

The February 18, 2009 regular/work meeting was called to order by Mayor Petillo at 7:30 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, Acting Administrator John Eskilson & Clerk Lorraine Stark.

MOMENT OF SILENT REFLECTION AND PLEDGE OF ALLEGIANCE

Mayor Petillo introduced John Eskilson as the Acting Administrator. John has been a previous Administrator here in Hopatcong, and currently is the Sussex County Administrator. She thanked John for accepting his assignment, and the Sussex County Freeholders for allowing him to assist the Borough.

Mayor Petillo read about the poster contest and asked Skyler Post to come forward so that the "You Make a Difference" Award could be presented to her. Skyler is a student at the Hopatcong Middle School and is the Sussex County Winner of the 20th Annual Burn Awareness Poster Contest. Everyone present congratulated Skyler on her achievement.

Mary Takacs from the Environmental Commission introduced Christian Nowell, who would address item A under New Business, No-idling ordinance. Christian remarked that if you idle more than three minutes you break the law. He distributed information packets, and discussed his 4-Part Plan. Christian informed those present that the State Law already exists, and encouraged the governing body to adopt a resolution to enforce the law and to provide "No-idling Zones" throughout the Borough of Hopatcong. There are signs available at a cost of \$9.95 from the DEP regarding the No-Idling Zones & penalties associated with this violation. Christian revealed that he planned to give a presentation to the Board of Education, and would ask them to distribute information to educate the public about this matter. Mayor Petillo asked Christian to provide a list of materials that he would like to procure for this program, and thanked him for his presentation.

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). Toni Haines questioned why we use the Lafayette Landfill for

the disposal of our garbage. Mr. Ursin replied that we were required to use that facility. Mrs. Haines said that was incorrect; she called them and they said no. Mr. Eskilson informed those present that currently the County did not have a flow contract measure in place. However, this is something they were considering for the future. Mrs. Haines wanted to know why other alternatives were not considered. Mr. Eskilson explained that the cost for the Sussex County facility would fall upon the County taxpayers and would come in the form of higher taxes, should the SCMUA not collect enough fees. Mrs. Haines also questioned if a vendor was hired what would be the liability to the town. Mr. Ursin responded that the Borough would have no liability in this matter. Regarding the bill list, Mrs. Haines questioned the billing from JCP&L. Councilman Francis reported that over \$300,000 was spent last year, and that JCP&L does provide bills for each municipal facility. Mrs. Haines said that she did not want people in the Borough to lose their jobs. Mr. Eskilson revealed that the Borough is in a major crisis and there would have to be cuts in the neighborhood of 1.5 million dollars, mostly due to a reduction in revenues. If employees were terminated because of garbage being outsourced the Borough would be following the Civil Service regulations; this was not a violation of contract. Mayor Petillo stated that we do not look at people as being dispensable; we are in a serious crisis and can no longer support the services we currently provide the residents. Yes, they are looking at cost savings in the DPW, but they are also looking at all of the other departments as well. Mayor Petillo commented that no decision would be made until all of the numbers were collected, and there was a public town meeting to present the information.

Alex Martinez resides at 8 Lincoln Trail, said that Scout Troop 88 has participated in Clean Communities Days during which a large amount of "junk" was collected; that was when the disposal was free. He questioned what would happen now that there is a fee, and hopes that they are budgeting for illegal dumping. He also said that if police officers were laid-off the school officers would be the first to go, and that Newark is hiring a large number of officers for their force. Mayor Petillo said that it would be up to the School Board to tell them if they can afford to keep the School Resource Officers. Councilmember Francis remarked that he and Council President Galate support the School Officers because they are extremely important in what they do for the community. Mr. Martinez did not support cuts if public safety would be compromised.

Ms. Modes 3 Ithanell Road wanted to know if they considered placing a limit on bulk items instead of penalizing everyone; collect one item and fine those abusing the system.

The matter of commercial dumpster collection by the DPW for a fee was discussed. Councilman Francis remarked that there needed to be a cost analysis done. Mr. Eskilson said that it was not viable and not a simple matter. Ms. Modes was not in favor of reducing the police force or the DPW.

Robert Scanlon asked if the commercial tonnage was removed from the bid specs. Mayor Petillo said that it was.

A resident from Columbia Trail cautioned about using the low bidder because the service could be poor, whereas currently the DPW provides excellent service to the residents. Mr. Eskilson noted that it required a million dollar plus reduction to get below the 4% CAP. Mr. Ursin revealed that the contract would have a complaint and penalty clause for unsatisfactory performance.

APPROVAL OF MINUTES: January 7, 2009 Reorganization meeting, January 12, 2009 special budget meeting, and January 21, 2009 regular/work meeting, moved by Council President Galate, seconded by Bunce. The vote was unanimous.

ADMINISTRATOR'S REPORT: John Eskilson informed the governing body that he sent them a rather lengthy report, and thanked Wayne Dietz for waving one-half of his Risk Manager fee in 2009 thereby saving the Borough about \$13,000.

ENGINEER'S REPORT: Mr. Ruschke said that he was looking into the request from the Arthur Well users to go on our system. He noted that improvements would be required to the main, and did not think the DEP would permit an expansion of the existing well; water capacity was available for these homes.

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. #77-09 Approve Payment of Escrows.*
- B. #78-09 Approve Cancellation of Uncollectable Taxes for 2008 various reasons in the amount of \$45,575.08.*
- C. #79-09 Approve Outside Lien Redemption Certificate #2008-9 in the amount of \$1,807.37 plus premium in the amount of \$300.00.*
- D. #80-09 Accept 2008 Annual Tax Collector's Report.*
- E. #81-09 Approve Refund in the amount of \$250 for 342 Lakeside Avenue due to withdrawal of Zoning Board Application. *
- F. #82-09 Endorse 2009 Sussex County PARIS Grant Application.*
- G. #83-09 Approve Firemen: C. Kruger, C. More, III & J Peterson*
- H. #84-09 Approve Raffle License RA #5-2009 for Hopatcong Woman's Club On Premises 50/50 Raffle.*
- I. #85-09 Approve Raffle License RA#6-2009 & RA#7-2009 for HEPTO On Premises 50/50 & Tricky Tray Raffle.*

Consent agenda motioned by Bunce, seconded by Galate. Vote was unanimous.

ADOPTION OF ORDINANCES:

- A. Public Hearing Ord. #7-2009 AN ORDINANCE TO AMEND CHAPTER 108 OF THE CODE OF THE BOROUGH OF HOPATCONG ENTITLED "FEES". Open to the public for comment, none was forthcoming. Mr. Ursin reported that the issue of the revised OPRA form has already been addressed, and this ordinance amendment would provide for a copying cost of CDs as "actual" cost. Council President Galate moved ordinance, seconded by Bunce. Roll Call Vote: **YES:** Galate, Bunce, Francis, McManus, Modick & Young.
- B. Public Hearing Ord. #8-2009 AN ORDINANCE TO AMEND SECTION 201-4 OF THE CODE OF THE BOROUGH OF HOPATCONG REGARDING SOLID WASTE. Open to the public for comment. The stickers would be available at the Health Department, and stickers for citizens (62 & older) are free. Francis moved ordinance, seconded by Bunce. Roll Call Vote: **YES:** Francis, Bunce, Galate, Modick, McManus & Young.

INTRODUCTION OF ORDINANCES:

- A. #86-09 Ord. #9-2009 AN ORDINANCE TO AMEND CHAPTER 43-27 OF THE CODE OF THE BOROUGH OF HOPATCONG REGARDING PENSIONS. Motioned by Bunce, seconded by Galate. Mayor Petillo revealed that the State has changed its mind about what pension the Court Administrator should be enrolled in. Roll Call Vote: **YES** - Bunce, Galate, Francis, McManus, Modick, Young.
- B. #87-09 Ord. #10-2009 AN ORDINANCE TO AUTHORIZE THE SALE OF LOT BY THE BOROUGH OF HOPATCONG TO OWNER OF CONTIGUOUS PROPERTY Block 20004, Lot 4 (partial). Motioned by Bunce, seconded by Francis. Roll Call Vote: **YES** - Bunce, Francis, Galate, Modick, Young. **ABSTAINED** - McManus.

RESOLUTIONS:

- A. #88-09 Approve Transfer Appropriations General Fund. Motioned by Bunce, seconded by Galate. Roll Call Vote: **YES** - Bunce, Galate, Francis, McManus, Modick, Young.
- B. #89-09 Approve Amendment to 2009 Temporary Appropriation for Operating. Motioned by Francis, seconded by Modick. Roll Call Vote: **YES** - Francis, Modick, Bunce, Galate, McManus, Young.
- C. #90-09 Approve Payment of Bills. Motioned by Bunce, seconded by Galate. Roll Call Vote: **YES** - Bunce, Galate, Francis, McManus, Modick, Young.
- D. #91-09 Approve Professional Services Contract with The Land Conservancy of New Jersey in an amount not to exceed \$10,000.

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

OLD BUSINESS:

- A. #92–09 Patel Property Acquisition Appraisal. Resolution authorizing professional services agreement w/Holzhauer & Hostenstein, LLC. Motioned by Bunce, seconded by Galate. Roll Call Vote: **YES** – Bunce, Galate, Francis, McManus, Modick, Young.
- B. #93–09 Authorize agreement with Millennium Strategies, LLC. Motioned by Galate, seconded by Francis. Roll Call Vote: **YES** – Galate, Francis, Bunce, McManus, Modick, Young.

NEW BUSINESS:

- A. Environmental Committee: Christian Nowell discussion on enforcement of vehicle idling ordinance. The governing body agreed to look into adopting a resolution; would modify the draft resolution presented by Christian.
- B. Discussion – Clothing Bin Ordinance. Mr. Ursin informed those present that the State has regulations to regulate the bins, and the Borough Clerk would issue the permit for either one or three years. Clothing bins would be permitted on property that has site plan approval for these containers. Several questions were asked about State regulations. Mr. Ursin said he would provide that information for the next meeting; no action taken at this time.
- C. Discussion – Arthur Road Well. Mr. Ruschke reported that 17 homeowners requested to connect into the Borough water system. A new water line would be required because the existing line is only 2–inches. He said that they are interested in giving up their well that produces about 20 gallons per minute; Mr. Ruschke has some reservations about keeping their well because of DEP regulations and the extra work and expense required. He would rather spend the money on the Elba Point Well, which he had been investigating. Mr. Ruschke thinks this well is a viable option, and should be re–activated because it produces 200 gallons per minute and could be used as an emergency backup. He favors the connection of these 17 homes as generating a revenue stream that would assist the current customers on the water system; he would also like Mr. Evans to look at the connection fees to see if they needed to be revised. Mr. Ruschke noted that currently there were 40 water reservations being held in the Borough and that water should be released to generate income for the Water Utility. Council President Galate inquired if there was a minimum quarterly water fee, and if so, were those holding the reservations paying this. Mr. Ursin commented that was a common practice in other municipalities; he would put together a draft ordinance. Mr. Ruschke said that he has been checking on the replacement water

meters for the schools; however the manufacturer has not provided them for installation. He will keep in touch with Rob Lawler and have him contact the vendor on a regular basis. Councilman Francis reported that he asked Millennium Strategy to look into Federal grants for the improvements to the Elba Point Well infrastructure.

- D. Discussion – Budget Meeting on 2/23/09 at 6:30 p.m., at Fire House No. 3.

COMMITTEE REPORTS:

Mayor Petillo noted that she spoke with someone pertaining to a pantry and clothing drop at the Civic Center; this is being looked into.

Council President Galate reported that the seniors met and were informed that Senior Care Group could provide them with assistance. In addition, the seniors are excited about the improvements in the Civic Center kitchen. Council President Galate revealed that she and Mike Francis were working vigorously on the energy audit.

Councilman Francis indicated that an audit of light fixtures in Borough buildings has been completed; they are working with a consultant at no cost to the Borough. The idea is to replace the 40-watt bulbs with 4 watts for an immediate savings. They are exploring grants or short-term loans, as well as aggressively exploring solar energy at the landfill and wind power on Mohawk Trail; looking to do these projects with investors backing, not going to use municipal monies.

Mayor Petillo informed those present that the State provided a building for storage in Franklin to the Lake Hopatcong Commission for one dollar; this would be used for boat storage. The State is still pursuing boat fees, and is not planning on increasing the entrance fee to Lake Hopatcong, or funding the weed harvesting. Mayor Petillo said that they are considering a boat fee in 2010, collect the money in the surrounding municipalities, and not send it down to Trenton. The State has agreed to provide gap financing for the Lake Commission until this “maintenance” fee is in place; looking for a commitment from the 4 municipalities. She described the State as having softened its approach in this matter by providing some latitude. The consensus from the governing body was that it was okay. Regarding the Democratic Committee meeting, Mayor Petillo said that she was frustrated because she did not have all of the numbers to present.

Marie Galate reported that at the Zoning Board meeting a discussion was held pertaining to the dock by Kabob’s, which is a fire lane that is not being maintained, and the gate is kept locked. Mr. Ursin commented that this was municipal property, and the Governing Body decides who can use it. They need to look further into this matter because there was an issue in the past.

Councilmember Modick said that the Fire Department required access to that fire lane, especially since there are no fire hydrants in the Northwood area.

PUBLIC COMMENT: (comments limited to 5 minutes). Toni Haines inquired what was Millennium Strategy. Mayor Petillo responded that they were grant writers and lobbyists; the Borough has potential grants waiting for Federal funding.

Alex Martinez remarked that as a cost saving measure, they should speak with the Labor Unions to request cuts or givebacks. He also thinks that free health benefits should be eliminated, and that the employees should pay something.

Jennifer & Anthony Mazzola reside at 508 Nariticong Avenue and addressed the issue of a neighbor pushing snow & gravel onto the Borough Right-of-Way, thereby causing them a problem on their property. They spoke to the Police Captain and Police Chief, and were told that this ordinance was not enforceable. John Ursin advised that this was not a police matter, and they should not be involved. He said this was a zoning matter, and Bill Donegan told him that according to the DPW, the snow placed there was not causing a problem at that location. Anthony said he was only asking for the existing code to be enforced. A resident from Ithanell said that she contacted the police about a stop sign on what appears to be on the wrong side of the street; she recommended a yield sign instead, because it was very confusing.

COUNCIL COMMENTS: Council President Galate thanked everyone for coming, and said it was nice to see children at the meetings; she congratulated Skyler and thanked Christian Nowell; thanked John Eskilson and Freeholders as well as Senator Bucco's staff for assisting with the NJ Share Program forms. The Share Program provides one time assistance for residents by paying one-month utility bills. Council President Galate thanked Tax Collector Regina Thomas for her 2008 Annual Report and the wonderful charts she provided; referred to the pie chart showing the breakdown of taxes: 26% municipal, 54% school, other County Taxes 20%. Mayor Petillo informed those present that the municipality is required to paid any uncollected taxes to the County & School because they always receive 100%.

Councilperson Francis thanked everyone for coming, and said that he was impressed with Christian's presentation. Wished all a good night and good luck.

Councilmember Young thanked everybody for coming and Skyler Post and Christian Nowell. He said that Christian is absolutely correct; idling does more damage to a vehicle's combustion system. He encouraged signs to be placed at the recreation fields, and thinks that some of the sport groups would volunteer to purchase signs. The District 8 Regional

Wrestling Competition/Championship is scheduled, encouraged residents to support the athletes.

Councilwoman McManus thanked John Eskilson for coming to help the Borough out and thanked Regina; she had a question about water and sewer bills, which she would address with Mrs. Thomas.

Councilman Bunce thanked everyone for coming, congratulated Skyler on the great job she did, and Christian on his presentation; May 1st Crime Stoppers Auction. He revealed that Eastern Propane was putting a truck washing facility in Sparta, which might be available to municipalities. He also encouraged everyone to drive carefully.

Councilmember Modick thanked everyone for coming and wished them a safe journey home and a good evening.

Mayor Petillo thanked everyone.

Council President Galate moved to adjourn at 11:02 p.m., seconded by Bunce. The vote was unanimous.

Respectfully submitted: