

The November 3, 2010 regular meeting was called to order at 6:30 p.m. by Mayor Petillo in the Municipal Building, 111 River Styx Road, Hopatcong, NJ.

Mayor Petillo announced this 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 & Clerk Lorraine Stark.

Councilmember Bunce moved resolution for closed session at 6:32 p.m., seconded by Young. Those present voted affirmative. Matters to be discussed pertain to contract negotiations for Developer's Agreements: Atkins, Cornelius & Arthur Well; discussion Gallo property.

Continued open session at 7:30 p.m.

Mayor Petillo read a statement pertaining to Army Sergeant Michael D. Krispel, Jr. age 23, who was a decorated Hopatcong soldier killed in Afghanistan. Michael joined the Army in July 2006, shortly after graduating from Hopatcong High School, and had previously served in Iraq prior to his serving in Afghanistan. Mayor Petillo asked for a moment of silent reflection for Michael and his family; she sent her condolences' to his family.

PLEDGE OF ALLEGIANCE

Mayor Petillo acknowledged that Dr. Maranzano, Jr., School Superintendent was present this evening.

SALE OF PROPERTY:

1) Ord. #20-2010 Block 70111, Lot 26, Minimum price \$4,200.00. Councilman Bunce conducted the sale on this property. #380-10 Resolution to authorize sale of property for \$4,200, motioned by Bunce, seconded by Baker. Roll Call Vote: YES - Bunce, Baker, Francis, Galate, McManus, Young.

2) Ord. #15-2010 Block 40504, Lot 64, Minimum price \$12,000.00. Councilman Bunce conducted the sale on this property. #381-10 Resolution to authorize sale of property for \$12,000, motioned by Bunce, seconded by Galate. Roll Call Vote: YES - Bunce, Galate, Baker, Francis, McManus, Young.

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). Mara Modes from 3 Ithanel Road questioned check #28738 recorded on page two; wanted to know what it was for. Mayor Petillo responded that it was for the firemen's monument that is going in the park.

Louise Bagby said that she noticed that there was not an Administrator's report on the agenda. Mayor Petillo said that was because Mrs. Steinel was not present since she has been out due to illness; the topic would be included upon her return.

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

Councilperson Young moved minutes of the regular meeting held on October 6, 2010, seconded by Bunce. Those present voted affirmative.

ENGINEER'S REPORT: Mr. Ruschke was present for this discussion. Sewer Allocation: Mr. Ruschke informed those present that a resident on Dupont Avenue, Block 30805, Lot 52 had previously been granted a sewer allocation. The property owner is ready to install his 300 foot sewer lateral within the Right-of-Way. However, Mr. Ruschke feels that a Performance/Restoration Bond & Maintenance Bond should be required due to the length of the installation and the impact this may have on other residents. Mr. Ursin noted that a Developer's Agreement should also be executed prior to commencing the work; the governing body should authorize him to proceed with the agreement. Mr. Ruschke noted that he should do the inspection for the work, and that an escrow account of \$2,000 should be required for this project. There was a consensus that John should perform the inspection for this project. Resolution - #382-10 Authorize Borough Engineer & Attorney to negotiate a Developer's Agreement for 109 Durban Avenue, Block 30805, Lot 52. Motioned by McManus, seconded by Young. Roll Call Vote: YES - McManus, Young, Baker, Bunce, Francis, Galate,

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. #383-10 Approve Payment of Escrows.*
- B. #384-10 Approve Installment Agreement for 91 Randolph Ave. for delinquent property taxes for 2009 & 2010*
- C. #385-10 Authorize In Rem Foreclosure Proceedings for 56 properties.*

- D. #386-10 Authorize Renewal of Contract with Space Wild Animal Farm Inc. for deer carcasses removal.*
- E. #387-10 Approve Firemen C Rae & D. Bogardus, Jr.*
- F. #388-10 Approve Raffle License #RA 29-2010 for Off Premises Merchandise Raffle for Knee Deep Club.*
- G. #389-10 Approve Support for the Over the Limit Under Arrest 2010 Year End Statewide Crackdown.*
- H. #390-10 Approve Chapter 159 for 2010 Year End Statewide Crackdown in the amount of \$5,000.*
- I. #391-10 Approve Chapter 159 for 2010 State Body Armor replacement Fund in the amount of \$2,550.02*
- J. #392-10 Approve Cancellation of 1st Half 2010 Taxes due to combined lots for Blk. 40001, Lt. 12.*
- K. #393-10 Approve Installment Agreement for 3 Ohio Trail for delinquent property taxes for 2009 & 2010.* Councilman Bunce moved, seconded by Galate. Those presented voted affirmative, except for an abstention by Councilman Young. Following the removal of item K. the Consent agenda motioned by Bunce, seconded by Galate. Vote was unanimous.

ADOPTION OF ORDINANCES:

A. Public Hearing Ord. #22-2010 AN ORDINANCE OF THE BOROUGH OF HOPATCONG, COUNTY OF SUSSEX, STATE OF NEW JERSEY, SUPPLEMENTING CHAPTER 231 OF THE CODE OF THE BOROUGH OF HOPATCONG REGARDING BICYCLES, SKATEBOARDS, SCOOTERS, AND ROLLERBLADES/ROLLER SKATES. Open for public comment, none was forthcoming; Bunce moved to close comment period, seconded by Galate. The vote was unanimous. Ordinance moved by Bunce, seconded by Baker. Mr. Ursin reported that the fines for Chapter 231 were in another section of the Code. Councilwoman McManus inquired if signs would be placed at the locations. Mr. Ursin responded yes. Roll Call Vote: **YES** - Bunce, Baker, Francis, Galate, McManus, Young.

B. Ord. #23-2010 AN ORDINANCE OF THE BOROUGH OF HOPATCONG, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AMENDING CHAPTER 147 OF THE CODE OF THE BOROUGH OF HOPATCONG REGARDING DUMPSTERS. Open for public comment, none was received. Bunce moved to close comment period, seconded by Galate. The vote was unanimous. Motioned by Young, seconded by Galate. Roll Call Vote: **YES** - Young, Galate, Baker, Bunce, Francis, McManus.

C. Ord. #24-2010 BOND ORDINANCE AMENDING BOND ORDINANCE #13-2006 (WHICH PROVIDES FOR VARIOUS 2006 IMPROVEMENTS OR PURPOSES) AND BOND ORDINANCE #3-2007 (WHICH PROVIDES FOR VARIOUS 2007 IMPROVEMENTS OR PURPOSES) HERETOFORE FINALLY ADOPTED BY THE BOROUGH COMMON COUNCIL OF THE BOROUGH OF HOPATCONG, IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY (THE

“BOROUGH”), ON MAY 3, 2006 AND APRIL 4, 2007, RESPECTIVELY, TO AMEND THE DESCRIPTION THEREOF, RESPECTIVELY. Open for public comment. Gail Stern a resident of 135 Bell Avenue questioned what was being purchased with these bonds. Mr. Ursin explained that this was not new money, but reallocation of previous money, and that the ordinance explains what the money was for; a copy of the ordinance was provided. Bunce moved to close public comment period, seconded by Galate. Those present voted affirmative. Motioned by Francis, seconded by Young. Roll Call Vote: **YES** – Francis, Young, Baker, Bunce, Galate, McManus.

RESOLUTIONS:

- A. #394-10 Approve Budget Transfer Appropriations. Motioned by Bunce, seconded by Galate. Roll Call Vote: **YES** – Bunce, Galate, Baker, Francis, McManus, Young.
- B. #395-10 Approve Payment of Bills following the removal of checks #139, #147, #1135, #28721, #28772, #28779, & #28806. Motioned by Bunce, seconded by Francis. Roll Call Vote: **YES** – Bunce, Francis, Baker, Galate, McManus, Young.
- C. #396-10 Authorize the payment of a new check to Covino and Sons Construction in the amount of \$43,353.24 for additional work done & the payment of checks, #147, #1135, #28721, #28745, #28772, #28779, #28806. Motioned by Bunce, seconded by Young. Roll Call Vote: **YES** – Bunce, Young, Baker, Francis, McManus. **ABSTAINED:** Galate.
- D. #397-10 Approve Citizen Participation Plan for NJ DCA Small Cities CDBG Program. Motioned by Bunce, seconded by Young. Those present voted affirmative.
- E. #398-10 Approve Grant Management Plan for NJ DCA Small Cities CDBG Program. Motioned by Bunce, seconded by Young. The vote was unanimous.
- F. #399-10 Approve Renewal for North Jersey Municipal Employee Benefits Fund, January 1, 2011 ending December 31, 2013. Motioned by Bunce, seconded by Galate. Roll Call Vote: **YES** – Bunce, Galate, Baker, Francis, McManus, Young.
- G. #400-10 Authorize the Green Team Advisory Committee. Motioned by Bunce, seconded by Galate. Those present voted affirmative.
- H. #401-10 Authorize the Award of Service Contract to Performance Plus, LLC for Emergency Generators. Motioned by Bunce, seconded by Young. Roll Call Vote: **YES** – Bunce, Young, Baker, Francis, Galate, McManus.
- I. #402-10 Approve Hiring of Part-Time Clerk/Typist for 20 hrs. per week; Tax Office & Tax Assessor’s Office. Motioned by Bunce, seconded by Galate. Roll Call Vote: **YES** – Bunce, Galate, Baker, Francis, McManus, Young.

- J. Authorize Award of Bid for Fire Tanker Truck in an amount not to exceed \$322,764.00. Motioned by Bunce, seconded by Baker. Councilmember McManus questioned a memo that was issued from Mr. Ursin's office regarding the bid specs. Mr. Ursin remarked that he reviewed the specific items with Administrator Steinel, and was satisfied with her responses; no protests have been filed, and he is comfortable that the bid was sufficient. The memo was to point out future improvements to a bid spec for fire apparatus. Roll Call Vote: **YES** – Bunce, Baker, Francis, Galate, McManus, Young.

OLD BUSINESS:

- A. Reminder – November 17th meeting has been cancelled.

NEW BUSINESS:

A. #404-10 Resolution – Appoint Vito Castoro alternate member of the Zoning Board of Adjustment, term expires 12/31/12. Motioned by Francis, seconded by Bunce. The vote was unanimous, except for an abstention by Galate.

B. Elba Point Well Reallocation of Funds. John Ruschke reported that this project has been discussed at prior meetings, and he met with the DEP to review this matter, and update the cost estimates. The bottom line is that the cost of this project greatly exceeds what was estimated, the DEP has classified this project as a water diversion, and the EPA will not increase the funding. Mr. Ruschke explained that he is recommending that the Borough seek permission to reallocate the EPA funding to other projects. The three projects outlined by Mr. Ruschke included: Electrical Improvements & Emergency Backup Sources, Bayview Avenue Well and Wildwood Shores Watermain Replacement Project. The governing body's consensus was to proceed with these recommendations, and send a letter to the EPA.

C. Bid for On-Call Services NJDEP Licensed Pump Installer. Mr. Ursin recommended that this matter be held until the next meeting because it was still under review.

D. Lake Hopatcong Commission Update. Dan McCarthy discussed the condition of the weed harvesters and the problems they were experiencing; at best these 10 year old machines are in "rough" shape. Dan pointed out that these machines have not been given proper maintenance; therefore it will take more than a few weeks to get the harvesters functioning in 2011. He recommended that the area legislators be contacted and told that the Lake Commission needs money. Another issue is the ice retardant systems being used on the lake; the ice eaters are causing large openings in the lake that present a health and safety hazard. Dan thinks that part of this issue could be addressed through public education, and proposed a mailing to residents. Another way to address the ice eaters is through local ordinances, and he

recommended 10 feet instead of 25 feet for the ice eaters. Mayor Petillo asked that Dan go back to the Lake Hopatcong Commissioners and ask them to write a draft ordinance to address this problem. Mr. McCarthy stated that enforcement is the key, which would be a local matter and is the key to preventing this from happening next year. Those present thanked Dan for his report.

COMMITTEE REPORTS: Councilman Young informed those present that the Recreation Commission met a couple of weeks ago and discussed the Basketball Program and Halloween Costume Contest. Winter activities include bowling and holiday lighting contest.

Councilwoman McManus reported on the Environmental Commission and the activities they were involved in; Sustainable New Jersey Program, community work including Arbor Day and networking with the High School students.

Councilperson Bunce said that the Real Estate Committee was reviewing requests from residents, and would be moving forward with the sale of some properties.

Councilmember Baker revealed that he and his wife attended a water sampling seminar; the State was moving the sampling away from the dam at Musconetcong to an area further downstream. He found the process to be very interesting. Councilman Young interjected that he too found this quite interesting, and that the volunteers also look at water species. Mayor Petillo reported that she met the new head of the Department of Community Affairs; she is quite remarkable and gave out her business card because she is very willing to work with the Mayors.

PUBLIC COMMENT: (comments limited to 5 minutes). None was forthcoming. Councilmember Galate moved to close comment period, seconded by Bunce. The vote was unanimous.

COUNCIL COMMENTS: Councilman Baker thanked all for coming, expressed his condolences to the Krispel family, and asked that Michael be remembered for his sacrifice.

Councilman Bunce sent condolences to Michael's family; we cannot thank Michael enough for his service to our Country. He also congratulated Messrs. Francis & Baker, the voters of Hopatcong chose very wisely. He reminded residents to turn clocks back next weekend, and to watch kids when driving; suggested that reflective clothing and vests are worn.

Councilperson McManus expressed her condolences to Michael's family, congratulated Mike & Howard on winning the election and Mara Modes for running. She informed those present that November is Diabetes Month, Veteran's Day Ceremony at Vets Field on 11/11 at 11 a.m., and that Thanksgiving is one of her favorite holidays. She also spoke about the rally she attended in Washington, D.C. and how the masses were respectful at the event.

Councilmember Young thanked everyone for coming, congratulated Mike & Howard on re-election, and noted that the names over at Vets Field represent those who have given their lives to serving our County; one more would be added. He thanked those who voted yesterday and wished all a good night.

Council President Francis thanked all for attending this meeting, acknowledged Michael's sacrifice for our community, stated that the Halloween Parade was great, and that he would be once again participating in the Macy's Day Thanksgiving Parade. He wished all good night and good luck.

Councilwoman Galate reiterated the condolences for Michael Krispel's family; she received the call and notified Mayor Petillo of this tragic event. Mayor Petillo and Chief Swanson visited with the family to show our community support. Councilwoman Galate said that we have a fantastic Police Department and commended Chief Swanson & his staff. She also noted that the Halloween Parade was the best ever, and acknowledged the Girl Scouts, Little League, Business Association, Vito Castoro and vendors for the rides, which were wonderful. Congratulations were sent out to Eagle Scout Connor, whose project made improvements at the Animal Pound; wished him well on his career in the Marines. Mrs. Galate wished everyone a Happy Thanksgiving.

Mayor Petillo agreed that the Halloween Parade & Spaghetti Dinner were the best. She congratulated Mike and Howard, and revealed that whatever the Borough does pertaining to Michael Krispel it would be with the family's consent. Thanked everyone for coming out this evening.

Councilman Bunce moved to adjourn at 9:00 p.m., seconded by Young. The vote was unanimous.

Respectfully submitted: