

The June 17, 2009 regular/work 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 & John Young. Absent – Robert Modick. Others present: Attorney John Ursin, Administrator Catherine Steinel & Clerk Lorraine Stark.

Resolution to excuse R. Modick due to illness, moved by Council President Galate, seconded by Bunce. The vote was unanimous, except for McManus who voted no.

Councilwoman McManus said she wanted to know how long they were going to be doing this, and she questioned why it was being done now instead of at 7:30 p.m. She said what she didn't want to see is that Mr. Modick is out sick until August, and the Mayor & Council appoint someone to replace him instead of having an election to fill the vacancy; wants to see the residents have a chance to vote for a replacement. Mr. Ursin informed those present that the law is written so that the governing body can excuse anyone due to a legitimate illness, there are no limitations on the number of excused meetings. As long as Councilman Modick continues to be excused nothing else happens. However, if Mr. Modick resigned, is removed by a Judge, or the Governing Body did no longer excuse him, then some other action could be taken. Councilperson McManus expressed her dismay that this conversation was taking place now instead of at 7:30 p.m. Council President Galate cited a precedent that took place in 1992; a Councilmember missed a number of continuous meetings without being excused. It was pointed out that a resolution was adopted excusing Mayor Hodson when he was ill, and could not attend the meetings. Councilwoman McManus said that she did not remember that happening, but would look into this matter. Mayor Petillo said that Bob Modick has a right to recover from his illness, and would continue to vote on excusing him as done in the past. Councilmember McManus stated that she hopes in August that they do not have to face this issue again. Councilman Francis commented that he hopes that Bob will get well, Councilwoman McManus agreed. Mr. Ursin noted that should there become a vacancy, the Vacancy Law would be adhered to.

Council President Galate moved resolution for Executive Session at 6:43 p.m., seconded by Bunce. Those present voted affirmative. Absent – Modick. Mayor Petillo reported matters to be discussed pertained to contracts, personnel and tax appeals.

Continue open session at 7:30 p.m.

#### MOMENT OF SILENT REFLECTION AND PLEDGE OF ALLEGIANCE

Mayor Petillo asked the public to keep Bob Modick in their prayers; the governing body excused him again due to his illness.

Public Nurse Fran Baldi revealed that she was present this evening because of rumors pertaining to the A1NH1 Flu and the number of cases in the schools. Ms. Baldi reported that out of the 76 students out sick, 20 had flu like symptoms; two cases came back confirmed as A1NH1 Flu, both have fully recovered. Nurse Baldi noted that A1NH1 Flu was present in our community, and people with symptoms should stay home. It was also reported that there were two documented deaths in the State of New Jersey attributed to the Flu. Mrs. Baldi encouraged anyone with questions to call her at the Health Department. Mayor Petillo and the governing body thanked Fran for being here, and providing this information to the public.

**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). Mara Modes of 3 Ithanell Road said that she was present before the closed session and she believes that Mrs. McManus is correct, you should be excusing Mr. Modick in front of everybody and not in closed session. Mayor Petillo noted that this was not done in closed session, but during the public portion of the meeting, just like it has been done on previous occasions. Mrs. Modes' opinion was that it should be done when everyone else is present.

Councilmember Bunce moved to close the open portion of the meeting, seconded by Galate. The vote was unanimous. Absent – Modick.

Council President Galate moved approval of the open minutes for the special budget meeting for April 13, 2009, seconded by Bunce. Those present voted affirmative. Absent – Modick.

**ADMINISTRATOR'S REPORT:** Administrator Steinel thanked the Mayor & Council for the opportunity to serve the residents of Hopatcong. Maxim Glen Park – Mrs. Steinel informed those present that Police Chief Swanson made a recommendation in an effort to curtail the vandalism that is occurring in the park; he believes that cameras should be installed, and is obtaining quotes. Councilmember Bunce reported that he

has 6 Crime Stopper signs that can be placed at the park and around the school.

PARIS Grant – Mrs. Steinel met with the County Records Manager, Dan Freed to discuss the Grant and funding that the County would be receiving; the notice of funding announcement would be made tomorrow. This project would provide for a better method of retaining and retrieving records.

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. #236-09 Approve Payment of Escrows\*
  - B. #237-09 Approve Cancellation of August 19, 2009 Meeting.\*
- Consent agenda motioned by Bunce, seconded by Galate. Vote was unanimous. **ABSENT** – Modick.

#### INTRODUCTION OF ORDINANCES:

- A. Ord. #23-2009 BOND ORDINANCE APPROPRIATING \$762,000, AND AUTHORIZING THE ISSUANCE OF \$723,900 BOND OR NOTES OF THE BOROUGH, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF HOPATCONG, IN THE COUNTY OF SUSSEX, NEW JERSEY. Motion by Bunce, seconded by Galate. Roll Call Vote: **YES** – Bunce, Galate, Young & Francis. **NO** – McManus. **ABSENT** – Modick.
- B. Ord. #24-2009 BOND ORDINANCE APPROPRIATING \$300,000, AND AUTHORIZING THE ISSUANCE OF \$300,000 BONDS OR NOTES OF THE BOROUGH, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF HOPATCONG, IN THE COUNTY OF SUSSEX, NEW JERSEY, FOR THE WATER SUPPLY AND DISTRIBUTION SYSTEM OF THE BOROUGH. Mayor Petillo reported that the water users would pay this money back. Council President Galate moved ordinance, seconded by Bunce. Roll Call Vote: **YES** – Galate, Bunce, Francis, McManus & Young. **ABSENT** – Modick.

#### ADOPTION OF ORDINANCES:

- A. Public Hearing Ord. #22-2009 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. Open to the public for comment, none was forthcoming. Motioned by Galate, seconded by Bunce. Roll Call Vote: **YES** – Galate, Bunce, Francis, McManus & Young. **ABSENT** – Modick.

## RESOLUTIONS:

- A. #241-09 Approve Amendment to Temporary Budget – General. Motioned by Bunce, seconded by Galate. Councilmember McManus inquired if two items could be removed from the resolution; she was advised that they should not be removed. Roll Call Vote: **YES** – Bunce, Galate, Francis, Young. **ABSTAINED** – McManus. **ABSENT** – Modick.
- B. #242-09 Approve Payment of Bills. Motioned by Bunce, seconded by McManus. Roll Call Vote: **YES** – Bunce, McManus, Francis, Galate, Young. **ABSENT** – Modick.
- C. #243-09 Authorize 2009-2010 Liquor License Renewals for the following: R Bon, Inc., Surdeep Inc., Hudson Farm Club, Inc., BBT Management, Inc., Ridgewood Manor, Inc., Pavinci Italian Grill, Inc., Garden State Yacht Club Realty Corp. Motioned by McManus, seconded by Bunce. Roll Call Vote: Those present voted affirmative. **ABSENT** – Modick.
- D. Authorize Auction of Surplus Vehicles & Equipment No Longer needed by the Borough. Councilman Francis remarked that it has been determined by Mr. Jobeless that these vehicles are no longer required by the DPW. Motioned by Francis, seconded by Young. Roll Call Vote: **YES** – Francis, Young, Bunce, Galate. **NAY** – McManus. **ABSENT** – Modick

## OLD BUSINESS:

- A. #245-09 Ordinance #19-2009 AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 242 OF THE CODE OF THE BOROUGH OF HOPATCONG, SUSSEX COUNTY, NEW JERSEY, ENTITLED “ZONING” BY AMENDING SUBSECTION 242-5 TO CHANGE THE DEFINITION OF “BOATHOUSE” AND TO INCLUDE A NEW SUBSECTION (9) IN SECTION 242-30D TO AUTHORIZE THE CONSTRUCTION OF A FLAT ROOF ON A BOATHOUSE SUBJECT TO CONDITIONS. Mayor Petillo remarked that the issue was jumping off of the boathouse, which is being addressed. The Planning Board recommended adoption. Motioned by Bunce, seconded by Galate. Roll Call Vote: **YES** – Bunce, Galate, Francis, McManus, Young. **ABSENT**: Modick.
- B. #246-09 Ordinance #20-2009 AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 242 OF THE CODE OF THE BOROUGH OF HOPATCONG, SUSSEX COUNTY, NEW JERSEY, ENTITLED “ZONING” BY AMENDING SUBSECTION 242-22 “YARDS” TO CHANGE THE SETBACK REQUIREMENTS FOR CORNER LOTS. The Planning Board recommended adoption. Motioned by Francis, seconded by Bunce. The issue of Councilmembers living on corner lots and whether or not they should abstain from this vote. Mr. Ursin felt that this ordinance did not increase the functional use of the property, therefore they was no personal gain. He advised them

to vote at their comfort level. Roll Call Vote: **YES** – Francis, Bunce. **NAY** – McManus. **ABSTAINED** – Galate, Young. **ABSENT**– Modick.

- C. Solar Project. Mayor Petillo raised the question of whether or not we should proceed with the hiring of a consultant. Mr. Ursin informed those present of a prior meeting with school representatives, and a follow-up letter that was sent; he is attempting to find out how they want to move forward in this matter. It appears that more questions have been raised, and that a consultant could provide those answers. Mr. Ursin had proposed that both groups split the cost of the consultant. Councilmember Francis noted that he identified 53 electrical accounts and the number of watts used by the Borough; he questioned if there would be sufficient electricity to sell. He revealed that State and Federal Laws continue to change, and supports the hiring of a professional with expertise in this area. There was a discussion pertaining to various options such as leasing the land for at least 15 years, selling or using the energy ourselves, and a partnership with the School Board. Mr. Ursin pointed out that there were three schools in close proximity to the Landfill that might benefit from this project. Councilperson McManus wished to look at all of the options that were good for the municipality. The consensus was to wait until there was a response back from the School Board, so that there would be a better understanding on how to proceed.

#### NEW BUSINESS:

- A. #247-09 Appoint Ana Torres-Pearn – Court Administrator, effective date March 1, 2009 at an annual salary of \$55,000. Motioned by Bunce, seconded by McManus. Roll Call Vote: **YES** – Bunce, McManus, Francis, Galate, Young. **ABSENT** – Modick.
- B. #248-09 Grant a One-Year Extension for sewer allocations – vacant properties. Mayor Petillo informed those present that because of the state of the economy, property owners have requested this extension. Motioned by Bunce, seconded by Galate. Roll Call Vote: **YES** –Bunce, Galate, Francis, McManus, Young. **ABSENT** – Modick.

COMMITTEE REPORTS: Council President Galate reported that the senior citizens participated in the Senior Prom last week; the High School seniors did a wonderful job and everyone had a nice time. She also said that she was sorry to see that Fran would be leaving to work at the County Health Department. Sussex County would be providing blood pressure screening for any resident once a month, as well as provide a Nurse for any resident wanting a consultation twice a month. Council President Galate said she was looking forward to the new services that the County would be providing.

PUBLIC COMMENT: (comments limited to 5 minutes). Alex Martinez offered a suggestion pertaining to cameras for surveillance; he thinks that wireless would be better. He believes that this would really assist the Police Department, and should be done correctly from the start. Louis Bagby from Steven Trail thanked Hudson Farm for hosting the hike; she reported that unfortunately her husband became ill and was hospitalized. She thanked the Ambulance Squad for assisting in this matter. Mrs. Bagby also commented that Morris County has solar power panels on their schools, and favors the use because it is cost effective and better for the environment. She questioned if the old trucks couldn't be recycled instead of sold, and also recommended leasing a copier instead of purchasing the equipment.

Mara Modes inquired what contracts were discussed during the closed session. Mr. Ursin replied a contract for a Web provider.

Paul Bogensberger the owner of Castaways Tavern revealed that they were starting a program at the restaurant that would provide 10% from the customer's bill to various sports groups; he has already gotten acceptance from the Little League. He thinks that this would be a good way for the teams to generate funds for their programs, as well as bring business into the restaurant. Mr. Bogensberger inquired if there were any objections from the governing body; the Municipal Attorney did not voice an objection, none was voiced by the governing body who wished him well in this endeavor.

Dennis Twyford 4 Coolidge Trail questioned how property maintenance was being enforced; too many properties contain abandoned cars, garbage and overgrown shrubs. Mr. Ursin remarked that the Police could issue summonses under "Title 39" for junk cars and go through the Municipal Court. Mr. Twyford noted that residents were being asked to report these things, and the responsibility should not be theirs alone. Mayor Petillo said that property maintenance was a manpower issue, and those matters reported would be checked out.

Jennifer Mazzola from 508 Naritcong Avenue remarked that she approached the governing body before about this issue, snow being placed on the ROW that is degrading her property. She thanked them for placing "No Dumping" sign, however she wants the snow ordinance enforced. Mr. Ursin revealed that information pertaining to the snow dumping was gathered from Department Heads, and that found that it was not an issue. He noted that all Borough ordinances should be clear so that there is uniform enforcement, and that a new ordinance was required to provide clear criteria in this case. Mr. Ursin said that if property damage is being caused, she as an individual has a right to cause summonses to be written. Councilmember McManus commented that if someone is causing damage to property, they should be told to stop. Mr. Ursin informed those present that concerning issues between two individuals, the matter should be left to the neighbors and the

Borough should not get involved. If damage is being done to your property, you have the right to take action. Mrs. Mazzola said that another neighbor has a difficult time pulling out of her driveway when the snow is piled there; it becomes a safety issue. Anthony Mazzola asked what would happen if he purchased the property; if the Borough was willing to sell the land. Jennifer remarked that there are two complaints from neighbors: property damage & trouble seeing when leaving the driveway.

Mrs. Modes said that she was here when the man appeared before the Council and admitted pushing the snow onto the property.

Councilman Bunce moved to closed the public comment period, seconded by Francis. The vote was unanimous. Absent – Modick.

**COUNCIL COMMENTS:** Council President Galate welcomed Catherine, wished Happy Father’s Day, and thanked everyone who participated in the Hudson Farm Hike, Peter Kellogg and the volunteers. She thanked Fran Baldi for coming this evening to explain what is happening with the flu. Council President Galate explained that she send out a survey to Sussex County Municipalities regarding health benefits, she has put together a recap of the information, and distributed it to the governing body. Regarding the amendment to the health benefit she proposed a 5% contribution and co-payment of up to \$25; a draft ordinance would be prepared. John Ursin departed at 8:50 p.m.

Councilperson Francis thanked everyone for coming, reported that Detectives Shaver & Luciani apprehended a burglar suspect, and wished all a good night and good luck.

Councilman Young thanked everyone for coming, and Hudson Farm for hosting the charity hike. He also said that Kyle, the young man he spoke about at a previous meeting, has started treatment for his brain tumor and is doing well; thanked all that have provided prayers. Councilman Young reminded the residents that school will soon be out and to drive carefully.

Councilwoman McManus questioned why the literature now said that seniors were entitled to only 2 free stickers when Council voted to give an unlimited number to senior citizens; she questioned when this happened because she could not find when a vote was taken. She felt that the Solid Waste Bid was done quickly, and that her concern is the \$10 sticker fee.

Mayor Petillo commented that we started the bid process about one-year ago, nothing happened quickly.

Councilperson Bunce welcomed Catherine aboard, looking forward to her providing good service to the Borough. He congratulated the graduating Class of 2009, wishing them good luck and success; thanked Mr. Kellogg for being a good neighbor; wished a Happy Father’s Day; noted the Knights would be holding a breakfast on Sunday; and thanked the public

for being here. Councilman Bunce noted that Hopatcong has low crime because our Police Department is right on top of things. Mayor Petillo remarked that regarding the snow issue; the person didn't feel that he was breaking the law by having this done. The ordinance has never been enforced in that manner, and there is a difference of opinion.

Council President Galate moved to adjourn at 9:12 p.m., seconded by Bunce. The vote was unanimous. Absent - Modick.

Respectfully submitted: