

The April 18, 2007 regular/work meeting was called to order at 6:08 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, Marie Galate, Estelle Klein, Madeline McManus & Sylvia Petillo. Others present: Administrator Steven Ward & Clerk Lorraine Stark.
3. Councilwoman Klein moved Resolution for Closed Session at 6:09 p.m., seconded by Bunce. The vote was unanimous. Mayor Hodson reported matters to be discussed pertained to personnel and litigation.
4. Moment of Silent Reflection. Pledge of Allegiance to the Flag of the USA was lead by James Bianculli of the Hopatcong Police Explorer's Program. Chief Swanson introduced the Police Explorer's Program Coordinator, Officer Robert Haffner and his assistant Officer Jerry Mancuso. Officer Haffner presided over the swearing in and promotion of James Bianculli to rank of sergeant. Officer Haffner revealed that Sgt. Bianculli is wearing the new uniform for the Explorers and that monies have been donated by Ridgewood Manor to provide uniforms for all members. Councilwoman Klein introduced Officer Jason Eben from Hamburg and his bloodhound Diesel, presenting them with a check of \$500 for Diesel's vehicle upgrade from the Hopatcong Animal Haven. Officer Luciani and bloodhound Roscoe were also present.
5. 2007 Municipal Budget (Messrs. Evans and Johnson were present for this discussion)
 - a) Public Hearing 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). Open to public for comment, none was forthcoming. Motioned by Bunce, seconded by Petillo. Mr. Ward informed those present that we were not exceeding appropriations set by the State, only going to establish a cap bank. Roll Call Vote: **YES** – Bunce, Petillo, Armeno, Galate, McManus. **ABSENT** – Klein.
 - b) Public Hearing 2007 Municipal Budget: Mr. Evans commented that before the governing body was the 2007 Municipal Budget that contained a modest increase of about 4 percent or 4 tax points, which is in line with the property tax limits. Open to the public for comments: Toni Haines wanted to know the tax rate. Mr. Ward responded that the local rate was .42, which is down from 2006 because of the revaluation. Mr. Evans revealed that old rate generated \$80,000 per tax point and with the new values one tax point would generate about \$207,000. Mayor Hodson noted that the largest increase was from pension

charges being paid to the State; the budget increase for 2007 was \$462,000. Approve the Adoption of 2007 Municipal Budget. Motioned by Bunce, seconded by Petillo. Roll Call Vote: **YES** - Bunce, Petillo, Armeno, Galate, McManus. **PRESENT** – Klein.

6. 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.** Messrs. Joseph Bell and Erick Hassing represented Anchors Away, item 13 H., person-to-person liquor license transfer. The Borough Clerk noted that all of the information has been received, and that this license transfer could proceed. #132-07 Authorize the Person-to-Person Liquor License Transfer for #1912-33-006-013, moved by Klein, seconded by Bunce. The vote was unanimous.

Mrs. Haines inquired about Ordinance #39-2006, and if this was going to be listed on the agenda and discussed for possible changes. Councilwoman McManus replied that she was going to be reviewing sewer and water bills to obtain the correct information; at the next meeting all information would be presented. Mrs. Haines asked about infrastructure, and said that commercial properties were taxed differently. Mr. Ward reported that the tax rate was the same for both, but commercial structures were valued differently. Mrs. Haines said that homes should also be metered because there needs to be equity. Councilperson Galate remarked that she did some research on Ordinance 39-2006; she thinks it is well written and caught some over charges and under charges for properties.

Mr. Moore spoke about item 13 F. and his need to go before the Zoning Board of Adjustment for site plan approval; asked the Borough to consider selling him 16 feet or the entire rear piece. Councilman Bunce noted that he has spoken with Mr. Moore, requesting he obtain an appraisal for this land. Mr. Moore provided that information to Councilperson Bunce. Councilman Bunce said that there are 5 or 6 properties that residents want to purchase, and an ordinance would be introduced sometime in May. Mayor Hodson noted that a resolution could be adopted permitting the encroachment so that the Board would hear his application. Mr. Francis stated that Mr. Moore's application was complete but need permission for the encroachment before the Board could hear it. Mr. Ward reported that there were wetlands, on the property and that might adversely affect the sale of the property. Mr. Ruschke agreed that it might be problematic if the wetlands fall in two lots instead of one. #133-07 Grant Temporary Permission for Infringement of existing Structure on Borough property Blk. 30306 Lt. 9 until such a time as the property is sold at public auction or required for public use, moved by Klein, seconded by Bunce. Those present voted affirmative.

7. Councilmember Bunce moved approval of minutes from the regular meeting held on April 4, 2007, seconded by Klein. Those present voted affirmative.

8. Reports from Administrator.

A. Sanitation Vehicle Purchase Update. Mr. Ward updated the governing body on the 2006 Capital vehicles: arrival of two garbage trucks that included new features, which promote safety, and the lettering on the trucks was donated by Sign Art.

- B. CERT Training Exercise. The date for the disaster training exercise is May 12th with the rain date scheduled on May 19. Chief Swanson noted that property being used is located in Kenvil, and thanked the property owners for the use.
- C. Sussex Co. Open Space Grant Application (August 15, 2007 deadline). Mr. Ward encouraged everyone to provide ideas for the grant application, suggesting a June 6th deadline. Councilmember McManus inquired if the Trails Committee was being included since they had several ideas for new trails. Mr. Ward said that they could be included, and he would see if more than one application could be submitted to the County.
- D. MSA Flow Calculation (Daily v. Monthly). Mr. Ward explained that a question about how the excess flows over our maximum allotment of 580,000 gallons was calculated. The MSA figures it on a monthly basic, not penalized for a day overage. He noted that we were also going to track this past storm when the numbers were released next month.
- E. Revaluation: Appeals Update. There were 292 appeals filed in Sussex County, and 37 stipulations with the Assessor. Regarding the past revaluation in 1988, the County did not keep records. However, the Borough of Hopatcong averaged 140 tax appeals in the mid 90's.

9. Reports from Engineer.

- A. Police Practice Range Update. Chief Swanson reported he has had previous conversations with the governing body explaining the benefits of having a Borough range; benefit to the Department and cost effective. He was requesting permission to proceed with this project. Mayor Hodson wished to explore restrictions, and Councilperson Bunce wanted the rules and regulations written down, including the fact that it was only used certain days of the week and only by the Hopatcong Police Department. Chief Swanson said that the range would be used 14 to 20 days per year, and only during the week, not on weekends. Mr. Ruschke commented that the site is conducive to this type of use, noting the natural sound barriers and very little clearing and excavation. Chief Swanson spoke about the EPA guidelines and how the site would be fitted against soil contamination or lead leaching; not a valid concern because the casings would be collected and not left to filter into ground water. He said that electric service was not required at the site. Mr. Ruschke indicated that the Planning Board would hold a public hearing for this project when it was listed on their agenda in May.
- B. DPW Vehicle Storage Unit Update. Mr. Ruschke explained that he along with Messrs. Ward and Jobeless attended a meeting with the DEP to discuss the wetlands, and the placement of this shed. The bottom line is that it was not worth the time or money to pursue this location because of the wetlands, and he and Ron Jobeless would be looking into alternate locations.
- C. Trails Plan Update. Mr. Ruschke is working with the Trails Committee, and looking around Vets Field and the Middle School as potential sites; Middle School is difficult because of wetlands and stream. A long-term goal is to connect the trails on Sparta Stanhope Road.

10. Consent Agenda.

*RESOLUTION AUTHORIZING PASSAGE OF CONSENT AGENDA:

- A. #134-07 Authorize Borough Administrator to execute TWA Application for 8 Hilltop Road, B50608/4 & 5.* Motioned by Bunce, seconded by Petillo. Roll Call Vote: **YES** – Bunce, Petillo, Armeno, Galate, Klein, McManus.
- B. #135-07 Support the ‘Click It Or Ticket Mobilization’ for May 21 – June 3, 2007.* Motioned by Bunce, seconded by Petillo. Roll Call Vote: **YES** – Bunce, Petillo, Armeno, Galate, Klein, McManus.
- C. #136-07 Approve Bingo Application #BA1-2007 for St. Jude’s R.C. Church, Tues. July – December 2007. Motioned by Bunce, seconded by Klein. Roll Call Vote: **YES** – Bunce, Klein, Galate, McManus, Petillo. **ABSTAINED** – Armeno.

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

11. Ordinances/Resolutions.

- A. Public Hearing 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. Open to public for comment, none was forthcoming. Motioned by Klein, seconded by Bunce. Councilwoman Klein inquired if the Tax Collector’s salary included the stipend. Mr. Ward responded yes. Roll Call Vote: **YES** – Klein, Bunce, Armeno, Galate, McManus, Petillo.
- B. #137-07 Resolution – Approve Payment of Bills following the removal of checks #1525, 1526, 1527 & 1291. Motioned by Armeno, seconded by Bunce. Roll Call Vote: **YES** – Armeno, Bunce, Galate, Klein, McManus, Petillo. #138-07 Resolution - Approve payment of checks #1525, #1526, #1527 and #1291. Motioned by Armeno, seconded by Bunce. Roll Call Vote: **YES** – Armeno, Bunce, Galate, McManus, Petillo. **PRESENT** – Klein.

12. Old Business.

- A. Sewer Update: current status of project. Councilman Bunce reported there are 2604 connections, 164 extensions granted, S-13 Old Lakeside Blvd. is moving along nicely, and the twelve homes on Hudson Avenue have received notice to connect. Councilperson Bunce revealed that he gave an update at the last Lake Hopatcong Commission meeting pertaining to our sewer project; they acknowledged our sewer residents, and what was being done to assist the environment. Mayor Hodson stated a need to keep the sewer project alive because the rates could rise to over \$1,400 per year in 2009, need to find a way to decrease the rate, not just hold it steady. He proposed sections of less than one hundred homes that would be gravity not grinder pumps; location could be determined by doing test borings to determine the amount of rock removal, and install sewers for \$10,000 per home. He believes this is superior to just in filling, and cited rationale for this type of sewer expansion. Council President Petillo noted that \$10,000 was just a projection, and that number has not be reached; she agrees that the cost needs to be reduced but was skeptical that it could be done for \$10,000. She offered economic development in the town center as an alternative, and has a meeting scheduled in Trenton to discuss re-development as possibility because grant money was available. Councilman Bunce did not think re-development was a bad idea, small areas at a time to keep costs down. He even offered the selling of excess gallonage to other municipalities as an acceptable alternative.

Councilperson Bunce reported that the cost of \$14,600 per connection for the 12 homes on Hudson Avenue did not include engineering, legal fees, & other expenses; he did not agree that \$10,000 per connection was a realistic number. In addition, the Borough received a really good price from the contractor for Hudson Avenue; agreed upon price was below original bid price. Another concern was that anything that was planned now, could take three years to construct, thereby increasing the cost of the project. Councilmember Armeno commented that he too wants to reduce sewer rates and they could not rely on Federal and State monies as the solution. Mayor Hodson believes that there are things such as age restrictive housing that could be a benefit, not just to say no, but look into alternatives. He invited members of the governing body to attend the second meeting in May of the Planning Board because the County Planners would be in attendance and provide a discussion. Councilwoman Galate agreed that everyone wants to reduce sewer rates, and that all possible solutions should be considered; include the Borough of Hopatcong employees performing work in some areas.

- B. School Election/Budget Results. The budget was defeated by over 100 votes and Mr. Ward solicited a proposal from Lerch, Vinci & Higgins to perform an audit once again this year. They estimated the cost to be \$6,000 to \$8,000. #139-07 Resolution - Authorize Agreement with Lerch, Vinci & Higgins, LLP for Professional Services in an amount not to exceed \$8,000. Motioned by Bunce, seconded by Klein. Roll Call Vote: **YES** – Bunce, Klein, Armeno, McManus, Petillo. **NAY** – Galate.

13. New Business.

- A. Lake Hopatcong Commission: report on status. Councilman Bunce reported that Mr. McCarthy made a good report to the governing body recapping the State's funding through FY 2008. The State told the Lake Commission that they must develop a program to generate user fees to support the Commission. The question was raised about Lake Hopatcong being a reservoir with the State using and controlling the water; not fair to shore area properties. Councilmember Bunce noted that there are many questions unanswered, and that it appears that the weeds would be harvested this year.
- B. Discussion Potential Sale: B30306 L5, 57 Hopatchung Road. This matter was discussed earlier; item F. is a repeat.
- C. Late Fees/Interest Late Water & Sewer Payments. Mr. Ward explained that some residents were complaining about not receiving their bills, and he has addressed this issue with the Post Office however, it has not been resolved. He was proposing a one-time exemption to those whose bills were current and had a good history of paying on time. #140-07 – Resolution - Establish criteria for waiving late fees/interest payments on water and sewer utility accounts. Motioned by Armeno, seconded by Klein. The vote was unanimous. Councilman Armeno spoke about meeting with the Auditor Dave Evans & Tax Collector Regina Thomas to discuss the moving of the due date for the sewer utility bills; there appears to be a reasonable way to do this by ordinance.
- D. Bear/Deer reports. Mayor Hodson remarked that the number of deer sightings has increased.
- E. Whitten Park Fence Encroachment on Borough property B31201 L13. Mayor Hodson said that this is for a future meeting no action to be taken at this time; the park is also known as Sperry Springs.

- F. Encroachment of shed on Borough property B30306 L20, request to purchase small section of property. Action taken earlier in the meeting.
- G. Habitat for Humanity House on Brooklyn Mt. Rd.: Status of project. Mayor Hodson revealed that Habitat was before the Planning Board because they wanted to go outside the original footprint; permission was granted. There have been several groups in the Borough that have volunteered to assist with the building of this home.
- H. Person-to-Person Liquor License Transfer – Under The Boardwalk to Anchor's Away. Action taken earlier in the meeting.

14. Comments from the public. **PLEASE LIMIT YOUR COMMENTS TO THE GOVERNING BODY TO A MAXIMUM OF 5 MINUTES.**

Mr. Francis said that Whitten Park is a pretty little park, and that there was a trail through there and benches installed years ago.

Toni Haines asked if there were boathouses in the contract S-13 area that is currently under construction. The answer is yes.

15. Comments from Councilmembers. Councilwoman McManus thanked Chief Swanson, the Explorers, Officer Luciani and Roscoe. She also thanked the public for coming, and the Ridgewood Manor for donating the funds for the Explorer's uniforms. Her condolences went out to the Virginia Tech students, faculty and their families.

Councilperson Bunce congratulated James Bianculli on his promotion to sergeant, and thanked the two Police Officers that worked with the program. He also wanted to see Naritcong Field Parking project as part of the grant application to the County; improvement to parking, lighting of pathway and landscaping. He also wished Governor Corzine a speedy recovery.

Councilmember Armeno thanked everyone for coming out this evening, thanked Michael Darcy for attending the Sussex County League of Municipalities meeting on 11 April, and thanked the HBA for the Fish Fry that was held on Saturday; there were a number of dignitaries in attendance. Councilperson Klein thanked the Explorers, congratulated James on his rank of sergeant, thanked Jason Eben and Diesel & Mike Luciani and Roscoe. She also noted the passing of two firemen, who will be missed.

Council President Petillo suggested that a card or letter be sent to Governor Corzine wishing him a speedy recovery, and thank you letters be sent to Ridgewood Manor & Sign Art for their donations to the Borough. She said that the HBA Fish Fry was very nice and well attended, and sent her condolences to the families of Virginia Tech.

Councilwoman Galate thanked Chief Swanson, the Explorers and the two officers that sponsor the program. She reported that the Senior Advisory Committee met, the lunch program has greatly improved, and she is working on answering questions from the meeting. Councilperson Galate thanked everyone who supported the HBA Fish Fry. She would like to get some type of nametag that would identify the governing body members when they attended various events or meetings; noted that Freeholders and Assemblypersons had them and they seemed to be a benefit. Mayor Hodson said that he would select a day for James and place it on the sign and web page.

Councilwoman Klein moved to adjourn at 10:26 p.m., seconded by Bunce. The vote was unanimous.

Respectfully submitted: