

The January 16, 2008 regular/work meeting was called to order by Mayor Petillo at 6:05 p.m. 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: Richard Bunce, Michael Francis (arrived at 6:19 p.m.), Marie Galate, Estelle Klein, Madeline McManus & Robert Modick. Others present: Attorney John Ursin, Temporary Administrator James Roberts and Clerk Lorraine Stark.

EXECUTIVE SESSION: Councilmember McManus moved resolution to go into closed session at 6:06 p.m., seconded by Klein. The vote was unanimous. Mayor Petillo reported matters to be discussed pertained to personnel, litigation and attorney/client.

Continue open session at 7:40 p.m.

MOMENT OF SILENT REFLECTION AND PLEDGE OF ALLEGIANCE

Presentation to Dale Sloat – Councilwoman Klein presented a check in the amount of \$1,800 to Dale from the Hopatcong Animal Haven for the care of the animals in the Hopatcong shelter. Mr. Sloat thanked them for their generosity.

Police Promotions: Chief Swanson presented the two officers.

- Lieutenant Robert Brennan – Officer Brennan started with the department in 1997 and was promoted to sergeant in 2005.
- Sergeant Christopher Wojtach – Officer Wojtach began his career in August 1998.

Chief Swanson stated that he was blessed with these officers and their leadership ability; they were valued members of the department.

Lieutenant Brennan thanked his wife, and two daughters Grace and Molly for their support.

Mayor Petillo & Councilperson McManus thanked the officers, and appreciated everything that they do for the Borough of Hopatcong.

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). None was forthcoming.

APPROVAL OF MINUTES: Councilperson Bunce moved approval of December 19, 2007 minutes, seconded by Klein. The vote was unanimous.

ADMINISTRATOR'S REPORT:

Mr. Roberts presented the governing body with a written report of his activities; indicated that the administrator search is going well, and reminded everyone of the budget meeting tomorrow evening.

ENGINEER'S REPORT:

- Report & update NJDEP directive to investigate municipal wells under the potential influence of surface water. Mr. Ruschke informed those present that the DEP identified 11 active wells and one inactive well that was in close proximity to surface water; Well #2 was classified as under the influence of surface water. He went on to explain that algae were found in some well water samples, and that he was looking to place cartridge filter at those wells. Mr. Ruschke noted that this was the cheaper to two solutions to treat the water; the UV system would cost approximately \$4,000 per well. Regarding a question about the Marine Well, Mr. Ruschke explained that he submitted a permit to DEP to deactivate the old well and add a new well that produces 100gpm. He anticipates that the DEP would be giving us feedback in the near future; the well would require sampling for one-year before the DEP permit was released.
- Elba Point Pumping Station activation. Mr. Ruschke outlined some tasks that should be undertaken to investigate this possibility, i.e. to do water analysis and characterize the water quality. His estimate to get started was \$25,000. He noted that state of the art filter equipment would be required before any water was released, and that any money that the Borough could obtain from the State for this project was desirable. He estimated the water plant to be in excess of one million dollars.
- Capital Budget. Some of the projects that were proposed: extension of water line to improve chlorination time, additional fencing, more water sampling, engineering fees and permit fees, leak detection equipment. Mr. Ruschke commented that right now about 15% of the water is unaccounted for, which is a large amount, and fixing leaks should be a priority of the Water Department.
- Soil Erosion Ordinance. Mr. Ruschke reported that the State has made recent changes to the regulations, which has become more onerous to the Borough. What he is proposing would not affect the smaller projects that come before the Planning Board, but would send the larger projects (commercial & sub-divisions over 5,000 sq. ft.) to the County for certification because they have more

resources. Mr. Ursin provided a definition, explaining that this was standard procedure throughout the State. Mr. Ruschke noted one significant change in the ordinance was regarding performance bonds, and that this ordinance does not change the way we currently do business. #39-08 Introduce Ordinance #5-2008 AN ORDINANCE TO MODIFY CHAPTER 197 OF THE CODE OF THE BOROUGH OF HOPATCONG REGARDING LOT GRADING PLANS, moved by Klein, seconded by Francis. Roll Call Vote: **YES** – Klein, Francis, McManus, Modick, Bunce & 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. #40-08 Approve Outside Lien Redemption Certificate #2005-11 in the amount of \$3,771.13.*
- B. #41-08 Approve Refund of \$200.00 Due to Ordinance Change for B11202L16.*
- C. #42-08 Appoint Officer Robert Haffner as PEOSH Indoor Air Quality Standard Representative (required for PEOSH Compliance Report response).*
- D. #43-08 Approve Taxi/Limousine License for R. Hill, three vehicles.*

Consent Agenda Motioned by Bunce, seconded by McManus. Vote was unanimous.

ADOPTION OF ORDINANCES:

- A. Ord. #1-2008 AN ORDINANCE TO AUTHORIZE THE SALE OF LOT BY THE BOROUGH OF HOPATCONG TO OWNER OF CONTIGUOUS PROPERTY Block 30306, Lot 20 (partial). Open to public for comment, none was forthcoming. Bunce moved ordinance, seconded by Klein. Roll Call Vote: **YES** – Bunce, Klein, McManus, Modick, Francis & Galate. Property sale to be held on 6th February.

INTRODUCTION OF ORDINANCES:

- A. #44-08 Ord. #2-2008 AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF HOPATCONG ENTITLED "OPEN SPACE COMMITTEE" TO ADD A NINTH MEMBER. Motioned by Francis, seconded by Klein. Roll Call Vote: **YES** – Francis, Klein, Bunce, Galate, McManus, Modick.

RESOLUTIONS:

- A. #45-08 Approve Amendment to Temporary General Appropriation. Motioned by McManus, seconded by Klein. Roll Call Vote – **YES** – McManus, Klein, Bunce, Francis, Modick. **ABSTAINED** – Galate.
- B. #46-08 Approve Budget Transfers. Motioned by McManus, seconded by Klein. Roll Call Vote: **YES** – McManus, Klein, Bunce, Francis, Galate, Modick.
- C. #47-08 Approve Payment of Bills. Motioned by Bunce, seconded by McManus. Roll Call Vote: **YES** – Bunce, McManus, Francis, Klein, Modick. **ABSENT** – Galate. #48-08 Payment of checks #1568 & #1571. Motioned by McManus, seconded by Galate. Roll Call Vote: **YES** – McManus, Galate, Bunce, Francis, Modick. **ABSENT** – Klein. #49-08 Payment of check #24244. Motioned by McManus, seconded by Klein. Roll Call Vote: **YES** – McManus, Klein, Bunce, Galate, Modick. **PRESENT** – Francis.
- D. #50-08 Approve Change Order No. CM-001 for Stacey Contracting, Inc., Contract S-6 in the amount of \$52,870.95. Motioned by McManus, seconded by Bunce. Roll Call Vote: **YES** – McManus, Bunce, Francis, Galate, Klein, Modick.
- E. #51-08 Approve Change Order No. CM-002 for Stacey Contracting, Inc., Contract S-6 to reduce final payment by \$46,734.32. Motioned by McManus, seconded by Bunce. Roll Call Vote: **YES** – McManus, Bunce, Francis, Galate, Klein, Modick.
- F. #52-08 Authorize Mayor & Borough Clerk to Execute an Agreement with Millennium Strategies for Professional Services: Non-Fair & Open Contract. Motioned by McManus, seconded by Francis. Roll Call Vote: **YES** – McManus, Francis, Bunce, Galate, Klein, Modick.
- G. #53-08 Appoint Morris Land Conservancy as Borough’s Open Space Consultant for 2008, authorize Professional Services Contract in an amount not to exceed \$11,500, moved by McManus, seconded by Galate. Roll Call Vote: **YES** – McManus, Galate, Klein, Modick, Bunce & Francis.
- H. #54-08 Authorize Morris County CO-Op Contract #10 in the amount of \$3,939.18 for Mayor’s Office furniture. Motioned by Bunce, seconded by McManus. Roll Call Vote: **YES** – Bunce, McManus, Francis, Galate, Klein, Modick.

OLD BUSINESS:

- A. Mayor’s Appointment - Appoint Dave Berchak as alternate to the Environmental Commission.
- B. Appoint Borough Professionals: Non-Fair & Open Contract
 - Risk Management Consultant - No action taken, additional firms would be invited to give a presentation.
 - #55-08 Computer IT Services - United Computer Sales & Service, Inc. Motioned by McManus, seconded by Bunce.

Roll Call Vote: **YES** – McManus, Bunce, Francis, Galate, Modick. **ABSTAIN** – Klein.

NEW BUSINESS:

- A. Discussion: Eileen Swan from the Highlands Commission will attend 20th Feb. meeting; establish sub-committee. Mayor Petillo revealed that Dick Hodson sent questions to the Highlands Council and Eileen Swan would be in attendance to discuss these and others. She wanted to form a sub-committee to formulate these additional questions. The following individuals were selected: Vito Castoro, Madeleine McManus & Mike Francis.
- B. Discussion land swap with Ligouri. Mayor Petillo reported that Mr. Ligouri spoke to her about his proposal that not only involves a land swap, but also the forgiving of \$8,000 in taxes. Mr. Ruschke looked into the proposal and commented that this was not ideal property due to the amount of rock, but could have potential for a COAH house; a small structure could be built on a slab. The governing body did not believe that taxes should be forgiven, and would possibly entertain a land swap if taxes were paid in full. #57-08 Authorize Borough Attorney to inform Mr. Ligouri that the Governing Body did not wish to exchange land with him or forgive back taxes. Motioned by McManus, seconded by Bunce. The vote was unanimous.
- C. Ordinance limiting utilization of Vacation Leave days & Holiday leave to full-day increments. Removed from agenda as suggested by Mayor Petillo.
- D. Kevin Koslosky from Green Acres Planning Incentive Program – Discussion. Mayor Petillo said that she wanted Mr. Koslosky to talk about ROSI. Mr. Ursin reported that the Morris Land Conservancy would prepare a list of properties. Mayor Petillo noted that she had some concern about what properties would appear on that list. Mr. Ursin revealed that since the State Bond issue passed, there were some real dollars available to municipalities, encouraging them to proceed with the process.
- E. Discussion - "Hopatcong Days" July 12-13, 2008. Mayor Petillo said that we would schedule events for two days in 2008 in conjunction with the Hopatcong Business Association. Activities will include the Soap Box Derby, parade, music, Little Ms. & Mr. Hopatcong, Ms. Hopatcong (Friday night) and fireworks on Sunday. She said that they were looking at contributing \$4,000 to \$5,000 toward the events.

COMMITTEE REPORTS:

Councilwoman Galate reported that the Senior Citizen Advisory Committee met the other day, and their major issue was food. There is no way to keep food warm because the steam table is not operable and there

is no stove. In addition, there does not seem to be a permanent site manager on premises to assist the seniors with issues. She would also like to see better communications and disbursement of information. Councilperson McManus noted that John Young expressed concern about recreation programs and the scheduling of fields for this spring since a new recreation coordinator has not been hired. Councilmember Francis reported that he attended a Smart Growth meeting in Trenton in January, and that there are planning and transit planning grants available because the Borough is eligible. He would attend other future meetings if available. Mayor Petillo thanked Mike for attending the meeting and for keeping them informed about what was going on.

PUBLIC COMMENT: (comments limited to 5 minutes). None was received.

COUNCIL COMMENTS:

Councilwoman Galate thanked everyone for coming.

Councilman Francis noted that the Borough was faced with a lot of opportunities and logistical problems especially in the area of planning, and he was ready to face the challenge and prepare for the future.

Councilman Bunce informed those present that he was selected as Vice President of the Sussex County League of Municipalities, and a member of the Sheriff's Crime Stopper Commission.

Councilperson Modick thanked the public for their attendance this evening, and Mike Herring for staying.

Mayor Petillo revealed that Mike Francis was appointed to the County Planning Board, and congratulated Lt. Brennan & Sgt. Wojtach.

Councilman Bunce moved to adjourn at 10:08 p.m., seconded by Galate. The vote was unanimous.

Respectfully submitted: