

Township of Lopatcong  
Regular Session Minutes  
6:30 pm

October 7, 2020

The Regular Meeting of the Lopatcong Township Council was called to order by Mayor Mengucci. The meeting took place at the Municipal Building Court Room located at 232 S. Third Street, Phillipsburg, NJ.

Everyone was wearing masks and social distancing during the meeting.

A Prayer was offered followed by the Oath of Allegiance

Mayor Mengucci stated “adequate notice of this meeting has been provided indicating the time and place of the meeting in accordance with Chapter 231 of the Public Laws of 1975 by advertising a Notice in The Star Gazette and The Express-Times and by posting a copy on the bulletin board in the Municipal Building.”

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

**Public Comments**- No comments

**Special Presentation:**

Phillipsburg Mall Development Project – Presented an update to their proposed 850,000 square foot warehouse project that was discussed at the March 4<sup>th</sup>, 2020 Council Meeting. The site is 72 acres in both Pohatcong and Lopatcong Townships.

Tim Weiss – Trustee for Fire House No. 2 thanked the Council for the job they are doing for the Township and provided a T-shirt to each from the Fire House.

**Old Business:**

**Minutes** – Approve the Executive and Regular Session Minutes for September 2, 2020. Motion by Councilman Wright, seconded by Councilman Palitto. Roll call vote:

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

NAYS: None

ABSTAIN: Councilman Belcaro

**Resolution No. 20-132** – Award contract to Howard Burd and Sons Excavating and Paving, Inc., for sidewalk work to be completed on Wordsworth Lane in the amount of \$15,860.00.

**R 20 –132**

**RESOLUTION OF AWARD OF CONTRACT  
HOWARD BURD AND SONS EXCAVATING AND PAVING  
WORDSWORTH LANE CURB AND SIDEWALK REPAIRS  
TOWNSHIP OF LOPATCONG, WARREN COUNTY, NJ**

**WHEREAS**, the Township of Lopatcong (“Township”) is seeking to replace curbs and sidewalks that were impacted when the Township remediated a Karst sinkhole along the frontage of 31 Wordsworth Lane in late 2019; and

**WHEREAS**, the Township sought proposal from three (3) experienced and qualified contractors for the work; and

**WHEREAS**, two (2) of three (3) contractors submitted proposals for the work; and

**WHEREAS**, the lowest responsible bid was received from Howard Burd and Sons Excavating and Paving (“Burd”) in the amount of \$15,860.00; and

**WHEREAS**, Burd is a qualified contractor and has successfully completed other capital improvement projects for the Township in the past; and

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LOPATCONG** that a contract be awarded to Burd for the curb and sidewalk repair work on Wordsworth Lane in the amount of \$15,860.00.

**CERTIFICATION**

I, Margaret B. Dilts, CMC, Municipal Clerk of the Township of Lopatcong, County of Warren, and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Lopatcong Township Council at its meeting on Wednesday, October 7, 2020.

Margaret B. Dilts, CMC

Motion to adopt this Resolution by Council President Pryor, seconded by Mayor Mengucci.

Roll call vote:

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

NAYS: None

**New Business:**

**Phillipsburg Mall Preliminary Investigation of an Area in Need of Redevelopment** – Attorney Campbell stated that 2 years ago Council authorized a joint meeting with Pohatcong Township to study the Phillipsburg Mall. The owner of the mall delayed the process until now. The planner has finished the report and would like to present it to the Planning Board and have them hold the necessary hearing. The Planning Board asked that it come to Council first before the study moves forward. She noted, Council could authorize to send it to the Planning Board. Chairman VanVliet asked for a Council to formally send it to the Planning Board. Attorney Campbell stated that Planner Ritter has received a copy and she would follow up with him. Council President Pryor said that the Chairman should receive a copy.

**Ordinance No. 20-11** – First reading to Vacate any Utility Rights Retained Upon Vacation of an Alley by Ordinance No. 75 (1956). Attorney Campbell noted that in 1956 there were several alleys vacated in the Township. A reservation of rights was put into the ordinance for installation of utilities. There was an application before the Planning Board to subdivide and merge two lots. The applicant requested the utility right to be vacated. Council President Pryor noted that some of the lot lines were in need of adjustment as well. Clerk Dilts confirmed an email from Engineer Wisniewski indicating the plans have been revised was received.

**ORDINANCE NO. 20-11**

**AN ORDINANCE OF THE TOWNSHIP OF LOPATCONG,  
COUNTY OF WARREN, STATE OF NEW JERSEY  
TO VACATE ANY UTILITY RIGHTS RETAINED UPON  
VACATION OF AN ALLEY BY ORDINANCE NO. 75 (1956)**

**WHEREAS**, the Township of Lopatcong via Ordinance No. 75 dated October 8, 1956 abandoned and vacated several avenues, streets and alleys throughout the Township of Lopatcong; and

**WHEREAS**, at the time of abandonment and vacation the Township reserved the right “to construct and maintain sanitary and storm sewers and drains and connections herewith underneath the avenues, streets and alleys and parts of avenues, streets and alleys”; and

**WHEREAS**, the Township of Lopatcong recently approved a subdivision involving Block 65, Lots 3 and 4; and

**WHEREAS**, as part of the subdivision, existing Lot 3 will merge with a portion of Lot 4 which will include the area that used to be an alley that ran between 2<sup>nd</sup> and 3rd Streets; and

**WHEREAS**, the Township wishes to vacate any interest it retained to construct and maintain sanitary and storm sewers and drains as part of Ordinance No. 75-1956; and

**WHEREAS**, attached to this Ordinance is a map depicting the portion of the vacated right of way to which the utility rights are being relinquished marked with hash marks. The rights retained by Ordinance No. 75-1956 will remain on the remainder of the vacated alley that runs between Block 65, Lots 4 and 5;

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

Section 1:

The Township Council of the Township of the Township of Lopatcong hereby relinquishes the rights to construct and maintain sanitary and storm sewers in the alley between Block 65, Lot 3 and Lot 4, as depicted in the hashed area on the map attached to this Ordinance entitled “Minor Subdivision Sketch/Final Plat” dated June 17, 2019 prepared by Richard L. Schreiter, PLS;

**BE IT FURTHER RESOLVED** that the Township is not relinquishing its rights to sanitary and storm sewer in the abandoned alleyway between Block 65, Lot 4 and 5.

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 October 7, 2020 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 November 4, 2020 at 6:30 p.m. or as soon thereafter as the Township Council may hear this Ordinance at the Municipal Building, 232 South Third Street, Phillipsburg, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Margaret B. Dilts, CMC

Motion to adopt this Ordinance on first reading by Mayor Mengucci, seconded by Council President Pryor. Roll call vote:

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

NAYS: None

**Consent Agenda:**

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

**Resolution No. 20-133** – Authorize County to submit for South Warren Municipal Alliance Grant for fiscal year 2021.

R 20-133

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

Form IB

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

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

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

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

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

1. The Township Council does hereby authorize submission of a strategic plan for the South Warren Municipal Alliance grant for fiscal year 2021 in the amount of  
DEDR \$1900.00  
Cash Match \$475.00  
In-Kind \$1,425.00
2. The Township Council acknowledges the terms and conditions for administering the Municipal Alliance Grant including the administrative compliance and audit requirements.

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

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Council at a meeting held on Wednesday, October 7, 2020.

Margaret B. Dilts, CMC

**Zuccaro, Inc.** – Authorize Partial Payment No. 1 for the Red School Lane Traffic Signal Project in the amount of \$83,124.58.

**Resolution No. 20-134** – Authorize refund for Tax Overpayment on Block 86.04, Lot 16 in the amount of \$431.55.

R 20-134

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND  
STATE OF NEW JERSEY TO ISSUE A REFUND FOR A TAX OVERPAYMENT FOR  
BLOCK 86.04, LOT 16

WHEREAS, Block 86.04, Lot 16 qualified as tax exempt (disabled veteran) on September 11, 2020; and

WHEREAS, the Tax Collector has adjusted the tax account to cancel taxes for the 4<sup>th</sup> quarter of 2020 and 1<sup>st</sup> and 2<sup>nd</sup> quarter of 2020; and

WHEREAS, before the Tax Collector could make the adjustment on the account the homeowner made the 3<sup>rd</sup> quarter payment of \$1,753.61 on August 4, 2020; and

WHEREAS, the homeowner's payment prorated to \$431.55 should be refunded to the property owner.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Lopatcong hereby authorizes a refund in the amount of \$431.55 to: Mark J & Cindy L Gonzalez, 611 Dinah Drive, Phillipsburg, NJ 08865.

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, October 7, 2020.

Margaret B. Dilts, CMC

**Announcement** – Trick or Treat – October 31<sup>st</sup> from 5 to 7 pm – CDC guidelines applicable.

**Council Reports:**

Councilman Palitto – Successful town wide Yard Sale – Thanked Tim Weiss and the Lopatcong Fire Dept. for all their help. About 80 residents participated and about \$800.00 was raised for the Fire Dept. LAA discussed the lining of the fields as one of the services toward the contract.

Councilman Belcaro – No report.

Councilman Wright – Asked how the Township stood on the dog kennels. Clerk Dilts updated the public regarding the Guardian Dog Kennels through an email wherein the Construction Official provided to the owner as to the status of their permit and the work they are currently doing on the property. Attorney Campbell noted that the Construction Official can take action and fine them for any violations.

Reported the owner of Center Point and the old Morrie's Acres property has been notified of the condition of the property.

Councilman Wright asked Attorney Campbell about the status of receiving our insurance payment from the Tax Collector matter. Attorney Campbell reported that an insurance payment shall be released shortly from the insurance company. The prosecutor is assigning someone new to the criminal case and assured her this is a top priority. It has been two years since the arrest.

Council President Pryor – Reported that September 8<sup>th</sup> he participated in a Warren County Webinar sponsored by the New Jersey Infrastructure Bank they went over the program for transportation. It mimic's the loan program that was available in the water and the wastewater side, their infrastructure program and both programs allow you to borrow money from the bank and it is a blended loan; you get half at zero percent and a half at a triple A rate. You can combine them with local aid money. He explained the particulars noting there would be overhead attached, some extra reports and inspection paperwork and generally the cut off where this becomes being feasible is about a million dollars which is a lot of money for road projects even if you combine them.

He also mentioned that he attended the Phillipsburg Sewer Meeting as Councilman Belcaro was unavailable and there were a couple things to report on. The Phillipsburg engineer reported there was still problems with the Roseberry meter. As it turns out, the meter was read and the figure was not being transmitted to the cloud. This is being corrected. The Sycamore Landing meter is also not working. Their engineer recommended to add a monthly charge for meters that had to be read more than once due to an estimated reading. Council President Pryor objected to this as the new contract does not include this extra charge.

Mayor Mengucci – Reported that the intersection at Baltimore and Red School will be finished this year at a cost of \$500/600 thousand. Several other road projects have been done and will continue to be addressed.

Mayor Mengucci said he would like two-time clocks purchased; one for the municipal building and one for the DPW by making the motion, seconded by Councilman Wright. Roll call vote:  
AYES: Councilman Belcaro, Councilman Palitto, Councilman Wright, Council President Pryor, Mayor Mengucci.  
NAYS: None

Mayor Mengucci stated that he would like to hire an architect to redo the office area inside the building where the Clerk sits, back through his office. He can put some people in one area and take into consideration all safety precautions so that residents coming in can be serviced. He will bring in the gentleman who was the architect for the new Phillipsburg High School to take a look at the situation before any further steps would be taken. Council President Pryor stated he had no objection.

Mayor Mengucci asked to authorize payment discussed in Executives Session to the Phillipsburg Emergency Squad. Phillipsburg has answered roughly 75 percent of the calls in Lopatcong. Council felt it fair at this point to provide a \$5,000 contribution to the Phillipsburg Emergency Squad. Motion by Mayor Mengucci, seconded by Councilman Wright. Roll call vote:  
AYES: Councilman Belcaro, Councilman Palitto, Councilman Wright, Council President Pryor, Mayor Mengucci.  
NAYS: None

Engineer Sterbenz – Confirmed that the resident at 870 Strykers Road whose escrow was set up so preparation and submission of his wastewater management plan was submitted to the DEP.

County fixed the problem with the traffic signal at Belvidere and Roseberry Street but during the course of the communication it was discovered that some administrative tasks the County was to conduct in early 2019 never occurred. This will be addressed immediately.

Engineer Sterbenz provided an update on the plans to finish Red School Lane and Baltimore Streets which included the traffic signal and paving by Tilcon. Grandview Avenue will be addressed in conjunction with this project.

Engineer Sterbenz talked to the County about lessening the width of the sidewalk under the Tap Grant Program. The current width is 5 feet but the County is willing to allow a 4-foot-wide sidewalk as long as the Township would hold the County harmless and indemnify the County from liability through a legal document. The plan would have to be amended to make the width 4-feet but, in some places, it would have to be 5 feet to meet the Americans Disabilities Act. Out of 22 sign-offs there are 12 received back from those residents affected.

The Sally Port Project has been moving along; a meeting with the contractor was held on-site several weeks ago and that contractor has provided a response with an updated proposal with some deductions which will bring the price down to \$208,165.00. Council President Pryor would like to have a contract drawn up and the project moving forward. Council President Pryor made a motion to authorize Attorney Campbell and Engineer Sterbenz to draw up a contract with this contractor, seconded by Mayor Mengucci. Roll call vote:  
AYES: Councilman Belcaro, Councilman Palitto, Council President Pryor, Mayor Mengucci.

NAYS: None

ABSTAIN: Councilman Wright

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

**Payment of Bills** – Motion to pay bills by Council President Pryor, seconded by Mayor Mengucci. Roll call vote:

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

NAYS: None

**Audience Participation:**

John Betz – Brakeley Gardens – asked for an update on the Rent Leveling Board. Talked about the tax burden on residential tenants in the community dealing with additional traffic and the improvements to the roads and such with the warehouses, and other new developments and who pays for all of this.

Lori Ciesla – 12 Meadowview Drive along with Lindsey Saykay of Goldfinch Terrace – Reported that they conducted a recreation survey during Music in the Park and adapted the movies to the park as well to see how the participants felt and what they would like to see additional. They received good feedback. Everyone that responded wants to do a music festival and a tree lighting and fireworks.

Brian Weeks – Addressed the No. 2 Fire House parking lot at \$44,000 for a complete reconstruction or \$16,736.35 for Tilcon to mill down 2 inches and overlay it. Mayor Mengucci made a motion to approve, seconded by Councilman Belcaro. Roll call vote:

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

NAYS: None

Motion to go into Executive Session by Councilman Wright, seconded by Councilman Palitto. All in favor.

R 20-135

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. Contractual – PBA Contract
2. Contractual – DPW Contract

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, October 7, 2020.

Margaret B. Dilts, CMC

Motion to come back to regular session to adjourn the meeting by Councilman Wright, seconded by Councilman Palitto. All in favor.

Respectfully submitted,

Margaret B. Dilts, CMC  
Clerk/Administrator

James E. Mengucci  
Mayor