

The April 6, 2011 regular meeting was called to order by Mayor Petillo at 6:31 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 – Howard Baker, Richard Bunce, Michael Francis, Marie Galate, Madeline McManus & John Young. Others present – Attorney John Ursin, Administrator Catherine Steinel & Clerk Lorraine Stark.

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

Councilman Bunce moved resolution for Executive Session, seconded by Galate. The vote was unanimous. Mayor Petillo informed those present that the matters to be discussed pertained to Shared Court Services, and Police Department reorganization. Mr. Ursin commented that he would also present an update of Tax Court Appeals.

Continue Open session at 7:35 p.m.

PUBLIC HEARING 2011 MUNICIPAL BUDGET – Mayor Petillo introduced Borough Auditor Paul Lerch & Ralph Picconne from Lerch, Vinci, & Higgins, LLP. Mr. Lerch's presentation was an overview of the 2011 Municipal Budget, which he presented during budget introduction. Highlights included: 3.7 percent budget increase; under the 2 percent CAP by \$85,000, which is banked for next year; using more surplus for tax relief; increase in revenue for uncollected taxes by 17.1 percent, Borough by law is required to pay 100 percent of County & School taxes. The dollar increase is \$76 on the average assessed home of \$315,000 and 28 cents per every tax dollar goes to the municipality. The governing body thanked Messrs. Lerch & Picconne.

Open to public comment: Randy Paulenich from 42 Ithanell Road said that what is happening in Japan & in government is a crisis. He did not think that the budget was transparent enough; franchise for the cable fees need to be more competitive in town & wanted to know what was being done about this; the 3 Bond ordinance being introduced require borrowing more money again; delinquent taxes are listed too low because more people are losing their homes & jobs.

Dennis Mudrick a former resident of Hopatcong reported that he has attended 3 budget presentations throughout the County and Hopatcong's was the best by far; most succinct and straight-forward.

Mr. Murdock a resident of 106 Pocono Trail questioned police services, and the continuing problem with drug traffic on Pocono; this is still very active. Mayor Petillo remarked that she would look into this matter with Chief Swanson.

Councilperson Bunce moved to close public comments, seconded by Baker. Those present voted affirmative. Mayor Petillo thanked Paul Lerch & Administrator Catherine Steinel for their work on this budget.

Ordinance #5-2011CALENDAR YEAR 2011 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40a:4-45.14). Open to public for comment, none was forthcoming. Ordinance moved by Bunce, seconded by Francis. Roll Call Vote: **YES** – Bunce, Francis, Galate, McManus, Young & Baker.  
#147-11 Adoption of 2011 Municipal Budget. Motioned by Francis, seconded by Bunce. Roll Call Vote: **YES** -Francis, Bunce, Baker, Galate, Young. **NAY** – McManus. Councilwoman McManus said she was not part of the budget process and didn't approve of how it deviated from how this was done in the past.

**COMMITTEE REPORTS:** Councilwoman Galate revealed that the Police Chief has agreed to permit any member of the governing body who would like to schedule a “ride along” should do so through him; this was done several years ago and she found it very informative.

Councilman Francis reported the first energy audit was approved and work would begin in the near future for the Municipal, Board of Health & DPW Buildings; a second audit would include the Senior Center, and the three Firehouses, this grant was awarded for \$50,000.

Council President Young noted that the Annual Easter Egg Hunt would take place on Saturday in Modick & Maxim Glen Parks.

Councilman Bunce remarked that the DPW employees were licking their wounds from the winter storms, and would be starting fresh.

**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. Councilman Bunce moved to close public comment period, seconded by Baker. The vote was unanimous.

**ADMINISTRATOR’S REPORT:**

Budget – Administrator Steinel informed those present that all Department Heads submitted a budget that was 3 percent less than last year.

Cable Franchise – VIOS was asked about coming into the Borough & was not interested. Currently there is legislation pending affecting the Cable Franchises, the Borough’s agreement is coming up for renewal and there would be a public hearing for any new agreement as well as approval from the BPU. It appears that cable companies across the board are paying fewer fees to municipalities.

Delinquent Taxes – Mrs. Steinel said the Borough holds a tax sale every year in an attempt to recoup delinquent taxes.

Application for FTA 5310 Bus Grant – Administrator Steinel explained that we applied last year for a new senior bus that was handicap accessible; the grant was not awarded. The State funds 80% and the NJ Transit the other 20%, and she asked that the governing body look favorably on this resolution.

EPA Grant – It was noted that Mr. Ruschke was successful in getting the grant funds transferred to other projects; the Elba Point Project did not pan out because of DEP and cost constraints. This evening’s bond ordinance for water improvements reflects our share of the grant money.

**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.

- #148-11 Approve Payment of Escrows.\*
  - #149-11 Approve Outside Lien Redemption Certificate #2010-20 in the amount of \$450.02.\*
  - #150-11 Approve Outside Lien Redemption Elliot Loeb for two properties.\*
  - #151-11 Approve Outside Lien Redemption Pro Capital for three properties.\*
  - #152-11 Approve Outside Lien Redemption Certificate #2010-47 in the amount of \$4,950.02.\*
  - #153-11 Approve Outside Lien Redemption Certificate #2010-17 in the amount of \$151.67.\*
  - #154-11 Approve Outside Lien Redemption Certificate #2010-25 in the amount of \$10,875.37 plus premium in the amount of \$6,300.\*
  - #155-11 Approve Outside Lien Redemption Certificate #2009-12 in the amount of \$3,795.13.\*
  - #156-11 Approve Outside Lien Redemption Certificate #2010-52 in the amount of \$2,919.44 plus premium in the amount of \$100.\*
  - #157-11 Approve Cancellation of a Portion of 2010 Taxes Due to State Tax Court Judgment for two properties.\*
  - #158-11 Approve Raffle Licenses RA #6-2011 & RA #7-2011 for Hopatcong Little League, Tricky Tray & On Premises 50/50.\*
  - #159-11 Approve Raffle License RA #8-2011 Off Premises 50/50 for Northwood Engine Co. #2. \*
  - #160-11 Approve Application for Safe & Secure Communities Program Grant.\*
  - #161-11 Approve NJ Dept. of Community Affairs Small Cities Grant Application.\*

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

#### **INTRODUCTION OF ORDINANCES:**

Councilwoman Galate left the dais.

Ord. #8-2011 ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 242 OF THE CODE OF THE BOROUGH OF HOPATCONG, SUSSEX COUNTY, NEW JERSEY, ENTITLED "ZONING" AMENDING SECTION 242-48 TO ADD PUBLIC GARAGES AS A CONDITIONAL USE. #162-11 Motioned by Bunce, seconded by Francis. Roll Call Vote: **YES** – Bunce, Francis, Baker, McManus. **ABSTAINED** - Young. **ABSENT** – Galate.

Councilperson Galate returned to the dais.

#163-11 Ord. #9-2011 BOND ORDINANCE PROVIDING FOR VARIOUS 2011 CAPITAL IMPROVEMENTS, BY AND IN THE BOROUGH OF

HOPATCONG, IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY (THE “BOROUGH”); APPROPRIATING \$821,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$779,950 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COSTS THEREOF. Motioned by Bunce, seconded by Galate. Roll Call Vote: **YES** – Bunce, Galate, Baker, Francis, McManus, Young.

**RESOLUTION** - #164-11 Approve Cancellation of Old Water Utility Ordinances. Motioned by Bunce, seconded by Galate. Roll Call Vote: **YES** – Bunce, Galate, Baker, Francis, McManus, Young.

#165-11 Ord. #10-2011 BOND ORDINANCE PROVIDING FOR VARIOUS 2011 WATER UTILITY IMPROVEMENTS, BY AND IN THE BOROUGH OF HOPATCONG, IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY (THE “BOROUGH”); APPROPRIATING \$442,100 THEREFORE FROM THE WATER UTILITY OF THE BOROUGH AND AUTHORIZING THE ISSUANCES OF \$442,100 BONDS OR NOTES OF THE BOROUGH OF FINANCE PART OF THE COSTS THEREOF. Motioned by Bunce seconded by Galate. Roll Call Vote: **YES** – Bunce, Galate, Baker, Francis, McManus, Young.

#166-11 Ord. #11-2011 BOND ORDINANCE PROVIDING FOR VARIOUS 2011 SEWER UTILITY IMPROVEMENTS, BY AND IN THE BOROUGH OF HOPATCONG, IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY (THE “BOROUGH”); APPROPRIATING \$14,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COSTS THEREOF. Motioned by Bunce, seconded by Galate. Roll Call Vote: **YES** – Bunce, Galate, Baker, Francis, McManus, Young.

#### **ADOPTION OF ORDINANCES:**

Ord. #6-2011 AN ORDINANCE OF THE BOROUGH OF HOPATCONG, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AMENDING CHAPTER 242 OF THE CODE OF THE BOROUGH OF HOPATCONG POLITICAL SIGNS. Open to the public for comment, none was forthcoming. Comment period closed as per motion by Bunce, seconded by Galate. The vote was unanimous. Mayor Petillo informed those present that this ordinance did not include the table, therefore would not be adopted. Motioned by Bunce, seconded by Francis. Roll Call Vote: **NAY** – Bunce, Francis, Baker, Galate, McManus, Young. This ordinance was defeated & not adopted.

Ord. #7-2011 AN ORDINANCE OF THE BOROUGH OF HOPATCONG, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AMENDING CHAPTER 242 OF THE CODE OF THE BOROUGH OF HOPATCONG POLITICAL SIGNS. Open to the public for comment. Henry Schmidt inquired if this ordinance only pertained to political signs. Councilman Francis confirmed that it did. Mr. Ursin also provided a clarification of the total number of signs

permitted by each candidate; he referred to another section of the ordinance, which was not changed. Councilman Francis moved ordinance, seconded by Bunce. Roll Call Vote: **YES** – Francis, Bunce, Galate, McManus, Young & Baker.

#### RESOLUTIONS:

- #167-11 Approve Amendment to 2011 Temporary Budget for Operating Purposes. Motioned by Bunce, seconded by Young. Roll Call Vote: **YES**- Bunce, Young, Baker, Francis, Galate & McManus.
  - #168-11 Approve Payment of Bills, following the removal of checks #1143, #29369 & #29405. Motioned by Bunce, seconded by Young. Roll Call Vote: **YES** – Bunce, Young, Baker, Francis, Galate, McManus.
  - #169-11 Approve payment of checks #1143, #29369 & #29405. Motioned by Bunce, seconded by Young. Roll Call Vote: **YES** – Bunce, Young, Baker, Francis, McManus. **ABSTAINED**: Galate.
  - #170-11 Approve Award of Bid for 2011 & 2012 Field & Lawn Maintenance. Motioned by Young, seconded by Francis. Roll Call Vote: **YES** – Young, Francis, Baker, Bunce, Galate, McManus.
  - #171-11 Approve Non-Fair & Open Professional Services Contract with Edmunds & Associates for Financial Software in an amount not to exceed \$48,935.00. Motioned by Galate, seconded by Young. Roll Call Vote: **YES** – Galate, Young, Baker, Bunce, Francis, McManus.
  - #172-11 Authorize 2 Part/time Crossing Guards retroactive to March 17, 2011. Motioned by Bunce, seconded by Young. Roll Call Vote: **YES** – Bunce, Young, Baker, Francis, Galate, McManus.
  - #173-11 Approve Submission of FTA 5310 Bus Grant Application. Motioned by Galate, seconded by Bunce. Roll Call Vote: **YES** – Galate, Bunce, Baker, Francis, McManus, Young.

#### NEW BUSINESS:

A. Community Garden – Presentation 10 minutes. Alice King resides at 308 West End Avenue and spoke about the concept of a Community Garden in the Borough. She explained the logistics of such an undertaking, and provided a handout, which pointed out the advantages a Community Garden would provide the residents. Ms. King revealed that this garden would be on private or public lands, and becomes a focus for the community citing different ways people interact and how this becomes an opportunity to learn about use of non-pollutants & nutrients. The land for the garden would have to be located on level topography, have a water supply, adequate parking and lots of sunshine. Mayor Petillo said that this was a wonderful idea, and would look for sites.

B. Mayor's Appointment – S. Gruber, Environmental Commission.

C. Food Collection – Mayor Petillo congratulated the High School Students for collecting 2,460 pounds of food for our community; these kids did a really good job.

D. Memorial for Deceased Armed Forces Personnel – Mayor Petillo explained that Michael Krispel, Jr. died while in service, and that a Memorial would be dedicated to him and one other individual on Memorial Day. She thanked Richard Bunce for his drawing of the memorial, which will be dedicated at a service on May 28, 2011.

PUBLIC COMMENT: (comments limited to 5 minutes). Mr. Murdock resides at 106 Pocono Trail, thanked the Police for prosecuting those responsible for the graffiti; he noted several additional sites where graffiti has not been removed. Mayor Petillo said she would forward the information on to Chief Swanson. Councilman Bunce moved to close comment period, seconded by Baker. The vote was unanimous.

COUNCIL COMMENTS: Councilmember Baker thanked everyone for coming and the Finance Committee; wished all a good night & good luck.

Councilman Bunce spoke about the County's new rules and regulations governing County roadways and solicitation by community non-profit groups; you can no longer just provide a Certificate of Insurance. He referred them to the Sussex County Engineer's Office for more information. He wished all a Happy Easter & Joyous Passover.

Councilwoman McManus thanked Michael Francis & Marie Galate for their work on the various energy projects. She noted the passing of Malcolm Piester, a resident who was very much a part of your community and active with several community projects including trails; perhaps we could name a trail for him.

Council President Young thanked the residents for coming, and commended the entire Finance Committee. He encouraged the community to keep our Service Men & Woman in their prayers, wished Happy Easter & wished all a good night.

Councilperson Francis thanked all for coming, said that Catherine could not be praised enough for her work with the budget; it is important to continue the effort & services to the community. He noted that he would also be continuing the quest for energy; wished all good night & good luck.

Councilmember Galate thanked everyone for coming, reminded the governing body of the League meeting tomorrow, and said kudos to the Finance Committee, Catherine and professionals. She thanked the DPW employees for keeping our streets clean during the last storm, and wished all a Happy Easter & Passover.

Mayor Petillo remarked that Malcolm Piester accompanied her on several trail hikes, which were very enjoyable; she was not aware of his death, and extended her condolences to the family. Mayor Petillo wished all resident Happy Holidays.

Councilperson Bunce moved to adjourn at 9:09 p.m., seconded by Young. Those present voted affirmative.

Respectfully submitted: