

The March 4, 2009 regular meeting was called to order by Mayor Petillo at 6:30 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.

Council President Galate moved to go into closed session at 6:31 p.m., seconded by Bunce. The vote was unanimous. Mayor Petillo reported matters to be discussed pertained to contact negotiations with Byram and Stanhope, PBA negotiations & Police Chief Contract.

Continue open session at 7:49 p.m.

MOMENT OF SILENT REFLECTION AND PLEDGE OF ALLEGIANCE

Mayor Petillo remarked that the Borough is going through a difficult year so garbage collection was being looked into in terms of privatization; they started to look into this four months ago. The ordinance change was made to control garbage costs by regulating the number of cans and gallonage per household can. The new procedure began on Monday, March 2nd, and was not followed by the public; they did not adhere to the new procedure as printed in the Recycling Newsletter, and placed on the Web Site. The DPW employees did not collect the garbage if it was not in compliance, but left stickers. The bids for garbage privatization are due on March 10th and a Town Meeting is scheduled for March 26th to discuss the bids, and decide on how to proceed in this matter.

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). Diana lives at 119 Bergen Trail said that she was here to discuss garbage, and that from personal experience she knows that vendors lie; they will low ball and raise prices. She also questioned who was going to manage the contractor, and who was going to be snow plowing the roads. Mayor Petillo remarked that the contract would be for either three or five years, and that she has been speaking with other Mayors who have experienced excellent service from garbage contractors. Regarding the snow plowing, they are looking into a Shared Services

Agreement with Sussex County for some of the roads, and would be using private vendors to supplement the work.

Toni Haines resides at 334 Elmira Trail questioned budget worksheets, and why the public had not been given copies at the work meetings. She also noted that there was a petition being circulated which contained 700 signatures, and that it would be given to Mayor Petillo with approximately 1,200 signatures. Mr. Ursin informed those present that in certain forms of government the voters were not entitled to place a referendum on the ballot. Mrs. Haines said that they were asking the governing body to place a referendum on the ballot. Mrs. Haines also addressed the issue of taking Hopatcong garbage to Warren County for disposal; she insisted that there would be a savings for the town. Mr. Eskilson commented that the budget crisis is now; there would have to be a reduction of 2 million dollars just to get below the 4% CAP. Mayor Petillo said that we do not know if there is going to be a savings; the numbers would be available after the 10th March bid opening and a "Town Meeting" scheduled for 26th March for this discussion. Mayor Petillo also informed those present that Governor Corzine was telling the Local Finance Board not to grant any CAP waivers.

Carolyn Lynch did not favor a private vendor; she expressed concern about employees losing these jobs through the outsourcing of the garbage collection. She was opposed to any reduction in the DPW.

Marion Modes questioned if Mayor Petillo spoke with residents about the garbage situation. Mayor Petillo assured her that she has spoken and e-mailed many residents about this matter; it seems like this is all she talks about.

Vi Karl has lived in town for 52 years, and she would like to educate the public to recycle because by recycling there would be a savings. Mr. Eskilson revealed that monies are no longer available for recyclables; last year they generated about \$50,000, which in all likelihood will not be available in the foreseeable future. Mrs. Karl thanked the governing body for their dedication.

Mayor Petillo said publicly that she and her husband do not own a garbage company, and have no financial gain in hiring a vendor. She also said that there is no good news for 2010, this crisis would carry-over into next year.

Jerry Berger inquired about the formal budget document. Mr. Eskilson replied that we are working under the temporary budget. Mr. Berger asked what was going to be discussed at tomorrow's budget meeting. Mayor Petillo responded, revenues and garbage. Mr. Eskilson informed those present that one of the major problems is that there is no revenue available other than property taxes, and that the budget discussion really had to begin with the revenue side of the budget. Councilwoman McManus reported that she wanted an opportunity to cut department budgets. Mr. Eskilson responded that his experience is that the operational budgets have already been reduced. He was looking at the

trends over the past five years and would propose options; most of the money is in the public works and public safety areas. Mayor Petillo said that there would be an opportunity to review the departmental requests and make reductions.

Alex Martinez said that he was glad that Mr. Eskilson was here to assist Hopatcong.

Councilman Bunce moved approval of minutes of Special Meeting January 28, 2009, seconded by Galate. The vote was unanimous.

ENGINEER'S REPORT: Mr. Ruschke spoke about the unaccountable water issue, their attempt to address this by recalibrating home meters, and replacing meters at the schools. Due to a problem with the manufacturer these have not been delivered.

Elba Point Well – This well was abandoned 20 years ago and we are looking into re-activating this resource. Mr. Ruschke revealed that he is looking into what needs to be done to address the water quality. He also plans on reaching out to residents, lake associations and the Lake Hopatcong Commission to get their endorsement for this project.

Stimulus Package – Currently this is being addressed as loans not grants; transportation monies are limited to State and County projects only, nothing for local roadways. Mr. Ruschke said that he would keep a close watch on what transpires. The governing body thanked John for his report.

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. #94-09 Approve Payment of Escrows.*
- B. #95-09 Approve Outside Lien Redemption Certificate #2008-14 in the amount of \$1,904.21 plus premium in the amount of \$300.*
- C. #96-09 Approve Outside Lien Redemption Certificate #2008-20 in the amount of \$3,423.62 plus premium in the amount of \$500.00.*
- D. #97-09 Approve Outside Lien Redemption Certificate #2008-41 in the amount of \$3,165.44 plus premium in the amount of \$400.*
- E. #98-09 Approve Outside Lien Redemption Certificate #2008065 in the amount of \$1,559.72.*
- F. #99-09 Approve Refund of Monies Due to Overpayment of 1st Quarter 2009 Taxes on 7 properties.*

- G. #100-09 Approve Refund of \$2,000 Due to Overpayment of fees for Blk. 11305, Lt. 32, 8 Shawnee Road.*
- H. #101-09 Designating March as "Women's History Month".*
- I. #102-09 Authorize the Participation in the 2009 Safe & Secure Grant Program.*
- J. #103-09 Authorize Renewal of State Contract with Neopost for postage machine.*
- K. #104-09 Approve Raffle License RA #8-2009 for Hopatcong H.S. Parent Teacher Student Org. On Premises 50/50 Raffle.*

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

ADOPTION OF ORDINANCES:

- A. Public Hearing Ord. #9-2009 AN ORDINANCE TO AMEND CHAPTER 43-27 OF THE CODE OF THE BOROUGH OF HOPATCONG REGARDING PENSIONS. Open to the public for comment, none was forthcoming. Moved by Francis, seconded by Galate. Roll Call Vote: **YES** - Francis, Galate, McManus, Modick, Young & Bunce.
- B. Public Hearing 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). Open to the public for comment, none was received. Mayor Petillo reported that the sale would be held on March 18, 2009. Moved by Modick, seconded by Bunce. Roll Call Vote: **YES** - Modick, Bunce, Francis, Galate, McManus & Young.

INTRODUCTION OF ORDINANCES:

- A. #105-09 Ord. #13-2009 AN ORDINANCE TO AMEND CHAPTER 108 OF THE CODE OF THE BOROUGH OF HOPATCONG ENTITLED "FEES". Motioned by Bunce, seconded by Galate. Mayor Petillo said that this ordinance decreased the cost for OPRA copies to 10 cent per page. Roll Call Vote: **YES** - Bunce, Galate, Francis, McManus, Modick, Young.
- B. #106-09 Ord. #14-2009 CALENDAR YEAR 2009 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40a: 4-45.14). Motioned by Bunce, seconded by Galate. Mr. Eskilson explained the CAP Bank, and noted that the Borough does this every year. Roll Call Vote: **YES** - Bunce, Galate, Francis, McManus, Modick, Young.

RESOLUTIONS:

- A. #107-09 Approve Transfer Appropriations General Fund. Motioned by Bunce, seconded by Galate. Roll Call Vote: **YES** - Bunce, Galate, Francis, McManus, Modick, Young.

- B. #108-09 Approve Payment of Bills. Motioned by Bunce, seconded by Galate. Roll Call Vote: **YES** – Bunce, Galate, Francis, McManus, Modick, Young.
- C. #109-09 Authorize Mayor & Clerk to execute Agreement with Sussex County for Open Space 2008 Funding for Hopatcong Trails Greenway Addition – Trails. Motioned by Francis, seconded by Galate. Mayor Petillo explained that the Sussex County Open Space Fund in the amount of \$318,750 funded this acquisition. Roll Call Vote: **YES** – Francis, Galate, Bunce, McManus, Modick, Young.

OLD BUSINESS:

- A. #110-09 – No-Idling Resolution. Christian Nowell presented a program at the previous meeting that was well received. The outcome culminates with the adoption of this resolution in support of no-idling zones in the Borough. Motioned by Bunce, seconded by Galate. The vote was unanimous.
- B. Discussion – Clothing Bin Ordinance. Mr. Ursin informed those present that the State has passed a State Statute that provides the municipalities to set rules and regulations. The Borough Clerk would issue permits for either one or three years; Mr. Ursin has established a three-year permit in the ordinance. Councilmember McManus said she would prefer a one-year permit. The consensus was to hold this matter until they had an opportunity to review the new Statute. Mr. Ursin said he would provide a copy for review.
- C. Habitat For Humanity request for water & sewer connections for 125 Bergen Trail. Mayor Petillo was contacted by Habitat For Humanity and they have requested that the fee for water and sewer connections be waived; cost for water is \$2,500 and sewer \$2,000. Those present did not feel it prudent for the utility customers to absorb these fees, therefore those present agreed to grant the connections but not forgive the fees. Mayor Petillo indicated that she would approach them with the connection fee information.

NEW BUSINESS:

- A. Resolution – Endorsing Joint Project for Trails with Stanhope & Byram. We were not in receipt of a resolution, held until the next meeting.
- B. #111-09 Proposal for Municipal Web Site – Authorize Contract with CIT-e-NET, LLC, in an amount not to exceed \$3,300. Mayor Petillo commented that our former provider moved out-of-state, and she has looked at others, finding Cit-e-Net to be the most qualified to host our Hopatcong Web Site. Motioned by Francis,

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

C. Informational – Budget Meeting 3/5/09 at 6:30 p.m. in the Municipal Building.

COMMITTEE REPORTS: Councilman Francis said that at the Environmental Commission meeting there was a recycling presentation. He also spoke about the Energy Audit and retro fitting the lights in all Municipal Buildings; he is exploring grants for the project. Regarding solar energy, he has spoken with investors pertaining to the old landfill, which is comprised of 23 acres. They are also looking at placing solar collectors on municipal roofs, and discussing wind energy at Mohawk Trail. He and Council President Galate are aggressively pursuing projects, and looking to bring revenue into town. The River Styx Re-development Project continues to be explored, with money from a Highlands' Grant awarded for this project. Mr. Ursin cautioned about getting the Planner moving too quickly with the Highlands; he believes that the Council would be making a commitment to opt in with the Highlands' Council, and he has not heard them say, that is their intent. In his view the Planner should proceed with caution, and not venture beyond Model 3. Mr. Ursin remarked that by accepting the money it was not binding, and you don't have to return it, but what you are saying is that you are going to file a petition. Mr. Eskilson commented that counsel is right to urge caution in this matter, the DEP has taken control of the situation, and it could affect sewer capacity. Mayor Petillo stated that she would speak with the Planner, get a report following the completion of Model 3, and advise him not to precede any further.

Councilperson Young revealed that the Easter Egg Hunt was scheduled for April 4th, the annual field inspection would be held on March 14th at 9 a.m., and that the Recreation Commission was working at making the Summer Recreation Program self-sufficient. They are anticipating a small reduction in the cost for the summer program participants.

PUBLIC COMMENT: (comments limited to 5 minutes). Malcolm Piester a member of the Trails Committee said that he felt bad because the resolution was not adopted this evening. They need a commitment for the \$3,000 before the end of the month so that the grant application can be submitted.

A resident recommended that if No-Idling signs were put up, some other signs should be removed. The question was raised about the public giving input for the School Budget. They were referred to the School Board Budget meetings.

There was a question about the relationship between the Governing Body and School Board. Mayor Petillo responded that it is a cordial relationship, and that they met last week. Councilwoman McManus

pointed out that the School Board has been very generous in working with the Borough with regards to payment schedules.

Council President Galate moved to adjourn at 9:58 p.m., seconded by Bunce. The vote was unanimous.

Respectfully submitted: