

The January 21, 2009 regular/work meeting was called to order by Mayor Petillo at 6:33 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, Marie Galate, Madeline McManus, Robert Modick & John Young. Others present: Attorney John Ursin & Clerk Lorraine Stark.

Council President Galate moved resolution for closed session at 6:35, seconded by Bunce. The vote was unanimous. Mayor Petillo reported matters to be discussed to personnel, and attorney/client.

Continue Open Session at 7:37 p.m.

MOMENT OF SILENT REFLECTION AND PLEDGE OF ALLEGIANCE

Mr. Ursin stated that the Governing Body is aware of the charges against Mr. Moskovitz pending in Municipal Court; Mr. Moskovitz has been suspended for 10 days without pay pending further investigation. Mr. Ursin has instructed the Governing Body to withhold any comments regarding this matter.

Mayor Petillo invited Mr. Dave Hughes to give his presentation at this time. Mr. Hughes presented a picture album of pictures he took at various Borough of Hopatcong functions. Mr. Hughes said that he dedicated this work to Dr. Wayne Threlkeld, Superintendent of Hopatcong Schools; he thanked Dr. Threlkeld for his many years dedicated service to the community and leadership. Mayor Petillo thanked Dave for the photo albums.

Mayor Petillo remarked that Hopatcong as well as the other municipalities within the State, is embroiled in a budget crisis, reduction in State Aid and reduction in work force. Governor Corzine has made it clear that there would be additional cuts in 2009. Mayor Petillo said that currently the Governing Body was looking at a reduction of \$920,000, mostly due to lose in revenue and State Aid. The potential tax increase at this time could be 22 percent. She informed those present that they are looking at all Borough Departments to see where cost can be cut. Regarding the garbage bids, there would be a public meeting after the March 10th bid opening to discuss this matter. Mayor Petillo explained that changes

were being made regardless of who collects the garbage; these were being instituted as a cost saving measures.

Open to the public for comment on Ordinance #2-2009:

Mrs. Bagby who resides at 58 Stevens Trail, invited Mayor Petillo and Council Members to the 12 February Democratic Club meeting at 7:30 p.m. in the Civic Center. She said that the club would be discussing garbage and other services. Mayor Petillo thanked her for the invitation; she would place this date on her calendar.

Angelo LaGreco of 28 Elba Avenue revealed that he has been a Borough resident for 27 years, and he wanted to know if there was something that could be done for the Elba Point Homeowners Association since they would be affected by the change in commercial garbage collection. They operate seasonally (Memorial Day through Labor Day) and this change would place a hardship on club members. He would like to work with the Borough in finding a solution that would be beneficial to the club members. Mayor Petillo remarked that the Borough would not be collecting dumpsters any longer, and that commercial businesses had to find an outside vendor to perform this collection. All properties were being offered the same garbage service, which consists of 3 35-gallon cans per week.

Margaret Dam lives at 107 Blackfoot Trail, and questioned 201-4 (C) in the ordinance, which was a \$20 fee. Mayor Petillo said that senior citizens would not be charged a fee; that particular item was being deleted. Mrs. Dam inquired if she could have a copy of the ordinance so that she could better understand what was being proposed. Ms. Stark responded that one would be made available to her tomorrow.

Toni Haines said she has been in town for 47 years, and she said that the DPW employees are residents and taxpayers; they also know our roads and take care of our senior citizens. In her opinion they are looking in the wrong place to save money. Mrs. Haines stated that all garbage companies must make a profit, and that privatization would not be good for the Borough. Another issues were the health and dental benefits for members of the governing body; she said they should vote these benefits out, and should cancel all events such as the parade this year, not fund the Firemen dinner, and eliminate all monies for workshop, seminars and classes. She offered to help with the budget and distributed some recommendations. Mayor Petillo thanked her for her input, and said that the budget meetings were open to the public.

Ed Santos owner of Ridgewood Manor reported that he agreed with what the others said; he would rather have a bill from the Borough for commercial garbage collection and save the DPW jobs. He wants to keep our employees because they know the town, and wants them to continue employment with the Borough of Hopatcong; does not want outsourcing of garbage collection. Mayor Petillo explained that by not picking up

dumpsters the Borough saves \$100,000, and reduces Workers' Compensation injuries and liability.

The owner of 49 Lakeside Blvd. asked what happened to the dumpsters that were now on his property, and when the new policy would start. Mayor Petillo said that they owned the dumpster, and that it begins on March 2nd. Mr. Ruschke commented that the State Statute requires that if there are three or more units in the building, you provide the same service as a single residence. If there was mixed use on the property with several residential units, each unit would be permitted three cans/bags, while the commercial business (es) would have a maximum of three cans/bags. Mr. Ruschke revealed that the ordinance defined residential as each unit. Mayor Petillo commented that all they were trying to do was to place normal limits on garbage collection.

Ordinance #2-2009 – Mr. Ruschke explained the policy which the Borough was changing and outlined those objectives. He pointed out the change in mixed-use multi-units and how provisions were being made to provide the same service; there was no State Statute for commercial properties. There was a discussion pertaining to bulk pick up and if a fee should be associated with those items. Council President Galate questioned enforcement, noting that there are properties that seem to abuse the current service. It was noted that the DPW would continue to collect white goods, this was not in the bid spec; there would be an amendment to the ordinance addressing white goods and vegetative waste.

Mr. Ursin commented that the changes discussed tonight are reasonable, the ordinance before them contained those changes, and that some of the items discussed would immediately become policy. This ordinance makes changes and accomplished the goals that were set. Councilwoman McManus moved adoption of ordinance, seconded by Bunce. Roll Call Vote: McManus, Bunce, Francis, Galate, Modick & Young.

Mayor Petillo thanked Messrs. Ursin & Ruschke for their diligent work on this ordinance. She also informed the public that the Recycling Newsletter has not been mailed out because they are still working on it.

Councilman Bunce moved approval of minutes of December 17, 2008 regular/work meeting, seconded by Francis. Those present voted affirmative.

ENGINEER'S REPORT: John Ruschke said that the economic stimulus package is being developed to spark the economy and money would come through the Infrastructure Trust; this money would be in the form of zero interest loans, not grants. He identified four projects: Dupont/Bucknell storm drain project, which is a substantial project; Road improvements – resurfacing; Elba Point re-activation of well; Water Quality Chambers for wells under the influence of surface water. Mr. Ruschke

encouraged the forming of a new sewer sub-committee; he reviewed the Phase III Sewer Report and found the costs based on a 15% inflation factor. This is not the case now because costs continue to drop & companies are hungry for work. He suggested the sub-committee look at the sump pump policy on private property, which residents are interested in having sewers, and where the current system could be expanded. Councilwoman McManus volunteered to be on this sub-committee along with Councilman Bunce. It was noted that the State could possibly offer 20 or 30 percent grants. Mr. Ruschke informed those present that due to the low lake levels he was able to survey the existing Elba Point infrastructure, and that there is no restriction on the amount of water, the concern is water quality. He also commented that the DEP was reluctant to move forward with our application due to the great amount of unaccounted water; we exceed the DEP guideline that is 15%. Having new meters installed at the schools and finding leaks are addressing this matter.

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. #41-09 Approve Payment of Escrows.*
 - B. #42-09 Approve Raffle Licenses RA #3-2009 & RA#4-2009 St. Jude Rosary Society On Premises 50/50 & Tricky Tray.*
 - C. #43-09 Adopt Revised OPRA Form as per GRC Template.*
 - D. #44-09 Accept 2008 Board of Health Year End Report.*
 - E. #45-09 Accept Fireman: S. Arias Defiance Engine Company #3.*
- Consent agenda motioned by Bunce, seconded by Galate. Vote was unanimous.

ADOPTION OF ORDINANCES:

A. Public Hearing Ord. #2-2009 AN ORDINANCE TO REPLACE CHAPTER 201 OF THE CODE OF THE BOROUGH OF HOPATCONG REGARDING SOLID WASTE AND MODIFY CHAPTERS 191 AND 209 TO REQUIRE RECYCLING PLANS. This ordinance adopted earlier in the meeting.

INTRODUCTION OF ORDINANCES:

- A. #46-09 Ord. #5-2009 AN ORDINANCE TO AMEND SECTION 231-7 OF THE CODE OF THE BOROUGH OF HOPATCONG REGARDING SPEED LIMITS ON ALADDIN TRAIL AND CARIBOU TRAIL. Motioned by McManus, seconded by Galate. Roll Call Vote: YES – McManus, Galate, Bunce, Francis, Modick, Young.

- B. Ord. AMEND CHAPTER 108 OF THE CODE OF THE BOROUGH OF HOPATCONG ENTITLED "FEES" No action taken at this time.
- C. Ord. AN ORDINANCE TO AMEND CODE REGARDING SOLID WASTE AND RECYCLING. No action taken at this time.

RESOLUTIONS:

- A. #47-09 Approve Transfer Appropriations General Fund (if in order). Motioned by Bunce, seconded by Modick. Roll Call Vote: **YES** - Bunce, Modick, Francis, Galate, McManus, Young.
- B. #48-09 Approve Payment of Bills following the removal of check #25934. Motioned by Bunce, seconded by Galate. Roll Call Vote: **YES** - Bunce, Galate, Francis, McManus, Modick, Young. #49-2009 Approve Payment of Check #25934. Motioned by Bunce, seconded by Francis. Roll Call Vote: **YES** - Bunce, Francis, McManus, Modick & Young. **ABSTENTION** - Galate.
- C. #50-09 Accept Gift of \$15,000 from the Hudson Farm Foundation: \$10,000 for Contract with Land Conservancy of N.J. & remaining \$5,000 for improvements to parks or recreational facility. Motioned by Francis, seconded by Bunce. Roll Call Vote: **YES** - Francis, Bunce, Galate, McManus, Modick, Young. Mayor Petillo acknowledged all that the Hudson Farm Foundation has done for the Borough of Hopatcong, and would send a letters of thanks.

OLD BUSINESS:

- A. Discussion - Habit for Humanity proposal for 125 Bergen Trail. Councilman Francis questioned if this was the best use of our resources. Councilman Bunce revealed that the Real Estate looked into this property, found it to be suitable for a single-family home and recommend this to the governing body. # 51-09 Intro. Ord. #6-2009 AN ORDINANCE AUTHORIZING THE SALE OF AN UNDERSIZED NON-CONFORMING PROPERTY BY THE BOROUGH OF HOPATCONG TO HABITAT FOR HUMANITY, INC., FOR NOMINAL CONSIDERATION PURSUANT TO N.J.S.A. 40A:12-21 (I). Motioned by Modick, seconded by McManus. Roll Call Vote: **YES** - Modick, McManus, Young, Bunce, Francis & Galate.

NEW BUSINESS:

- A. Proposal for Environmental Site Assessment & Survey for Open Space Land on Block 40001 Lot 9. #52-09 Authorize Professional Services Dykstra Associates, Inc. for survey B40001Lt 9 in an amount not to exceed \$3,895.00. #53-09 Authorize Professional Services PK Environmental Planning & Engineering for B40001Lt. 9 in an amount not to exceed \$2,650.00. Motioned by Bunce,

seconded by McManus. Roll Call Vote: YES – Bunce, McManus, Francis, Galate, Modick, Young.

B. Mayor's Appointment:

- #54-09 Appoint Police Chief J. Swanson – Emergency Manager Coordinator & R. Haffner Deputy for three-year term & Appoint Police Chief J. Swanson – 9-1-1 Coordinator for 2009. Motioned by Bunce, seconded by Galate. The vote was unanimous.

C. Discussion – Participation in NJ Dept. Agriculture Gypsy Moth Aerial Suppression Program. Mayor Petillo explained that several residents had complained about the Gypsy Moths in their area because the moths were killing mature trees. We had the Department of Agriculture perform an egg survey, and they identified several areas that could be sprayed. It appears that this program would cost the Borough between \$35,000 to \$42,000. She said that this budget was going to be very difficult, and didn't know if this was something that could be budgeted for in 2009. Mayor Petillo asked the governing body to give this expenditure consideration. Since the deadline was not until February 6th, this matter would be decided at the February 4th meeting.

D. Presentation by David Hughes: Photo Books from various Borough activities. Mr. Hughes presented the books at the beginning of the meeting.

COMMITTEE REPORTS: Councilperson Francis reported that we have started the process for an Energy Audit. The State pays 75% of the audit costs, and after improvements are made the remaining 25% is reimbursed to the Borough. All municipal owned buildings qualify for this audit. He said that they are also looking into solar panels and windmills at no cost to the Borough, and are seeking Federal and State grant monies. Councilwoman McManus revealed that the Environmental Commission has submitted their 2008 Annual Report. Mayor Petillo thanked the member of the Commission for all that they do.

PUBLIC COMMENT: (comments limited to 5 minutes). Toni Haines volunteered to be a member of the sewer sub-committee if citizens are included. She also encouraged them to be fiscally responsible; if there is something that is not needed it should not be purchased. Mayor Petillo commented that there was a meeting with our auditor and there is now a plan to re-structure our sewer loans.

Margaret Dam remarked that if there is a need to get rid of property it should be sold to a developer, not given away. Mayor Petillo said that we need 233 COAH units and currently have 14; this Habitat home would count toward our COAH obligation.

Ms. Bagby said she is concerned about Gypsy Moths and treasured trees; she thinks that the birds can help control the Gypsy Moths. She encouraged them to find a way to address this problem and keep Hopatcong a value place to live.

COUNCIL COMMENTS: Councilperson Modick thanked everyone for coming this evening and wished him or her a good night. Councilmember Bunce thanked everyone for coming, and wished him or her a safe trip home.

Councilwoman McManus noted that January 20th was historical with the swearing-in of President Obama. She thanked those present for coming. Councilman Young thanked everyone for coming, and he appreciated their comments. He asked the residents to keep the Armed Services personnel in their prayers.

Councilperson Francis remarked that he was inspired by President Obama's remarks, and that he agreed that people should get back to the business at hand. He along with the others are doing the best that they can and would keep paying attention to what is important and needs to be done. Thank you, good night and good luck.

Council President Galate thanked everyone for coming and his or her input, which was appreciated.

Mayor Petillo commented that her door is always open, thanking those in attendance.

Council President Galate moved to adjourn at 10:22 p.m., seconded by Bunce. The vote was unanimous.

Respectfully submitted: