let you know.

Mayor McKay – Okay, I have spoken to John about this in the past. My only remaining question, I guess, and I had one other question on it. In order to do this because the bonds are,

they were originally 21 year bonds or 20 bonds that matured in a serial every year; one matures. Right now I think we have 12 years left. Is that correct Bond Counsel?

Attorney Draikiwicz – You have bonds maturing (inaudible).

Mayor McKay – Yes, so, the way we have to do this, is the last ten years of those bonds cannot be refinanced until such time as ten years expires and ten years hasn't expired so what you would do if you were going to refinance them now is you have to go out and you'd have to get new bonds and you would get the money and you would put it into an escrow account correct? And the escrow account would be interest bearing but probably not pay too much.

Attorney Draikiwicz – That is correct.

Mayor McKay – All right and we still have to make the payments on the bonds, you know, from the monies right?

Attorney Draikiwicz – You have to make payments (inaudible).

Mayor McKay – Okay and also, on the last two years of bonds which would still be outstanding, those have to be paid.

Attorney Draikiwicz – Yeah

Mayor McKay – Separate and apart from what you show here.

Attorney Draikiwicz – (Inaudible).

Mayor McKay – Okay, is that later piece taken into full account in your analysis here?

Attorney Draikiwicz – The answer is yes Mayor and Governing Body. The numbers that were presented by an underwriter who is looking at after the debt shows that taking both bonds into account; old bonds and new bonds there would be savings of about \$260,000 that was approximately a month ago. Rates have improved fairly well since then so the savings could be actually greater now than \$260,000 which is (inaudible).

Council President Pryor – Over what period Mr. Draikiwicz?

Attorney Draikiwicz – It would start, the bonds are due beginning September of this year and through 2027 so, you would be able to capture savings this year based upon some estimates that were done for about \$23to \$25,000 per year starting this

Council President Pryor – But, we're not extending the duration of the amortization.

Attorney Draikiwicz – That is correct as long as the old bonds would go

Council President Pryor – So, we end at the same date and we save a quarter of the million dollars.

Mayor McKay – If we, only if we stay in it for twelve more years. If we were to bail out early, the way it is calculated, it would change.

Attorney Draikiwicz – If you do the transaction, those numbers I just stated, would be saved by the town and would be locked in when the deal closes.

Mayor McKay – All right, because it seemed like they reallocate the interest to capture the interest that's not going to be paid on the earlier bond, the two last bonds from the first ten years; they kind of mixed that in and put it down into the remaining ten years of bonds some of that interest right?

Attorney Draikiwicz – Well, they just combined it so you can show what the exact savings were paying the old bonds and the new bonds at the same time. That's correct; the old bonds for the Council's (inaudible) is four percent is what the old bonds are so current interest rates are

around, you know, for the twelve year bond about two and quarter percent so the savings would be generated pretty rapidly.

Mayor McKay – It does save money. I’m not sure if it saves quite that much.

Attorney Draikiwicz – Well, it is all subject to market conditions, you right Mayor, it could go up or down before moving forward. I would like to mention one thing since it is a bond ordinance, it would require at least majority for introduction and it would require four affirmative votes at the second reading.

Council President Pryor – When would the closing be?

Attorney Draikiwicz – Typically, a transaction such as this takes about two to three months to put together.

Council President Pryor – And, the final interest rate would be at the end of that three month period?

Attorney Draikiwicz – Yes, it would be set.

Council President Pryor – So, that’s the risk where the interest rates move over the next

Attorney Draikiwicz – Between today and the next three months, it’s correct. Although (inaudible) that the rates have been declining over the last twelve years despite economic forecast those rates will rise. As you may recall last year sometime, they didn’t rise they kept declining and they’ve declined even this year, even more so, so the market has moved in the Township’s favor.

Mayor McKay – Even some predict even negative interest rates. If we wait for that, we could do better, but we could do worse. No one knows.

Attorney Draikiwicz – I just want to explain what actions would be undertaken by the governing body so they have full information. There are two documents that the governing body would need to approve. One would be this ordinance which would require first and second reading and then if you get this introduced today, then at the next meeting in April, there would probably also be, accompanied with the second reading of this refunding bond ordinance, a resolution which resolution would authorize a little more specific terms of the transaction and also would require an underwriter to move the transaction and I would work with the CFO to get the underwriter whose been proposing these numbers to fine tune the numbers to get that approved if the governing body thinks it’s appropriate.

Council President Pryor – When does the underwriter get his fee? At closing?

Attorney Draikiwicz – Yes, really the only costs to be born would be the cost to prepare the bond ordinance which is like \$470.00 and if we move forward then we need to go get a rating from a rating agency and they would charge you a fee that would need to be paid even if the transaction doesn’t close. There fee is usually around \$10/12,000 on it. So, you have low risk on it once you say to move forward with the rating.

Ordinance 16-08

REFUNDING BOND ORDINANCE PROVIDING FOR THE REFUNDING OF CERTAIN GENERAL OBLIGATION BONDS OF THE TOWNSHIP OF LOPATCONG, NEW JERSEY, APPROPRIATING \$5,100,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$5,100,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING THE COST THEREOF.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF LOPATCONG, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The Township of Lopatcong, New Jersey (the “Township”) is hereby authorized to pay an aggregate amount not exceeding \$5,100,000 for the redemption, including redemption premium, of \$4,642,000 principal amount of the Township’s General Obligation Bonds, issued in the original aggregate principal amount of \$7,787,000, dated September 18, 2007, which bonds are subject to redemption (on or after September 1, 2017) prior to their stated dates of maturity, and which mature in each of the years 2018 to 2027 in an aggregate amount of \$4,642,000 inclusive (the “Refunded Bonds”), and in accordance with the provisions of the resolution of the Township Committee of the Township, duly adopted September 5, 2007, and a copy of which is on file in the office of the Clerk of the Township.

Section 2. An aggregate amount not exceeding \$100,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of refunding bonds authorized herein.

Section 3. In order to finance the cost of the project described in Section 1 hereof, negotiable refunding bonds are hereby authorized to be issued in the principal amount not exceeding \$5,100,000 pursuant to the Local Bond Law.

Section 4. In anticipation of the issuance of the refunding bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law. All refunding bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the Chief Financial Officer’s signature upon the notes shall be conclusive evidence as to all such determinations.

All notes issued hereunder may be renewed from time to time, but all such notes including renewals shall mature and be paid no later than the tenth anniversary of the date of the original notes; provided, however, that no notes shall be renewed beyond the first or any succeeding anniversary date of the original notes unless an amount of such notes, at least equal to the first legally payable installment of the bonds in anticipation of which the notes are issued, determined in accordance with the maturity schedule for the bonds approved by the Local Finance Board, is paid and retired on or before such anniversary date; and provided, further, that the period during which the bond anticipation notes and any renewals thereof and any permanent bonds are outstanding, shall not exceed the period set for the maturity of the bonds by the Local Finance Board.

The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the debt provided in this refunding bond ordinance by an amount not to exceed \$5,100,000 with a maximum deduction from the debt due to the refunding of the Refunded Bonds (i.e. \$4,642,000). The obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law. Upon issuance of the Bonds and determination of the final amount thereof, if less than the \$5,100,000 authorized hereby, an amended Supplemental Debt Statement shall be made and filed, along with any other required filings, and this Committee shall, by resolution, approve the cancellation of such amount authorized hereby, which has not been issued.

Section 6. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption, together with a

complete statement in the form prescribed by the Director of the Division of Local Government Services and signed by the Chief Financial Officer of the Township as to the indebtedness to be financed by the issuance of the refunding bonds authorized herein.

Section 7. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 8. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law, provided that the consent of the Local Finance Board has been endorsed upon a certified copy of this ordinance as finally adopted or the requirements set forth in N.J.A.C. 5:30-2.5 have been satisfied.

**TOWNSHIP OF LOPATCONG
WARREN COUNTY, NEW JERSEY**

PUBLIC NOTICE

NOTICE OF PENDING BOND ORDINANCE

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Township of Lopatcong, in the County of Warren, State of New Jersey, on March 2, 2016. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Municipal Building, 232 South 3rd Street, in the Township of Lopatcong, on April 6, 2016 at 7 o'clock PM. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: Refunding Bond Ordinance Providing For The Refunding Of Certain General Obligation Bonds Of The Township Of Lopatcong, New Jersey, Appropriating \$5,100,000 Therefor And Authorizing The Issuance Of \$5,100,000 Bonds Or Notes Of The Township For Financing The Cost Thereof.

Purpose(s): Refund a portion of the Township's outstanding \$7,787,000 General Obligation Bonds, Series 2007.

Appropriation: \$5,100,000

Bonds/Notes Authorized: \$5,100,000

Grants (if any) Appropriated: None

Section 20 Costs: \$100,000

Useful Life: N/A

M. Beth Dilts, Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17.

Mayor McKay asked for a motion – Motion by Councilwoman McCabe, seconded by Councilman Belcaro. Roll call vote:

AYES: Councilman Belcaro, Councilwoman McCabe, Councilwoman Schneider, Council President Pryor, Mayor McKay.

NAYS: None

Resolution No. 44 – Memorialize hire of Tax Assessor.

R 16-44

**RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY MEMORIALIZING THE APPOINTMENT OF ROBERT
SWEENEY AS A PART-TIME TAX ASSESSOR**

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey do hereby memorialize the appointment of Robert Sweeney as part-time Tax Assessor pursuant to N.J.S.A. 40A:9-146; and

WHEREAS, pursuant to statute N.J.S.A. 40A:9-148, Robert Sweeney shall hold his office for a term of 4 years from the first day of July next following his appointment (July 1, 2016-June 30, 2020); and

WHEREAS, Robert Sweeney has agreed to work 14 office hours per week: Wednesday 9:00 am to 5:00 pm with an unpaid one hour lunch and Friday 10:00 am to 7:00 pm with an unpaid one hour lunch; and

WHEREAS, Robert Sweeney shall be paid a salary of \$38,000 pursuant to the Township Salary Ordinance; and

WHEREAS, Robert Sweeney shall adhere to the terms and conditions as outlined in the Township Employee Personnel and Policy Manual for a part-time salaried employee.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey do hereby memorialize the hire of Robert Sweeney part-time as Tax Assessor for the terms detailed 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, March 2, 2016.

Margaret B. Dilts, CMC

Motion by Councilwoman Schneider, seconded by Councilman Belcaro. Roll call vote:
AYES: Councilman Belcaro, Councilwoman McCabe, Councilwoman Schneider, Council President Pryor, Mayor McKay.

NAYS: None

Mayoral Appointments – Mayor McKay explained he only had one which he proposed last time, Loideth Huff for the Rent Leveling Board. Motion by Mayor McKay seconded by Councilwoman Schneider. Councilman Belcaro confirmed two vacancies left on the Board. Mr. Aiello gave his resignation. Clerk Dilts asked the Mayor if he has the letter of resignation. Mayor McKay confirmed he has it. Clerk Dilts asked him for the letter to be able to keep proper records of the appointments. Mayor McKay stated the appointment is for three years and he would submit that term to Clerk Dilts also. The term will expire in 2018. Roll call vote:
AYES: Councilman Belcaro, Councilwoman McCabe, Councilwoman Schneider, Council President Pryor, Mayor McKay.

NAYS: None

Employee Policy and Procedure Manual – Mayor McKay – I come from a background of procedures and policies and they had to be extremely robust and they had to work and they were verified and observed. We have some stuff like that but maybe it's fallen out of date and I've talked to the insurance people and they offer a service where they'll come in and update the ones that you already have, which is theirs to begin with; it looks like, but it's, you know, been added to and added to and added to and so this way we would have something that according to the insurance company extremely up-to-date and they'll help do that.

Clerk Dilts – We have about four different policies – it's not just for the employees; there is one for the municipal pool, recreation program and one for volunteers.

Mayor McKay – I would say we start with the employees one first and let's get them all done in a reasonable amount of time.

Clerk Dilts – Actually, the pool and rec. program will be starting soon so they are all kind of like needing to be addressed. We addressed this last year in the spring to get these done so

Mayor McKay – You talk to Caroline all the time and she's got a service that does this; somebody there.

Clerk Dilts – I am quite aware of the service they use; I wasn't aware that they actually come in and do it. I was aware that they have a website and of course, I'm on it and they have many different policies that you can design your own.

Mayor McKay – Yes, that's what I've seen. She also told me there were people that could help. Now, I haven't talked to her for a while but that was the idea to try and get all these done and in order and up to date and up to snuff.

Mayor McKay - Motion to contact the insurance company to start this thing rolling.

Council President Pryor – It's a low risk and you see what they do and you go from there so, I'll make that motion.

Seconded by Councilwoman Schneider. Roll call vote:

AYES: Councilman Belcaro, Councilwoman McCabe, Councilwoman Schneider, Council President Pryor, Mayor McKay.

NAYS: None

Environmental Commission Rain Barrel Workshop –

Juniper Leifer – Indicated members of her Commission have been working on this event. She also had her Annual Report.

Interruption:

Councilwoman Schneider – Wanted a word before she left. She didn't see any payments going to Pension Benefits Plan.

Clerk Dilts said there is a resolution on the Consent Agenda.

Councilwoman Schneider – Wanted to make sure everyone was up-to-date.

Clerk Dilts – Fourth quarter payment was not done because temporary CFO Christine did not want to make, it so it was up to Janice to do it and she needed to be entered into the state system and there was a glitch which we are still having issues, but she made the payment a week ago. She'll have to explain this further.

Councilwoman Schneider – Asked the mayor to make sure when the payment was made, etc.

Clerk Dilts – No one is kicked out of the system – they cannot see their own statements.

Councilwoman Schneider – Said there is an employee that started in January that does not still have health benefits. He was never enrolled in the system.

Clerk Dilts – Only aware of one employee who didn't want health benefits when they were hired.

Councilwoman Schneider – And then they said yes, and we have to provide

Clerk Dilts – Well yeah, but once they say no, you don't enter them in and then they say yes they want them at a later date, there is actually only one opportunity in a year's time when it opens up to new enrollments and that's not till the fall of this year. So, Janice was on the phone with the state and explained to them the situation and also wrote a letter.

Councilwoman Schneider – When is the enrollment period?

Clerk Dilts – It is right away – you have to do it within the first 60 days of hire.

Councilwoman Schneider – And they were hired in January.

Clerk Dilts – No. I don't know who we're talking about here.

Councilwoman Schneider – I just want to make sure because from what I know and I don't want to have names

Clerk Dilts – Hired last year

Councilwoman Schneider – I don't want to say an employee's name.

Clerk Dilts – We might want to discuss this outside the meeting.

Councilwoman Schneider – Just want to make sure everyone's benefits are where they should be and we're not allowing anyone to fall between the cracks.

Clerk Dilts- Everyone hired who wanted benefits has been enrolled. I only know of one person that didn't and changed their mind and now they're subject to the open enrollment that is only once a year but trying to work with that person to get them in sooner.

Councilwoman Schneider – I just want to make sure. I just caught wind of these things.

Clerk Dilts – I'd rather not talk about these things in a public meeting.

Councilwoman Schneider – That's fine I'm not naming an employee I just want to make sure our benefits are intact.

Clerk Dilts – They are. Some things can be done inside rather than come to the public session.

Councilwoman Schneider – No, it's, I just found out right before I came to the meeting and had no time to call anybody, so I can't even talk to you then.

Clerk Dilts – You can call me tomorrow and we can talk about it.

Environmental Commission – Resume Juniper Leifer's report. She handed out the report and asked Council to review on their own and she would answer any questions at the next meeting. She would need funds for ANJEC memberships. Rain Barrel Workshop is scheduled for May 21st. She asked for less than \$1,000.00 for supplies.

Attorney Campbell – Until you approve the new budget, right now you can approve 1/12th of each month going forward from last year's budget.

Juniper Leifer – Janice asked for an estimate and email to Beth and you will approve.

Mayor McKay – Janice would like this on letterhead also. Total cost of these rain barrels is \$500.00.

Juniper Leifer – Asked about the insurance; if they are all covered.

Clerk Dilts – Send her a write up and she will send to insurance company and this would be each time there is a scheduled event.

Labor Counsel Attorney – Discussion regarding contract received from Ryan Carey.

Mayor McKay – I don't know what that discussion involves but I'll, I'm waiting to hear.

Attorney Campbell - I believe Mr. Carey sent a letter saying you told him that he was appointed and he sent his contract, so, Beth didn't know what to do with it, and put it on the agenda.

Mayor McKay – Oh, well, since I have the right to make that appointment

Attorney Campbell – No, you don't and the judge is going to decide, so I recommend you wait.

Mayor McKay - I intended to wait until the 11th I think is the next time we go to court and so we will wait.

Resolution No. 16-45 – Creating Regional Special Master Escrow.

Attorney Campbell – They are related to the Affordable Housing. I sent Mayor and Council a detailed letter explaining the judge's orders that came in which require the Township from its COAH Trust Fund to place \$5,000 in two separate escrow accounts. It also requires Mr. Gardner to put \$2,000 in both escrow accounts. He is the intervener in the case and then there's some procedures for – the Regional Special Master is all of the Counties – Hunterdon, Warren and Somerset County towns so, when the Regional Special Master bill comes in, it gets split 56 different ways and then we get a bill and pay it. The Municipal Special Master is a Lopat specific special master and her bill is about \$250.00 per hour; are going to come to the Township and we are required within 30 days to pay those bills so I just wanted

Mayor McKay – In order to stay into this litigation, we have to do this.

Attorney Campbell – This is what the court ordered but I wanted Janice to have a formal document so she knew how to

Mayor McKay – I concur and I motion that we approve these two resolutions. Second – Councilwoman McCabe seconded it. Roll call please.

AYES: Councilman Belcaro, Councilwoman McCabe, Councilwoman Schneider, Council President Pryor, Mayor McKay.

NAYS: None

R 16-45

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY CREATING AN ESCROW ACCOUNT FOR THE PAYMENT OF THE REGIONAL SPECIAL MASTER

WHEREAS, the Court has ordered that the municipality hold and administer an Escrow Account for the payment of the Regional Special Master appointed by the Court; and

WHEREAS, the Court has ordered that an initial deposit of \$5,000 be placed in this Escrow Account by the municipality which may be paid from the municipality's affordable housing trust fund.

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

1. The Chief Financial Officer is hereby authorized to create an escrow account entitled, "Affordable Housing Regional Special Master Escrow Account".
2. The Chief Financial Officer is authorized to make an initial deposit of \$5,000 into the Escrow Account no later than March 11, 2016.
3. The \$5,000 shall be paid from the municipality's affordable housing trust fund, if available.
4. The municipal CFO shall be responsible for the administration of the Escrow Account and ensure that all invoices are paid within 30 days in accordance with the Court Order.
5. This Resolution shall take effect immediately.

ATTEST:

Mayor Thomas McKay

Margaret B. Dilts
Municipal Clerk

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 on Wednesday, March 2, 2016.

Margaret B. Dilts, CMC

Resolution No. 16-46 – Creating Municipal Special Master Escrow.

R 16-46

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN, STATE OF NEW JERSEY CREATING AN ESCROW ACCOUNT FOR THE PAYMENT OF THE MUNICIPAL SPECIAL MASTER

WHEREAS, the Court has ordered that the municipality hold and administer an Escrow Account for the payment of the Municipal Special Master appointed by the Court; and

WHEREAS, the Court has ordered that an initial deposit of \$5,000 be placed in this Escrow Account by the municipality which may be paid from the municipality's affordable housing trust fund; and

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

1. The Chief Financial Officer is hereby authorized to create an escrow account entitled, "Affordable Housing Municipal Special Master Escrow Account".
2. The Chief Financial is authorized to make an initial deposit of \$5,000 into the Escrow Account no later than March 11, 2016.
3. The \$5,000 shall be paid from the municipality's affordable housing trust fund, if available.
4. The municipal CFO shall be responsible for the administration of the Escrow Account and ensure that all invoices are paid within 30 days in accordance with the Court Order.
5. This Resolution shall take effect immediately.

ATTEST:

Thomas McKay, Mayor

Margaret B. Dilts, CMC

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 the Reorganization Meeting held on Wednesday, March 2, 2016.

Margaret B. Dilts, CMC

2016 Season – Pavilion/Pool Party Rates –

Mayor McKay – You provided those, they seem to be reasonable.

Clerk Dilts- This is the time of year again where we get all the contracts out the door for the pavilion and pool party rentals and I just wanted to give you a fee analysis of what we've been charging and if there are any changes you wish to make before we send them out.

Mayor McKay – I have no changes, like I said, they seem reasonable to me.

Councilwoman McCabe – They seem reasonable as well. Is this the same rate as last year or is it a slight

Clerk Dilts – No, they are all the rates from last year is what you're looking at.

Councilman Belcaro – So, no rate increase correct?

Clerk Dilts- Well, I don't know, you want a rate increase?

Councilman Belcaro – No, we'll leave it alone.

Mayor McKay – I don't know if the market would bear it. Motion to approve by Councilwoman McCabe, seconded by Councilman Belcaro. Roll call please.

AYES: Councilman Belcaro, Councilwoman McCabe, Council President Pryor, Mayor McKay.
NAYS: None

Train and Teach Workshop at Municipal Park – For consideration at the municipal park.
Mayor McKay – Now this is where two women want to have 6:00 am in the morning for ten days

Clerk Dilts – Boot camp.

Mayor McKay – at the park.

Clerk Dilts – A woman came into the building and expressed an interest in doing a train and teach workshop. She wants to do a spring boot camp and a fall boot camp and she has submitted all their credentials and her insurance and is looking for consideration to try it out and see if you know, anyone is interested in doing it. She expects to charge \$200 per person so if you approve it, then I would send onto insurance company to see what they have to say about it.

Council President Pryor – It is a for profit operation correct? It has nothing to do with the Township and she wants to use the park for free.

Clerk Dilts – Well no, she would have to fill out a Field Use Form and she is using the entire park not just one field and that category she falls into is \$5 a day per camp person and \$50 a day to the town.

Council President Pryor – From my viewpoint it is not that much different than an outside soccer group coming in or something like that – it is a rental. We can run it through the insurance to make sure we don't have a problem. She should be full insured correct?

Clerk Dilts – She is fully insured and she has listed us as additional insured that is required by the insurance company.

Council President Pryor – So it seems to me it is just a rental – if we had the right rate. I don't know why we wouldn't grant it.

Mayor McKay – I agree. Okay motion. Motion by Councilwoman McCabe, seconded by Council President Pryor. Roll call please.

AYES: Councilman Belcaro, Councilwoman McCabe, Council President Pryor, Mayor McKay.

NAYS: None

Ordinance No. 16-09 – To Exceed the Municipal Budget Appropriation Limit and to Establish a CAP Bank. These next two items are housekeeping items. Last year, the state, and this is for the CFO and I don't know what happened to her, last year we were examined by the state and now the next three years we do a self-examine but the auditor did forward these two items to us to act on this evening. We did the CAP Bank irregardless of the self-examine; we do the CAP Bank every year.

Mayor McKay – Do we, was a resolution given to us to look at?

Clerk Dilts – You have both the CAP Bank Ordinance and Resolution in your packet and they were forwarded to you earlier so that our could review them.

Attorney Campbell- The CAP Bank is the same that you do every year – it's to bank and exceed the CAP.

CFO Saponaro – Yes and you have to do it, otherwise you cannot use your bankable amounts.

Attorney Campbell – It allows you to go to 3.5% of the two.

CFO Saponaro – If necessary and you have to adopt it before introduction.

Mayor McKay – And, who is self-examining the budget?

CFO Saponaro – Who is self-examining the budget? That would be me.

Mayor McKay – What are we resolving here – I have to see

CFO Saponaro – Self-examining means that we just don't have to submit it to the State of New Jersey for their authorization – we self-examine our budget under my license.

Mayor McKay – So this has been formed already?

CFO Saponaro – I’m sorry?

Mayor McKay – You’ve already done this self-examination.

CFO Saponaro – We don’t have a budget yet in order to do that.

Mayor McKay – I’m just trying to read this in context with that.

Councilwoman McCabe – We’re doing an ordinance to establish the CAP Bank right? 16-09.
Councilwoman McCabe made a motion to approve.

Mayor McKay – I guess the other one seems like it is not ready to be done yet because it is saying that all these things have not been done.

Councilwoman McCabe – But that’s the next item right?

CFO Saponaro – You have to adopt that before you even introduce otherwise it wouldn’t be here.

Mayor McKay – You know of that purpose?

Attorney Campbell – Yes. This is, we had a lengthy discussion last year because it wasn’t a self-examine year. It was sent down to Trenton year (inaudible) there were a lot of questions about the budget. A lot of critique about the budget and there was a discussion about self-examine and the discussion was this year we’re sending it down to Trenton and now we are back on the self-examines so for the next three years you’ll be a self-examine.

Mayor McKay – Okay, but even though this reads as if it’s happened already, that’s appropriate

Attorney Campbell – Yeah, you don’t have a budget yet so, it has to be done once there is a budget. That’s a form resolution.

CFO Saponaro – Yeah, you have to introduce, you have to adopt that before you introduce, stating that you are going to perform those duties once you have your budget in place.

Mayor McKay – We didn’t have this before, I never saw it.

Attorney Campbell – Well, last year we didn’t have

Mayor McKay – We didn’t have it right? Okay, so, Ordinance No. 16-09 to exceed the municipal budget appropriation limit and to establish a CAP bank.

Ordinance No. 16-09
CALENDAR YEAR 2016
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 0% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

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

WHEREAS, the Township Council of the Township of Lopatcong in the County of Warren finds it advisable and necessary to increase its CY 2016 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$193,265.61 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

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

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Lopatcong, in the County of Warren, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2016 budget year, the final appropriations of the Township of Lopatcong shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$193,265.61 and that the CY 2016 municipal budget for the Township of Lopatcong be approved and adopted in accordance with this ordinance; and,

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

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

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

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Township of Lopatcong held on March 2, 2016, 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 April 6, 2016 at 7:00 pm or as soon thereafter as the Township Council may hear this Ordinance in the Municipal Building, 232 S. Third Street, Phillipsburg, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Margaret B. Dilts, CMC

Councilman Belcaro – Second.

Roll call:

AYES: Councilman Belcaro, Councilwoman McCabe, Council President Pryor, Mayor McKay.

NAYS: None

Resolution No. 16-52 – Self Examination of the Budget.

R 16-52

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING SELF-EXAMINATION OF BUDGET

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 thru 7.5, the Township of Lopatcong, County of Warren has been declared eligible to participate in the program by the Division of Local

Government Services, and the Chief Financial Officer has determined that the Township meets the necessary conditions to participate in the program for the 2013 budget year;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lopatcong, County of Warren that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officer's certification. The Governing Body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges.
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year.
 - d. Reserve for uncollected taxes.
 - e. Other reserves and non-disbursement items.
 - f. Any inclusion of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated.
 - b. Items of appropriation are properly set forth.
 - c. In itemization, form, arrangement, and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of Local Government Services.

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 2, 2016.

Margaret B. Dilts, CMC

Motion by Councilwoman McCabe, seconded by Councilman Belcaro. Roll call vote:
AYES: Councilman Belcaro, Councilwoman McCabe, Council President Pryor, Mayor McKay.
NAYS: None

Attorney Campbell – Before we go to the Consent Agenda would you like Paul and I to discuss the Intersection?

Video Position – 2:38:58

Mayor McKay – There's two things on the Consent Agenda that I don't know if (inaudible). Maybe they got pulled out. There was something about Gibbons – now that's, money shouldn't be up

Attorney Campbell – There is a lot of them with money.

Mayor McKay – Yeah, but his Professional Service Agreement shouldn't that be up in the

Attorney Campbell – If you wish to pull that one out and have a discussion. The reason that they were put in the Consent Agenda is, I believe, the Clerk when she was putting this together, there might not need to be a discussion on each item but you are still going to do a roll call vote which is what you do when there's money involved. If you wish to pull it out because you want to have a discussion, by all means.

Mayor McKay – Would you do roll call on each one of these or no, you would do one roll call?

Attorney Campbell – No one roll call for all of them. If anyone wishes to pull any item out, they should absolutely state that and then you can pull it out before you do the motion. I was just asking before

Mayor McKay – All right I think we can go through fast. I would pull out No. 6, 8 and 9 because I don't know what those mean and so let's do 6 of the Consent Agenda.

Gibbons PC Professional Service Agreement – Approve agreement with regards to matters involving public finance. Motion by Councilman Belcaro, seconded by Councilwoman McCabe. Roll call please:

AYES: Councilman Belcaro, Councilwoman McCabe, Council President Pryor, Mayor McKay.

NAYS: None

Resolution No. 16-53 – Authorizing the transfer between the 2015 Budget Appropriation Reserves in the amount of \$13,200.00 per N.J.S.A. 40A:4-59 from unexpended balances to those with insufficient funds.

R 16-53

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING TRANSFER BETWEEN THE 2015 BUDGET APPROPRIATION RESERVES

WHEREAS, various 2015 bills have been presented for payment this year, which bills represent obligations of the prior fiscal year and were not covered by order number and/or recorded at the time of transfers between the 2015 Budget in the last two months of 2015; and

WHEREAS, N.J.S.A. 40A:4-59 provides that all unexpended balances carried forward after the close of the fiscal year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from the unexpended balances to those which are expected to be insufficient during the first three months of the succeeding year.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Lopatcong, County of Warren and State of New Jersey, (2/3 of the majority of the full membership concurring herein) that the transfers in the amount of \$13,200.00 be made between the 2015 Budget Appropriation Reserves as follows:

TO:		FROM:
	Road Maintenance OE	\$13,200.00
Computer Service OE	\$1,500.00	
Municipal Clerk OE	\$600.00	
Financial Admin OE	\$500.00	
Engineering Service OE	\$1,000.00	
Tax Assessor OE	\$2,000.00	
Planning Board OE	\$1,000.00	
Zoning Board OE	\$500.00	
Fire Company DE PK OE	\$600.00	
Fire Company #2 OE	\$500.00	
Building Grounds OE	\$5,000.00	

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, March 2, 2016.

Margaret B. Dilts, CMC

Motion by Councilwoman McCabe, seconded by Councilman Belcaro. Roll call

AYES: Councilman Belcaro, Councilwoman McCabe, Council President Pryor, Mayor McKay.

NAYS: None

Resolution No. 16-54 – Prior to 2016 Budget Adoption – NJSA 40A:4-20 provides for temporary appropriations – PERS \$144,944.00 and PFRS \$314,208.00.

CFO Saponaro – That is the Township portion of the payment of PERS and PFRS

Attorney Campbell – Is that for 2016 or 2015.

CFO Saponaro – It is 2015 – it is always adjusted the following year and you have to pay that according to what the pensionable IROC contributions were last year. It's the Township's portion.

Mayor McKay – For which year?

CFO Saponaro – Last year.

Mayor McKay – So we're paying last year's now?

CFO Saponaro – Everybody does it in the state.

Mayor McKay – I don't know and you could be a little more polite.

CFO Saponaro – I am polite.

Mayor McKay – So you're saying everyone else is paying this – this looks like the whole year when I look at the audit reports – a whole year of pension payments.

CFO Saponaro – It is the Township's contribution for the whole year of last year.

Mayor McKay – And, this is being timely paid because earlier we heard there were some issue with

CFO Saponaro – There were no issues.

Clerk Dilts – Donna had brought up, while you were gone, she wanted to know about the pension payment, where it stood so, I explained to her that 4th quarter payment was not paid by Christine, she left it for you and by the time you could get you entered into the system, which was no easy task, some people have been trying to view their statement on the site and they can't get to it so, she was combining one with the other and it wasn't, it is two different items.

CFO Saponaro – Yes.

Clerk Dilts - And, I assured her that payment has been made.

CFO Saponaro – Oh yes, absolutely.

Mayor McKay – So this is unrelated to that?

Clerk Dilts – Yes.

Mayor McKay – One would think it might be since it's the same

Clerk Dilts- One would think it might be because the two issues occurred, you know, (inaudible).

Mayor McKay – So where paying 2015 which is the normal time when we pay that – a year

CFO Saponaro – It's due April 1st.

Mayor McKay – end of the year. Okay.

R 16-54

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING PAYMENTS PRIOR TO 2016 BUDGET ADOPTION – N.J.S.A. 40A:4-20 TEMPORARY APPROPRIATION – PERS \$144,944.00 AND PFRS \$314,208.00

WHEREAS, an emergent condition has arisen in that the Township is expected to enter in contracts, commitments or payments prior to the 2016 budget and no adequate provision has been made in the 2016 temporary budget for the aforesaid purposes; and

WHEREAS, N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for said purpose; and

WHEREAS, the total emergency temporary appropriation resolutions adopted in the year 2016 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$459,152.00.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Lopatcong, County of Warren and State of New Jersey (Not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-20.

1. Emergency temporary appropriations be and the same and hereby made in the amount of \$341,057.00 as follows:

Public Employees Retirement System	
Other Expenses	\$144,944.00
Police and Fire Retirement System	
Other Expenses	\$314,208.00

2. Said emergency temporary appropriations will be provided for in the 2016 budget.
3. That on certified copy of this resolution be filed with the Director, Division of Local Government Services.

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 2, 2016.

Margaret B. Dilts, CMC

Councilwoman McCabe made a motion to approve, seconded by Mayor McKay.
AYES: Councilman Belcaro, Councilwoman McCabe, Councilwoman Schneider, Council President Pryor, Mayor McKay.
NAYS: None

Consent Agenda:
Video Position: 2:44:25

Mayor McKay – Okay, let’s do the rest of the Consent Agenda and then you guys can do Phillipsburg High School. All right the remaining items in the Consent Agenda 1, 2, 3, 4, 5, and 7. Motion for approval by Councilwoman McCabe, seconded by Council President Pryor. Roll call:

AYES: Councilman Belcaro, Councilwoman McCabe, Council President Pryor, Mayor McKay.
NAYS: None

Resolution No. 16-47 – Authorizing Redemption of Tax Sale Certificate No. 2014-035 on Block 99, Lot 206 C0848.

R 16-47

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE
NO. 2014-035 ON BLOCK 99, LOT 206 C0848

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on June 25, 2014, a lien was sold on Block 99, Lot 206 C0848 also known as Honey Brook Circle for a 2013 delinquent sewer taxes; and

WHEREAS, this lien known as Tax Sale Certificate No. 2014-035 was sold to Stuart Lasher for 18% interest; and

WHEREAS, National Mortgage LLC, mortgage company for property owners has satisfied the redemption of Tax Sale Certificate No. 2014-035 to:

Stuart Lasher
P.O. Box 83
Milltown, NJ 08850-0083

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 2, 2016.

Margaret B. Dilts, CMC

Resolution No. 16-48 – Authorizing Redemption of Tax Sale Certificate No. 2014-024 in the amount of \$620.01 Block 85.02, Lot 17.

R 16-48

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE
NO. 2014-024 ON BLOCK 85.02, LOT 17

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on June 25, 2014, a lien was sold on Block 85.02, Lot 17 also known as 587 Edward Street for 2013 delinquent sewer taxes; and

WHEREAS, this lien known as Tax Sale Certificate No. 2014-024 was sold to Stuart Lasher for 18% interest; and

WHEREAS, Selene Finance, mortgage company for property owners, has satisfied the redemption amount on Certificate No. 2014-024 in the amount of \$620.01.

NOW, THEREFORE, BE IT RESOLVED on this 2nd day of March 2016 that the Chief Financial Officer is authorized to issue a check in the amount of \$620.01 for the redemption of Tax Sale Certificate No. 2014-024 to:

Stuart Lasher
P.O. Box 83
Milltown, NJ 08850

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 2, 2016.

Margaret B. Dilts, CMC

Resolution No. 16-49 – Authorizing Redemption of Tax Sale Certificate No. 2011-008 on Block 90, Lot 35.

R 16-49

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE
NO. 2011-008 ON BLOCK 90, LOT 35

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on October 21, 2011, a lien was sold on Block 90, Lot 35 also known as 55 Reservoir Road for 2010 delinquent taxes; and

WHEREAS, this lien known as Tax Sale Certificate No. 2011-008 was sold to US Bank Cust/Sass Muni VI DTR for 18% interest; and

WHEREAS, Ditech Mortgage Company for property owners has satisfied the redemption amount on Certificate No. 2011-088 in the amount of \$38,389.64.

NOW, THEREFORE, BE IT RESOLVED on this 2nd day of March 2016 that the Chief Financial Officer is authorized to issue a check in the amount of \$38,389.64 for the redemption of Tax Sale Certificate No. 2011-088 to:

US Bank-Cust/Sass Muni VI DTR
50 S 16th St., Suite 1950
Philadelphia, PA 19102

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, March 2, 2016.

Margaret B. Dilts, CMC

Resolution No. 16-50 – Authorizing redemption of Tax Sale Certificate No. 2011-017 in the amount of \$3,201.93 on Block 87, Lot 1.39.

R 16-50

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND
STATE OF NEW JERSEY AUTHORIZING REDEMPTION OF TAX SALE CERTIFICATE
NO. 2012-017 ON BLOCK 87, LOT 1.39

WHEREAS, at the Lopatcong Township Municipal Tax Sale held on June 8, 2012 a lien was sold on Block 87, Lot 1.39 also known as 81 Belview Road for 2011 delinquent taxes; and

WHEREAS, this lien known as Tax Sale Certificate No. 2011-017 was struck off to the Township of Lopatcong for 18% interest and recorded at Warren County Clerk's Office on July 11, 2012 on 5692/52; and

WHEREAS, property owner has satisfied the redemption amount on Certificate No. 2012-017 in the amount of \$3,201.93.

NOW, THEREFORE, BE IT RESOLVED on this 18th day of February 2016 that the Mayor & Township Clerk sign Tax Sale Certificate 2012-017 for cancellation.

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 2, 2016.

Margaret B. Dilts, CMC

Recycling Tonnage Agreement – Lyn Gabel will submit the Recycling Tonnage Agreement.

PHS Intersection Project –

Attorney Campbell – Paul and I met yesterday, he provided me with a copy of the Mayor's estimate on what he believed may be the allocation of the funds. Paul and I went through it and we made some changes to it, because we put everything in it. Everyone's expense – Phillipsburg's, Lopatcong's, the whole projects expense and I don't know if you want to go through line by line or you want to just know the bottom line of what we think everyone stills owes.

Mayor McKay – Well let's do bottom line please.

Attorney Campbell – Lopatcong, in addition, and Paul correct me if I get any of this wrong, Lopatcong, in addition to the \$100,000 you already said you would contribute, would owe another \$133,000. Phillipsburg, in addition to the \$100,000 that they have said they would contribute would owe another \$133,000. Now, for Phillipsburg, what we would actually be looking for them to actually give to Lopatcong is \$183,000 because they are going to hold onto the \$50 for their allocation but what we would want from them, I'm going to recommend what you would want from them, is an accounting once they are done, I'm going to recommend everyone do their accounting. That is a particular item. So the actual cash that would be coming in and be held in Lopatcong would be, from now, \$183. The school board has already given \$150 so in addition to the \$150; you'd be looking for another \$133. So it is a total of \$283,000 from the school. Now, that is based upon the estimate for the hard costs, the soft costs and all of that. The bid has come in underneath the hard costs, so we're hoping the project will come in less and in that case, all three parties will get money back. Also, if we can do some of the takings for a little less, money back. If you get money from the County, the SDA, anyone else who wants to give money to widen the road, the money will go back in equal shares to the three parties.

Maher McKay – Right and we are going to keep this money in a special purpose; like trust account

Attorney Campbell – I believe we already have the \$150 in a special

CFO Saponaro – Yes, we have an escrow account.

Mayor McKay – When the bond comes due in a year or two, it's going to be an EIN I guess, right? So when that comes due in a year (inaudible) to retire it.

Attorney Campbell – That part of it is going to be on my (inaudible).

Mayor McKay – Paul did a good thing and he got the power company not to charge us for \$30,000 to move the poles around.

Engineer Sterbenz – Yeah, with Verizon \$38,000, so they are not going to charge us, they're going to do this as a non-refundable project and I have to get communications out with both JCP&L and the cable company to make sure they follow suit with what, so they don't charge us as well. So, I'll have those communications out before the end of the week.

Attorney Campbell – So, before I send that letter out, I should say, in addition to the numbers I just gave you, in case anyone was adding up those numbers, I'm missing the \$300,000 grant from DOT. So the total is \$1,050,000 is the estimate for the project. We are putting everyone's in including Phillipsburg's costs for allocations – everything. So, the reason I wanted to bring it here to you, before I sent the letter, I wanted to make sure everyone is aware of these numbers before you hear Phillipsburg got a letter demanding \$183,000. I want to be very careful and I'm going to ask Paul to look over my letter to make sure we clearly state this is the cost and if we get money from the county, we get money from the SDA, it will go back in equal shares. We just kind of want to word it perfectly so, it doesn't get thrown back on Lopatcong.

Mayor McKay – That is what I wanted done. I think you did a good job.

Council President Pryor – I've read the agreement, this is in accordance with my understanding that this is the deposit and whatever the actual cost are less the deposit, they get strung out three ways

Mayor McKay – But, this way we have the money.

Council President Pryor – Could I just see real quick, do you have the breakdown there?

Attorney Campbell – I don't exactly. I have my notes over the mayor's breakdown. I will email all of Council a copy.

Council President Pryor – I just want to see how we got the \$233 that's all. I know, but there's expenses against that right; so we had the bid costs, we have the land, I know, that's all I want to see is whatever you got.

Engineer Sterbenz – Its \$1,050,000 in anticipated costs and right now there is \$650,000 in contributions. So, the short fall in this juncture in time, is \$400,000 split three ways.

Attorney Campbell – If it helps you Joe, \$850 was the hard costs and then the soft costs including acquisitions is everything else.

Councilman Belcaro – And the low bidder for the contractor was \$735?

Engineer Sterbenz- Approximately, yes.

Mayor McKay – So now, I'm so concerned as I had been. I was worried about the huge hit to Lopatcong. This way the maximum will be in essence \$233.

Announcements – Special Meeting March 21, 2016 – 7:00 pm – Second reading and public hearing of Bond Ordinance for Belvidere Road and Roseberry Street Intersection Improvement Project and payment of bills.

Council Reports:

Councilwoman McCabe – Just as a reminder Mr. Nixon and the veterans are still accepting the donations for the pavers. Some flyers will give an end date but they are still accepting.

Senior Citizens – Flyers from Warren County Div. of Aging and Disability Services are in the municipal building but she is looking to have this placed on the website. Details services available through Warren County.

School Board – Referendum coming up on March 8th. The voting will be from 4:00 pm to 9:00 pm. You may have received your sample ballot already – if not, it is coming. This is regarding their shortage of the \$600,000.

Clerk Dilts – It is from 3 to 9 and if I could just remind everybody who ever went to the emergency squad, you should have all gotten a card, your voting Districts 3 and 4 are now at the First Baptist Church and the entrance is in the side of the building.

The Day of Arts is on Saturday, March 5th from 10 to 3 as well.

Easter Egg Hunt is on March 19th, 10 am – toddler to 9 years old. Rain date March 20th.

Dog Licenses – Due by end of January are now overdue - \$2 a month late fee. Summons will be issued in June.

Sewer Bills – Are on their way.

Council President Pryor – Mayor Kern invited myself and Donna last night – Donna could not make it. He is interested in sharing his court. He has a brand new court that is ADA accessible. They've already signed an agreement with Greenwich. They would like to take on a second partner and they want to know if we would be interested. I understand our agreement with Harmony expires in June. They would of course host the court. What I suggested was the easiest way to do it was to send us a proposal since they wanted to host it. If that's something we wanted to do, we would go from there. So, that's in motion. If something comes in, it will be there for discussion. Somewhere down the road, we'll accept that or go another way, so, we should have something in two weeks.

Councilwoman McCabe – We are losing Harmony, is that true, by the end of this month?

Clerk Dilts – Our agreement was up the end of the year and they chose not to renew it and moving to Belvidere in June.

Mr. Clancy – Didn't you just appoint a judge for three years though? Judge was just appointed at the re-org meeting for three years.

Attorney Campbell – Don't they have the same judge? No, they don't have the same judge. We'll look into it.

Councilman Belcaro – We have a resident on Stonehenge that experienced a sewer back up. There is a root problem in the street which is the Township's responsibility.

Council President Pryor made a motion for authorization to take care of the problem, seconded by Councilwoman McCabe. Roll call:

AYES: Councilman Belcaro, Councilwoman McCabe, Council President Pryor, Mayor McKay.

NAYS: None

Another leak on Stonehenge and the DPW is not sure what it is. Nothing has been found as yet. The Warren County Health Dept. is involved now and wants to know what is going on. A contractor will have to find the problem. The cost will be between \$5 and \$10,000.

Authorization not to exceed \$10,000 to find and fix the problem. Council President Pryor said this was an old force main and when Stonehenge Pump Station went in, the contractor Larken was allowed to reuse that force main so there has been leaks. This leak is intermittent and the water company said it is not their problem. Motion to explore this matter with a budget up to \$10,000 by Council President Pryor, seconded by Councilman Belcaro. Roll call:

AYES: Councilman Belcaro, Councilwoman McCabe, Council President Pryor, Mayor McKay.

NAYS: None

Phillipsburg invoice for sewer \$398,000 was readjusted to the average quarterly flow - \$240,000 and also did not include payment in lieu of taxes which was \$36,000. Mayor McKay would like to review the next bill that comes in.

Mayor McKay – He asked Paul about the emergency access to get out of Overlook. He thought Paul needed something else to complete the analysis on that.

Engineer Sterbenz – Said he did complete his analysis and sent an email report to all Council members.

Mayor McKay – Maybe I missed it. What was your conclusion? Can we build the road?

Engineer Sterbenz – The fencing that surrounds the solar array at that location is set about 40 feet off the property line so you have 40 feet of real estate there. There is a wooded area within that 40 feet, in some cases the wooded area is 25 feet wide. There's 15 to 16 feet open that you would not have to clear trees to install an emergency access road but that wooded area does expand and extends all the way up to the fence as you get closer to Overlook so there would be some clearing. The trees that are there are not high quality and would be easy to clear the area. The land is flat and his opinion is that the roadway could be built in that area parallel with the fence to provide the road to and from the Overlook Development.

Councilwoman McCabe – There is an easement, not sure where it, is but we do have an easement to access. It is straight in and then make a right.

Engineer Sterbenz – There is a driveway that is “L” shaped that comes in from Strykers Road and turns 90 degrees to the south and goes into a gate that allows maintenance vehicles into the solar array and then at that point you turn into cleared area. It is feasible.

Mayor McKay – I would like to make a resolution that we would ask you to go and give us a cost estimate to build that road as promised to the people, seconded by Council President Pryor.
Roll call:

AYES: Councilman Belcaro, Councilwoman McCabe, Council President Pryor, Mayor McKay.

NAYS: None

CFO Saponaro – Reported that she is going to ask department heads to submit their budget and will be setting up meetings with them.

Engineer Sterbenz – Bids were received for the high school roadway improvement project – low bidder was Zucarro. A review letter regarding the award would be done before the meeting of the 21st of March.

North Prospect Street Capital Ordinance regarding sewer line problem. Plans have been prepared for this and sent them to four contractors. The work will cost \$40,000 or less beneath the bid threshold. We only received one quote – that quote was received from Dulaine for \$43,000. I asked them if they would lower their quote to \$40,000 or less and they are not willing to do that, so it is my intention to send out to the contractors again so, we might have some new ones to provide better pricing.

Mayor McKay – Asked about the main gate between the Phillipsburg High School and the park. He confirmed that the fence belonged to the school. Engineer Sterbenz informed him that the contractor for the SDA installed this fence. Discussion was held regarding the installation of the main gate. Eric Johnson expressed his concerns for the children to be able to walk through the park and enter the school property at the point of that fencing. He said the principal of the high school was in favor of using the gate for walkers and students biking. This could be used weather permitting. Engineer Sterbenz said he would reach out to the Superintendent to confirm the ownership of the fencing. Councilwoman McCabe also expressed concerns of liability and extra costs in maintenance by the DPW. Brian Weeks also expressed water issues in and around that area when there is rain. Mr. Mengucci said this was not to be anything more than an emergency exit. Mayor McKay thought this still an open issue to continue to explore.

Department Reports – Motion to approve by Councilwoman McCabe, seconded by Councilman Belcaro. All in favor.

Payment of Bills – Council President Pryor asked to abstain on Bill 2998 in the amount of \$2971 to JMT but would vote on the rest of bill list. Mayor McKay stated the record will reflect this. Mayor McKay stated the bills total \$1,263,306.17. Motion to approve by Councilwoman McCabe, seconded by Council President Pryor. Roll call vote:

AYES: Councilman Belcaro, Councilwoman McCabe, Council President Pryor, Mayor McKay.

NAYS: None

Audience Participation: Motion by Councilwoman McCabe, seconded by Council President Pryor. All in favor.

Juniper Leifer – Announced the Scout Camp at the Municipal Park the week of July 18 to the 22nd. She noted too, would like to take a look at the road that is flooding at the park – she would look into funding through Rutgers for this. Reminded everyone to get out and vote on the school referendum.

Brian Weeks – Would like to talk to Joe, Paul and Lou regarding sewer lines, blockages and the like and where the responsibility is between the homeowner and the Township.

John Betz - Ask who the present Rent Leveling Board members are- Jim Mengucci. Mayor McKay noted Loideth Huff, who he appointed. He asked for a contact to know who would indicate if their rents are correct. Mayor McKay noted that would be Mr. Mengucci. He asked as soon as possible for a meeting. March 17th is the scheduled reorganization meeting.

Lori Ciesla – She indicated the security cameras should be kept, especially because of what happened in Greenwich. Asked if the people receiving the rain barrels would be purchasing them from us or are we giving them out as gifts. Engineer Sterbenz said Juniper said they would be donated. The cost of building them should be passed onto the receivers. Councilman Belcaro confirmed they will be selling these rain barrels. Same thing with the Yoga instructor – we pay the Zumba instructor and people pay us to come to the class – she thought we could not raise donations. She noted the December minutes did not pass because Council President Pryor could vote on them. Clerk Dilts said the vote will be recorded and they will be posted. She wanted to clear up a comment from Councilwoman Schneider - about who gave her the LAA liaison position – Mayor Steinhardt did. She also cleared up that the last DPW employees hired; the Council did not receive resumes. Technology – Over in Phillipsburg, their Council just got the iPad and she said there is a policy on how things are put on the website that answers all the questions that were brought up here tonight – if you had an iPad you could look information up easily.

Mr. Mengucci – Mayor Steinhardt did in fact discuss our departments with us and if there was not discussion over the years it's because they were together for 12 years. He thought common sense and how they operated for 12 years. Mayor McKay – Said he didn't sit down with each person.

Eric Johnson – 361 Stonehenge – Thanked everyone for the discussion on a pretty important issue. Paul should also look into the developer's agreement that says they are supposed to maintain that fence and thought part of the next conversation that would be important. Engineer Sterbenz will look at this tomorrow.

Tim Weiss – Strykers Road – He expressed his embarrassment about talking about the Overlook access road. He said if you are going to look at an access road there, then access roads will have to be looked at on every dead end street in this town and every private complex out there that has one road in and one road out- he thought waste of taxpayers' money and time. If the Board of Education is going to be sending out a message over their communicator to the people who send children to the schools to get out to vote for the referendum, he strongly suggested, as a taxpayer, that it be sent out to all of us. The system they are using to send messages is paid for by all taxpayers.

Motion to adjourn the meeting by Council President Pryor, seconded by Councilwoman McCabe. All in favor.

Respectfully submitted,

Margaret B. Dilts
Clerk/Administrator

Thomas M. McKay
Mayor