

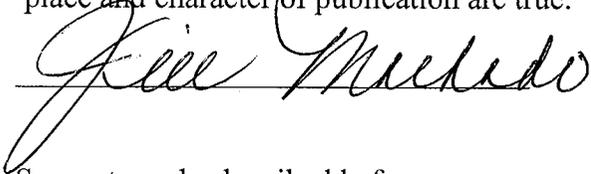
Proof of Publication Notice in The Express Times  
Under Act No. 587, approved May 16, 1929

State of Pennsylvania  
County of Northampton

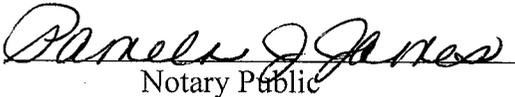
Jill Machado being duly sworn, deposes and says that The Express Times is a daily newspaper published at 30 N. 4<sup>th</sup> St, Northampton County, Easton, Pennsylvania which was established in the year 1855, since which date said daily newspaper has been regularly published and distributed in said County, and that copy of the printed notice of publication is attached hereto exactly as the same was printed and published in the regular editions and issues of said daily newspaper on the following dates

September 12, 2009

Affiant further deposes and says that she is an employee of The publisher of said newspaper and has been authorized to Verify the foregoing statement and that she is not interested In the subject matter of the aforesaid notice of publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.

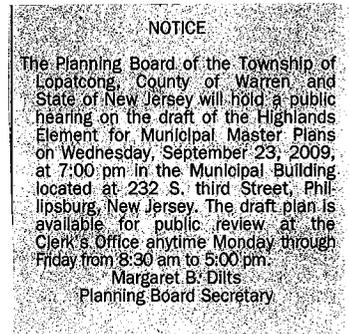
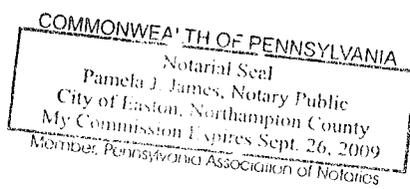


Sworn to and subscribed before me  
this 15th. Day of September, 2009



Notary Public

My Commission Expires:



**TOWNSHIP OF LOPATCONG  
PLANNING BOARD  
AGENDA**

**September 23, 2009**

**Call to Order  
Prayer  
Oath of Allegiance**

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

**Old Business:**

**Minutes** – August 26, 2009

**Resolution – Block 59, Lot 1 – AutoZone** - Approve Preliminary and Final Site Plan with Bulk Variances.

**Land Use Plan Element** – Public Hearing to entertain a Zone change to Block 102, Lot 3.

**Highlands Element Plan** – Public Hearing to entertain Model Highlands Element for Municipal Master Plan.

**Public Comment  
Adjournment**

TOWNSHIP OF LOPATCONG  
PLANNING BOARD MEETING

September 23, 2009

The meeting of the Planning Board of the Township of Lopatcong called to order by Chairman VanVliet at 7:00 pm. A silent prayer was offered followed by the Oath of Allegiance.

Chairman VanVliet 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: Chairman VanVliet, Members France, Lance, Stewart, Woolf and Camporine. Also present were Attorney Palmer, Engineer Sterbenz and Planner Ritter.

**Old Business:**

**Minutes** – Chairman VanVliet accepted the minutes of August 26, 2009 as there were no corrections.

**Resolution Block 59, Lot 1 – AutoZone** – Approve Preliminary and Final Site Plan with Bulk Variances. Motion to approve by Member Lance, seconded by Member Camporine. Roll call vote:

AYES: Members Stewart, Woolf, Camporine and Chairman VanVliet

NAYS: None

**Land Use Plan Element Zone Change to Block 102, Lot 3** – Chairman VanVliet opened the floor for a public hearing. Motion by Member Lance, seconded by Member Camporine. Planner, George Ritter explained this would be a Master Plan Amendment to this property. This property is a little over 20.7 acres. The Phillipsburg Mall abuts the property to the south and the access road for the mall loops around and provides frontage to this lot. The other part fronts on US Route 22. A piece of the Morris Canal runs behind it. The site is wooded and undeveloped. A request came before the board to be rezoned to accommodate multi-family housing. The site is located on the backside of the mall and it is highly unlikely that the site would be expanded for retail purposes. It is in a part of the township that does not conflict with any abutting land uses. The property to the rear is actually part of a senior-citizen zoned area that is set aside for age restricted housing. The development is also consistent with Planning Area 2 of the State Redevelopment Guide Plan and the Highlands Regional Master Plan. Chairman VanVliet asked if there was any public comment. There being none, Chairman VanVliet closed the public hearing and asked for a motion to approve the zone change. Motion by Member Lance, seconded by Member Camporine. Roll call vote:

AYES: Members Lance, Stewart, Woolf, Camporine and Chairman VanVliet.

NAYS: Member France

Chairman VanVliet asked for a motion to have Planner Ritter prepare the Ordinance for Council's review. Motion by Member Lance, seconded by Member France. Roll call vote:

AYES: Members France, Lance, Stewart, Woolf, Camporine and Chairman VanVliet.

NAYS: None

**Highlands Element Plan** – Chairman VanVliet stated this is a public hearing to entertain a Model Element for the Municipal Master Plan which is a requirement of the Highland's organization. Motion by Member Lance, seconded by Member France. Planner Ritter talked to the Board what was contained in the model plan and the effects it would have on our current Master Plan. The Township is divided into two areas the Preservation and Planning Areas. The Preservation Area will be managed by land use regulation set by the Highlands Council. The Planning Area is about 78% of the township. Chairman VanVliet noted there was no one present for the public hearing. Chairman VanVliet closed the public hearing as there were no comments from the public. Motion by Member Lance, seconded by Member France. An Ordinance shall be prepared for consideration by the Governing Body.

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

Chairman VanVliet asked for a motion to adjourn the meeting. Motion by Member France, seconded by Member Lance. All in favor.

Respectfully submitted,

Margaret B. Dilts  
Planning Board Secretary

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY IN REGARD TO EXECUTIVE SESSIONS AND REGULAR MEETINGS FOR THE YEAR 2009.

WHEREAS, Section 113 of the Open Public Meetings Act, Chapter 231 P.L. 1975, requires that at least once a year, not later than January 10<sup>th</sup> of such year, every public body shall post and mail to the newspapers designated by said body, a schedule of the location, time and date of each meeting of said body during the succeeding year;

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

EXECUTIVE SESSIONS of the Council shall be held at the Municipal Building, 232 S. Third Street, Lopatcong Township, Phillipsburg, New Jersey 08865 at 7:00 PM prevailing time, and REGULAR MEETINGS will be held at the same location at 7:30 PM prevailing time, on the FIRST WEDNESDAY of each month for the year 2009.

If the FIRST WEDNESDAY of any month shall fall on a legal holiday, the meeting shall be held on the following day. The dates of such meetings are as follows:

EXECUTIVE SESSIONS AND REGULAR MEETINGS

January 7, 2009	July 1, 2009
February 4, 2009	August 5, 2009
March 4, 2009	September 2, 2009
April 1, 2009	October 7, 2009
May 6, 2009	November 4, 2009
June 3, 2009	December 2, 2009
	December 30, 2009

Reorganization Meeting - January 6, 2010

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, January 7, 2009.

Margaret B. Dilts, CMC 01/22/09

(Pr's Fee: \$19.99)

STATE OF NEW JERSEY

WARREN COUNTY

full age, being duly sworn upon her oath, saith: That she is the Municipal Clerk of the Township of Lopatcong, County of Warren, and State of New Jersey and does hereby certify that a notice was posted in THE Star Gazette, a newspaper published in Warren County, New Jersey. This notice of which the annexed is a true copy was published once on 1-22-09.

Phyllis D. Coleman

PHYLLIS D. COLEMAN NOTARY PUBLIC OF NEW JERSEY My Commission Expires April 2, 2012

Sworn and subscribed before me this 28 day of January A.D. 2009

**TOWNSHIP OF LOPATCONG  
COUNCIL MEETING  
AGENDA**

**November 4, 2009**

**Call to Order**

**Pass Resolution to hold an Executive Session**

1. Lopatcong Park – Steve Hockman and John Kosar
2. Gary VanVliet – Preservation and Planning Area Petition Resolution
3. Tilcon lawsuit
4. Block 129, Lot 13 – approve planting of trees on township open space
5. Topline Construction invoice
6. Warren Hospital letter of support for increased services in the area of cardiac catheterization and primary angioplasty.
7. Maser proposal for Professional Services for Rooftop Solar Installations Project
8. Stormwater Training

**Call to Order**

**Prayer**

**Oath of Allegiance**

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

**Old Business:**

1. Ordinance No. 09-12 – second reading and public hearing to establish Chapter 132 entitled “Heat, Rental Properties,” for regulation of heat. Tabled from October meeting.

**New Business:**

1. Approve payment of invoice in the amount of \$47,515.37 submitted by Tilcon for work completed on South Fourth and South Sixth Streets.
2. Ordinance No. 09-15 – first reading to amend Chapter 243 entitled “Zoning and Land Use”, Article XIV, “Zoning District and Use Regulations”, Article XII, “Establishment of Zones; Applicability of Zoning Regulations”, Section 243-57, “Enumeration of Zones”, to add a residential zoning district – MFI Multifamily Inclusionary Zone and amend the zoning classification of certain parcel to

conform to the recommendations contained in the Master Plan Amendment, "Land Use Plan Element Proposed Amendment HB Highway Business Zone Lot 3 in Block 102".

3. Resolution to approve transfer of \$99,400.00 within the Current Fund of the 2009 Operating Budget to cover expenses.
4. Resolution to approve preliminary expenses for the Clean and Renewable Energy Program.
5. Resolution to cancel improvement authorization of the General Capital Fund to the General Capital Fund Balance in the amount of \$173,665.97.
6. Resolution requesting approval from the Division of Local Government Services for insertion of \$625,480.00 from the New Jersey Board of Public Utilities Clean Energy Program into the 2009 Budget.
7. Resolution to approve Chapter 159 for insertion of \$21,044.00 from Highlands Council in 2009 Budget
8. Resolution authorizing Tax Collector to charge \$25.00 fee for two each tax sale mailings.
9. Resolution approving correction of 2009 added assessment on Block 116, Lot 27 and 27.02.
10. Resolution to approve Towing Contracts with H & K Auto Body Repairs, Inc., Stew's Towing Inc., and Rossnagle's Service Center, Inc.
11. Mrs. Mazun to address concerns with regard to the Brass Rail.
12. Resolution to authorize submission of petition for Plan Conformance to the Highlands Water Protection and Planning Council for land in the Preservation Area and the Planning Area.

**Council Reports**

**Report from Engineer**

**Report from CFO**

**Report from Tax Collector**

**Approve Dept. Reports**

**Approve Payment of Bills**

**Public Comment**

**Adjournment**

TOWNSHIP OF LOPATCONG

November 4, 2009

The meeting of the Township of Lopatcong Council was called to order at 7:30 pm by Council President Camporine. The meeting was held in the Municipal Building at 232 S. Third Street, Phillipsburg, New Jersey 08865.

Council President Camporine stated “adequate notice of this meeting has been provided indicating the time and place of this 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.”

A Prayer was offered followed by the Oath of Allegiance.

Present: Council President Camporine, Councilmen Baker, Mengucci and Curry. Also present were CFO Dobes, Tax Collector Edinger, Attorney Campbell and Engineer Sterbenz.

Resolution 09-97 was passed to hold an Executive Session to discuss Lopatcong Park, Gary Van Vliet- Preservation and Planning Petition Resolution, Tilcon lawsuit, Block 129, Lot 13- approve planting of trees on township open space, Topline Construction invoice, Warren Hospital letter of support for increased services in the area of cardiac catheterization and primary angioplasty, Maser proposal for Professional Services for Rooftop Solar Installation Project, Stormwater Training.

**Old Business:**

**Ordinance No. 09-12** - Second reading and public hearing to establish Chapter 132 entitled “Heated, Rental Properties”, for regulation of heat, tabled from the October meeting. Motion made from Councilman Mengucci to table this ordinance until the December 3, 2009 meeting. Councilman Baker seconded it. Roll call vote:

AYES: Councilmen Baker, Mengucci, Curry and Council President Camporine.

NAYS: None

**New Business:**

**Tilcon-** Approve payment of invoice in the amount of \$47,515.37 submitted by Tilcon for work completed on South Fourth and South Sixth Streets. Motion by Councilman Mengucci and seconded by Councilman Curry. Roll call vote:

AYES: Councilmen Baker, Mengucci, Curry and Council President Camporine.

NAYS: None

**Ordinance No. 09-15** - First reading to amend Chapter 243 entitled “Zoning and Land Use”, Article XIV, “Zoning District and Use Regulations”, Article XII, “Establishment of Zones; Applicability of Zoning Regulations”, Section 243-57, “Enumeration of Zones”, to add a residential zoning district- MFI Multifamily Inclusionary Zone and amend the zoning classification of certain parcel to conform to the recommendations contained in the Master Plan Amendment, “Land Use Plan Element Proposed Amendment HB Highway Business Zone Lot 3 in Block 102”.

**2009-15**

**TOWNSHIP OF LOPATCONG**

**An Ordinance to Amend Chapter 243, “Zoning & Land Use”, Article XIV, “Zoning District and Use Regulations”, Article XII, “Establishment of Zones; Applicability of Zoning Regulations”, Section 243-57, “Enumeration of Zones”, of the Code of the Township of Lopatcong and the “Zoning Map of Lopatcong Township”, to add a residential zoning district — MFI Multifamily Inclusionary Zone — and to amend the zoning classification of a certain parcel to conform to the recommendations contained in the Master Plan Amendment, “Land Use Plan Element Proposed Amendment HB Highway Business Zone Lot 3 in Block 102”.**

**WHEREAS**, the Planning Board of the Township of Lopatcong has adopted a Master Plan amendment that recommends adding a new residential zoning district which provides for low and moderate-income housing on a parcel now zoned HB Highway Business; and

**WHEREAS**, the affected parcel is identified on the Lopatcong Township tax maps as Lot 3 in Block 102 and is located adjacent to the Phillipsburg Mall; and

**WHEREAS**, the governing body (Council) of Lopatcong Township has determined that the Planning Board's findings and recommendations regarding the zoning amendment are in the best interests of the Township.

**NOW THEREFORE, BE IT ORDAINED** by the Council of the Township of Lopatcong, County of Warren, and State of New Jersey that Article XII and Article XIV of the Zoning & Land Use Ordinance for Lopatcong Township are hereby amended as follows:

**SECTION ONE.** Article XIV of the Zoning & Land Use Ordinance shall be amended to include a new residential zoning district as follows:

**Section 243-68.1. MFI Multifamily Inclusionary Zone.**

- A. Intent. The intent of the multifamily inclusionary residential zone is to provide multifamily housing options, while at the same time assisting the Township in meeting its affordable housing obligation through an inclusionary zoning program. Within the MFI Zone, new multifamily development will be allowed only as part of an inclusionary development in which affordable units will be constructed for occupancy by income-qualified households as allowed and regulated by the Council on Affordable Housing (COAH).
- B. Permitted principal use: Multifamily residential dwellings.
- C. Permitted accessory uses shall be as follows:
  - (1) Sales/rental office of a temporary nature not to extend beyond the occupancy of the last dwelling in the project and to be solely used for the sales/rental of dwellings within the multifamily inclusionary development.
  - (2) Recreation and cultural facilities for the sole use of the residents of the community and their guests including picnic areas and other active and passive recreation facilities.
  - (3) Construction office and/or trailer during the time the project is being constructed.
  - (4) The following uses shall be exclusively and solely devoted to the use and benefit of the residents of the multifamily inclusionary development.
    - (a) Off-street parking areas and garages.
    - (b) Maintenance facilities.
    - (c) Utility facilities.
    - (d) Fences
    - (e) One non-illuminated identification sign for each entrance, provided that the sign shall not exceed 10 square feet in area and is located not less than 10 feet from any street line or 15 feet of an adjacent property line. The height of such a sign shall be limited to five (5) feet.
- D. Provisions and Requirements. The following provisions shall be satisfied before a multifamily inclusionary development is approved:
  - (1) Sewer and Water Service. Every dwelling unit and the community building within the development shall be connected to a public sewage disposal and central potable water service system. The sewage and water capacity provided shall be sufficient to accommodate the uses as approved by the Board.
  - (2) Location of Buildings. All dwellings and other buildings within the development shall have frontage on and vehicular access to an internal roadway.
  - (3) Open Space. Common open space and recreation facilities shall be governed and regulated by the provisions of § 243-82 and the following requirements:
    - (a) At least 40% of the development tract shall be planned and maintained as common open space for recreation use, nature conservation areas, decorative landscaping and/or community serving facilities, not counting as common open space any lands

in internal roadways, drives and parking areas except as provided for in § 243-68.1.(3)(b).

- (b) Not more than 20% of common space provided may be devoted to a community center/recreation building complex and associated parking areas; and at least 25% of the common open space shall be developed for active recreation, such as swimming pools, playing fields, tennis, bocce or basketball courts, tot-lots, trails, gazebos and community garden plots.

E. General Requirements. Every multifamily inclusionary development shall be designed in accordance with the standards set forth in the appropriate sections of the Zoning and Land Use regulations of Lopatcong Township pertaining to subdivision and site plan approval except that in addition the following requirements shall apply:

- (1) Density. The density of multifamily residential development shall be calculated by dividing the number of units in the development by the gross acreage of the tract, excluding the area of public street right-of-way, in accordance with the following schedule:
  - (a) Ownership units: Maximum 6 dwelling units per gross acre.
  - (b) Rental units: Maximum 12 dwelling units per gross acre.
- (2) Unit type. Garden apartment as defined in the Zoning and Land Use ordinance of Lopatcong Township.
- (3) Area and Bulk requirements. The following requirements shall apply to the entire contiguous portion of the tract:
  - (a) Total land area. Any site plan for the development of multifamily units shall not be approved unless the property consists of a minimum of fifteen (15) contiguous acres, provided that the total site area shall be of sufficient size to provide for all required off-street parking, usable recreation space, yards and other requirements consistent with the projected number of dwelling units to be constructed and the development shall be designed as a single entity.
  - (b) Lot frontage: 300 feet minimum
  - (c) Coverage: The maximum lot coverage shall be 60% of the tract area. Building coverage is not regulated in the MFI Zone.
  - (d) Yards (minimum).
    - [1] Principal buildings:
      - [a] Front: 100 feet from Route 22 right-of-way; 50 feet elsewhere
      - [b] One side: 50 feet
      - [c] Both sides: 100 feet
      - [d] Rear: 50 feet
    - [2] Accessory structures.
      - [a] Side: 25 feet
      - [b] Rear: 25 feet
  - (e) Height ( maximum for all structures)
    - [1] Feet: 45
    - [2] Stories: 3
- (4) Building setbacks and distances between buildings.
  - (a) Within the tract, buildings shall be set back from the curb line of private roads or the right-of-way line of public streets the following distances:
    - [1] From internal roadway or drive: 40 feet.
    - [2] From parking area: 15 feet.
  - (b) Minimum distance between buildings shall be:
    - [1] Front to front: 35 feet.
    - [2] Front to side: 35 feet.
    - [3] Front to rear: 50 feet.
    - [4] Side to side: 25 feet.
    - [5] Side to rear: 35 feet.

[6] Rear to rear: 50 feet.

- (c) No dwelling unit shall be closer than 50 feet to any community center/recreation building complex.
  - (5) Screening. Wherever a multifamily residential development shall abut a lot or lots developed as or subdivided for single-family detached homes, the setback area required shall contain screening such as dense hedges, decorative fencing or landscaped earth berms as further prescribed in § 243-62. Existing vegetation, along or with additional plantings if needed, may be used for screening, if sufficiently dense.
  - (6) Unit and building requirements.
    - (a) No single building may contain more than 24 garden apartment units. The number of units in a building shall be considered those which share a common entrance in a discrete building component.
    - (b) No building facade shall continue in the same plane for a length of more than 100 feet without offsets or building projections from the plane totaling at least five feet, and, in any case, all buildings or building components shall be so arranged that, when viewed from any one direction, the overall length (even though not at the same plane) shall not exceed 240 feet.
    - (c) Dwelling units in basements are prohibited.
  - (7) Improvements and utilities.
    - (a) All utility lines, including power, telephone and cable television lines shall be installed underground and adequately shielded.
    - (b) Fire hydrants shall be installed by the developer in adequate number and at locations recommended by the Township Engineer and Fire Chief.
    - (c) The overall development shall be served by functioning storm drains and other utility systems; all streets and parking areas shall be paved to finish grade; and lawns in the immediate vicinity of the subject building shall be established before a certificate of occupancy may be issued for any dwelling unit in the building.
  - (8) Laundry and clothes-drying equipment. If not provided in each individual unit, laundry and clothes-drying equipment shall be provided in each building or group of attached buildings. The equipment shall be provided in a room specifically designed as a laundry area. The laundry room shall be readily accessible and shall be adequately ventilated and soundproofed so as not to create a nuisance to adjoining dwelling units. Laundry facilities shall be provided in the relationship of one commercial-type washer for each four apartments and one commercial-type dryer for each two washers. The equipment and the laundry room shall be maintained in good working order and shall be kept clean. No exterior clothesline or laundry-drying equipment shall be permitted on any part of the premises.
  - (9) Storage facilities. A minimum of 400 cubic feet of storage space shall be provided for the use of the occupants of each residential garden apartment unit within the same building as said residential unit is located. Such storage space shall be specifically allocated among the units.
  - (10) Soundproofing. Each dwelling unit shall be insulated for sound by the installation of adequate soundproofing materials according to reasonable building practices within all walls separating said unit from abutting residential units, hallways or other areas devoted either to common use or reserved for the landlords use in conformance with state standards.
- F. Refuse collection. Included in the development application for any garden apartment development shall be a plan for the collection, removal and disposition of all garbage, refuse and debris from the property during both construction and operation. Such plan shall provide adequate receptacles at convenient locations within the site area, including facilities for the recycling of recyclable materials.
- G. Affordable housing requirements. All units developed for sale or rental to qualified low and moderate-income households shall comply with all applicable provisions of COAH's Substantive Rules (N.J.A.C. 5:97-1 et seq.) and Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1 et seq.) and the following:
- (1) The requirements of Article XVII, "Low and Moderate-Income Housing" of the Zoning and Land Use ordinance of Lopatcong Township.
  - (2) The affordable units may be for sale units (ownership) or rental units, at the developer's option.

- (3) Minimum affordable housing set aside:
  - (a) Ownership units: 25% of the units developed in the project.
  - (b) Rental units: 20 percent of the units developed in the project.
- (4) Inclusionary zoning for rental units shall provide that at least 10 percent of the affordable units are to be affordable to households earning 30 percent or less of median income for COAH Region 2.
- (5) The tract shall comply in all ways with COAH's site suitability criteria as set forth in N.J.A.C. 5:97-3.13.
- (6) Bedroom distribution for affordable units shall comply with the requirements set forth in COAH's Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1 et seq.).

H. Morris Canal buffer. The developer shall provide a buffer from the portion of the former Morris Canal located on adjoining Lot 2 in Block 102. The width of the buffer and any additional requirements shall be as prescribed by the Warren County Planning Department.

**SECTION TWO.** Article XII of the Zoning & Land Use Ordinance shall be amended to add the following zoning district:

**Section 243-57. Enumeration of zones.**

MFI Multifamily Inclusionary Zone

**SECTION THREE.** The "Zoning Map of Lopatcong Township" dated June 2, 2005 shall be amended to conform to the zoning revision depicted on the map titled "Proposed Zoning Map Amendment" prepared by Ritter & Plante Associates, LLC dated November 2, 2009 and attached hereto.

**SECTION FOUR.** All ordinances or part of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION FIVE.** If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this ordinance shall be deemed valid and effective.

**SECTION SIX.** This ordinance shall take effect upon its passage and publication according to 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 November 4, 2009, and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Council to be held on December 3, 2009 at 7 p.m. or as soon thereafter as the Township Council may hear this Ordinance at the Municipal Building, 232 S. Third Street, Phillipsburg, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Margaret B. Dilts, CMC

Councilman Mengucci made the motion and Councilman Curry seconded it. Roll call vote:

AYES: Councilmen Mengucci, Baker, Curry, Council President Camporine.

NAYS: None

**Resolution No. 09-103** – Approve transfer of \$99,400.00 within the Current Fund of the 2009 Operating Budget to cover expenses.

R 09-103

WHEREAS, it has become necessary to expend an amount in excess of the following 2009 Current Fund operating budget line items within the cap;

NOW, THEREFORE, BE IT RESOLVED, as per NJSA 40A-4-58 that the Mayor and Council of the Township of Lopatcong authorizes the Chief Financial Officer to transfer the line items of the 2009 Current Fund operating budget, and that the transfers be as follows:

Current Fund:

FROM:	
10515520 Legal services other expenses (OE)	\$20,000.00
10519810 Fire Inspector salary & wages (S&W	\$1000.00
10524020 Police Department OE	\$30,000.00
10525220 Emergency Management OE	\$400.00
10529010 Road Maintenance S&W	\$7000.00
10531010 Building & Grounds S&W	\$6500.00
10537120 Swimming Pool Committee	\$6000.00
10543520 Street Lighting	\$3500.00
10546020 Gasoline	\$25,000.00
TOTAL:	\$99,400.00
TO:	
10510120 Postage	\$2500.00
10512010 Municipal Administration S&W	\$12,062.00
10513010 Financial Administrator	\$5000.00
10515010 Tax Assessment S&W	\$3000.00
10516520 Engineering Services OE	\$20,000.00
10519610 Building Sub Code Inspector S&W	\$5500.00
10519720 Electrical Inspector OE	\$1000.00
10520010 Zoning Officer S&W	\$1400.00
10524010 Police Department S&W	\$30,000.00
10526420 Fire Company No.1	\$400.00
10527510 Prosecutor's Office S&W	\$1538.00
10529010 Road Maintenance S&W	\$7000.00
105375095 Garbage & Trash Removal	\$2500.00
10544020 Telephone	\$4000.00
10544920 Water	\$500.00
10546620 Interlocal Municipal Court Services	\$3000.00
TOTAL:	\$99,400.00

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, November 4, 2009.

Margaret B. Dilts, CMC

Council President Camporine made a motion to approve this Resolution. Councilman Curry made the motion to approve and Councilman Baker seconded it. Roll call vote: AYES: Councilmen Mengucci, Baker, Curry and Council President Camporine. NAYS: None

**Resolution No. 09-104** - Resolution to approve preliminary expenses for the Clean and Renewable Energy Program.

R 09-104

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING PRELIMINARY EXPENSES FOR THE CLEAN AND RENEWABLE ENERGY PROGRAM

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey hereby acknowledges the requirement of preliminary costs to determine the scope and cost of a proposed undertaking. The purpose of these preliminary costs is for the engineering design, bidding and related studies for the Clean and Renewable Energy Program and that the amount to be charged is for the purpose for which bonds may be issued under Chapter 2 of Title 40A.

NOW, THEREFORE, BE IT RESOLVED that the amount appropriated for preliminary costs shall not exceed \$100,000 and the Chief Financial Officer is authorized to set up a "Reserve for Preliminary Expenses" out of the General Capital Fund balance.

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, November 4, 2009.

Margaret B. Dilts, CMC

Council President Camporine asked for a motion to adopt this Resolution. Councilman Baker made the motion to approve the preliminary expenses and Councilman Mengucci seconded it. Roll call vote. AYES: Councilmen Baker, Curry, Mengucci and Council President Camporine. NAYS: None

**Resolution No. 09-105**- Resolution to cancel improvement authorization of the General Capital Fund to the General Capital Fund Balance in the amount of \$173,665.97.

R 09-105

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING CANCELLATION OF IMPROVEMENT AUTHORIZATION OF THE GENERAL CAPITAL FUND TO THE GENERAL CAPITAL FUND BALANCE

WHEREAS, there now exists in the Township of Lopatcong, County of Warren and State of New Jersey General Capital Fund, Improvement Authorization No. 05-18, Improvements to Hensfoot Road; and

WHEREAS, this project is now complete and the balance of \$173,665.97 can now be cancelled to the General Capital Fund balance.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey authorize the Chief Financial Officer to cancel Improvement Authorization No. 05-18 in the General Capital Fund totaling \$173,665.97 to the General Capital Fund balance.

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, November 4, 2009.

Margaret B. Dilts, CMC

Council President Camporine asked for a motion to approve this Resolution. Councilman Mengucci made the motion to cancel improvement authorization of the General Capital Fund and Councilman Baker seconded it. Roll call vote:

AYES: Councilmen Baker, Curry, Mengucci and Council President Camporine.

NAYS: None

**Resolution No. 09-101A-** Resolution requesting approval from the Division of Local Government Services for insertion of \$625,480.00 from the New Jersey Board of Public Utilities Clean Energy Program into the 2009 Budget.

R 09-101A

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN  
AND STATE OF NEW JERSEY REQUESTING APPROVAL OF ITEMS OF  
REVENUE AND APPROPRIATIONS NJS 40A:4-87

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

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Lopatcong in the County of Warren, New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2009 in the total sum of \$625,480.00 which is now available from the New Jersey Board of Public Utilities Clean Energy Program.

BE IT FURTHER RESOLVED that the like total sum of \$625,480.00 is hereby appropriated under the caption New Jersey Board of Public Utilities Clean Energy Program.

BE IT FURTHER RESOLVED that the Township of Lopatcong is a participant in the Customer On-Site Renewable Energy (CORE) Program and the above is the result of funds from the New Jersey Board of Public Utilities Clean Energy Program to be used to install CORE Solar System on various municipal buildings.

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, November 4, 2009.

Margaret B. Dilts, CMC

Council President Camporine asked for a motion to approve this Resolution. Councilman Baker made the motion and Councilman Mengucci seconded it. Roll call vote:  
AYES: Councilmen Baker, Curry, Mengucci, Council President Camporine.  
NAYS: None

**Resolution No. 09-102A-** Resolution to approve Chapter 159 for insertion of \$21,044.00 from Highlands Council in the 2009 Budget.

R 09-102A

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN  
AND STATE OF NEW JERSEY REQUESTING APPROVAL OF INSERTION OF  
ITEMS OF REVENUE AND APPROPRIATIONS INTO THE 2009 BUDGET N.J.S.A.  
40A:4-87

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

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of the following item of revenue in the budget of the year 2009 from the -

New Jersey Highlands Council – Regional Master Plan in the amount of \$21,044.00.

BE IT FURTHER RESOLVED that the like sum is hereby appropriated under -

New Jersey Highlands Council – Regional Master Plan in the amount of \$21,044.00.

CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the following to be a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, November 4, 2009.

Margaret B. Dilts, CMC

Council President Camporine asked for a motion to adopt this Resolution. Councilman Baker made the motion and Councilman Mengucci seconded it. Roll call vote:  
AYES: Councilmen Baker, Curry, Mengucci and Council President Camporine.  
NAYS: None

**Resolution No. 09-106-** Resolution authorizing Tax Collector to charge \$25.00 fee for two each tax sale mailings.

R 09-106

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN  
AND STATE OF NEW JERSEY AUTHORIZING THE TAX COLLECTOR TO  
CHARGE A \$25.00 FEE FOR EACH OF THE TWO TAX SALE MAILINGS

WHEREAS, Chapter 99, P.L. of 1997 known as N.J.S.A. 54:5-19 directs the Tax Collector to hold a yearly tax sale; and

WHEREAS, Chapter 99, P.L. of 1997 known as N.J.S.A. 54:5-26 and N.J.S.A. 54:4-104.48 permits a maximum fee of \$25.00 for making of notice of tax sale for each of two weeks preceding the date of the tax sale; and

WHEREAS, the Tax Collector is responsible for property tax collection.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey that the Tax Collector be authorized to charge \$25.00 for each of two tax sale mailings.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Tax Collector, the Chief Financial Officer and Township Auditor for their records.

#### 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, November 4, 2009.

Margaret B. Dilts, CMC

Council President Camporine asked for a motion to adopt this Resolution. Councilman Mengucci made the motion and Councilman Baker seconded it. Roll call vote:  
AYES: Councilmen Baker, Curry, Mengucci and Council President Camporine.  
NAYS: None

**Resolution No. 09-107-** Resolution approving correction of 2009 added assessment on Block 116, Lot 27 and 27.02.

R 09-107

#### RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN AND STATE OF NEW JERSEY AUTHORIZING THE CORRECTION OF A 2009 ADDED ASSESSMENT

WHEREAS, the Tax Assessor of the Township of Lopatcong, County of Warren and State of New Jersey has informed the Mayor and Council of a 2009 Added Assessment correction on Block 116, Lot 27; and

WHEREAS, the correction for the year 2009 is as follows:

Assessed Owner: Piazza, Samuel and Frank  
From Block 116, Lot 27 Piazza, Samuel and Frank to Block 116, Lot 27.02  
2009 Prorated Assessment \$1,050 for six months

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council authorize the Tax Assessor and the Tax Collector of the Township of Lopatcong, County of Warren and State of New Jersey to make the necessary corrections as listed above.

#### CERTIFICATION

I, Margaret B. Dilts, Municipal Clerk of the Township of Lopatcong, County of Warren and State of New Jersey do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by Council at a meeting held on Wednesday, November 4, 2009.

Margaret B. Dilts, CMC

Council President Camporine asked for a motion to adopt this Resolution. Councilman Mengucci made the motion and Councilman Baker seconded it. Roll call vote:  
AYES: Councilmen Baker, Curry, Mengucci and Council President Camporine.  
NAYS: None

**Resolution No. 09-108**-Resolution to approve Towing Contracts with H&K Auto Body Repairs, Inc., Stew's Towing Inc., and Rossnagle's Service Center, Inc.

R 09-108

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN  
AND STATE OF NEW JERSEY AUTHORIZING THE TOWERS LIST FOR A TERM  
OF THREE YEARS – 2010 THRU 2012

WHEREAS, the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey received applications from companies meeting the criteria set forth in Chapter 223 of the Code of the Township of Lopatcong to provide motor vehicle towing and wrecker services; and

WHEREAS, pursuant to Chapter 223 of the Code of the Township of Lopatcong, approved applicants shall be authorized to provide services for a period of three years; 2010, 2011 and 2012; and

WHEREAS, the following companies have been approved and placed on the "Official Towers List":

H & K Auto Body Repairs  
Rossnagle's Service Center  
Stew's Towing, Inc.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Lopatcong, County of Warren and State of New Jersey that the above named companies are approved to provide towing and wrecker services to the Township of Lopatcong for a three year period.

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, November 4, 2009.

Margaret B. Dilts, CMC

Council President Camporine asked for a motion to adopt this Resolution. Councilman Mengucci made the motion and Councilman Baker seconded it. Roll call vote:  
AYES: Councilmen Baker, Curry, Mengucci and Council President Camporine.  
NAYS: None

**Brass Rail**- Mrs. Mazun to address concerns with regards to the Brass Rail. She complained about the noise levels, parking, loud music, people outside talking and swearing. Council will look into the concerns Mrs. Mazun expressed.

**Council Reports:**

Councilman Baker – asked for a motion to accept the proposal for professional services from Maser Consulting for design and bid of Rooftop Solar Installations Project. Motion by Councilman Mengucci, seconded by Councilman Curry. Roll call vote:  
AYES: Councilmen Baker, Mengucci, Curry and Council President Camporine.  
NAYS: None

Councilman Mengucci – requested a letter of support for Warren Hospital to have the ability to perform angioplasty and full-service cardiac catheterization.

Councilman Curry – asked Council to authorize Engineer Sterbenz to prepare a concept plan for the ball fields. Motion by Councilman Mengucci, seconded by Councilman Baker. Roll call vote:

AYES: Councilmen Baker, Mengucci, Curry, and Council President Camporine.

NAYS: None

**Resolution No. 09-109**– Gary VanVliet, Planning Board Chairman informed Council that the Board decided to opt into the Highlands Plan Conformance.

R 09-109

RESOLUTION OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN  
AND THE STATE OF NEW JERSEY AUTHORIZING THE SUBMISSION OF  
PETITION FOR PLAN CONFORMANCE TO THE HIGHLANDS WATER  
PROTECTION AND PLANNING COUNCIL FOR LAND IN THE PRESERVATION  
AREA AND IN THE PLANNING AREA

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act), N.J.S.A. 13-20-1 et seq., finds and declares that protection of the New Jersey Highlands is an issue of State level importance because of its vital link to the future of the State’s drinking water supplies and other significant natural resources; and

WHEREAS, the Highlands Act creates a coordinated land use planning system requiring the Highlands Water Protection and Planning Council (Highlands Council) to prepare and adopt a Regional Master Plan for the Highlands Region ; and

WHEREAS, the Highlands Act requires that within nine to 15 months after the effective date of the Regional Master Plan, or September 8, 2008, each municipality located wholly or partially in the other regulations, as applicable to the development and use of land in the Preservation Area, as may be necessary to conform them with the goals, requirements and provisions of the Regional Master Plan (Plan Conformance); and

WHEREAS, Section 13:20-15.a, of the Highlands Act states that for the portion of a municipality lying within the Planning Area, the municipality may, by ordinance, petition the Highlands Council of its intention to revise its master plan, development regulations and other regulations, as applicable to the development and use of land in the Planning Area, to conform them with goals, requirements and provisions of the Regional Master Plan, and:

WHEREAS, The Township of Lopatcong is located in the Highlands Region with lands lying within both the Preservation Area and Planning Area, as defined by section 7 of the Highlands Act; and

WHEREAS, the Highlands Council prepared and distributed to the Highlands municipalities Plan Conformance Guidelines outlining the process and procedures for petition the Highlands Council for Plan Conformance; and

WHEREAS, the Highlands Council’s Plan Conformance Guidelines require that a Petition for Plan Conformance be filed with the Highlands Council no later than December 8, 2009 for Preservation Area lands, which includes a comprehensive package of draft planning and implementation documents that meet the requirements of the Highlands Act, the Regional Master Plan and the Highlands Plan Conformance Guidelines; and

WHEREAS, in accordance with the Highlands Act and Plan Conformance Guidelines, the Highlands Council shall consider a Petition for Plan Conformance, and accept, reject or accept with conditions, a Petition for Plan Conformance, as it deems appropriate, to conform them to the Regional Master Plan; and

WHEREAS, since Plan Conformance by the municipality is strictly voluntary for lands in the Planning Area, Township of Lopatcong may at any time voluntarily revise its master plan, development regulations and other regulations, as applicable to the development and use of the Planning Area, to conform them with the Regional Master Plan; and

WHEREAS, at any time during the Plan Conformance process, the Township of Lopatcong may choose not to obtain conformance with the Regional Master Plan for the lands lying within the Planning Area, and any approvals, rejections or approvals with conditions of the revised municipal master plan and development regulations recommended by the Highlands Council during the Plan Conformance process will not be binding on the Township of Lopatcong as required under the Highlands Act to enact an ordinance setting forth such intentions; and

WHEREAS, upon application of the Township of Lopatcong into the Plan Conformance Grant Program, the Highlands Council has made, or will make, grant funding and other financial and technical assistance available to the Township of Lopatcong for the reasonable costs associated with the revisions of the master plan, development regulations or other regulations, as applicable to the development and use of land in the Preservation Area and the Planning Area, which are designed to bring those plans and regulations onto conformance with the Regional Master Plan; and

WHEREAS, the Highlands Council shall make grant funds available for all mandatory aspects of Plan Conformance in accordance with the Plan Conformance Grant Program. And shall also make available grant funds for the discretionary aspects of Plan Conformance as determined by the Highlands Council; and

WHEREAS, should the Township of Lopatcong formally withdraw from the Plan Conformance process with regards to the Planning Area, grant funding awarded to the Township of Lopatcong up to the date of withdrawal that has been appropriately utilized in accordance with the Plan Conformance Grant Program and applicable grant agreement shall not be reimbursable to the Highlands Council.

NOW, THEREFORE BE IT RESOLVED, that the Township of Lopatcong hereby submits this Petition for Plan Conformance to the Highlands Council, as it relates to the development and use of land for the entire municipality, in accordance with the Regional Master Plan, and the Highlands Plan Conformance Guidelines; and

BE IT FURTHER RESOLVED, should the Township of Lopatcong choose to conform its master plan, development regulation, and other regulations, as they relate to the development and use of land in the Planning Area, with the Highlands Regional Master Plan in accordance with the Highlands Council's decision regarding a Petition for Plan Conformance, the Township of Lopatcong shall enact an ordinance setting forth such intention, as required by the Highlands Act.

#### 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 November 4, 2009.

Margaret B. Dilts, CMC

Council President Camporine asked for a motion to adopt this Resolution. Motion by Councilman Mengucci, seconded by Councilman Baker. Roll call vote:  
AYES: Councilmen Baker, Mengucci, Curry, and Council President Camporine.  
NAYS: None

Council President Camporine – Steve Hockman asked Council to approve earphones for the DPW to use especially during leaf pickup because the noise of the machine is

overwhelming. The cost is approximately \$3,000.00. Motion by Council President Camporine, seconded by Councilman Mengucci. Roll call vote:  
AYES: Councilmen Baker, Mengucci, Curry and Council President Camporine.  
NAYS: None

**Top Line Construction** – Engineer Sterbenz reported that the invoice for final payment was tabled from the last meeting due to questions raised by Council. Those questions have been satisfied and payment is due in the amount of \$64,911.94 per Engineer Sterbenz October 2, 2009 letter. Motion by Councilman Curry, seconded by Councilman Mengucci. Roll call vote:  
AYES: Councilmen Baker, Mengucci, Curry, and Council President Camporine.  
NAYS: None

**Approve Department Reports** – Council President Camporine asked for a motion to approve Department Reports. Motion by Councilman Mengucci and seconded by Councilman Curry. Roll call vote:  
AYES: Councilmen Mengucci, Curry, Baker and Council President Camporine.  
NAYS: None

**Approve Payment of Bills** – Council President Camporine asked for a motion to pay bills. Motion by Councilman Mengucci, seconded by Councilman Curry. Roll call vote:  
AYES: Councilmen Curry, Baker, Mengucci and Council President Camporine.  
NAYS: None

**Public Comment:** No comment was made from the public.

Council President Camporine asked for a motion to adjourn the meeting. Motion by Councilman Mengucci, seconded by Councilman Curry. All in favor.

Respectfully submitted,

Margaret B. Dilts  
Clerk/Administrator

Victor S. Camporine  
Council President Camporine