

The June 3, 2009 regular meeting was called to order by Mayor Petillo at 6:35 p.m. in the Municipal Building, 111 River Styx Road, Hopatcong, NJ 07843.

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 & Clerk Lorraine Stark.

- Resolution to excuse R. Modick due to illness, moved by Council President Galate, seconded by Bunce. The vote was unanimous.

Council President Galate moved resolution for closed session at 6:37 p.m., seconded by Young. The vote was unanimous. Absent - Modick. Mayor Petillo informed those present that matters to be discussed pertained to contracts, personnel and tax appeals.

Continue Open at 7:30 p.m.

MOMENT OF SILENT REFLECTION AND PLEDGE OF ALLEGIANCE

Mayor Petillo introduced Catherine Navarro-Steinel, who would be assuming the duties of Borough Administrator. She welcomed Catherine and her husband Charles to the Hopatcong Family.

Resolution - #218B-09 Mayor & Council appointment of Catherine Navarro-Steinel as Borough Administrator effective June 8, 2009. Motioned by Francis, seconded by Galate. Roll Call Vote: **YES** - Francis, Galate, Bunce, McManus, Young. **ABSENT** - Modick.

Mayor Petillo acknowledged James Vanderhoof for his fifty years of service in the Hopatcong Fire Department; told him how special he is to the Hopatcong residents. She noted that James as well as the other firefighters are an integral part of our community, thanking them for their service. Jim Vanderhoof thanked Northwood Fire Company #2, and the governing body for what they do. Cake and coffee was served to mark this occasion.

Sale of Property: Block 20002 Lot 4 (partial).

Councilman Bunce remarked that a section of this lot was being subdivided and the survey & Metes & Bounds descriptions were now available so that the sale could proceed to contiguous owners. Councilman Bunce conducted the sale, receiving the minimum bid of \$12,000 from Mr. &

Mrs. Croft. Councilman Bunce closed the sale. #219-09 -Sale of Property: A portion of Block 20002 Lot 4 (partial) to contiguous property owners the Crofts, as per Ordinance #10-2009 in the amount of \$12,000. Motioned by Bunce, seconded by Galate. Roll Call Vote: **YES** - Bunce, Galate, Francis, Young. **ABSTAINED** - McManus. **ABSENT** - Modick.

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). Mrs. Haines inquired about the OPRA resolution listed on the Consent Agenda. Mr. Ursin explained that this resolution contained 10 recommendations endorsed by the Sussex County League of Municipalities. Mrs. Haines said this matter should be removed from the consent agenda, and the public should be provided a copy. Councilmember Bunce reported that this resolution was not written by the Borough, but by the Sussex County League of Municipalities; suggested that it be withdrawn this evening and held until the next meeting. He informed those present that the resolution was requested by all municipalities in Sussex County and discussed at several League meetings. Councilman Bunce remarked that any municipality could endorse this resolution if they chose. Councilperson McManus inquired who was on the committee that developed this resolution; there are parts she liked and others she did not. Councilman Bunce replied that every member of the Sussex County League had input. A request was made for a copy of the OPRA resolution.

Council President Galate moved to end the open public comment period, seconded by Bunce. Those present voted affirmative. Absent - Modick.

Councilman Bunce moved the approval of minutes for the regular meeting for April 1, 2009, seconded by Galate. The vote was unanimous. Absent - Modick.

ENGINEER'S REPORT: Mr. Ruschke was present for this discussion. Update on Sewer Project: Mr. Ruschke remarked that a number of the homes permitted sewer allocation have not connected into the system. He noted that this flow was not included in the current gallonage report; urged that they proceed with caution in future allocations because of potential development, and the benefits it would provide. Mr. Ruschke spoke with the DEP and informed those present that the cost of purchasing gallonage was not allowed for the grant or low percent funding. Therefore, this would have a negative affect on the current sewer user. Mr. Ruschke said that it was not practical to move forward with the grant. Councilmembers concurred that it was not feasible to proceed with the Dupont sewer extension grant. Mr. Ursin noted that he had been authorized by the governing body to negotiate with other municipalities for sewer gallonage, and he just wanted to say how

accommodating they were in trying to assist in this matter. He will write letters of thanks, especially to Stanhope Borough.

NJDOT Grant (item F consent agenda): Mr. Ruschke commented that there are additional monies being allocated to Hopatcong, and he would discuss selecting additional roadways with Mr. Jobeless.

Morris County Co-Op Road Paving/Tilcon: Mr. Ruschke informed those present that he asked Ms. McGann to provide certification of funds for the road paving so that grant monies could be awarded; we would not move forward until the certified funds were approved.

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. #220-09 Approve Payment of Escrows*
- B. #221-09 Approve Outside Lien Redemption Certificate #2006010 in the amount of \$16,908.81.*
- C. #222-09 Approve Refund of Monies Due to Overpayment of 2nd Quarter 2009 Taxes for 11 properties.*
- D. #223-09 Approve Preparation of Estimated Tax Bill.*
- E. #224-09 Approve Safe Streets to Transit Grant Application for Lakeside Blvd.*
- F. #225-09 Approve 2010 State of NJ Dept. of Transportation Municipal Aid Application.*
- G. Endorse Resolution to Amend the Open Public Records Act.* (withdrawn from agenda).
- H. #226-09 Approve Bingo License BA #1-2009 for St. Jude Church.*
- I. #227-09 Approve Fireman: S. Ricca for Defiance Engine Co. #3.*
- J. #228-09 Approve Fire Cadets: D. McGowan & D. Sandry.*

Following the removal of item G. the consent agenda motioned by Bunce, seconded by Galate. The vote was unanimous with the exception of R. Modick who was absent.

ADOPTION OF ORDINANCES:

- A. Public Hearing Ord. #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. Open to the

public for comment; none was forthcoming. This matter was held pending comment from the Planning Board.

- B. Public Hearing Ord. #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 2242-22 "YARDS" TO CHANGE THE SETBACK REQUIREMENTS FOR CORNER LOTS. Open to the public for comment, none was received. This matter was held pending comment from the Planning Board.
- C. Public Hearing Ord. #21-2009 AN ORDINANCE OF THE BOROUGH OF HOPATCONG, COUNTY OF SUSSEX, STATE OF NEW JERSEY AUTHORIZING THE SALE OF CERTAIN PROPERTY OWNED BY THE BOROUGH AND NOT REQUIRED FOR PUBLIC PURPOSES BLOCK 60001 LOT 1 & BLOCK 60001 LOT 11. Open to the public for comment. A resident inquired to whom this property was being sold. It was noted that PSE & G has expressed an interest in purchasing these lots. Mrs. Haines asked why the price of this property was higher than some previously sold land. Mr. Ursin explained that the other sale was to contiguous property owners, and the price is set at less than assessed value. Ms. Bagby reported that she read in the Planning Board minutes that they approved the sale of some property. Mr. Ursin revealed that the Planning Board does not have the authority to sell municipal land. Councilmember Bunce remarked that these lots would be sold at open auction & anyone could purchase them. A resident stated that the reason PSE & G was interested in this property was because Jefferson turned down this project. Councilman Francis moved ordinance, seconded by Galate. Roll Call Vote: **YES** - Francis, Galate, Young & Bunce. **NAY** - McManus. **ABSENT** - Modick. The sale would be conducted on July 1, 2009.

RESOLUTIONS:

- A. #229-09 Approve Amendment to Temporary Budget - General. Motioned by Bunce, seconded by Galate. Councilwoman McManus said she had a question about two lines; did not feel comfortable with the resolution. Roll Call Vote: **YES** - Bunce, Galate, Francis, Young. **ABSTAINED** - McManus. **ABSENT** - Modick.
- B. #230-09 Approve Payment of Bills, following the removal of check #26662 & #26703. Motioned by Bunce, seconded by Galate. Roll Call Vote: **YES** - Bunce, Galate, Francis, McManus, Young. **ABSENT** - Modick.
- C. #231-09 Approve Payment of checks #26661 & #26703. Motioned by Bunce, seconded by Young. Roll Call Vote: **YES** - Bunce, Young, McManus. **ABSTAINED** - Francis, Galate. **ABSENT** - Modick.

- D. #232-09 Authorize Morris County CO-OP Contract to Tilcon for road paving in an amount not to exceed \$440,000. Motioned by Bunce, seconded by Galate. Roll Call Vote: **YES** - Bunce, Galate, Francis, McManus, Young. **ABSENT** - Modick.

OLD BUSINESS:

NEW BUSINESS:

- A. Appointment of Cathy Bowen to Open Space Committee. Mayor Petillo made this appointment.
- B. Discussion for a Person-to-Person Liquor License Transfer for #1912-33-008-004 T & T. There was a discussion regarding whether or not the application was complete, which referenced Chief Swanson's memo as it applies to the ABC application. Mr. Ursin explained that the governing body could deem the liquor application complete or incomplete based on what information had been provided to the Police Department, and act accordingly. Resolution - #233-09 Person-to-Person Liquor License Transfer License #1912-33-008-004 T&T be & is hereby Deemed Incomplete. Motioned by McManus, seconded by Young. Roll Call Vote: **YES** - McManus, Young, Bunce, Francis, Galate. **ABSENT** - Modick.
- C. #234-09 Intro. Ord. #22-2009 AN ORDINANCE ESTABLISHING A MINIMUM AND MAXIMUM RANGE OF SALARY AND COMPENSATION FOR CERTAIN TITLES OF OFFICERS AND NON-CONTRACTURAL EMPLOYEES OF THE BOROUGH OF HOPATCONG. This ordinance establishes a salary for the part-time Deputy Court Administrator position. Motioned by Bunce, seconded by Galate. The vote was unanimous. Absent - Modick.
- D. Open Space Property - Patel. Mr. Ursin remarked that a price for the land has been negotiated, and that Mayor Petillo should be authorized to execute an agreement. Resolution - #235-09 Mayor Petillo is hereby authorized to execute and agreement with Mr. Patel for the sale of property, B40504 L37, for Open Space & Farmland as per Sussex County Grant in the amount of \$315,000. Motioned by Francis, seconded by Bunce. Roll Call Vote: **YES** - Francis, Bunce, Galate, McManus, Young. **ABSENT** - Modick.
- E. Sale of Surplus Property/Vehicles. Mayor Petillo informed those present that the sale of vehicles no longer required by the Borough was part of the privatizing plan, Ron Jobeless DPW Superintendent has recommended the sale of vehicles no longer required for Borough use. Mayor Petillo said that John Eskilson recommended that the Borough Clerk be authorized to advertise for the sale of the vehicles. Councilperson Francis moved to advertise the sale. Councilwoman McManus voiced an objection, since there was no paperwork presented this evening, and moved

to table this matter. Councilmember McManus spoke about the policy of not amending the agenda unless it was an emergency; hoped that the new administrator would enforce this policy. Since this matter could be held for two weeks, she didn't see any reason to proceed at this time. There was no second to Councilman Francis' motion. Councilmember Bunce seconded the motion to table. Those present agreed to table this matter until the next meeting, except for a no by Councilman Francis.

COMMITTEE REPORTS: Councilwoman McManus said that the PSE&G request was discussed at the Environmental Commission, they would go and visit the site and look at it from an environmental point of view. They understand the value of selling this property. She also inquired about the status of the solar project. Mr. Ursin revealed that a meeting with school representatives has been held, at which time a discussion pertaining to being a customer took place; it was a productive meeting, and they have a game plan on how to proceed. Councilperson Francis commented that this project is moving forward, they are partnering with the school, and would be moving forward with RFP's. Councilmember McManus asked to have this matter placed under "old business" for future meeting for the public.

PUBLIC COMMENT: (comments limited to 5 minutes).

A resident (Louise Bagby) thanked Mr. Francis for all of his hard work with the ecology issues, and asked about the wind power project. Councilman Francis said he did a study, and that the turbines he likes are German designed. This issue is very important to him, and he will continue to work on this. Ms. Bagby thanked Mr. Bunce for the fine Memorial Day Parade; she questioned a church group playing religious music and handing out literature during the parade as well as them holding an event in our public park. She expressed her opinion, which was not favorable. Councilman Bunce said that he could not take credit for organizing the parade, which was done by Sue Parichuk.

Jerry Burger questioned where the money went from the land being sold at auction. Councilmember Bunce responded that it went into surplus for next year. Mr. Burger also wanted to know how come we were selling this land. Councilman Bunce replied that PSE & G went to Mayor Petillo and asked to purchase these lots. Councilwoman McManus reported that she called Mr. Lynch from Jefferson to inquire why a land sale there did not move ahead. Mr. Lynch revealed that they were interested in the beginning, but the climate changed. Mr. Ursin reminded everyone that this would be an open auction, and any restrictions i.e. Zoning or Highlands would be applicable. If PSE & G purchased the property they would be permitted to use it for any use that was permitted under Zoning and the Highlands Act. In addition, other parties may express an interest in the property not just PSE & G. This matter is before the BPU, and the

Highlands Council has not said that the power lines would go through the area. Carolyn Lynch noted that other towns in the County are fighting to keep the power lines out; in their opinion these lines were harmful to the kids because a number of those lines will be going over schools. Mrs. Lynch said there are those of us in this room that are working with the schools to see that the power lines do not go over the kids; currently there are no lines going over Hopatcong Schools.

Lorraine Everard inquired where the Open Space land, which was purchase, was located. Mr. Ursin explained that the property was on Stanhope/Sparta Road, just before where the Kennels were on the left going toward Lenape Valley H.S.; it was within the existing open space preserve, and would help connect the existing trails. The Open Space Committee recommended this property as well as the Marx property because it added to the existing buffer and trails system.

Mrs. Haines asked Mr. Ursin about the letters he sent to the four individuals who voted yes for the garbage, and the status of these as public records. Mr. Ursin acknowledged that there were certifications sent to the four individuals, and that it was a public record, and deferred to the Municipal Clerk on whether or not an OPRA request was required to obtain them. Mrs. Haines asked who's numbers were on the website. Mayor Petillo responded, Mr. Eskilson's. Mrs. Haines inquired if everyone agreed with those numbers: Bunce & McManus said they did not, Francis, Young & Galate responded yes, they did. She also said that they should consider appointing a temporary person for Mr. Modick, and that he was getting a \$1,800 payment for opting out of health benefits. She also asked the governing body members to give up some part of the benefit. Mrs. Haines commented about a change last year that was made to the sewer ordinance, which affected only one property. That property which met the established criteria belongs to Mr. Modick who was not a member of the governing body at the time.

There was a question about check #26707 on page 6. Mr. Ursin informed those present that it appeared to be related to the Landfill, the DEP continues to oversee this site.

Council President Galate moved to close public comment period, seconded by Bunce. Those present vote affirmative. Absent - Modick.

COUNCIL COMMENTS: Council President Galate thanked Sue Parichuk for her organizing the parade for the second year; she did a fabulous job. She also thanked Tim Carey and Vito Castoro for their participation in making the event very successful. The Hudson Farm Charity Hike is being held on Saturday for 7:30 - 10:30 a.m., thanked Mr. Kellogg for his generosity in hosting this event once again. Council President Galate encouraged everyone to support the HEPTO raffle that was raising funds to offset costs for the Hopatcong Days activities.

Councilman Francis thanked everyone for coming tonight, recognized the services of Mr. Vanderhoof and the firefighters, and said that he was

looking forward to working with the new Administrator Mrs. Steinel. Councilperson Francis wished all a good night & good luck. Councilmember Young thanked those present for coming, Sue Parichuk and everyone who marched in the Memorial Day Parade; congratulated Jim for his 50 years with the Fire Department; welcomed Catherine. Councilwoman McManus thanked the public for coming and for their attention to detail; congratulated Mr. Vanderhoof who is very dedicated to the Fire Department. She remembers D Day and the military personnel serving our Country. Councilman Bunce welcomed Catherine Steinel aboard, looks forward to working with her and also welcomed her husband. He noted that he was proud of Jim and congratulated him on his 50 years of service. He noted that he attended the charity hike last year, which was a huge success and raised money for our local organizations. Councilperson Bunce thanked Sue and all of the volunteers who made the parade a success. He thanked those in attendance this evening. Mayor Petillo welcomed Catherine and her husband for becoming part of our Hopatcong family; congratulated Jim and the firefighters. She commented that she too enjoyed the Memorial Day Parade, and that it originated with the Hopatcong Woman's Club many years ago. Thanked everyone for coming this evening.

Council President Galate moved to adjourn at 10:03 p.m., seconded by Bunce. The vote was unanimous. Absent - Modick.

Respectfully submitted: