

The February 16, 2011 regular/work meeting was called to order by Mayor Petillo at 7:30 p.m. in the Municipal Building, 111 River Styx Road, Hopatcong, N.J.

Mayor Petillo announced his meeting is held in accordance with the 1975 Open Public Meetings Act, NJSA 10:4-6 et seq., annual notice having been forwarded to the New Jersey Herald/New Jersey Sunday Herald, the Daily Record, The Star Ledger, and posted on the bulletin board maintained in the Municipal Building for public announcements.

ROLL CALL – Councilmembers present: Howard Baker, Richard Bunce, Michael Francis, Marie Galate, Madeline McManus & John Young. Others present – Attorney John Ursin, Administrator Catherine Steinel & Clerk Lorraine Stark.

#### MOMENT OF SILENT REFLECTION AND PLEDGE OF ALLEGIANCE

PRESENTATION – “You Make The Difference Award” – Officer David Kraus. Mayor Petillo presented Patrolman David Kraus with the award, and thanked him for protecting our community. Police Chief John Swanson spoke about Dave’s work with grants, and how he has been responsible for bring in grant money of approximately \$14,000 per year; since 1999 when Officer Kraus was hired, the grant money secured by his efforts has been over \$98,000. Mayor Petillo thanked Dave’s family for coming this evening.

PUBLIC HEARING – 2011 Small Cities Community Development Block Grant Program; improvements to the Hopatcong Senior Center, not to exceed \$275,000. Mayor Petillo informed those present that a grant application has been submitted for improvements to the Hopatcong Senior Center: general facility improvements & enhancements, which include siding, floor replacement, interior walls & restroom renovations. Energy efficiency improvements: replacement windows, new HVAC system & ceiling insulation. Other improvements: pedestrian safety & ADA includes replacement of deteriorated sidewalks and emergency alarms in the restrooms. Mayor Petillo reported that the cost of the project was \$168,245 and the grant amount requested was \$146,300. Open to the public for comment:

Michele Guttenberger a resident of 16 Beacon Road commented that along with the grant money there was also a name change (Senior Center). She wanted to know what impact this has with other groups that use the center. Mr. Ursin responded that none of the ordinances or any permit process for using the Senior Center has changed; the use today would be the same until the Council decides differently. Ms. Guttenberger wished to know if the scheduling at the center would now give priority to seniors. Administrator Steinel explained that the Center’s primary use five days a week is by seniors; this would not change. The seniors would receive priority in scheduling over other groups should there be a request for weekend or evening use. Mrs. Steinel noted that seniors were usually defined as 62 years old and would also include disabled residents. Michele Guttenberger spoke about the Hopatcong Woman’s Club using the downstairs area for their meetings; a number of the Club members are seniors and several find it difficult to traverse the uneven lower level parking lot. She also noted that the restroom they use downstairs is not handicapped accessible. Mrs. Steinel reported that although the restroom on the other side is handicapped accessible she could understand that it was a

problem for some; although the restroom could be expanded there was no money in the grant for this. Ms. Guttenberger revealed that the Woman's Club meets on Wednesday during the day. Administrator Steinel said that they could use the Council Chamber, and that a Facility Use Permit form could be obtained from the Clerk.

Mara Modes indicated that one of the Senior Clubs defines senior membership as 60 or older. She questioned why the name change if seniors would not use the building exclusively. She spoke with some seniors about this change. Mayor Petillo remarked that she too was going to speak with the seniors and that they are still the primary users of the Senior Center, and would receive priority in scheduling of the facility.

Councilman Bunce moved to close the public hearing, seconded by Galate. The vote was unanimous.

#92-11 Authorize NJ Dept. Of Community Affairs, Small Cities Community Development Block Grant program application & Management Plan. Motioned by Galate, seconded by Bunce. Roll Call Vote: **YES** – Galate, Bunce, Baker, Francis, McManus, Young.

**COMMITTEE REPORTS:** Councilmember Galate revealed that she has distributed flyers for a 2011 Street Workshop to be held at Waterloo Village; she hoped that many of them would attend. She also informed those present that Sheriff Strada & County Clerk Parrott would be guests at the March Sussex County League Dinner meeting. In addition, the Hopatcong Business League was working with the Recreation Commission on the 2011 Ms. Hopatcong Contest.

Councilman Francis informed those present that the second energy audit is being scheduled which includes the Dog Pound and Firehouses; the grant was increased from \$30,000 to \$50,000.

Council President Young reported that the basketball program is underway with 160 participants, now is the time to sign-up for street hockey, and the Recreation Commission has begun discussing the Summer Rec Program. He noted that the Commission was reviewing the Facility Use Guidelines. Regarding the Open Space/Recreation Committee at their reorganization meeting they discussed the GPS mapping of trails & revisions to Master Plan draft.

Councilwoman McManus thanked the Environmental Commission for their extensive 2010 Annual Report, which highlighted all of their activities.

Councilman Bunce indicated that the Real Estate Committee had several property requests they are reviewing, and the Fallen Hero Monument sub-committee will be meeting again in the near future.

Councilperson Baker reported that the Sussex County Solid Waste sub-committee is working on plans for what happens when the Landfill closes in approximately 2017. Mayor Petillo commented on her interesting day in Trenton; Mayor's Legislative Day included meeting with various State Officials & Department Heads. She characterized the atmosphere as "totally different" from other years, and said that the attitude was one of cooperation and a commitment to understanding the issues.

**PUBLIC COMMENT:** Meeting open to public for comments on items on the agenda for which no public discussion is provided. (Comments limited to 5 minutes). Carolyn Lynch a resident of Adelphi Trail questioned if parking on a tar area placed down by a

homeowner would be permitted as it relates to the parking ordinance; the homeowner considers this as “parking” on their property. Mr. Ursin remarked that it depended on whether or not the area was located within the Borough Right-of-Way. He explained that the ordinance was requested by the DPW and Police because people were asked to move their vehicles during snow events, they refused, and that is why the ordinance was created.

Louise Bagby from Stevens Trail said that this is the first time she is seeing this parking ordinance; several things in this upset her. Administrator Steinel remarked that the old ordinance had no police powers or enforcement. John Ursin commented that this ordinance now gives a clear definition instead of referring to a ‘state of emergency’. Councilman Baker reported that this ordinance is not about ‘got you’ but about addressing the few residents who refuse to move their vehicles during snow storms, thereby causing hazardous conditions for the DPW and residents.

Mara Modes asked when this ordinance was introduced. Clerk Stark responded on January 19, 2011.

Councilmember Galate moved to close public comment period, seconded by Young. Those present voted affirmative.

Council President Young moved approval of minutes for the Reorganization meeting January 5, 2011, seconded by Bunce. Those present voted affirmative.

#### ADMINISTRATOR’S REPORT:

Discretionary Aid Application – Mrs. Steinel informed those present that our grant writer was preparing this application because Hopatcong was not awarded a DOT Grant this year.

Dept. of Personnel Matter – Administrator Steinel revealed that a resolution pertaining to the Tax Assessor was listed this evening; DOP has requested this ‘housekeeping’ measure so that her maternity leave application can be processed.

Hopatcong Days - The fund raising documents have been prepared and are ready to be mailed; soliciting funds for the various activities from professionals and local businesses. Last year this was very successful in generating funds for our community celebration.

CONSENT AGENDA: All items with an (\*) are considered to be routine by the Members of the Borough Council and will be enacted on by one motion. There will be no separate discussion of these items unless a Council member so requests in which event the item will be removed from the general order of business and considered in its normal sequence on the agenda.

- A. #93-2011 Approve Payment of Escrows.\*
- B. #94-2011 Approve Outside Lien Redemption Certificate #2010-40 in the amount of \$1,658.29 plus premium in the amount of \$200.\*
- C. #95-2011 Approve Outside Lien Redemption for Certificate #2010-11 in the amount of \$2,031.00.\*
- D. #96-2011 Approve Outside Lien Redemption Certificate #2010-55 in the amount of \$2,729.32 plus premium in the amount of \$100.\*
- E. #97-2011 Approve Cancellation of a Portion of 2011 Taxes Due to Permanent Disability for Blk. 11303, Lt. 48.\*

- F. #98-2011 Approve Cancellation of 1<sup>st</sup> Half 2011 Taxes for Three properties due to combined lots.\*
- G. #99-2011 Approve Outside Lien Redemption for Pro Capital on Two Properties.\*
- H. #100-2011 Approve Outside Lien Redemption Certificate #2010-76 in the amount of \$232.56.\*
- I. #101-2011 Approve Outside Lien Redemption for Tower on Two Properties.\*
- J. #102-2011 Approve Outside Lien Redemption for Certificate #2010-38 in the amount of \$2,758.05 plus premium in the amount of \$200.\*  
Consent agenda motioned by Bunce, seconded by Young. Vote was unanimous.

**INTRODUCTION OF ORDINANCES:**

A. #103-2011 Ord. #4-2011 AN ORDINANCE OF THE BOROUGH OF HOPATCONG, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AMENDING AND REPLACING 108-1 OF THE CODE OF THE BOROUGH OF HOPATCONG REGARDING FEES. Motioned by Bunce, seconded by Galate. Roll Call Vote: **YES** – Bunce, Galate, Baker, Francis, McManus, Young.

**ADOPTION OF ORDINANCES:**

A. Ord. #1-2011 AN ORDINANCE OF THE BOROUGH OF HOPATCONG, COUNTY OF SUSSEX, STATE OF NEW JERSEY AMENDING SECTION 231-3J OF THE BOROUGH OF HOPATCONG MUNICIPAL CODE REGARDING WINTER PARKING. Open to the public for comment, none was forthcoming. Ordinance moved by Baker, seconded by Young. Roll Call Vote: **YES** – Baker, Young, Bunce, Francis & Galate. **NAY** – McManus.

B. Ord. #3-2011 AN ORDINANCE OF THE BOROUGH OF HOPATCONG, COUNTY OF SUSSEX, STATE OF NEW JERSEY AMENDING CHAPTER 171 OF THE BOROUGH OF HOPATCONG MUNICIPAL CODE REGARDING PEDDLER’S LICENSES. Open to the public for comment, none was received. Ordinance moved by Bunce, seconded by Galate. Roll Call Vote: **YES** – Bunce, Galate, McManus, Young, Baker & Francis.

**RESOLUTIONS:**

- A. #104-2011 Approve Payment of Bills, following the removal of checks #105, #1141, #29145, #29165 & #29173. Motioned by Bunce, seconded by Young. Roll Call Vote: **YES** – Bunce, Young, Baker, Francis, Galate, McManus.
- B. #105-2011 Approve payment of the following checks: #105, #1141, #29145, #29165 & #29173. Motioned by Bunce, seconded by Young. Roll Call Vote: **YES** – Bunce, Young, Baker, Francis, McManus. **ABSTAINED** – Galate.
- C. #106-2011 Authorize Support for Maternity Leave Buy Back for T. dePierro. Motioned by Francis, seconded by Galate. Roll Call Vote: **YES** – Francis, Galate, Baker, Bunce, McManus, Young.
- D. #107-2011 Accept 2010 Environmental Commission Annual Report. Motioned by Bunce, seconded by Young. Roll Call Vote: **YES** – Bunce, Young, Baker, Francis, Galate, McManus.

- E. #108-2011 Authorize Amendment to Resolution #9-2011 appointment to Musconetcong Sewerage Authority, J. Kieser for 5 Years. Motioned by Francis, seconded by Bunce. The vote was unanimous.
- F. #109-2011 Authorize Administrator to re-appoint J. O'Brien DPW Laborer as per DOP Layoff List. Motioned by Bunce, seconded by Galate. Roll Call Vote: **YES** – Bunce, Galate, Baker, Francis, McManus, Young.
- G. #110-2011 DOT for 2011 Discretionary Aid- Local Infrastructure Application for various Road Improvements, amount not to exceed \$255,874.65. Motioned by Bunce, seconded by Young. Those present voted affirmative.

**OLD BUSINESS:**

A. Discussion – Amendment to Sign Ordinance. Councilperson Francis revealed that he spoke with the Zoning Officer who has provided a table for consideration. Councilman Baker commented about sign size; and that he found the table helpful and would like the language incorporated within the ordinance. Councilmember Francis and Attorney Ursin would work on this draft ordinance, and present to the governing body at the next meeting for their consideration.

**NEW BUSINESS:**

- A. Proclamation – March 2, 2011 as Read Across America Day. Mayor Petillo read this Proclamation & encouraged residents to read to their children.
- B. Recreation Fees – Street Hockey remains the same \$30 per child & Tennis & Multi-Sport Clinics \$105 w/early registration discount. Resolution - #111-2011 Approve Recreation Commission's fee & Multi-Sport Clinics. Motioned by Galate, seconded by Young. The vote was unanimous.
- C. Request from Blk. 11015 Blk. 7 to cancel sewer allocation for vacant land. Mr. Ursin informed those present that he sent a letter to the property owner informing him that in accordance with the ordinance, no refund was forthcoming.
- D. Discussion – Meeting Date for 2011 Budget Introduction. Following a discussion, and confirmation by Administrator Steinel that the Auditor was available, the March 2, 2011 meeting was rescheduled to March 8th. Councilwoman Galate will inform Ms. Stark tomorrow morning the time she is available.

**PUBLIC COMMENT:** (comments limited to 5 minutes). Randy Paulenich lives at 42 Ithanell Road & inquired what the Public Defenders Trust was on the bill list. Mr. Ursin responded that it was a set fee established based on per case for court. Pertaining to School Taxes Mr. Paulenich, said that he thought that they were paid through the County. No, the Tax Collector collects the money for the schools and County. He questioned why we paid a grant writer. Administrator Steinel explained that grant applications are very detailed, we pay \$25,000 per year and last year our grant money totaled more than 2 million dollars. Mr. Paulenich questioned road paving and when Ithanell was going to be paved; he said that this road has only been paved once in 30 years.

Mara Modes stated that a DPW front loader was sent to clean-out a drain in front of her house; they threw debris and asphalt onto her lawn, which has caused damage to her property. Councilwoman McManus inquired if she called the DPW to let them know this happened; they are very responsible and should resolve the matter. Mrs. Modes wanted to know about the buying back of maternity leave. Mr. Ursin noted the specific dates being requested and that the employee was entitled; there was no cost to the Borough. A question pertaining to Dale Sloat was asked, and Mrs. Steinel said that was a personnel matter.

Louise Bagby from Stevens Trail commented that this has been a hard winter, and explained that Centre Trail had become extremely hazardous because of the ruts and potholes; she attributed these to the garbage trucks. She wanted some consideration in the future for small scale vehicles when appropriate.

Councilman Bunce moved to close public comment period, seconded by Galate. The vote was unanimous.

COUNCIL COMMENTS: Mayor Petillo said that the Farmers' Market sub-committee would meet on March 8<sup>th</sup> at either 6:30 or 7:30 p.m.

Council President Young reported that he spoke with Donna Trailer who runs the Farmers' Market at the Sussex County Fair Grounds. They are looking at the possibility of setting up a satellite in Hopatcong on Sundays.

Councilwoman Galate thanked everyone for coming, thanked the DPW employees and Police Officers, and congratulated Officer Dave Kraus. She noted that the Ambulance Dinner was a nice affair and several individuals were recognized for bringing people back to life.

Councilman Francis thanked the residents for coming, acknowledged Officer Kraus and the job that he does; grateful for the good job the police do. He informed those present that Marie was the 2011 Sussex County League of Municipalities President, wished her well. He said good night and good luck.

Council President Young also thanked everyone for coming, the DPW and Dave Kraus. He noted two outstanding Hopatcong H. S. student athletes: Dan Haines wrestling team and Matt Tobin basketball; these are two fine young gentlemen. Also cautioned residents to drive carefully, and said goodnight.

Councilperson McManus said thank you for coming, thanked Officer Kraus and Chief Swanson for supporting his staff. She reminded those present that this was Black History Month, and that President's Day would be coming. Councilwoman McManus congratulated Marie Galate for being selected President by her peers; it is an honor.

Councilman Bunce congratulated Dave, Chief Swanson's Police Department, and the DPW for the snow removal.

Councilmember Baker also thanked those in attendance, Dave Kraus & Police Department. He praised the DPW employees for keeping up with the snow removal and wished all a good night.

Mayor Petillo noted that the Elks Club has donated money to the High School Golf Team and Band; making it possible for the students to participate in these activities. She thanked Jerry Scanlan & the Environmental Commission for their work.

Councilman Bunce moved to adjourn at 9:12 p.m., seconded by Baker.