

MINUTES - WORK/REGULAR MEETING MAYOR & COUNCIL – 3/21/07

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1. The March 21, 2007 work/regular meeting was called to order by Mayor Hodson at 6:09 p.m. the Municipal Building, 111 River Styx Road, Hopatcong, N.J.

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 Galate, Estelle Klein, Madeline McManus, & Sylvia Petillo. Others present: Attorney John Ursin, Administrator Steven Ward, and Clerk Lorraine Stark.

3. Councilwoman Klein moved Resolution for Closed Session at 6:10 p.m., seconded by Bunce. The vote was unanimous. Mayor Hodson reported matters to be discussed pertained to litigation, personnel 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.

5. 2007 Municipal Budget

- a) #104-07 Intro. Ord. 2-2007 CALENDAR YEAR 2007 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14). Mr. Ward explained that the Borough is well within the CAP limit, and that this ordinance is the State standard. He went on to say that the Borough was **not** exceeding the CAP limit, but was adopting this ordinance for the purpose of banking the CAP only. Motioned by Klein, seconded by Petillo. **YES** - Klein, Petillo, Armeno, Bunce, Galate, McManus.
- b) #105-07 Intro. 2007 Municipal Budget. Mr. Ward informed those present that based on last year's values, this budget would call for a 4 point tax increase in 2007; department budgets remained flat, attributing the increase to pension, salaries and insurance rates. Regarding the Water Utility Mr. Ward noted that the utility has a surplus, and Sewer Utility rates would remain the same for 2007 & 2008. The public hearing and budget adoption to be held on 18 April. Motioned by McManus, seconded by Klein. **YES** – McManus, Klein, Armeno, Bunce, Galate, Petillo.
- c) #106-07 Approve Budget Self-Examination Resolution. Mr. Ward commented that the State reviews our budget every third year. Motioned by Bunce, seconded by Petillo. **YES** – Bunce, Petillo, Armeno, Galate, Klein, McManus.
- d) #107-07 Approve Resolution to Suspend 2007 Open Space Tax. Motioned by Bunce, seconded by Klein. **YES** – Bunce, Klein, Armeno, McManus, Petillo. **NAY** – Galate.

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Councilwoman Klein made a presentation on behalf of Patti Terwillegar's son Richard who passed away in January. Richard was a great animal lover, and donations were collected in his memory; Councilperson Klein presented a check in the amount of \$500 to be used for the neutering and spaying for Hopatcong animals. She thanked everyone who contributed to this fund, and thanked Patti for being present this evening.

6. Presentation by Certified Valuations. Mr. Ward introduced Certified Valuations, Senior Appraiser and project supervisor, Ted Lamicella. Mr. Lamicella explained that the values have been assigned to all properties, and sent to Sussex County. Only Sussex County can make adjustments, and all appeals must be filed with them by 2nd April. Mr. Lamicella noted that a revaluation is not done to raise additional taxes, but is a way to equitably distribute the burden between properties; to make sure everyone is paying their fair share of the taxes. The date of property value for the revaluation purposes was October 1, 2006; every home would be assessed at the same rate as of this date. Mr. Lamicella noted that the Borough of Hopatcong was divided into neighborhoods, values were established, and sales from those neighborhoods were used to evaluate those homes. Letters were sent out to residents informing them of their new values, and advising them that they had an opportunity to come and discuss the assessment. All appeals would go through the Sussex County Board of Appeals. Councilmember Armeno questioned the value of land. Mr. Lamicella responded that land has become very valuable in New Jersey, and that the land values were extracted from land sold in Hopatcong. He also noted that there was another process used to determine land values, explaining what that was. When someone appeals an assessment, they appeal both land & improvements. A resident inquired about land locked property, which could not even be located. Mr. Lamicella responded that if no sales occurred within Hopatcong similar sales in other towns would be used; he spoke about standard principles of assessing.

Joann Koslosky asked if there was a percentage added or formula used for sewer property. Mr. Lamicella responded that no formula or added used, only used sales for sewers or non-sewer property.

Tax Assessor Therese Auriemma noted that not everything on the property record card was assigned a value, i.e. bedrooms were not whereas, concrete steps had a value. Another question was asked pertaining to non-conforming property. Mr. Lamicella said that zoning is the first thing they look at for all properties; noted that just because something was non-conforming within a neighborhood it didn't mean that it was less valuable. The governing body thanked Mr. Lamicella for his presentation, and Mayor Hodson thanked the residents for their questions.

7. Presentation by John Young & Jen Siegel re: KIDSAFE PROGRAM & Skate Park. Mr. Young said that they were not ready to discuss the skate park. Pertaining to the Kidsafe Program, the Recreation Commission has previously asked to have an ordinance written, and recommended going with Kidsafe as program administrators. Councilperson Armeno pointed out that our Police Department could do the fingerprinting, and keep the records, it was not necessary to pay \$12.00 per person. In addition, by going with Kidsafe liability would not be removed from the Borough of Hopatcong. Mr. Ursin commented that each group could hire Kidsafe or another company; he thinks that it makes more sense for the groups to setup their own program; a mandate could come from the Borough setting standards and requiring fingerprint checks. There was a discussion about who should

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fall under this mandate, and whether or not it would include all of the groups with children including those using school facilities; it was felt that all of the youth of the town should be protected. Mr. Ursin stated that the discussion was not focused, and that key questions had to be addressed before an ordinance could be written. He recommended that this not become a function of the town because municipal government should not be deciding who should or should not be involved in organizations because each organization has its own by-laws. Ms. Siegel was asked to contact other municipalities for sample ordinances, and the administrator, attorney and recreation coordinator would meet in a couple of weeks to work on this matter.

8. 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.**

Joann Koslosky of 18 Reading Road said that she is very disappointed; extremely disappointed to see the Open Space Tax suspended, and was speaking for a lot of people. She thinks that the residents should have a right to vote on the suspension, and that it was too bad that there was never enough money to buy land. Councilperson McManus said that many residents come here and complain about taxes, and fees, and they were taking this action to reduce the budget by one tax point. Councilman Bunce remarked that in the seven years we had the tax, not one dollar was used to purchase land/open space; this was not being eliminated only suspended for 2007.

Mr. Gilbert said that he was very insulted by the attitude of the Certified Valuation representative, and asked that this be passed on to prospective customers. In addition, he also felt upset because he never received any correspondence or telephone communications from the company.

9. Councilwoman Klein moved approval of minutes from the special budget meeting held on February 28, 2007, seconded by Bunce. The vote was unanimous. Councilperson Klein moved approval regular meeting held on March 7, 2007, seconded by Bunce. All voted affirmative, except for an abstention by Armeno.

10. Reports from Administrator.

A. 2007 Spring Road Resurfacing Schedule. Mr. Ward informed those present that he provided a memo last week, and that \$470,000 was available in 2007. He remarked that many of the streets within the sewer project would be paved. Councilman Armeno reminded everyone that Mast & Beacon should have priority.

B. Veteran's Memorial Improvements. Mr. Ward remarked that there were two options for the wall lettering. Councilwoman Klein moved to have the branches of the Armed Services listed, seconded by Bunce. The vote was unanimous.

C. Firehouse #2 Sign. Mr. Ward commented that monies were left over from the repairs made at the firehouse, and they were permitted to have a new sign made, which looks very nice.

11. Reports from Engineer.

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- A. Wetlands DEP Ruling – Mr. Ruschke informed those present that the DEP has not permitted the location of the DPW shed building because of Wetlands, and Mr. Jobeless is reluctant to relocate the building. Mr. Ruschke will schedule a meeting with the DEP. Mr. Ward said that the low bidder has agreed to hold his price quote until 30 May.
 - B. Lot Grading Ordinance/Soil Erosion – Mr. Ruschke commented that presently in accordance with Borough Code the Planning Board regulates soil erosion. He suggested that the County now take over the exempt requirements for the State because it would be more cost effective. He did not recommend that the Borough relinquish enforcement rights to the County.
 - C. River Styx Bridge Reinforcements. Mr. Ruschke proposed steel reinforcements, and spoke about the concrete deterioration; it appears that the existing bolts are not embedded as far as they are supposed to be. He also noted that some brackets required painting, has secured one quote, and some of the work could be done by the water department personnel, whereas the County could be contacted for assistance with the railing.
 - D. Water System Updates. Brooklyn Mountain Water Tank should be in service tomorrow, project finished \$7,000 below budget. Marine Well – pump test results completed, and water levels monitored. Test results were fine, however flow meter did not work correctly; does not anticipate a problem with the DEP. Pickerel Point Water – two quotes from contractors were obtained with Lakeside Construction drilling test holes. Councilperson Bunce inquired if there was a signed agreement with the homeowners in place. Mr. Ward responded no.
 - E. Steep Slope Threshold. This matter & non-conforming structures are land use issues and should be forwarded to the Planning Board for consideration and review.
 - F. Expansion of non-conforming structures. Mr. Ursin was asked to prepare draft ordinances for these two matters.
12. Ordinances/Resolutions.
- A. #108-07 Intro. Ord. 6-2007 AN ORDINANCE ESTABLISHING A MINIMUM AND MAXIMUM RANGE OF SALARY AND COMPENSATION FOR CERTAIN TITLES OF OFFICERS AND EMPLOYEES OF THE BOROUGH OF HOPATCONG. Motioned by Bunce, seconded by Klein. **YES** – Bunce, Klein, Armeno, Galate, McManus, Petillo.
 - B. #109-07 Resolution – Approve Amendment Temporary Appropriation in the amount of \$24,000 for purchase of Police Vehicle. Motioned by Klein, seconded by Bunce. **YES** – Klein, Bunce, Armeno, Galate, McManus, Petillo.
 - C. #110-07 Resolution – Approve Payment of Bills, following the removal of check #1521. Motioned by Armeno, seconded by Bunce. **YES** – Armeno, Bunce, Galate, Klein, McManus, Petillo. #111-07 Resolution – Approve check #1521, moved by Armeno, seconded by Bunce. Roll Call Vote: **YES** – Armeno, Bunce, Galate, McManus & Petillo. **PRESENT** – Klein.
 - D. #112-07 Resolution – Approve Global Settlement with Metra Industries. Motioned by Klein, seconded by Bunce. **YES** – Bunce, Armeno, Galate, McManus, Petillo. **PRESENT**- Klein.
 - E. #113-07 Resolution – Approve State Contract with Warnock Fleet for Purchase of Police 4X4 in an amount not to exceed \$24,000. Motioned by Armeno, seconded by Bunce. **YES** – Armeno, Bunce, Galate, Klein, McManus, Petillo.

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- F. Approve 2007 Contact with Catholic Charities for Use of Civic Center. Mayor Hodson requested that this matter be removed, no action taken at this time.

13. Old Business.

- A. Sewer Update: current status of project. Councilmember Bunce reported that Hudson Avenue (S-13) could be finished by Friday, and the notices to connect mailed in mid April; the laterals and sewer main have been marked out on Old Lakeside Blvd. Councilwoman Klein said that she would like to have placed on the outside board that this Council **did not** vote on a Phase III sewer project, seconded by McManus. It was noted that nothing has been done regarding finance and project design. Following a brief discussion about wording, ‘no decision & no vote taken on Phase III’ by this Council. Mr. Ward revealed that the sewer attorney has recommended that a letter be sent to NJ DEP to keep the project on their funding list; Hopatcong is third out of 468 projects, with MSA & Jefferson first and second respectively. Those present agreed to renew the letter of interest for the NJNIT funding cycle.

14. New Business.

- A. Lake Hopatcong Commission: report on status. Councilperson Klein stated that the DEP would be providing enough money to the Lake Commission so that they could get through this year; after that the Commission needed to come up with their own funding.
- B. Washington DC – Lobbying of U.S. Senators and Representatives for additional sewer grant money. Mr. Ward commented that this was very effective last year, recommending that governing body members go to Washington again this year. Mayor Hodson asked Mr. Ward to find out who was interested, and make plans for the visit.

15. Comments from the public. **PLEASE LIMIT YOUR COMMENTS TO THE GOVERNING BODY TO A MAXIMUM OF 5 MINUTES.** John Young informed those present that the Recreation Commission Easter Egg Hunt was postponed until the 31st due to the weather. He also inquired if the governing body would consider placing speed bumps on roadways. Mr. Ward remarked that our insurance carrier frowns on this because of the liability it presents for cyclists and pedestrians.

16. Comments from Councilmembers. Councilman Armeno noted that the bench and flower pot chosen by the HBA would look nice in the park, and asked everyone to remind our comrades killed over seas, and Cpl. David Webb, Jr.

Councilmember Bunce also sent condolences to the Webb family, thanked everyone for coming, wished all a Happy Easter and his father a happy 75th birthday on March 31, 2007.

Councilwoman McManus thanked the Board of Education for discussing the School Budget with them, and thanked the DPW for the fine job with snow removal.

Councilmember Klein thanked everyone who donated on behalf of Richard Terwillegar.

Council President Petillo commented that David Webb had a full military funeral, which was just beautifully done; sent condolences to the Webb family.

Councilwoman Galate remarked that there should be more benches in the park so that groups could hold outdoor meetings. She also thanked Ron Jobeless and DPW employees for their fine

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work, reported that the Hopatcong Business Association Fish Fry was scheduled for 14 April, and wanted to know if there was any guidelines in place for someone to purchase a plaque in memory of a family member to be placed in one of the parks. No policy has been established; there is not anything for this.

Mayor Hodson thanked the residents for coming this evening and providing questions to Certified Valuations. He also reported that he would be attending his eldest son's 49th Birthday on Sunday.

17. Councilmember Bunce moved to adjourn at 11:25 p.m., seconded by Petillo. The vote was unanimous.

Respectfully submitted: