

The September 1, 2010 regular meeting was called to order at 7:30 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 & Clerk Lorraine Stark.

MOMENT OF SILENT REFLECTION AND PLEDGE OF ALLEGIANCE

PROMOTION: Resolution – #327-10 Authorize the Appointment of Shawna Jonach as Deputy Tax Collector effective 9/1/10. Motioned by Francis, seconded by Galate. Roll Call Vote: **YES** – Francis, Galate, Baker, Bunce, McManus, Young. Mayor Petillo administered the Oath of Office to Shawna, and extended congratulations for her promotion.

Mayor Petillo opened the meeting to anyone who wished to speak about the issue of skateboard safety. She noted that Police Chief Swanson was present this evening not to give a presentation, but to answer any questions that the public might have regarding the accident on Unger Avenue.

Michelle Costanza resides at 33 Unger Avenue and has lived there for 14 years with her family that includes 4 children. She revealed that there is an ongoing problem on the roadway with speeding cars, and skateboarders; she was the person that called 9-1-1 when Jonathan Delgado was injured. Mrs. Costanza said that she and her husband were present this evening to see if something could be done about this roadway and addressing the issue of helmets. She remarked that the police have been contacted about the unsafe road condition, however nothing has been resolved. Brian Costanza said that this is roadway presents a safety hazard for the children in the area, and fears for their safety especially from the speeding cars.

Tina Hulsman a neighbor who lives adjacent to the Costanza's reported that she has witnessed cars pulling skateboarders on the roadway; people come from other neighborhoods and even Pennsylvania to be videotaped racing down the road; midnight to 1 a.m. cars are racing up & down the hill. She acknowledged that it is very sad what has happened to Jonathan; something has to be done to address this problem on what is known as "Suicide Hill".

Mr. Rehe a resident of 501 Nariticong Avenue said with all of the talk about safety we have to address the field on Nariticong; the police were up there again this evening. He has lived there for 47 years and there are too many cars and children; something had to be done so that the police can provide enforcement.

Rosemary Cabellaro revealed that she is Jonathan's step-mother, they moved here less than a year ago from Passaic and she did not know about the hill, and believes if Jonathan knew about the severity of the hill he probably wouldn't have gone down on the skateboard. She showed a graduation picture of Jonathan and one of him in the hospital bed; Ms. Cabellaro said that we have to look after our children, and protect them. She noted that Jonathan was not wearing a helmet and that those who have worn helmets in motorcycle accidents etc. have sustained brain injury. She was fighting along with her son for his life, and hopes something can be done for the safety of our children.

Mayor Petillo thanked her for coming and assured Mrs. Cabellaro that this matter would be discussed.

Councilwoman McManus reported that as she is driving around town she noticed that a lot of children are riding without helmets. Chief Swanson remarked that summonses have been given out to these riders. Mr. Ursin commented that he has personally spoken with Chief Swanson & Engineer John Ruschke and alternatives are being considered including educating students. Chief Swanson said that the State Law requires those 17 and under wear helmets, most are in compliance. Councilman Young noted that there is a new type of skateboard that we would probably be seeing on our streets; this skateboard would provide an even greater challenge to the rider. Mayor Petillo thanked Chief Swanson and residents for coming; they would look into what could be done, and sent out prayers for Jonathan's recovery.

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). Carolyn Lynch inquired if the facility ordinance #20-2010 included a fee for the Boy Scouts. Mayor Petillo responded that it did not include these types of organizations.

Councilmember Bunce moved to close public comments, seconded by Baker. The vote was unanimous.

Councilperson Bunce moved approval of minutes regular/work meeting August 18, 2010, seconded by Young. Roll Call Vote: **YES** – Bunce, Young, Baker, Francis. **ABSTAINED:** McManus. **ABSENT** – Galate.

ENGINEER'S REPORT:

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. #328-10 Approve Payment of Escrows.*
 - B. #329-10 Approve Cancellation of a Portion of 2009 & 2010 Taxes Due to State Tax Court Appeal Judgment for 11 properties.*
 - C. #330-10 Approve Raffle Application RA #25-2010 St. Jude Off Premises 50/50.*
- Consent agenda motioned by Bunce, seconded by Young. Vote was unanimous with the exception of Galate -**Absent**.

ADOPTION OF ORDINANCES:

A.. Public Hearing Ord. #17-2010 AN ORDINANCE TO APPROPRIATE \$207,500 FROM MUNICIPAL OPEN SPACE RECREATION TRUST FOR THE PURPOSE OF RECREATIONAL IMPROVEMENTS. Open to the public for comment. Louise Bagby inquired as to what improvements would be made. Mayor Petillo revealed that the project included lighting and netting for Veteran's Field. Councilman Bunce moved to close public comment, seconded by Young. The vote was unanimous. Ordinance moved by Bunce, seconded by Young. Roll Call Vote: **YES** - Bunce, Young, Baker, Francis & McManus. **ABSENT** - Galate.

B. Public Hearing Ord. #18-2010 BOND ORDINANCE PROVIDING FOR THE REMOVAL AND REPLACEMENT OF AN OIL TANK AT THE BOROUGH MUNICIPAL BUILDING, BY AND IN THE BOROUGH OF HOPATCONG, IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY (THE "BOROUGH"); APPROPRIATING \$40,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$38,095 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COSTS THEREOF. Open to the public for comment; none was forthcoming. Councilman Bunce moved to close public comment, seconded by Young. The vote was unanimous. Ordinance moved by Bunce, seconded by Young. Roll Call Vote: **YES** - Bunce, Young, Baker, Francis & McManus. **ABSENT** - Galate.

C. Public Hearing Ord. #19-2010 AN ORDINANCE TO AMEND CHAPTER 108 OF THE CODE OF THE BOROUGH OF HOPATCONG ENTITLED "FEES".

Open to the public for comment, none was received. Councilperson Bunce moved to close public comment, seconded by Galate. Those present voted affirmative. Ordinance moved by Bunce, seconded by Young. Roll Call Vote: **YES** - Bunce, Young, Baker, Francis, Galate & McManus.

INTRODUCTION OF ORDINANCES:

A. Ord. #20-2010 AN ORDINANCE OF THE BOROUGH OF HOPATCONG, COUNTY OF SUSSEX AND STATE OF NEW JERSEY SUPPLEMENTING 163-18 OF THE CODE OF THE BOROUGH OF HOPATCONG REGARDING FEES FOR MUNICIPAL FACILITIES. Mayor Petillo

stated that the intent was not to charge the Borough organizations a fee. Sometimes we get requests from outside groups or individuals. Councilwoman Galate raised the question about inclement weather and who would be responsible for the facility, especially if this was on a weekend. Mr. Ursin informed those present that any group or organization would be required to execute an agreement, and those types of matters would be addressed within that agreement; outline what their responsibilities would be. Councilperson Galate questioned if a Certificate of Insurance was required. Mr. Ursin responded yes. Mayor Petillo said that no town organization will be charged a fee. Mr. Ursin noted that there could be a Hopatcong Motorcycle Club and unless you had an ordinance to address the issue, it could present a problem. No action taken on this ordinance.

B. #331-10 Ord. #21-2010 AN ORDINANCE TO SUPPLEMENT CHAPTER 191 OF THE CODE OF THE BOROUGH OF HOPATCONG, SUSSEX COUNTY, NEW JERSEY, ENTITLED "SITE PLAN REVIEW" BY AMENDING SUBSECTION 191-5 TO REPLACE SUBSECTION C WITH A NEW SUBSECTION. Motioned by Bunce, seconded by Galate. Roll Call Vote: **YES** - Bunce, Galate, Baker, Francis, McManus, Young.

RESOLUTIONS:

- A. #332-10 Approve Payment of Bills following the removal of checks #28533 & #28565. Motioned by Bunce, seconded by Young. Roll Call Vote: **YES** - Bunce, Young, Baker, Francis, Galate, McManus.
- B. #333-10 Authorize payments of checks: #28533 & #28565. Motioned by Bunce, seconded by Young. Roll Call Vote: **YES** - Bunce, Young, Baker, Francis, McManus. **ABSTAINED**: Galate.
- C. #334-10 Authorize Emergency Appropriations for Repairs at Well #3 in an amount not to exceed \$5,000, moved by Bunce, seconded by Young. Roll Call Vote: **YES** - Bunce, Young, Baker, Francis, Galate & McManus.
- D. #335-10 Authorize Mayor & Borough Clerk to Execute a Dedication of Drainage Easement for 43 Mast Road, Blk, 11303, Lt. 5. Motioned by Bunce, seconded by Young. Roll Call Vote: **YES** - Bunce, Young, Baker, Francis, Galate, McManus.
- E. #336-10 Void Sewer Allocation Allotment for Two Vacant Properties as per request of property owners, 117 Monroe Trail & 5 Broadway. Motioned by Bunce, seconded by Young. Roll Call Vote: **YES** - Bunce, Young, Baker, Francis, Galate, McManus.
- F. #337-10 Authorize Connection to Water Utility for 10 Pickerel Point Road, Blk. 30501, Lt. 38. Motioned by Bunce, seconded by Galate. Roll Call Vote: **YES** - Bunce, Galate, Baker, Francis, McManus, Young.
- G. #338-10 Authorize Mayor & Clerk to Execute a Developer's Agreement with Bedford Woods, LLC located at Blk. 20002, Lt. 5.

Motioned by Bunce, seconded by Galate. Roll Call Vote: YES – Bunce, Galate, Baker, Francis, McManus, Young.

- H. Authorize Amendment to Personnel Policy Section 4.02(B). Mr. Ursin requested that this matter be held until he could get a clarification from Administrator Steinel.
- I. #339–10 Authorize Participation in the Sustainable Jersey Municipal Certification Program. Motioned by Francis, seconded by Young. The vote was unanimous.

NEW BUSINESS:

A. #340–10 Appoint Steve Salvesen as Alternate member of the Zoning Board of Adjustment, term to expire 12/31/10, moved by Francis, seconded by Baker. Council President Francis reported that Mr. Salvesen has been a Borough resident for 17 or 18 years. Those present voted affirmative except for an abstention by Galate.

COMMITTEE REPORTS: Councilmember Galate reported that the Real Estate Committee would be making recommendations pertaining to a few properties in the near future. Mr. Ursin said that he knows of one property that is to be sold, if there are others, let him know. Upcoming meetings include Seniors and Energy; Flu Clinic is scheduled for September 23 at the Civic Center; anyone interested should call Sue Parichuk.

Council President Francis revealed that he is speaking with an energy broker and that an agreement would be reviewed by the Borough Attorney; this partnership would save money for the Borough.

Councilperson Bunce commented that the Water Sub-Committee was reviewing several options for grants, and that the Lake Hopatcong weed harvesting was pretty successful.

Councilman Baker remarked that the Board of Health was looking into a backup Animal Control Officer for when Mr. Sloat was not available.

Mayor Petillo informed those present that the Sussex County League Dinner was being held on September 8th, and that the 9/11 Remembrance Ceremony was Saturday at 9 a.m. at the Gazebo.

PUBLIC COMMENT: (comments limited to 5 minutes). Louise Bagby from Stevens Trail reported that she was the Gardening & Conservation Chair for the Hopatcong Womans Club. She tried to get a Farmer's Market in town for Hopatcong Days; this proved to be very difficult because we have to guarantee customers and they don't deal with rain dates. In addition, she is pursuing environmental issues regarding food. Council President Francis said that he was communicating with the Department of Agriculture and looking into holding the market at the Park & Ride possibly on Sunday so as not to interfere with other communities. Mrs. Bagby said she was willing to work with Mr. Francis and would like to be kept informed on his progress.

Mara Modes a resident of Ithanell Road wished to know the outcome of the issue of a fee for the Flu Clinic at the High School. Mayor Petillo commented that she thinks it was waived.

Helen Sadowski from Brown Trail reported that she was experiencing a problem with neighbor kids and ATVs; the police have assisted to some degree. Dirt bikes are being ridden around in the yard and sometimes on the street; this is presenting a noise issue, and the drivers seems to be driving in front of her home and harassing. Mayor Petillo told her to contact Chief Swanson.

Councilmember Bunce moved to close public comment period, seconded by Galate. The vote was unanimous.

COUNCIL COMMENTS: Councilperson Baker congratulated Shawna on her promotion, and acknowledged that we have a great crew in Borough Hall. He said that his prayers and thoughts go out to Jonathan and his family; this is a dangerous world we live in.

Councilman Bunce thanked everyone for coming; school starts next week and kids are not paying attention, be mindful for their safety. He wished all a happy Labor Day, this is an important day for the working people.

Councilmember McManus thanked everyone for coming, congratulated Shawna, and noted an article in the New York Times that encouraged people to learn a trade or skill with their hands. She encouraged all adults to wear helmets, this was very important to their safety and wellbeing.

Councilman Young thanked the residents for attending, congratulated Shawna Jonach, wished all a happy Labor Day, and asked that all Service Men & Woman as well as Jonathan be kept in your prayers. He noted that school opens, asking that we drive carefully; football begins soon, and the H.S. Band was invited to participate in the Warriors September 10th event. He wished all a good night.

Council President Francis thanked those in attendance, remarked that band was close to his heart because he use to participate, and that prayers were going out for Jonathan's recovery; good night and good luck.

Councilwoman Galate also congratulated Shawna on her promotion, and thanked Mrs. Cabellaro for coming this evening and expressing her concern for the other kids in Hopatcong at this very difficult time. She also thanked Deanne Cleary who was instrumental in dedicating the ribbons for Ovarian cancer. She acknowledged Dr. Maranzano's invitation to participate in a school facility tour; she was unable to attend.

Mayor Petillo sent her best wishes to Shawna, and thanked her for the wonderful work she does; her prayers were with the Delgado for Jonathan's speedy recovery. She asked thanked everyone for coming and wished them a happy Labor Day.

Councilperson Young moved to adjourn at 9:03 p.m., seconded by Baker. Those present voted affirmative.

Respectfully submitted: