

TOWNSHIP OF LOPATCONG  
Regular Meeting Minutes  
7:30 pm

January 20, 2021

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

A Prayer was offered followed by the Oath of Allegiance.

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

Present – Councilman Palitto, Councilman Belcaro, Councilman Wright, Mayor Mengucci. Also present was Attorney Cohen.

**Public Comment:** No comments from the public

**Old Business:**

**Payment of Bills** – Motion to pay bills by Councilman Wright, seconded by Councilman Palitto.

Roll call vote:

AYES: Councilman Belcaro, Councilman Palitto, Councilman Wright, Mayor Mengucci.

NAYS: None

**Resolution No. 21-40** - Remote Meeting Procedures.

**R 21-40**

**RESOLUTION OF THE COUNCIL OF THE TOWNSHIP OF LOPATCONG, WARREN TOWNSHIP, NEW JERSEY, ESTABLISHING STANDARD PROCEDURES FOR REMOTE MEETINGS REGARDING ACCESS TO PRESENTATIONS AND DOCUMENTS VIEWED OR MADE AVAILABLE TO ATTENDEES AND MAKING PUBLIC COMMENT AT MEETINGS OR BY ELECTRONIC MAIL OR WRITTEN LETTER IN ADVANCE OF THE MEETING IN ACCORDANCE WITH N.J.A.C. 5:39-1 et seq.**

**WHEREAS**, Section 8 of P.L. 2020 c. 34 approved May 15, 2020 confirms that a local public body is permitted to conduct a public meeting by electronic means under certain emergency conditions as therein defined, provided that reasonable public notice and provision for public input is made under the circumstances; and

**WHEREAS**, said statute authorizes the Director of the Division of Local Government Services (“DLGS”) in the Department of Community Affairs (“DCA”) to adopt emergency regulations pursuant to N.J.S.A. 52:14B-4; and

**WHEREAS**, the Director has adopted such emergency regulations as N.J.A.C. 5:39-1 et seq.; and

**WHEREAS**, N.J.A.C. 5:39-1.4(h) directs the adoption of a resolution establishing standard procedures and requirements: (i) for access to presentations and documents viewed or made available to attendees; (ii) for the making of public comments during a remote public meeting; (iii) for the making of public comments submitted in writing ahead of a remote meeting; and (iv) for establishing standards of conduct to be followed by members of the public when making comments; and

**WHEREAS**, the Lopatcong Township Council desires to adopt such a resolution in compliance with the emergency regulations.

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

1. In conducting a remote public meeting as permitted under Section 8 of P.L. 2020 c. 34, the following standard procedures and requirements shall be applicable:
  - a. Any presentations or documents that would otherwise be viewed or made available to members of the public physically attending a public meeting shall be made visible on a video broadcast of the remote public meeting, or shall be made available on the Township website. If a document would be made available to individual members of the public in a hard copy while physically attending the meeting, the document shall be made available in advance of the meeting for download through an internet link appearing either on the meeting notice or near the posting of the meeting notice, both on the website and at the building where the meeting would have otherwise been held.
  - b. The Council shall allow members of the public to make public comment by audio or by audio and video, depending upon the manner in which the member of the public has accessed the remote meeting. Prior to providing public comment, the individuals shall be required to identify themselves by name and address. The procedure that will be followed to make public comment will be announced at the beginning of the meeting.
  - c. Except for comments at public hearing on applications for development (for which no public comment will be accepted by electronic mail or in written letter form), the Council will accept comments by electronic mail or in written letter form on matters on which the Council is required to otherwise accept audio and/or audio and video comment, **PROVIDED, HOWEVER**, that comment by electronic mail or in written letter form is received by the Municipal Clerk by 4:00 p.m., not less than 48 hours prior to the meeting. The Council will not accept any text-based comment at any time, nor will the Council consider any comment by electronic mail or in written letter form if received beyond the deadline established above.
  - d. To the extent that public comment is permitted to be submitted before the remote public meeting through electronic mail or by written letter, it shall be read aloud and addressed during the remote public meeting in a manner audible to all meeting participants and the public. Unless waived by the Council at its discretion, a five-minute time limit on public comments of each member of the public is hereby established and shall be similarly applicable on the reading of written comments. Such reading shall be terminated at the expiration of the five-minute period. No member of the public shall have the right to cede or transfer their allocated time to another member of the public. The Council may pass over duplicate written comments, provided that each duplicate comment shall be noted for the record, with its content summarized. No duplicative comments summarized by the Council shall otherwise be read individually.
  - e. The public attending the remote meeting and/or offering comment shall conduct themselves in a courteous manner and shall follow the decorum in the same fashion as if the meeting were being conducted in-person. If a member of the public disrupts a virtual meeting, the following procedures shall be followed:
    - (i) The Board shall facilitate a dialogue with the commenter to the extent permitted by the electronic platform being utilized;
    - (ii) If a member of the public becomes disruptive during the remote public meeting, including, but not limited to, any period for public comment, the disruptive member of the public shall be muted and shall continue to be muted and shall be warned that continued disruption may result in their being prevented from speaking during the remote public meeting, or removed from

the remote public meeting. Disruptive conduct includes sustained inappropriate behaviors such as, but not necessarily limited to, shouting, interruption, and use of profanity.

(iii) A member of the public who continues to act in a disruptive manner after receiving an initial warning may be muted while other members of the public are allowed to proceed with their questions and/or comments. If time permits, the disruptive individual shall be allowed to speak after all other members of the public have been given the opportunity to make comment. Should the individual remain disruptive, the individual may be muted or kept on mute for the remainder of the remote public meeting, or removed from the remote public meeting.

2. This resolution shall take effect immediately.

**WITNESSETH**, this Resolution was duly adopted by the Council of the Township of Lopatcong at its meeting of January 20, 2021.

#### 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 Special Meeting held on Wednesday, January 20, 2021.

Margaret B. Dilts, CMC

**Resolution No. 21-48** – Redevelopment Study not to exceed a budget amount of \$30,000.00.

#### **RESOLUTION 2021-48**

**RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY, AUTHORIZING THE TOWNSHIP OF LOPATCONG PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER THE PROPOSED STUDY AREA, WHICH INCLUDES: BLOCK 100, LOTS 1, 2.01, 2.03, 3, 4, 6.03 AND 6.05 (RESEARCH OFFICE MANUFACTURING ZONE); BLOCK 100, LOTS 7.02, 8, 9, 10, 11, 12 AND 13 AND BLOCK 102, LOTS 1.01, 2.01, 2.02, 9.03 AND 9.04 (HIGHWAY BUSINESS ZONE); Block 102, LOT 9 (ACTIVE ADULT RESIDENTIAL COMMUNITY ZONE) AND BLOCK 102, LOT 9.01 (HIGHWAY BUSINESS ZONE – PLANNED DEVELOPMENT DISTRICT OVERLAY QUALIFIES AS AN AREA IN NEED OF NON-CONDEMNATION REDEVELOPMENT PURSUANT TO N.J.S.A. 40A:12A ET SEQ.**

**WHEREAS**, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (“Redevelopment Law”), provides a mechanism to assist local governments in efforts to promote programs of redevelopment; and

**WHEREAS**, the Redevelopment Law sets forth the procedures for the Township to declare an area in need of redevelopment, along with the development and effectuation of a redevelopment plan; and

**WHEREAS**, pursuant to the required redevelopment procedures, specifically set forth in N.J.S.A. 40A:12A-6, no area of a municipality shall be deemed a redevelopment area unless the governing body of the municipality shall, by Resolution, authorize the Planning Board to undertake a preliminary investigation to determine whether a proposed area is a redevelopment area meeting the criteria set forth in N.J.S.A. 40A:12A-5; and

**WHEREAS**, the New Jersey Legislature adopted, and the Governor signed, P.L. 2013, Chapter 159, which amended the Redevelopment Law, including the procedural requirements of N.J.S.A. 40A:12A-5 and N.J.S.A. 40A:12A-6; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-6, “[t]he resolution authorizing the planning board to undertake a preliminary investigation shall state whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area other than the use of eminent domain (hereinafter

referred to as a “Non-Condemnation Redevelopment Area”) or whether the redevelopment area determination shall authorize the municipality to use all those powers provided by the Legislature for use in a redevelopment area, including the power of eminent domain (hereinafter referred to as a “Condemnation Redevelopment Area”); and

**WHEREAS**, the Township Council desires to commission a study to determine if the Area(s) should be designated a Non-Condemnation Redevelopment Area; and

**WHEREAS**, the Township Council finds it to be in the best interest of the Township and its residents to authorize the Township’s Planning Board pursuant to N.J.S.A. 40A:12A-4 and N.J.S.A. 40A:12A-6 to undertake such preliminary investigation of the study area which includes properties Block 100, Lots 1, 2.01, 2.03, 3, 4, 6.03 and 6.05 (Research Office Manufacturing Zone); Block 100, Lots 7.02, 8, 9, 10, 11, 12 and 13 and Block 102, Lots 1.01, 2.01, 2.02, 9.03 and 9.04 (Highway Business Zone); Block 102, Lot 9 (Active Adult Residential Community Zone) and Block 102, Lot 9.01 (Highway Business – Planned Development District Overlay Zone);

**WHEREAS**, the Township of Lopatcong wishes to direct the Planning Board to undertake a preliminary investigation utilizing George Ritter PP, AICP, of Ruggiero Plante to prepare the preliminary investigation to determine whether the proposed Study Areas qualifies as an area in need of Non-Condemnation Redevelopment pursuant to N.J.S.A. 40A:12A-5.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Lopatcong, in the County of Warren, and State of New Jersey, that the Planning Board is hereby authorized to undertake a preliminary investigation, utilizing George Ritter PP, AICP, of Ruggiero Plante to prepare the preliminary investigation, pursuant to the notice, conduct a hearing and comply with other requirements of the Redevelopment Law, N.J.S.A. 40A:12A-1 et seq., as amended, in order to recommend to the Township Council whether the area comprising the study area is an area in need of **Non-Condemnation Redevelopment** according to the criteria set forth in N.J.S.A. 4A:12A-5.

**BE IT FURTHER RESOLVED**, that the Planning Board is hereby directed to provide individual notice to the property owners of record in the Study Areas in accordance with N.J.S.A. 40A:12A-6.

**BE IT FURTHER RESOLVED**, that the Planning Board shall submit its findings and recommendations to the Township Council in the form of a Resolution with supporting documentation.

**BE IT FURTHER RESOLVED**, that a certified copy of this Resolution is to be forwarded to the Planning Board of the Township of Lopatcong.

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect pursuant to law.

I, Margaret B. Dilts, Clerk of the Township of Lopatcong, in the County of Warren, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of resolution which was adopted by the Township Council at a meeting held on the 20<sup>th</sup> day of January, 20, 2021

Margaret B. Dilts, CMC

Motion to adopt this Resolution on motion by Councilman Wright, seconded by Mayor Mengucci. Roll call vote:

AYES: Councilman Belcaro, Councilman Palitto, Councilman Wright, Mayor Mengucci.

NAYS: None

**Public Comment:**

No public comment.

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

Respectfully submitted,

Margaret B. Dilts, CMC  
Clerk/Administrator

James E. Mengucci  
Mayor