

MINUTES - REGULAR/WORK MEETING MAYOR & COUNCIL – 1/17/07

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1. The January 17, 2007 regular/work meeting was called to order at 6:10 p.m. by Mayor Hodson in the Municipal Building, 111 River Styx Road, Hopatcong, NJ.

Mayor Hodson announced this meeting is held in accordance with the Open Public Meetings Act, NJSA 10:4-1 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.

In accordance with NJUFC, please note there are exits to the left of the dais and right rear of the room that should be utilized in case of emergency or fire.

2. Roll Call. Councilmembers present: John Armeno, Richard Bunce, Marie Ryder-Galate, Estelle Klein, & Madeline McManus. Absent: Council President Sylvia Petillo. Others present: Attorney John Ursin, Administrator Steven Ward & Clerk Lorraine Stark.
3. Councilperson Bunce moved Resolution for Closed Session at 6:11 p.m., seconded by Armeno. Councilperson Bunce reported matters to be discussed pertained to personnel, litigation and attorney/client.

Continue open session at 7:36 p.m.

4. Moment of Silent Reflection and Pledge of Allegiance to the flag of the USA. Presentation by State for Firewise Program; Scott Wallis and Forest Fire Service employee Dale Carey were present for this presentation. Mayor Hodson revealed that several months ago a firefighter approached the governing body about the 'Firewise' program, which provides grants to communities that become involved. Mr. Wallis went door-to-door to get this program started in the Borough of Hopatcong; he thanked Scott for his efforts. Mr. Carey presented a plaque and two signs to the Borough in recognition of its being a 'Firewise' community, twenty States recognize this program, which is not just for states out west. Mr. Wallis encouraged residents to keep leaves & overgrown brush away from their homes, to create a defensible space against fires, and to be cautious when disposing of fire ash. Both gentlemen encouraged residents to become involved in the "Firewise" program and anyone interested could contact Borough Hall. The governing body thanked Messrs. Carey & Wallis.

5. Meeting open to public for comments on items on the agenda for which no public discussion is provided. Antoinette Haines of Elmira Trail said that she asked questions two weeks ago about Ordinance #39-2006, and nobody knew who owned the property that has four structures including rental and commercial; property is owned by Bob Modick. That property owner is now saving \$3,800 because of the change in the adopted ordinance; Rite Aid property owner is saving \$3,200 per year. Ms. Haines said that she is for businessmen saving money, but is also in favor of people staying in town. She wanted to know who wrote this ordinance; the governing body members present said they did not write the ordinance. Councilwoman Klein stated that she voted in favor of this ordinance, but didn't vote for sewers. She explained that every house was one EDU and that they decided that commercial property should also be one EDU and be metered for water consumption and pay

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additional fee if consumption exceeds 22,000 gals. Councilmember Armeno explained how the EDU was structured; to make it totally fair would be very difficult. Mayor Hodson noted that prior to the ordinance change, the stores in the plaza were billed separately. Ms. Haines remarked that there should have been an assessment for each sewer users. Councilwoman Klein agreed with that.

James O'Brien Chincoppee Avenue inquired about a bill on the bill list for a grinder pump in the amount of \$3,500. Mr. Ward reported that this was incorrectly installed at the wrong depth by the contractor, and would be deducted from their contact. Mr. O'Brien also asked about a sewer camera. Mr. Ward indicated that it was mostly for storm drains. There was also a discussion pertaining to Contract S-7 and Change Order #1; this section was re-engineered and changed from grinder pumps to gravity prior to any construction; thereby reducing the number of grinder pumps needed for the project.

Laura Morris of West Shore Avenue commented that the December 27th letter to sewer users informed them of the 2007 rate increase, and the reasons for it. She was displeased with this increase, rationale for the increase, and thinks that Hopatcong is becoming unaffordable. Mr. Ward revealed that all contracts are completed except for S-13, which contains 82 homes; 2,540 connections with 178 extensions granted for a total of 2718 paying customers.

Diane Del Guercio inquired why residents could not pay off the debt; in the last two years the increase has been \$400; residents voted sewers down; there isn't anything being done about the lake; residents can't afford sewers; the trust that was there is now gone. She inquired if the debt was going to be paid off in 17 years. Mr. Ward explained that there were two elements of the financing: 30 million dollars for 17 years and 15 million for 30 years. Diane asked if it could be paid off. Mr. Ward answered no because it would have had to be done at the inception of the project. However, Mr. Ursin would research whether or not an assessment could be charged at this time. Mayor Hodson did not think an assessment could be enacted because the entire Borough was not getting sewers.

Delores Kennedy remarked that Budd Lake has an assessment, and couldn't understand why Hopatcong did not. Mayor Hodson said that the decision was made because it was probably cheaper for the Borough to borrow the money at a better interest rate than individual homeowners.

Robin Calandriello resides on Hudson Avenue and explained that her property has limited space for a septic system; she supports the inclusion of the twelve homes on Hudson Avenue for Contract S-13. Councilperson Klein revealed that technology has changed for septic systems, and due to this new system could cost as little as \$6,000. Ms. Calandriello reported that she wants a sewer system, and was pro-environment. She also suggested that all homes be metered not just businesses.

Gary Scholl resides on Columbia Trail and had several questions pertaining to EDU's and how the gallonage was paid. Mayor Hodson reported that Hopatcong pays for 580,000 gallons per day; there is excess gallonage and the MSA bills the Borough at 75% of the 580,000. Mr. Scholl asked that the governing body reconsider the EDU structure and use a formula based on square footage, the more square footage the higher the sewer bill.

Robin Vaughan, 9 Idalroy wished to know if this current rate was going to be for 2007 & 2008. Mr. Ward responded yes, based on the auditor's calculations.

Helen Simmons 112 Hudson Avenue was in favor of Hudson Avenue getting sewers; environmental concerns. Councilmember Bunce reminded her that the cost of the gravity feed line would be the responsibility of the homeowner; Hudson Avenue had a good deal of rock and many homes had rock walls.

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Tully Knapp 18 West River Styx Road reported that she has two structures on a 25 by 100 size lot and is being charged two EDU's or \$3,200 per year; one renter is leaving because she wanted to increase the rent by \$50 to cover the sewer charge. She said that in Mt. Arlington the cost goes down with more EDU's, and they use square footage for commercial properties; that does not happen here. Ms. Knapp indicated that she was willing to pay her share, but is looking for a way to do that; suggesting that she be permitted to install a meter at her cost and pay one EDU. She noted that there were no washers and dryers and that the apartments had one bedroom; she would appreciate some consideration in this matter.

A resident of 19A Williams Trail said that he has never been so disgusted with this town, he has been an Eagle Scout, has provided community service, and feels like he is being forced to leave; he is worried about his bills (sewer); he is ready to leave town. He said that it seems like the sewer project wasted a lot of money, and urged the governing body to fine tune the numbers and find a way to reduce sewer rates. He also noted that he was glad to see a lot of people at the meeting, encouraging the governing body to listen to what the people had to say.

Bryan Adams inquired if there was anything that could be done about the sewer rate, and asked Councilman Armeno if he thought that the project had been mismanaged. He answered yes. Mayor Hodson revealed that some of the problems were addressed in the later contracts: road paving and rock removal.

Liz Juliano of Elmira questioned the Federal Aid and what impact it would have on sewer rates. Mr. Ward responded that one million would have kept the rate at \$295 per quarter. Ms. Juliano inquired if it would help if individuals wrote to the federal representatives. Answer yes. She also asked how much of the increase in her bill was due to the ordinance change. Mr. Ward said about \$8.50. In addition, she noted that there was an 'open trench' in her neighborhood and how long it could remain before being closed.

Muriel De Muth of Pickerel Point reported that she has been having a problem because a well could not be drilled and was using Lake Hopatcong water, which was very unhealthy. She encouraged the governing body to extend water to Pickerel Point; 12 homes in the area and many of them are interested in obtaining potable water from the Borough.

Doug Henshaw agreed with Mrs. De Muth even though he has a well; it is not a good one.

Mr. Bennett echoed that using the lake water is a hardship and presented health hazard, water system hardships and deficiency. He too was in favor of having Borough water available to those interested on Pickerel Point. Councilmember Bunce spoke about the lack of funding for the Lake Hopatcong Commission and the adverse affect it would have on the quality of life for the lake, no weed harvesting or police presence; encouraged everyone to attend the Commission meetings and to write letters.

Robin Calandriello reported that there was a lot of speeding on Hudson Avenue, which was a very narrow roadway; people go 50 miles an hour down the hill. She wanted to know if a speed hump could be installed. Mayor Hodson indicated that he would like the EMS Committee to re-examine speed humps on through streets.

George Malanga resides on Pickerel Point and stated that the water quality was a problem as well as boats speeding at night without lights. He suggested that the River Styx Cove be made a 'no wake' zone. Mr. Malanga supports the request for Borough water.

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6. Councilperson Armeno moved the approval of minutes from the regular meeting held on December 20, 2006, seconded by Bunce. Roll Call Vote: **YES** – Armeno, Bunce, Klein & McManus. **ABSTAIN** - Ryder-Galate. **ABSENT** – Petillo.

7. Reports from Administrator.

- A. Pole Barn Bids. Mr. Ward informed those present that the bids came in over budget, and this would be held for the budget discussion.
- B. Municipal Court Security Plan. The plan is being reviewed and will be forwarded to the committee members.
- C. AWOL Devices – Direct Borough Attorney to Draft Ordinance. Mr. Ward explained that this was new technology that Police Chief Swanson wants to prohibit in local bars; adopt an ordinance to keep the devices from being used. Mr. Ursin reported that Colorado has a State ban, and recommended that this prohibition be Borough-wide. Mr. Ursin would provide a copy of Colorado's ban to the governing body for review.
- D. Veteran's Memorial – Wall Construction Update. There is a proposal for the lettering, which would be discussed at the budget meeting. Councilman Bunce suggested that all branches of the Armed Forces be listed; cost estimated at \$13,000.
- E. Meeting with Sussex County representatives – January 31, 2007 at 2 p.m. Mr. Ward reported that no Freeholders were to be present this was a technical meeting. John Ruschke commented that what the Borough needs is money, already had two technical meetings. The consensus was to schedule a meeting with the Freeholders, which Mr. Ward will take care of.

8. Reports from Engineer.

- A. Brooklyn Mtn. Rd. Water Tank. Mr. Ruschke revealed that there are still outstanding issues with the utility pole. He modified the fencing and grading so that the contractor could complete the work; the tank could begin filling within the week.
- B. Mariner Well Update. Mr. Ruschke informed those present that an application to the DEP has been filed to re-do the pump test and modify the water diversion. Mr. Lawler found two homeowners who agreed to place loggers on their wells to assist with the monitoring. The DEP should respond in about a week.
- C. Drainage Project Update. Two major projects that are to be undertaken by the DPW: Old Lakeside Blvd. at Chincopoe and Cove Road. Mr. Ward commented that Cove Road would be first priority. Mr. Ruschke noted that Dupont has about 75 feet that needs to be done by an outside contractor due to the large quantity of rock; other than that section the DPW can do the rest of the project.
- D. Water Allocation. Mr. Ward reported that there are 10 set aside for emergencies. Mayor Hodson said that he was looking for another 10. The question about cost was raised; Messrs. Ruschke & Ward would review and come up with a new figure. The matter of connections made in a timely manner was discussed; Mr. Ruschke noted that it was difficult to evaluate the water utility properly if there was a large number of people with allocation but weren't now the system, 30 plus are outstanding; 10 or 20 additional connections should not have a significant impact on the water utility. Councilwoman

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Ryder-Galate stated that something that was paid for by the homeowner should not be taken away; suggested a quarterly payment to keep the allocation. Discussion regarding parameters ensued: contact those with allocations and see what is their intent. Some ideas for new policy expressed: would consist of a notice to connect after the curb box is installed that consists of 60 days; an indeterminate number of days to respond with intent. Councilman Bunce remarked that Mr. Ruschke needs tools to manage the water resources and system. Mayor Hodson said that the 10 hardship cases authorized would have to post all fees and connect into the water system within 60 days.

9. Consent Agenda.

***RESOLUTION AUTHORIZING PASSAGE OF CONSENT AGENDA**

WHEREAS, the Borough Council of the Borough of Hopatcong has reviewed the Consent Agenda consisting of various proposed resolutions; and

WHEREAS, none of the Councilmembers are desirous of removing any resolutions for individual action from the agenda;

NOW, THEREFORE BE IT RESOLVED, that the following resolutions on the Consent Agenda are hereby approved:

- A. #39-07 Approve Payment Escrows.*
- B. #40-07 Approve Refund for OPRA overpayment in the amount of \$13.75*
- C. #41-07 Approve Outside Lien Redemption Certificate #2005025 in the amount of \$1,670.01. *
- D. #42-07 Approve Raffle Applications RA#1-2007 & RA#2-2007 for Hopatcong Elementary P.T.O.*

McManus moved the Consent Agenda, seconded by Bunce. The vote was unanimous. **ABSENT** – Petillo.

10. Ordinances/Resolutions.

- A. #43-07 Resolution – Approve Budget Transfers. Motioned by Bunce, seconded by McManus. Roll Call Vote: **YES** – Bunce, McManus, Armeno, Ryder-Galate, Klein. **ABSENT** – Petillo.
- B. #44-07 Resolution - Approve Payment of Bills, following the removal of Check #1510, moved by Armeno, seconded by Bunce. Roll Call Vote: **YES** – Armeno, Bunce, Ryder-Galate, Klein, McManus. #45-07 Resolution – Approve Payment of Check #1510, moved by Armeno, seconded by Bunce. Roll Call Vote: **YES** – Armeno, Bunce, Ryder-Galate, McManus. **PRESENT** – Klein. **ABSENT** – Petillo.
- C. #46-07 Resolution – Approve Amendment to the Temporary General Budget. Motioned by Armeno, seconded by Bunce. Roll Call Vote: **YES** – Armeno, Bunce, Ryder-Galate, Klein, McManus. **ABSENT** – Petillo.
- D. #47-07 Resolution – Approve Change Order CM-002 for Contract S-1, Environment One Corp. in the amount of \$312.88. Motioned by Bunce, seconded by McManus. Roll Call Vote: **YES** – Bunce, McManus, Armeno, Ryder-Galate & Klein. **ABSENT** – Petillo.
- E. #48-07 Resolution – Approve Change Order Reducing Final Amount of Contract S-1 in the amount of \$115,212.00 to Environment One Corp. Motioned by Bunce, seconded by

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Armeno. Roll Call Vote: **YES** – Bunce, Armeno, Ryder-Galate, Klein & McManus.
ABSENT – Petillo.

11. Old Business.

- A. Sewer Update: Status of Contracts. Discussed earlier in the meeting.
- B. #49-07 Approve ten (10) additional emergency/hardship connections to the public water system. Motioned by Bunce, seconded by Ryder-Galate. Roll Call Vote: **YES**- Bunce, Ryder-Galate, Armeno, Klein, McManus. **ABSENT** – Petillo.
- C. Appointment of Professional Services Contracts:
 - 1. #50-07 Sewer Engineer – Hatch Mott MacDonald (Non-fair & Open Contract). Motioned by Bunce, seconded by Ryder-Galate. Roll Call Vote: **YES** – Bunce, Ryder-Galate, Armeno, McManus. **ABSTAIN** – Klein. **ABSENT** – Petillo.
 - 2. #51-07 Public Defender – C. Colabella, Esq. (Non-fair & Open Contract) If in order. Motioned by Bunce, seconded by McManus. Roll Call Vote: **YES** – Bunce, McManus, Armeno, Klein. **ABSTAIN** – Ryder-Galate. **ABSENT** – Petillo.
- D. #52-07 Approval of Employment Agreement with Borough Administrator. Motioned by Klein, seconded by McManus. Roll Call Vote: **YES** – Klein, McManus, Armeno, Bunce, Ryder-Galate. **ABSENT** – Petillo.
- E. Award Contract S-13 to PM Construction base bid and supplemental bid (Hudson Avenue) at **\$2,421,943.87** or award Contract S-13 to PM Construction base bid at **\$2,118,021.25** (Ferraro Construction withdrew bid). Action to be taken at the 7 February 2007 meeting.

12. New Business.

- A. Lake Hopatcong Commission: consider resolutions in support of recent LHC resolutions: #53-07 Request by the Borough of Hopatcong that Construction for the Lake Hopatcong Commission be included on the List of Proposed Projects to be Financed Through 2006 Public Question Two, motioned by Armeno, seconded by Bunce. Those present voted affirmative. **ABSENT** – Petillo. #54-07 Resolution by the Borough of Hopatcong Requesting the Governor, The New Jersey State Legislature, and New Jersey State Agencies, Act to Ban the Use of Fertilizer Containing Phosphorus within the State of New Jersey, moved by Armeno, seconded by Bunce. The vote was unanimous. **ABSENT** – Petillo. Councilmember Bunce reported that the Lake Commission had a very active meeting on Monday because Commissioner Ondish encouraged the public to speak openly about the lack of State funding. Those present were encouraged to write letters to Senators and to the newspapers.
- B. Placement of a concrete bench in Maxim Glen in honor of former Councilman Paul Burke. Councilwoman Ryder-Galate was asked to go back to the Hopatcong Business Association for their ideas, and to contact Steve Guerriero for his input.
- C. 40 Rapalyea Road, Blk. 10712/18, Easement for road. Mr. Ursin reported that the Borough was contacted about an easement that we do not own; looks like it belongs to the FHA. He wrote a letter back indicating that there wasn't anything the Borough could do unless additional information was provided showing our ownership.

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- D. Mayor's Appointment: Sam Hoagland to Environmental Commission, and to Planning Board from Environmental Commission.
- E. Approval for Placement of Ambulance Squad Fundraiser Signs. Mr. Ward indicated the five locations being requested, and that these signs would be up for one to two years. The governing body authorized Mr. Ward to review each site and report back at the next meeting with his recommendation.

13. Comments from the public, none was forthcoming.

14. Comments from Councilmembers. Councilperson Ryder-Galate remarked that the H.B.A Fish Fry was scheduled for March, and that the Soap Box Derby would be held Sunday, 3 June including a Freedom Parade, 21 October Halloween Parade. Regarding the Brownfield Grant Program the representative has not gotten back to her, and it appears that Freeholders Wirths and Vetrano would be supportive of an application for County Open Space Funds. She also noted that she received a letter from Representative Frelinghuysen in which he apologized for not being able to attend the reorganization meeting. Councilwoman Ryder-Galate remarked that all public comments should be addressed to the Mayor, and that everyone should have an opportunity to address his or her concerns in an orderly and timely manner; would like to see a protocol established to accomplish this. Her objective is to provide an opportunity for anyone wishing to speak to do so in a professional environment, and not to stop people; need to have rules of order because it is unfair to make people wait for 3 hours to speak. Other municipalities have a time limit, and this might be something to do here.

Councilmember Klein agreed that there should be some control during the comment period, and would like to see public comments limited to a maximum of five minutes and set a limit. #55-07 Authorize a Maximum of Five (5) minutes for each individual to speak during the public comment period(s) for meetings of the Governing Body, moved by Klein, seconded by Bunce. Roll Call Vote: **YES** – Klein, Bunce, Ryder-Galate. **NO** – McManus. **ABSENT** – Petillo. Councilperson McManus said she was opposed because she did not want to limit people from expressing themselves. Mayor Hodson said that if 5 minutes doesn't work we could make a change.

Councilwoman Klein said that she just wanted to set the 'record straight' about the Village Marina; no building has more than one bedroom, and one building (commercial) is a workshop that has no bedroom or bathroom. This property has 1 infrastructure for all 4 buildings and pays 1 EDU.

Councilwoman McManus wished everyone a happy Martin Luther King Day.

Councilman Bunce wished everyone a good night.

Councilperson Armeno commented that there have been conversations about litter throughout the community, and he would like to see improvements or better litter pickup implemented. He also reported that the County would be engaging in a homeless day and count on 25 January.

Mayor Hodson informed those present that May 27th was Habitat for Humanity.

Councilperson Bunce moved to adjourn at 1:00 a.m., seconded by Armeno. The vote was unanimous. Absent – Petillo.

Respectfully submitted: