

The February 20, 2008 regular/work meeting was called to order by Mayor Petillo at 6:00 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, Estelle Klein, Madeline McManus & Robert Modick. Others present: Attorney John Ursin, Acting Administrator James Roberts and Clerk Lorraine Stark.

Councilman Bunce moved resolution for closed session at 6:01 p.m., seconded by McManus. The vote was unanimous. Mayor Petillo announced matters to be discussed pertained to litigation, personnel and attorney/client.

Continue open session at 7:30 p.m.

#### MOMENT OF SILENT REFLECTION AND PLEDGE OF ALLEGIANCE

PRESENTATION: E. Swain Highlands Council Executive Director. Mayor Petillo thanked Eileen Swain for attending this meeting, and asked the public to be respectful of her. She was present to discuss the Highlands Plan; she was not responsible for the legislation.

Ms. Swain spoke about the legislation that was adopted in 2004; divided the Highlands region into two areas, one-half preservation and one-half planning. November 2006 first draft plan was released, November 2007 final draft plan; officially the public comment period is over. All meetings were held in public, and the Plan has been re-worked to become more user friendly. Ms. Swain explained the 17 exemptions to the Act, and that the mission was to protect/restore/enhance. In addition, she pointed out the Highlands Council could not move lines because they were set by the Legislators.

Regarding water conservation, she said that every community should be doing water conservation plans and share in the burden of the Highlands Act; they support a water user fee for municipalities outside the region. Ms. Swain indicated that communities could update their information, and encouraged Hopatcong to take a close look, and see what should be addressed.

Several questions and comments came from the public, with one being that the State Boating Commission should be involved in this matter. Councilman Francis inquired how the Highlands were addressing our

COAH obligations. Ms. Swain responded that the Third Round COAH obligations were considered in the Regional Master Plan, something that is planned and zoned for.

Mayor Petillo thanked Eileen Swain, and the public. Councilman Bunce moved a ten-minute recess at 8:53 p.m., seconded by McManus. The vote was unanimous.

Continued open session at 9:12 p.m.

**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). Dan McCarthy spoke about the Lake Hopatcong Commission user fee; Commissioners were told that it was “not appropriate at this time” to discuss anything other than boat fees, which would be in place by June 30<sup>th</sup>. He was not in favor of boat user fee. He also noted that weed harvesting would be done this year but there has been a staff reduction from 9 to 4 people; seasonal employees would cover the shortage. Other outstanding issues include the maintenance of weed harvesters, office space and storage. Mr. McCarthy reported that Joel Servoss is now a Commissioner, and Hopatcong would need to appoint an alternate member to replace him.

Alan Gilbert commented that he is working with the Sussex County Office of Aging to assist the elderly and low-income residents with free income tax services. Anyone who is interested in this service should contact Rachel at the Civic Center (973) 398-9111 for more information. He also revealed that to qualify for the Federal Economic Insensitive Package an income tax return must be filed, and show an income of \$3,000.

**APPROVAL OF MINUTES:** Councilmember Bunce moved minutes from the Reorganization Meeting January 2, 2008, seconded by Galate. Those present voted affirmative. Councilman Bunce moved minutes from the Budget Meeting January 14, 2008, seconded by Klein. Roll Call Vote: **YES** – Bunce, Klein, Galate & Modick. **ABSTENTION** – Francis & McManus.

**ADMINISTRATOR’S REPORT:** Mr. Roberts said he would be providing the governing body with another written report.

**ENGINEER’S REPORT:** Mr. Ruschke reported that he completed some testing on the wells, and that filters would have to be installed on all 9 wells; it appears that the cartridges would work. He would like to perform a pilot project using one manufacturer’s product; purchase two filters for approximately \$4,000. #83-08 BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Hopatcong do hereby authorize the Borough Engineer in an amount up to \$5,000 to procure well filters. Motioned by McManus, seconded by Modick. Roll Call Vote: **YES** – McManus, Modick, Bunce, Francis, Galate, Klein.

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. #84-08 Approve Outside Lien Redemption Certificate #2003023 in the amount of \$38,057.97 plus premium in the amount of \$6,500.\*
- B. #85-08 Approve Outside Lien Redemption Certificate #2007-33 in the amount of \$12,212.81 plus premium in the amount of \$13,600.\*
- C. #86-08 Approve Outside Lien Redemption Certificate #2005-1 in the amount of \$22,592.68 plus premium in the amount of \$9,600.\*
- D. #87-08 Approve Cancellation of 1<sup>st</sup> Half 2008 Taxes due to combined lots for six properties.\*
- E. #88-08 Approve Cancellation of a Portion of 2007 Taxes due to State Tax Court Appeal Judgment for Blk. 10810 Lt. 12\*
- F. #89-08 Approve Refund of Monies Due to Overpayment of 1<sup>st</sup> Quarter 2008 Taxes for two properties.\*
- G. #90-08 Approve Fire Cadets: S. Moore, III; G. Handlin; D. Detaranto; S. Arias.
- H. #91-08 Accept 2007 Annual Tax Collector's Report.\*
- I. #92-08 Approve Raffle License RA#2-2008 for St. Jude Church On Premises 50/50.\*
- J. #93-08 Approve Authorizing Hopatcong to Participate in the Paris Grant Records Purging Project to be Sponsored by the County of Sussex.\*

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

#### ADOPTION OF ORDINANCES:

- A. #2-2008 AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF HOPATCONG ENTITLED "OPEN SPACE COMMITTEE" TO ADD A NINTH MEMBER. Open to public, none was forthcoming. Mayor Petillo reported that she has an individual that would be an excellent addition to this Committee. Motioned by Francis, seconded by McManus. Roll Call Vote: YES - Francis, McManus, Bunce, Galate, Klein, Modick.
- B. #5-2008 AN ORDINANCE TO MODIFY CHAPTER 197 OF THE CODE OF THE BOROUGH REGARDING LOT GRADING PLANS. Open to public, no comments were received. Ordinance moved by Bunce,

seconded by McManus. Mr. Ruschke explained that the larger projects would be sent to the County because they had more resources, and that the Borough still maintains control of the others. Roll Call Vote: **YES** – Bunce, McManus, Modick, Francis & Galate.

#### INTRODUCTION OF ORDINANCES:

- A. #94-08 #7-2008 AN ORDINANCE TO MODIFY CHAPTER 242-20 OF THE CODE OF THE BOROUGH OF HOPATCONG TO REFERENCE CHAPTER 197. Motioned by Bunce, seconded by Modick. Roll Call Vote: **YES** – Bunce, Modick Francis, Galate, Klein, McManus.

#### RESOLUTIONS:

- A. #95-08 Approve Budget Transfers. Motioned by Bunce, seconded by McManus. Roll Call Vote: **YES** – Bunce, McManus, Francis, Galate, Klein, Modick.
- B. #96-08 Approve Payment of Bills. Motioned by Bunce, seconded by McManus. Roll Call Vote: **YES** – Bunce, McManus, Francis, Galate, Klein, Modick.
- C. #97-08 Approve Creation of the Plan Endorsement Citizens' Advisory Committee. Motioned by Bunce, seconded by McManus. Those present voted affirmative.
- D. #98-08 Approve Stipulation of Settlement Agreement with S. Lopez. Motioned by Bunce, seconded by Galate. Roll Call Vote: **YES** – Bunce, Galate, Francis, Klein, McManus, Modick.
- E. #99-08 Approve Appointment of Recreation Activities Coordinator, Susan Parichuk, effective March 3, 2008 with an annual salary of \$32,000. Motioned by Bunce, seconded by McManus. Roll Call Vote: **YES** – Bunce, McManus, Francis, Galate, Klein, Modick.
- F. #100-08 Approve Appointment of Borough Administrator, Joseph Moskovitz, effective April 2, 2008 with an annual salary through December 31, 2008 of \$95,000. Motioned by Bunce, seconded by McManus. Roll Call Vote: **YES** – Bunce, McManus, Francis, Galate, Klein, Modick.

#### OLD BUSINESS:

#### NEW BUSINESS:

- A. Discussion – Roof Municipal Building replacement. Mayor Petillo explained that there continues to be leaks during various storms, and that some type of long term fix would have to be considered in the not to distance future.
- B. Discussion – Sussex County Economic Development Partnership Dues. Council President Klein felt that for \$200 they should join. #101-08 Authorize 2008 Dues in the amount of \$200 for the

Sussex County Economic Development Partnership, moved by Council President Klein, seconded by McManus. Roll Call Vote: **YES** – Klein, McManus, Modick, Bunce, Francis & Galate.

- C. Life Insurance Policy. Following a brief discussion, there was no action taken regarding the proposal offered by PIA.
- D. Discussion – NJDEP Funding Letter; defer funding for a Phase III Sanitary Sewer project from 2008 to 2009. Mr. Ruschke stated that he did not see any benefit of being on the list, because all projects get funded. The governing body asked that Mr. Stein be contacted to see what he thought should be done.

#### COMMITTEE REPORTS:

Councilman Francis reported that the Recreation Commission was re-structuring Summer Recreation Program fees because they want to modernize their Summer Recreation program; they are cognizant of having the program self-sufficient.

Mayor Petillo revealed that she received a letter about sewer EDU's from a resident, wants to have a water/sewer committee to review the ordinances, and make recommendations. She was not sure that there was anything that could be done, but wanted to have it reviewed. Mr. Ruschke stated that the decision is one of policy, not engineering. Councilperson Francis interjected that for low income or a hardship situation; they might be able to do something.

PUBLIC COMMENT: (comments limited to 5 minutes). John Young, Chairman of the Recreation Commission reported that the Commission still has to finalize the fee numbers. In addition, pre-care went over well last year, and they are looking to get after care going this year for the day campers.

#### COUNCIL COMMENTS:

Councilmember Galate thanked Eileen Swain for coming this evening, and thanked the public for their participation.

Councilman Francis thanked everyone for coming as well as Ms. Swain. He commented that we get one shot at this (Plan) and we need to get it right. Both the Highlands and Smart Growth have good components, and the Borough wants to comply with the Sussex County Plan as well.

Council President Klein said good night.

Councilperson McManus thanked everyone for coming & wished all a good night.

Councilman Bunce acknowledged that the public asked good insightful questions, and thanked Ms. Swain for her input. He also thanked the Knights of Columbus for their successful Pancake Breakfast.

Councilperson Modick thanked Eileen Swain for making everyone more aware of the Highlands Plan.

Mayor Petillo thanked the Knights, Ms. Swain for her nice presentation, and the residents, along with Senator Oroho, and Representatives McHose & Chiusano for their participation.

Councilmember Bunce moved to adjourn at 10:17 p.m., seconded by McManus. The vote was unanimous.

Respectfully submitted: