

The August 5, 2009 regular meeting was called to order at 6:30 p.m. by Mayor Petillo 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 – Howard Baker, Richard Bunce, Michael Francis, Marie Galate, Madeline McManus & John Young. Others present: Attorney John Ursin, Administrator Catherine Steinel & Clerk Lorraine Stark.

Council President Galate moved resolution for executive session at 6:32 p.m., seconded by Bunce. Those present voted affirmative. Mayor Petillo reported matters to be discussed pertained to contract negotiations, COAH discussion and possible litigation.

Continue open session at 7:30 p.m.

MOMENT OF SILENT REFLECTION AND PLEDGE OF ALLEGIANCE

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). None was forthcoming. Council President Galate move to end open comment period, seconded by Bunce. The vote was unanimous.

APPROVAL OF MINUTES: Regular/work meeting May 20, 2009, special meeting June 1, and regular meeting June 3, 2009, moved by Bunce, seconded by Young. Roll Call Vote: **YES** – Bunce, Young, Francis, Galate, McManus. **ABSTAINED** – Baker. Council President Galate asked Councilwoman McManus if she wanted to review what she said in the June 17, 2009 minutes. Councilwoman McManus said that she did not have a copy of these minutes. After looking through her papers, she found her copy and reported that she read them, and that was what she said. The June 17, 2009 minutes were tabled.

ADMINISTRATOR'S REPORT: Mrs. Steinel asked that an additional item be inserted in the agenda to correct a hiring. Council President Galate moved to add item E. Resolutions, seconded by Bunce. Those present voted affirmative.

Police COPS Agreement – Administrator Steinel spoke about amending the current ordinance to adjust the administrative fee for the Board of

Education from 15% to 5%; this was in an effort to assist the School Board with costs associated with police coverage during special events.

Use of facility request form – Currently there is no existing form, and the JIF has made recommendations. Mrs. Steinel requested that this form be approved for use.

Meeting regarding Lake Hopatcong – A meeting has been scheduled for August 11th at 6:30 p.m. with various representatives of neighboring towns. Mrs. Steinel commented that this meeting is intended to open a dialog about improving the quality of life for residents and businesses; looking to be unified and proactive for the upcoming year. She has invited these Mayors to brainstorm about ways to improve the condition of Lake Hopatcong.

Ordinance Amendment Professional Fees – It was noted that an ordinance was being introduced to increase escrow monies for professional fees because the current amounts are not sufficient and professional fees tend to exceed the monies on file. Administrator Steinel reported that these fees would be evaluated in the future.

ENGINEER’S REPORT: John Ruschke was present for this discussion.

Accounted Water – Mr. Ruschke informed those present that the unaccounted water is now less than 15%, which is the amount the DEP wanted the Borough to be below. He would request from the DEP an increase in our water allocation as well as the Elba Project extension.

Update Lake Hopatcong Commission Grant – Two of the water quality chambers in the grant were completed and are working as planned.

The third, that being Ingram Cove, has not been installed because of the need for an easement; this was moved to a new location on Bell Avenue.

There have been questions raised about this location because water quality is already being addressed in this area. Mr. Ruschke

recommended that the original location be used, and wanted the governing body to go back to the Lake Commission and DEP with this matter; Ingram Cove is indeed the correct location for this device. #279–09 Resolution – Endorse the Ingram Cove Location for the Water Quality device as per 319 Lake Hopatcong Commission Grant for Water Quality Improvements. Motioned by McManus, seconded by Galate. The vote was unanimous.

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. #280–09 Approve Payment of Escrows.*

- B. #281-09 Approve Outside Lien Redemption Certificate #2008007 in the amount of \$12,109.51 plus the premium in the amount of \$7,500.*
- C. #282-09 Approve Outside Lien Redemption Certificate #2008-66 in the amount of \$11,300.14 plus premium in the amount of \$1,600.*
- D. #283-09 Authorize Chief Financial Officer to Execute Wire Transfer Agreement with Sovereign Bank.*
- E. #284-09 Approve Chapter 159 for Federal Bullet Proof Vest Partnership Program in the amount of \$400.*
- F. #285-09 Approve Chapter 159 for Highlands Water Use & Conservation Management Plan Pilot/Water Utility in the amount of \$5,000.*
- G. #286-09 Approve Chapter 159 for Highlands Conformance Grant in the amount of \$50,000.*
- H. #287-09 Approve Chapter 159 for Division of Highway Traffic Safety Click It or Ticket in the amount of \$4,000.*
- I. #288-09 Approve Chapter 159 for Alcohol Education Rehab Enforcement Fund & Alcohol Education Rehab DWI Fund in the amount of \$324.87.*
- J. #289-09 Authorize Clerk and/or Administrator to Execute Hold Harmless Agreements on Behalf of Borough for the Use of Borough Owned Land or Buildings.*
- K. #290-09 Approve Raffle License #RA 18-2009 & 19-2009 Highlighters Baton & Dance Corps Parent Association Tricky Tray & On Premises 50/50.*
- L. #291-09 Approve Raffle License #RA 20-2009 & 21-2009 Pope John XXIII High School Booster Club On Premises 50/50 & Merchandise Raffle.*
- M. #292-09 Approve Raffle License #RA 22-2009 Hopatcong Chiefs Booster Club Off Premises 50/50.*
- N. #293-09 Approve Raffle License #RA 23-2009 Hopatcong Ambulance Squad Off Premises Merchandise Raffle.*

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

INTRODUCTION OF ORDINANCES:

- A. # 294-09 Ord. #29-2009 ORDINANCE OF THE BOROUGH OF HOPATCONG, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO SUPPLEMENT SECTION 38-17 OF THE CODE OF THE BOROUGH OF HOPATCONG REGARDING OFF DUTY POLICE FEES. Motioned by Bunce, seconded by Galate. Roll Call Vote: YES - Bunce, Galate, Baker, Francis, McManus, Young.
- B. #295-09 Ord. #30-2009 AN ORDINANCE TO AMEND SECTION 43-6 OF THE MUNICIPAL CODE OF THE BOROUGH OF HOPATCONG ENTITLED "SALARY SCHEDULES". Motioned by Galate, seconded by

Bunce. Roll Call Vote: **YES** – Galate, Bunce, Baker, Francis, McManus, Young.

- C. #296-09 Ord. #31-2009 AN ORDINANCE OF THE BOROUGH OF HOPATCONG, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AMENDING THE CODE OF THE BOROUGH OF HOPATCONG TO INCLUDE THE FOLLOWING PROVISIONS ESTABLISHING THE BOROUGH “HOTEL AND MOTEL OCCUPANCY TAX”. Motioned by Francis, seconded by Galate. Councilman Baker questioned if under Section 151-2 hotel & motel should be written again. Mr. Ursin remarked that it was appropriate to amend. Roll Call Vote: **YES** – Francis, Galate, Baker, Bunce, Young. **NAY** – McManus.
- D. #297-09 Ord. #32-2009 AMEND CHAPTER 63 OF THE CODE OF THE BOROUGH OF HOPATCONG TO INCLUDE ARTICLE III “ENTERTAINMENT LICENSES”. Motioned by Galate, seconded by Francis. Councilperson Bunce reported that he disagrees with the licensing fee amount of \$500; businesses are having a difficult time during this economy as well as feeling adverse affects from the River Styx Bridge closing, and a slow start to the season due to inclement weather. Councilmember McManus commented that she did not want to place any more taxes on businesses in town; the same thing was happening with the hotel/motel tax. Council President Galate stated that this was a very well written & comprehensive ordinance, and addressed issues that are important, which are not addressed anywhere else in the Code. She does not have a problem with a \$50 fee. Administrator Steinel revealed that \$25 would cover Borough expenses. Councilman Young said that he did not have a problem with the \$500 fee. Council President Galate moved to amend the ordinance fee to \$25.00. Roll Call Vote on ordinance as amended: **YES** – Galate, Francis, Baker, Bunce, McManus, Young.

ADOPTION OF ORDINANCES:

- A. Public Hearing Ord. #27-2009 AN ORDINANCE TO REPLACE SECTION 201-4c OF THE CODE OF THE BOROUGH OF HOPATCONG REGARDING SOLID WASTE. Open to public for comment, none was received. Motioned by Bunce, seconded by Galate. Roll Call Vote: **YES**– Bunce, Galate, Baker, Francis, Young. **NAY** – McManus.
- B. Public Hearing Ord. #28-2009 ORDINANCE OF THE BOROUGH OF HOPATCONG, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO REPLACE SECTION 63-4 OF THE CODE OF THE BOROUGH OF HOPATCONG REGARDING LIQUOR LICENSE FEES. Open to public for comment, none was forthcoming. Motioned by Galate, seconded by Francis. Roll Call Vote: **YES** – Galate, Francis, Baker, Bunce, McManus, Young.

RESOLUTIONS:

- A. #298-09 Approve Payment of Bills following the removal of checks #1117 & #26899. Motioned by Bunce, seconded by Francis. Roll Call Vote: **YES** – Bunce, Francis, Baker, Galate, McManus, Young.
- B. #299-09 Approve payment of checks #1117 & #26899. Motioned by Bunce, seconded by Francis. Roll Call Vote: **YES** – Bunce, Francis, Baker, McManus, Young. **ABSTAINED** – Galate.
- C. #300-09 Authorize 2009 Interlocal Service Agreement between the Borough of Hopatcong and the Hopatcong Board of Education for the School Resource Officer Program. Motioned by McManus, seconded by Bunce. Councilperson McManus commented that there was only one officer in the School. Mrs. Steinel confirmed that was correct; we have a Shared Services Agreement with the Board of Education. Councilwoman McManus questioned the percentage of total cost the Board of Education was paying, and how vacation time was taken by the officer. Administrator Steinel explained that this was based on 10 months, the officer returns for Borough duty during the school vacations and his vacation time has been addressed in the “Fair Share” Agreement. Roll Call Vote: **YES** – McManus, Bunce, Baker, Francis, Galate, Young.
- D. #301-09 Authorize a Change in Policy to allow Residents to Purchase Additional Garbage Stickers to Exceed Three Container Maximum. Motioned by Galate, seconded by Young. Mayor Petillo informed those present that residents have expressed the need to place additional garbage bags at curbside due to the summer picnic season. She has spoken with Suburban Disposal and they recommended that a sticker be purchased for three (3) additional garbage bags. Roll Call Vote: **YES** – Galate, Young, Baker, Bunce, Francis, McManus.
- E. #302-09 Approve 2009-2010 Liquor License Renewal for Dock N Drink #1912-33-014-003 as Pocket/Inactive License. Motioned by Bunce, seconded by Galate. Roll Call Vote: **YES** – Bunce, Galate, Baker, Francis, McManus, Young.
- F. #303-09 Approve Appointment of Rachel G. Snook as a part-time Communications Operator for the Hopatcong Police Department. Motioned by Bunce, seconded by Galate. Roll Call Vote: **YES** – Bunce, Galate, Baker, Francis, McManus, Young.

OLD BUSINESS:

- A. #304-09 Authorize Award of Bid & Execution of Contract for Hopatcong Website Upgrade to K & B Beck Studios in an amount not to exceed \$3,200. Motioned by Bunce, seconded by Galate. Roll Call Vote: **YES** – Bunce, Galate, Baker, Francis, McManus, Young.
- B. Revision to Bulk Sticker Policy. Matter resolved earlier in meeting.

- C. Solar Energy Project – Update. Councilman Francis recommended that the governing body take the next step which is the authorization of proposals; this would be paid for by the end user and not the Borough. He noted that if proposals were not what the Borough wanted they did not have to be accepted. Councilperson Francis said he believes that this project would produce a sustainable source of revenue. Following the receipt of proposals they would move forward by selecting a professional consultant who would work at developing a strategy. Mr. Ursin interjected that Mr. Ruschke was almost finished with the specifications, and that he was using the Meadowlands Model. #305–09 Authorize the solicitation of proposals for RFP for Solar Project. Motioned by Galate, seconded by Francis. Roll Call Vote: YES – Galate, Francis, Baker, Bunce, McManus, Young. Councilperson Francis commented that they were also exploring a new grant to retro fit lights in the various municipal buildings, which is a huge expense. Mayor Petillo thanked Mike Francis for his work.

NEW BUSINESS:

- A. Request from the Hopatcong Wildcat Cheerleaders to use Park & Ride for a yard sale. Councilman Bunce said that he envisioned this type of activity at the facility. He also recommended that the County be invited to hold one of their Farmer’s Markets at the facility. The consensus was to permit the use.
- B. Discussion – Filming Ordinance. Administrator Steinel remarked that most municipalities have an ordinance that protects their interests should a company/individual wish to film in their municipality. She has drafted an ordinance setting guidelines and fees that do not affect residents, but would be paid by the professional companies. In addition, this ordinance could be used as a tool to regulate the companies by denying or withdrawing a permit if they are not in compliance. #306–09 Intro. ORDINANCE OF THE BOROUGH OF HOPATCONG, COUNTY OF SUSSEX, STATE OF NEW JERSEY AMENDING CHAPTER 108 ENTITLED “FEES” ESTABLISHING ARTICLE 3 – FILMING PERMIT REQUIREMENT AND FEES. Motioned by Galate, seconded by Baker. Roll Call Vote: YES – Galate, Baker, Bunce, Francis, McManus, Young. Council President Galate thanked Mrs. Steinel for developing this tool.

COMMITTEE REPORTS: Councilmember McManus reported that the Environmental Commission has requested information on the PSE & G project and the purchase of property. Regarding dogs in the parks, they took a position that was not favorable.

PUBLIC COMMENT: (comments limited to 5 minutes).

Alex Martinez agreed on the Council's position regarding fees for businesses. He expressed concern about the \$10 fee for additional garbage stickers; he thinks the residents' interest should be watched closer. Mayor Petillo commented that most residents do not use the 3 can limit, and this was put in place for those occasions when additional garbage has been generated due to a homeowner having a special event. She believes that people are recycling more; therefore the three cans do not become an issue for the most part.

Malcolm Piester reported that he does a lot of hiking in town, and wondered if the installation of solar panels at the landfill would decrease the land values for those properties located around the area. Mayor Petillo revealed that the property use was limited due to the Highlands Act, there would not be an impact.

Mara Modes 3 Ithanell Road questioned a check on page one of the bill list as well as the price for the sale of property.

Steve Guerriero thanked Mayor Petillo and the Hopatcong Days Committee for their hard work. He also said that it is a pleasure working with Catherine Steinel.

Louise Bagby from Stevens Trail remarked that she sees that a number of checks are being written to Sussex County Municipal Waste.

Administrator Steinel revealed that these were bills for prior years; we had to budget for these monies in 2009 because of a mix up, they didn't get paid in a timely manner. Mrs. Steinel informed those present that the governing body needed to be working on the 2010 Budget, and was looking into changing fee schedules and generating additional revenue. Council President Galate moved to bring the discussion back to Council, seconded by Bunce. The vote was unanimous.

COUNCIL COMMENTS: Council President Galate thanked Sue Parichuk for organizing the Senior Picnic, and congratulated Robert Rankin the Senior Citizen of the Year. It was nice to see other seniors at the picnic. Council President Galate noted that they were working on the 2010 Budget, not just Hopatcong that is experiencing a financial crisis. She reported that Officer Dave Kraus made an arrest on Lake Hopatcong, noting that he went above and beyond by making a good sound decision in this matter. Council President Galate thanked everyone for coming, and wished him or her a good night.

Councilmember Young thanked the residents for coming, and urged them to keep the military personnel in their prayers. He revealed that Kyle is responding well to treatment for his brain tumor and is keeping his spirits up.

Councilwoman McManus thanked everyone for coming, and noted that Mr. Baker has survived his first full meeting.

Councilman Bunce reported that the Senior Picnic was great fun, thanked Sue & Laura and congratulated Bob for being named 2009 Senior Citizen. He encouraged residents to save August 16th for the Knights of Columbus

event from noon to 4 p.m. Councilperson Bunce remarked that he believes that the budget crisis will continue in the State, and that the “melt down” will continue.

Councilmember Baker thanked everyone for coming and said that the Senior Picnic was delightful; the seniors were fun to be with.

Mayor Petillo congratulated Bob Rankin, thanked Vito Castoro of Sign Art for the lovely sign which he donated to the town, and thanked the businesses in town for their generous donations for the picnic. She also congratulated Catherine for her work.

Council President Galate moved to adjourn at 9:17 p.m., seconded by Bunce. Those present voted affirmative.

Respectfully submitted: