

1. The regular May 2, 2007 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: Attorney John Ursin, Administrator Steve 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 revealed matters to be discussed pertained to personnel and attorney/client.

Continued open session at 7:37 p.m.

4. Moment of Silent Reflection and Pledge of Allegiance to the Flag of the USA. Swearing in of Police Officer Anthony DaCunza. Officer DaCunza was not available.
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.** James O'Brien questioned the letter in the newspapers written by Mayor Hodson, and the moving forward with the sewer project. Mayor Hodson said that he sent letters to the editor proposing that the governing body look at moving forward with a 1 million dollar project, or a per connection cost of \$10,000, which would cost less than what has been spent, therefore giving dollars back to the sewer utility. Mayor Hodson went on to explain that he sees possible new areas in the Heights and Dupont Avenue, that there was a \$2,000 fee for new users based on capital costs; that the auditor used a number of \$15,000 per connection, however he chose to use the lesser number of \$10,000 per connection. Mr. O'Brien expressed concern that the cost would be more than \$15,000, and asked if any engineering has been done. Mayor Hodson responded, no but that he has an RFP. Councilwoman McManus commented that they were looking into ways of reducing the costs, one way has been through in filling; they could also do some line drilling to determine the extent of rock in selected areas. Mayor Hodson asked Mr. O'Brien if he considered the in filling as Phase III. Mr. O'Brien responded affirmative. Councilmember McManus said that the reasons still exist for the sewers; there are people out there that want sewers. Councilman Bunce said that he wants to see the real numbers, never said he was against a Phase III, but does not believe they are going to put sewers in for \$10,000. He also commented that a Phase III means to him, is putting new infrastructure into the ground, which has not been done.

6. Councilperson Bunce moved to table the minutes from the work/regular meeting held on April 18, 2007, seconded by Armeno. Councilman Bunce stated that additional information should be inserted under the sewer discussion, item 12. A., there were other facts germane to the discussion. The vote was unanimous.

7. Reports from Administrator.

- A. 2007 Municipal resurfacing Schedule. Tilcon is looking to begin next week/Monday; making a concerted effort to stretch the paving dollars. Notices are being delivered to homeowners notifying them of the paving schedule on their street.
- B. Municipal Street Sign Proposal. Mr. Ward proposed a decorative street sign that would include a Borough logo, lettering done in-house at the DPW, and to begin with the main roads in the Borough. The governing body agreed to this proposal.
- C. Veteran's Memorial Wall – Update. The work is progressing nicely, and should be completed next week well ahead of Memorial Day. Mayor Hodson revealed that the new banners were ready to be installed. The question about who was doing the planting in the area was raised. A suggestion was made that the County should be encouraged to contribute to a new sign. Council President Petillo reported that the County was providing soil, and some flowers for placement around their existing sign in Hopatcong.

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. #140-07 Approve Payment Escrows.*
- B. #141-07 Approve Cancellation of Monies Due to Uncollectable Taxes for Tax Year 2006: various properties.*
- C. #142-07 Approve Refund of Monies Due to Overpayment of 1st & 2nd Quarter 2007 Taxes on two properties.*
- D. #143-07 Authorize Tilcon to pave various Borough of Hopatcong Roads as per Morris County Cooperative Council Agreement.*
- E. #144-07 Authorize Administrator and Clerk to execute Contract Addendum to White-Collar Agreement for promotion from Principal Clerk-Typist to Administrative Clerk for Police Department.*
- F. #145-07 Approve 2007 Addendum to Radio Communication Service Agreement with Stanhope Borough.*
- G. #146-07 Approve Raffle License RA #7-2007 St. Jude's R.C. Church Off Premise Cash Raffle.*
- H. #147-07 Approve Raffle License RA#8-2007 Hopatcong H.S. Parent Teacher Student Org. On Premises 50/50 Raffle.*

Council President Petillo moved the consent agenda, seconded by Armeno. The vote was unanimous.

9. Ordinances/Resolutions.

- A. Public Hearing Ord. #8-2007 AN ORDINANCE TO SUPPLEMENT CHAPTER 242-12 OF THE CODE OF THE BOROUGH OF HOPATCONG. Open to public for comment, none was forthcoming. Mr. Ursin noted that correspondence arrived late this afternoon from the Planning Board attorney, and he would like time to review the comments and recommendations prior to taking any action on these ordinances. Councilperson Klein moved to carry this ordinance to the next meeting, seconded by Bunce. Those present voted affirmative.
- B. Public Hearing Ord. #9-2007 AN ORDINANCE TO SUPPLEMENT CHAPTER 242-22 OF THE CODE OF THE BOROUGH OF HOPATCONG. Open to public for comment. Mr. O'Brien expressed a concern that there was only a 5-foot setback; this would make the structure even closer to the next property. Mr. Ursin remarked that the ordinance would not permit something to be closer without going to the Board of Adjustment; the existing set backs would not be decreased. Klein moved to carry this ordinance to the next meeting, seconded by Armeno. The vote was unanimous.
- C. #148-07 Intro. Ord. #10-2007 AN ORDINANCE ESTABLISHING A MINIMUM AND MAXIMUM RANGE OF SALARY AND COMPENSATION FOR CERTAIN TITLES OF OFFICERS AND NON-CONTRACTUAL EMPLOYEES OF THE BOROUGH OF HOPATCONG. Motioned by Galate, seconded by Bunce. Mr. Ward explained that this ordinance was to set compensation for one or two individuals that are police officers, and would be filling in as part-time dispatchers, thereby reducing the amount paid to them as dispatchers; less per hour than police salary. The Police Department continues to have problem hiring/recruiting dispatchers, either part or full time. Mayor Hodson raised the issue of fatigue if the individual was working 12-hour shifts. It was noted that most police officers have other jobs or interests, and that Chief Swanson would not be recommending this alternative if it was detrimental to the Department. Roll Call Vote: **YES** – Galate, Bunce, Armeno, Klein, McManus, Petillo.
- D. #149-07 Resolution – Approve Payment of Bills, following the removal of checks #1528, 1529, 1530 & 1531. Motioned by Armeno, seconded by Bunce. Roll Call Vote: **YES** - Armeno, Bunce, Galate, Klein, McManus, Petillo. #150-07 Resolution - Approve Payment of Checks #1528, 1529, 1530 & 1531. Motioned by Armeno, seconded by Bunce. Roll Call Vote: **YES** – Armeno, Bunce, Galate, McManus, Petillo. **PRESENT** - Klein.
- E. #151-07 Resolution – Approve Authorization to Submit \$25,000 Grant to NJ Office of Smart Growth – Smart Future 2007 Planning Grant. Motioned by Klein, seconded by Petillo. Mr. Ward revealed that last week there was a meeting with the DEP, and the State employees were very helpful and encouraged the Borough to seek funding to develop a planning tool around the River Styx corridor and to hire an economic development specialist who would make recommendations to the Planning Board and Governing Body. Councilmember Galate inquired if this would be limited to only this area. Mr. Ward responded, no it would be a regional approach. Councilman Armeno informed those present that he spoke with DCA, and agreed with the Smart Growth approach. Mr. Ward indicated that this resolution would be for a Phase

I, thereby leaving the door open for future funding and areas. Council President Petillo remarked that economic redevelopment would require EDU's, and it was a good approach to use to reduce sewer costs. Roll Call Vote: **YES** - Klein, Petillo, Armeno, Bunce, Galate, McManus.

10. Old Business.

- A. Sewer Update: contracts: distributed/posted flyer. Councilperson Bunce reported that as of 27 April there were: 2624 sewer connections, 152 extensions, average per day gallons was higher than recent months due to the flooding rains, which cause a greater capacity to flow into the MSA; we do not pay for the spikes in gallons because we pay an average. He noted that several of the municipalities with an older system had greater infiltration during the same time period. Mayor Hodson commented that if people in town interpret in filling as a Phase III, it explains the flyers around town. We were not ready in February to provide the Infrastructure Trust Fund with the required information, and asked that we be kept on their funding list for next year. Council President Petillo confirmed that the deadlines were missed because no plans have been developed for a Phase III; there is no Phase III at this time. Mayor Hodson stated that they did not lie, only seems to be a misinterpretation of what constitutes a Phase III. Mr. Ruschke acknowledged that he made some comments in February about a feasibility study: look at areas street by street, not in total; perform line drilling to determine rock; use gravity feed systems not grinder pumps; cost benefits have not been determined and would be a useful tool in determining where to go; Council does not have enough information, more engineering is required; consideration should be given for less conventional design; get input/feedback from the public like they did on Hudson Avenue; the bottom line is that there is not enough information at this time to make a decision about a Phase III. Mr. Ruschke spoke about the large capacity line (16 inches) constructed in Hudson Avenue, and one reason that the project was economical was because there were no grinder pumps. Councilman Bunce reported that the cost per connection was low because the contractor agreed to a price almost one-half of the original bid, and that the connection cost of \$14,600 did not include design, line drilling and other professional & personnel fees. He believes the real cost is closer to \$20,000 to \$29,200. Councilperson Galate said she felt bullied by the Mayor's opinion published in three newspapers, and wants to see the facts so that they can be fiscally responsible in reaching a decision; no document has been provided to prove the real number for new sewer connections. She commented that she would not base an opinion on scare tactics; would only move forward based on numbers that were fiscally responsible and wants to see the real numbers based on engineering. Councilwoman Galate stated that it was very insulting to have residents ask her questions that she cannot answer because the matter has not been discussed by this body. She recommended that there be no more secret meetings with professionals by the Mayor or members of the governing body. Councilmember Armeno has provided a draft resolution that would form a PAC (Sewer Committee Policy Advisor) because there is a need for oversight for the sewer project; this group would take no official action but would advise the Governing Body and report once a month. Council President Petillo reported that she was offended by the Mayor's statement, and has in fact sought the auditor's opinion regarding a break even cost for sewers; he believes that the net cost would be \$12,600 after the receipt of connection fee, and based on several assumptions: that there is no increase in operational or maintenance costs,

and that a 20 year maturity on the associated debt repayment remains at an interest rate of 5%.

In addition, Mr. Evans predicted that there had to be a savings of \$300,000 to reduce the sewer fees by \$10 per user. Councilman Bunce commented that the Mayor said that ‘prices were falling’, and this is something he does not see in his construction business; on the contrary oil, steel, gas, etc. are all escalating. Mayor Hodson asked Mr. Ward to provide information regarding the Hudson Avenue bid document and items that were not bid; there are items the State requires but are not used in the project. Mr. Ruschke recommended that a plan be developed for the remaining gallonage, i.e. reserve, in filling and economic development. Councilman Bunce stated that a member of the Byram governing body has requested to purchase excess gallonage, and he referred him to Mr. Ward. There was a discussion about limiting contact by individual governing body members and professionals/developers. Mr. Ursin commented that this was something that should be worded carefully, because there were times when Councilmembers needed to reach out to professionals to have questions answered. Council President Petillo had some verbiage that she thought would be appropriate for a resolution, and requested that Mr. Ursin prepare a resolution for the next meeting. Councilwoman Klein noted that from a real estate point of view there are a large number of homes for sale in Hopatcong, more than usual. Everyone agreed that before continuing it was imperative to know the exact dollar value of the project, and the affect it would have on sewer rates and users.

- B. School Budget: confirm meeting dates. Mr. Ward reported that the joint meeting with the School Board is scheduled for May 14th at 8 p.m. at the Board Administrative Meeting room; suggested that the governing body meet at 6 p.m. with the auditor in Executive Session. Tomorrow a meeting with the auditor and school administrators will take place to discuss information needed by them to perform their audit. He anticipates the auditor’s report to be available on May 9th. Councilwoman McManus said that in all fairness to the School Board, they should receive a copy of the audit report to review prior to the joint meeting; Clerk Stark will see that Mrs. Sierchio gets a copy. The governing body agreed to have a meeting with the auditor to review the audit report on May 9th at 4 p.m.
- C. County Open Space Program: suggested items. Mayor Hodson remarked that he just wanted to clarify what projects were being considered: not the landfill at this time, and was the LLC property being considered? The LLC property was not being considered. Council President Petillo noted two lots on Rapalyea, while Mayor Hodson said there was a ‘green belt’ property of 50 acres.

11. New Business.

- A. #152-07 Resolution - Request from 25 Shore Rd., B10809 L9 to excavate ROW for Shore Rd. & Inns Ave.; rebuilding retaining wall within existing footprint. Motioned by Klein, seconded by McManus. Mr. Ward informed those present that Mr. Jobeless reviewed this request, and was satisfied with the proposal. Those present voted affirmative.
- B. Discussion: Sewer Billing Schedule. Mr. Ward remarked that this request has come from some residents; the Borough has no stake in a change because it would be revenue neutral. Councilmember Armeno revealed that a questionnaire is being sent to sewer customers soliciting their opinion on whether or not the billing schedule should be changed.

- C. Potential impact of new DEP Category – stream changes. Mayor Hodson just wanted to alert everyone that the DEP was moving more streams into the Category I, which may have an impact on the Musconetcong River.
- D. Announcement: next LHC meeting, Monday 21 May, Jefferson Twp. Municipal Bldg. 7:30 p.m.

12. Comments from the public. **PLEASE LIMIT YOUR COMMENTS TO THE GOVERNING BODY TO A MAXIMUM OF 5 MINUTES.** No comments were received.

13. Comments from Councilmembers. Councilwoman Klein wished all Moms a Happy Mother's Day, thanked the people for coming this evening and wished all a good night.

Council President Petillo suggested that Mike Tobin be invited so that he could be recognized by the governing body, and thanked everyone for coming.

Councilperson Galate stated that she wished she knew a survey was being mailed to new residents, she had some ideas on what to include. She suggested that a survey for old residents be developed for the web site. Councilwoman Galate said that she would like to see the survey results.

Councilman Armeno thanked everyone for coming out, reported that May is recycling month and 3 events have been scheduled for Borough residents. He also wished a Happy Mother's Day.

Councilmember Bunce said that a Pancake Breakfast is being held at St. Judes on 13 May, Memorial Day Parade 26th May, inviting residents to support both. He noted that the discussion this evening showed a difference of opinions, and that was healthy.

Councilwoman McManus thanked Pat Dixon for the letter acknowledging the outstanding service of the Police Department and Ambulance Squad, wished a Happy Mother's Day and said good night.

Mayor Hodson revealed National Day of Prayer 3 May, ceremony at the gazebo at noon; tire collection will include those with and without rims. He remarked that the survey that was mailed out to 150 homes was intended to be low key, and that about 10 have been returned at this time.

Councilmember Klein moved to adjourn at 9:55 p.m., seconded by Petillo. The vote was unanimous.

Respectfully submitted: