

1. The February 21, 2007 regular/work meeting was called to order at 6:05 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 (arrived at 6:08 p.m.), Marie Ryder-Galate (arrived at 6:08 p.m.), Estelle Klein, Madeline McManus & Sylvia Petillo. Others present: Attorney John Ursin & Clerk Lorraine Stark.
3. Council President Petillo moved Resolution for Closed Session at 6:06 p.m., seconded by Armeno. Roll Call Vote: **YES** – Petillo, Armeno, Klein & McManus. **ABSENT** – Bunce & Ryder-Galate. Mayor Hodson reported matters to be discussed pertained to personnel, litigation and attorney/client.

Continued open session at 7:30 p.m.

4. Moment of Silent Reflection and Pledge of Allegiance to the Flag of the USA. Proclamation – Read Across America on 2nd of March, Mayor Hodson said that he hopes that everyone would take the time to read to children on this day. Proclamation – 30 Hour Famine Days held on 9/10 March 2007, Mayor Hodson informed those present that the activities begin on Friday evening, and that the activities include raising funds, assisting non-profit groups with various projects. He noted that the Fernandes Family was instrumental in getting this project off the ground, and thanked all those that were going to participate. Councilmember Bunce remarked that there are many adults that assist the students in making this project a huge success.

5. Meeting open to public for comments on items on the agenda for which no public discussion is provided. In an effort to provide everyone interested an opportunity to address his or her comments to the Governing Body, a public comment time limit has been instituted for each speaker. **PLEASE LIMIT YOUR COMMENTS TO THE GOVERNING BODY TO A MAXIMUM OF 5 MINUTES.** Dan McCarthy, representative to the Lake Hopatcong Commission distributed a resolution that was adopted at the Commission's Tuesday meeting; doomsday resolution to shut down if funding is not forthcoming. The DEP indicated that something is coming to the Lake Commission, but it hasn't arrived yet; the Commission is preparing for the worse case scenario and the depletion of funds by April. Mr. McCarthy spoke about possible short-term and long-term solutions. He thinks that the State should fund the Commission because this is a State lake and the responsibility should not fall on the surrounding municipalities and counties. One thought is for the State to give up ownership of the Lake and State Park to the surrounding municipalities and two counties. Another suggestion was to establish user fees; Councilperson Bunce said that he was against this idea because it places the burden on the local taxpayers to fund a State lake. The consensus from the governing body was not to support

a user fee. Mr. McCarthy revealed that he too was not in favor of a users fee, and wanted to see a Lake Hopatcong coalition formed. Following additional discussion, Mr. McCarthy said that he would continue to report back to the governing body the status of the Commission. Mayor Hodson spoke about the Council's resolution this evening, item 8.G. and that \$900,000 was the dollar amount being requested for Lake funding. Those present thanked Mr. McCarthy, noting that he was doing a good job representing this community.

6. Councilwoman Klein moved the approval of minutes from the regular/work meeting held on January 17, 2007, seconded by Armeno. All voted affirmative, except for an abstention by Petillo. Councilperson Klein moved budget meeting held on January 22, 2007, seconded by Petillo. All voted in favor, except for an abstention by Armeno.

7. Reports from Engineer.

A. Sewer System Odor Control. Mr. Ruschke revealed that there have been a couple of complaints in the Point Pleasant area around the three manhole covers; this is due primarily to the formation of hydrogen sulfur due to a low flow in the pipes and longer retention time of the affluent, a problem because the flow in the low pressure system is not adequate to keep the material moving. A common solution is to install carbon filters to treat the fumes, and another is to treat in homes with chemical injection. Mr. Ruschke noted that this was not easy, but is researching the problem, and would make recommendations on how to proceed. Councilwoman Ryder-Galate inquired if this problem was a result of a design flaw. Mr. Ruschke responded that the waste flow is not meeting the design, and this is a common design problem for low pressure systems; pointing out that there are other low pressure systems in the Borough that are not experiencing this difficulty.

B. River Styx Bridge Water Main replacement. Mr. Ruschke commented that the County has offered assistance with some aspects of the moving of the water main, but not financial support. Mr. Ursin remarked that he would like an opportunity to discuss the County's agreement with the governing body at the March 7th meeting. Mr. Ruschke indicated that the County could delay the work, and wasn't tied to the 2008 lake drawdown. He also spoke about anchor bolts, and the installation of additional brackets; cost could be \$35,000. It was noted that the County could perform a partial construction repair to the deck, and wait until the following drawdown, which would occur in 5 years or more. Mayor Hodson was in favor of asking the County to do a partial repair and wait for 10 years to replace the entire structure. Mr. Ruschke informed those present that his preference was to remove the water main from the bridge; this was the best long-term solution in his opinion.

8. 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. #77-07 Accept 2006 Annual Tax Collector's Report.*
- B. #78-07 Award Non-fair and Open Professional Services Contract with United Computer Services.*
- C. #79-07 Approve Raffle Application #RA3-2007 Hopatcong Woman's Club for an on Premises 50/50.*
- D. #80-07 Approve Raffle Application #RA4-2007 St. Judes's R.C. Church for a Calendar Raffle. Moved by Bunce, seconded by Klein. Roll Call Vote: **YES** – Bunce, Klein, McManus, Petillo & Galate. **ABSTAIN** – Armeno.
- E. #81-07 Approve Membership Renewal in Morris County Cooperative Pricing Council (MCCPC).*
- F. #82-07 Approve 2006 Tonnage Grant Application.*
- G. #83-07 Requesting State to Provide Additional Funding to Lake Hopatcong Commission.*

Following the removal of item D., Klein moved the consent agenda, seconded by Petillo. The vote was unanimous.

9. Ordinances/Resolutions.

- A. #84-07 Resolution – Approve Amendment to the Temporary Appropriation for Operating Purposes in the amount of \$49,000. Motioned by Armeno, seconded by Klein. Roll Call Vote: **YES** – Armeno, Klein, Bunce, Ryder-Galate, Petillo. **ABSENT** – McManus.
- B. #85-07 Resolution – Approve Payment of Bills. Motioned by Armeno, seconded by Bunce. Roll Call Vote: **YES** – Armeno, Bunce, Ryder-Galate, Klein, McManus, Petillo.
- #86-07 Resolution – Approve Payment of checks: #1516, #1517 & #22496. Motioned by Armeno, seconded by Bunce. Roll Call Vote: **YES** – Armeno, Bunce, Ryder-Galate, McManus, Petillo. **PRESENT** – Klein.
- C. #87-07 Resolution – Award Change Order CM-001 to Contract S-13 to PM Construction for Hudson Avenue in a lump sum amount not to exceed \$176,000. Motioned by Bunce, seconded by Armeno. Roll Call Vote: **YES** – Bunce, Armeno, McManus, Petillo. **NAY** – Ryder-Galate, Klein. Council President Petillo remarked that this was the total cost of this work, and that there would not be any change orders by the contractor. Mr. Ruschke said that was correct, all costs were the responsibility of the contractor.
- D. #88-07 Resolution – Award Lawn and Field Maintenance Contract to LTI Inc. an amount of \$37,825. Motioned by Petillo, seconded by Ryder-Galate. Roll Call Vote: **YES** – Petillo, Ryder-Galate, Armeno, Bunce, Klein, McManus.

10. Old Business.

- A. Sewer Update: few properties involved in sewer billing; status of Borough application for Phase III. Mayor Hodson commented that Mr. Ward was taking care of the sewer billing matter, and would report at the next meeting, since he was on vacation. Mayor Hodson noted that they did not know the status of the Infrastructure application and when it would be necessary to proceed with the engineering or when and how much funding had to be allocated. Councilmembers Armeno & Ryder-Galate wanted to consider other engineering firms if there was a Phase III. Mr. Ruschke recommended that they governing body perform smaller projects, and obtain additional information within those areas. He recommended primary studies so that the project area could be defined, pointing out that it was quicker to get a TWA

permit for small areas than to have the DEP oversee a larger project funded by the infrastructure monies; there was a need for more information before moving ahead including, a cost benefit analysis. Councilman Bunce inquired if it was possible to slowly add sewer lines over the next couple of years. Mr. Ruschke responded yes. Following a brief discussion, those present agreed to discuss this matter in full at the 3/21/07 meeting, inviting all pertinent professionals for this discussion.

B. Intro. Ordinance to increase Open Space to 8 members. Mr. Ursin distributed a copy of the proposed ordinance changes. Councilman Bunce reported that he did not see how a tie would be resolved since the Committee was going to have eight members. Several alternatives were proposed, and since it would require an amendment to Section 3, Mr. Ursin would make the changes and provide the ordinance at the next meeting for introduction.

C. “KIDSAFE” Program. Recreation Commission expressed interest in this program and financing by the governing body for the first year. Council President Petillo revealed that Mr. Young and Ms. Siegel would be attending the March 21st meeting to discuss this matter; they are working on answering the questions previously proposed. They would recommend going with the Kidsafe Program. Councilperson Armeno remarked that they do not set policy, the municipality does, and didn’t think that an extra twelve dollars should go to them when the Police Department could provide the same service. Councilwoman Klein departed at 9:25 p.m. Mr. Ursin spoke briefly about liability, an issue that would be addressed at a later date.

11. New Business.

12. Comments from the public. **PLEASE LIMIT YOUR COMMENTS TO THE GOVERNING BODY TO A MAXIMUM OF 5 MINUTES.** Mrs. Haines questioned who would be paying for the water main replacement on the River Styx Bridge. Mayor Hodson responded that it would be the water customers. She wanted to know what it would take to get the governing body to look at Ordinance #39-2006. Does she need to get a petition from the community? Councilman Armeno replied no, we want to get a look at the situation. Mrs. Haines once again said that she wants the ordinance looked at, she wants Council to get rid of the extra gallonage at the MSA, and wants those on the sewer system to be contacted before a Phase III is decided if it is going to raise the sewer rates.

13. Comments from Councilmembers. Councilwoman Ryder-Galate said that she has been at her business for 20 years, and has lost space and two employees because of sewers. She reported that the HBA Carnival on Saturday was a huge success; the bench project at Maxim Glen Park is progressing, and congratulated Ron Jobeless and the DPW employees for the good job on the roads during the storm. Councilperson Ryder-Galate questioned the Mayor about two committee appointments because these individuals are no longer living in or working for the Borough. Mayor Hodson reported that he would be making the changes.

Council President Petillo agreed with the terrific work during the storm by the DPW, thanking Ron and the men for their efforts.

Councilperson McManus wished everyone a good evening.

Councilman Bunce also thanked the DPW for their long hours and hard work; noted that the Eagle Scout ceremony for Christian Fernandes was very nice; thanked people for coming out tonight, and wished them a good Lenten season.

Councilmember Armeno pointed out once again the positive achievements of the youth in Hopatcong, and congratulated Christian and his family for their community involvement.

Mayor Hodson reported that the revaluation cards have been mailed, and the new values would be coming soon. On a personal note, he said that he was in Knoxville, and celebrated the adoption of three little girls by his daughter. Mayor Hodson read Dr. Seuss's poem in closing and encouraged parents, grandparents, and children of all ages to read on March 2nd.

14. Council President Petillo moved to adjourn at 9:53 p.m., seconded by Bunce. Those present voted affirmative. Absent – Klein.

Respectfully submitted: