

**MINUTES  
FOR THE MAYOR AND COUNCIL MEETING,  
BOROUGH OF HOPATCONG,  
HELD AT THE MUNICIPAL BUILDING, 111 RIVER STYX ROAD  
HOPATCONG, NEW JERSEY  
JULY 6, 2011  
OPEN PUBLIC MEETING 7:30 PM**

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**CALL TO ORDER:** Announce Quorum

**OPEN PUBLIC MEETINGS ACT STATEMENT:** Mayor Petillo stated "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:** The Clerk called the roll and the following members were present: Councilman Baker, Councilman Francis, Councilwoman Galate, Councilwoman McManus, Councilman Young.

Absent: Councilman Bunce

Councilman Francis made a motion to excuse Councilman Bunce from this evening's meeting. Seconded by Mr. Young. All were in favor.

**MOMENT OF SILENT REFLECTION AND PLEDGE OF ALLEGIANCE:** Mayor Petillo invited all present to salute the flag and to remain standing for a moment of silence.

**RESOLUTION FOR EXECUTIVE SESSION:**

Councilman Baker made a motion to adjourn into executive session for personnel issues and matters of negotiation. Seconded by Councilwoman Galate. All were in favor.

THE OPEN PUBLIC MEETINGS ACT ALLOWS THE MAYOR AND COUNCIL TO EXCLUDE THE PUBLIC FROM A PORTION OF A MEETING IN CERTAIN CIRCUMSTANCES.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF HOPATCONG THAT THE PUBLIC SHALL BE EXCLUDED FROM DISCUSSION OF MATTERS ALLOWED BY NEW JERSEY LAW.

THE EXECUTIVE SESSION MINUTES WILL BE PLACED ON FILE IN THE BOROUGH CLERK'S OFFICE, AND WILL BE AVAILABLE TO THE PUBLIC AS PROVIDED FOR BY NEW JERSEY LAW.

Be further advised this Resolution shall take effect immediately.

After meeting in closed session, the Governing Body returned to their seats and Councilman Young made a motion to reconvene into open public session. Motion seconded by Councilwoman Galate. All were in favor.

**MOMENT OF SILENT REFLECTION AND PLEDGE OF ALLEGIANCE:** Mayor Petillo invited all present to salute the flag and to remain standing for a moment of silence.

**PRESENTATIONS:**

Proclamation: Howard Arthur Karl, Jr.

At this time Mayor Petillo honored former Hopatcong Borough Police Chief Howard Arthur Karl, Jr.

You make a Difference Award: Lt. Tina Kraus and Ashley Kraus

At this time Mayor Petillo recognized Lt. Tina Kraus and her daughter Ashley Kraus for their accomplishments at the World Karate Championship Tournament.

## Life Saving Awards

At this time **Chief Swanson** presented "Life Saving Awards" to Patrolman Richard Sadowski and Patrolman Paul Barta for the CPR rescue of an 11 year old who had stopped breathing.

## You make a Difference Award – Luke Serna, Little Explorer

At this time **Mayor Petillo** recognized Luke Serna as a member of the Hopatcong Police Explorers.

**COMMITTEE REPORTS:** **Mayor Petillo** allowed each member of the Council to present their respective committee report.

Councilwoman Galate reported that the Senior Picnic was held on June 24, 2011 and that it was a great success. Approximately 110 people attended and she thanked the vendors for their support. She stated that Dunkin Donuts donated 60 gift cards to the seniors for a free coffee and donut. She also stated that the next Senior meeting would be tomorrow at 10 am at St. Jude's.

Councilwoman Galate also reported that there are several things moving forward through the Real Estate Committee and that the Monument Committee is also moving along.

Mayor Petillo reported that a permanent spot has been found for the monument.

Councilwoman Galate stated that the offer is still good from the Police Department for the Council to do "Ride Alongs" for the summer.

Councilman Francis reported that there are change orders on the agenda this evening having to do with the energy improvements being done by the energy audit firm. As soon as these change orders are approved then all of the lighting, heating, and air conditioning units can be purchased for the DPW, BOH and Municipal Building. The second grant is not settled yet.

Councilman Young reported that the summer Recreation Program began last week and that there are 45 children participating. The street hockey program was a great success with approximately 96 children involved. That is up 25% from last year. He also stated that the volunteer leagues are all winding down for the summer.

Councilwoman McManus stated that the Environmental Commission is hoping to get the award by October or November and that there might be new openings for electronics.

Councilman Baker reported that the Board of Health conducted their annual rabies clinic.

Mayor Petillo reported that the Lake Commission got funding to do ten days of weed harvesting with two machines and that there will be a meeting in Mount Arlington on July 13, 2011 at 6:00 pm to discuss the future of the program. Once they run out of money there will be no more weed harvesting. There was six million dollars in the budget for Lake Hopatcong but it was cut.

**CONSENT AGENDA:** **Mayor Petillo** requested that all persons present review the consent agenda. If any member of the Council or public wishes an item on the consent agenda to be discussed and considered separately, a motion to this effect shall so be made at this time.

After all persons have had an opportunity to review the consent agenda and offer requests for changes, **Mayor Petillo** requested a motion to approve the consent agenda.

1. Resolution #2011-253 - Approve Payment of Escrows.
2. Resolution #2011-254 - Approve Outside Lien Redemption Certificate #2009-7 in the amount of \$4,375.75.
3. Resolution #2011-255 - Approve Outside Lien Redemption Certificate #2010-54 in the amount of \$11,416.59 plus Premium in the amount of \$200.
4. Resolution #2011-256 - Approve Installment Agreement for Sewer Delinquency for Blk. 30504, Lt. 5

5. Resolution #2011-257 - Approve 2011 Statewide Crackdown Over the Limit Under Arrest.
6. Resolution #2011-258 - Approve Execution of 2011 Nutrition Site Agreement with Sussex County.
7. Resolution #2011-259 - Approve Raffle Licenses #RA10-2011 & RA11-2011 for On Premises 50/50 & Tricky Tray for HHSPTSO.
8. Resolution #2011-260 - Approve Raffle License #RA12-2011 for an Off Premise 50/50 for Defiance Engine Co. #3.
9. Resolution #2011-270 – Approve Installment Agreement Block 11001, Lot 10.
10. Resolution #2011-274 – Approve Raffle Licenses #RA13-2011 for on premise 50/50 for Hopatcong Warriors.

Councilwoman Galate asked that item #4 be removed from the consent agenda and considered separately.

Councilman Young asked that item #10 be removed from the consent agenda and considered separately.

Councilwoman McManus made a motion to approve the consent agenda, pulling items #4 and #10. Seconded by Councilman Young. All were in favor.

Councilwoman McManus made a motion to approve item #4 from the consent agenda – Resolution #2011-256. Seconded by Councilman Francis. All were in favor except Councilwoman Galate who abstained.

Councilwoman McManus made a motion to approve item #10 from the consent agenda – Resolution #2011-274. Seconded by Councilman Francis. All were in favor except Councilman Young who abstained.

#### **OLD BUSINESS:**

##### Entertainment License for Castaways Tavern.

At this time Paul Bogensberger, owner of Castaways Tavern, addressed the Governing Body regarding the denial of his 2011 – 2012 Entertainment License. He stated that he is not having any bands perform there until the issue is straightened out. He also is going to move the speakers into the bar. He stated that he got a copy of the recording of a previous Council meeting and he stated that he was surprised to hear that a member of the Governing Body stated that he had running noise issues with the neighbors and that they felt that he was not doing all that he could to rectify the situation. There has been entertainment there for 75 years and only recently has one of the neighbors complained about the noise. He stated that he is looking into many different ways of correcting the problem and that he doesn't feel that he is being defiant. He stated that he doesn't believe that it is the Council's job to fix the noise problems. He has only had two summonses, and after looking through the records he obtained from the Police Department he has only had 14 issues with the police since purchasing the property in 2007. Out of those 14 issues there have been 10 noise complaints – 9 of which have come from the same neighbor. He stated that he met with the Police Chief to discuss the issue with the neighbor and what he is doing to try to rectify the situation. This neighbor's home is approximately 200' behind the building. The complaints only come when there are young bands there and he has informed those bands that they have to turn down the amps and that if they don't that they will receive \$100 less when they get paid. Several bands refuse to play in the bar anymore because of that.

Mr. Bogensberger also stated that he has looked at ways to stifle the sound. He has considered removing the siding from the building and putting up more sound barriers and also putting up sound proof blankets – all of which would cost substantial amounts of money. He stated that he tries to be a good neighbor and that he is working on the problem but that he is concerned that no matter what he does it will never be enough to satisfy the neighbor. His question is....how do you measure noise? He stated that he has tried to measure the decibels but the town doesn't have a meter to do so even though they have an ordinance that references it. He stated that he is not trying to be difficult. He stated that he doesn't know how to satisfy this neighbor or what is an acceptable level of noise. He is going to work with the neighbor to try to satisfy him but he doesn't want to have to spend a tremendous amount of money just to satisfy one person. The neighbor bought his house in 2006 knowing that a bar was next door. He only has problems with kid bands and he won't have them any more until the problem is solved.

Mayor Petillo stated that the Governing Body should not get involved in this and that she told the neighbor to call the police when they have an issue with the noise. The neighbor does not complain all of the time....it is only an issue when there are loud bands there. She stated that she appreciates all that Mr. Bogensberger is willing to do to help but that he himself has stated that the bands are too loud and that they need to turn down the music. She stated that she understands both sides of the issue. Everyone admits that it is loud and everyone is frustrated.

Mr. Ursin stated that the Council should not and will not give advice on court issues. He also stated that the County Health Department has a decibel meter to use in situations like this. If the Council is satisfied that Mr. Bogensberger is taking care of the issue then they can vote on the reissuance of the license this evening.

Councilwoman Galate asked Mr. Ursin if Castaways had to reapply for an Entertainment License since he was previously denied. Mr. Ursin responded that he didn't but that the Council should take a vote on approving the license for the 2011-2012 licensing year.

Councilman Francis stated that he is satisfied that the applicant is making an effort to correct the problems and that a license should be issued.

Councilman Young made a motion to approve the Entertainment License for Castaway's Tavern for the 2011- 2012 licensing term. Seconded by Councilwoman McManus. All were in favor.

#### Informational – Award of Senior Center Grant in the amount of \$146,300.00

Mayor Petillo informed the public and the Governing Body that the Borough, after changing the name of the Civic Center to the Senior Center, received a grant from the State in the amount of \$146,300.00. She stated that the use of the building has not changed and that all of the activities will remain the same as before.

#### **NEW BUSINESS:**

##### Discussion – Renovations of Dog Pound

At this time a discussion took place regarding the renovations to the dog pound. They presented the Governing Body with information on what they plan on doing. Wendy stated that they are not asking the Governing Body for funds. They already have enough to erect the building and that they plan on getting donations for the rest of the project. She stated that she can get blue prints for what they are proposing. They looked at the old plans and it was way too expensive. She stated that they feel that the new plans will be more cost efficient. The new pole building will almost double the size of the pound to allow 10 dogs, a small veterinary section, and a washing station. Phase one is just to get the building erected. It won't compromise the old structure. They stated that they plan on using the old building for cats.

Mayor Petillo stated that since the Borough owns the building all of the financing would have to be controlled by the town – an account can be set up just for that purpose.

Councilman Francis stated that he thinks that it is a great idea and that he supports their efforts but that it should be run through the Planning Board first to make sure that all of the regulations are being followed. He stated that he believes that the pound is in definite need of renovations but that he wants to make sure that it is done correctly.

Mr. Ursin stated that they should encourage the use of volunteers to complete the project and to also check with the Borough Engineer to review the sanitary drainage issues that may arise. There may be engineering costs involved in the project. He also stated that a fund can be set up now. He believes that there may be hurdles with regard to the septic system and sanitary issues. The Council can give general approval to the concept contingent upon reviews done by the Health Department, Planning Board and Engineer.

Mayor Petillo stated that they have the blessing of the Council to move forward under the condition that they address any issues with the Attorney, Engineer, Board of Health and Planning Board throughout the course of the project.

### Discussion – Hopatcong Warriors

At this time a discussion took place regarding the request from the Hopatcong Warriors for the town to donate land on Sparta/Stanhope Road. (Councilman Young recused himself from the conversation). Gene Clark, a member of the Hopatcong Warriors, addressed the Governing Body regarding the property that they would like the town to donate to them. The property is located on Sparta/Stanhope Road and he believes that it would be a great piece of property for the Warriors to construct a sports complex. Most of the property is workable. Right now they are using fields all over the Borough and it is difficult on the parents as well as the children. It would be nice if all of the fields were in one place. They need a large piece of property. He provided the Governing Body with a map of the property they are requesting. They understand that there might be some issues involved but that it would be a good piece of property for them. Right now the school is charging them \$3,000 to use their fields. They are not here to ask the town for money because they can fund it themselves. He believes that the town needs something like this to bring the people here to the Borough.

Councilman Francis stated that unfortunately that property is part of the Natural Preserve and could be problematic. It would need an environmental review by the DEP. There were studies done on it previously indicated that there would be issues developing the property. The Borough was going to use this property to put the cell tower on. He stated that it is a good idea to find our Warriors a piece of property but it needs to be the right spot. That is the last existing piece of property that can be used as a field. It will need extensive review however. The property on the other side of the road is part of the Highlands so it appears as if neither side of the road is going to be without issues. We have to make sure that we touch all of the bases. Our Engineer is very familiar with the issues.

Councilwoman McManus stated that the first issue is whether or not the Borough is even willing to donate the property to them.

Councilman Francis stated that he would want to lease it to the Warriors, not donate it. That way when the Warriors aren't using it the Borough could use it. He stated that we are not even at that decision point yet. We don't even know if it is feasible.

John Ruschke, Borough Engineer, commended the Warriors for their efforts in trying to build a sports complex that would benefit the town and its residents. Unfortunately this property has been looked at before for other projects and it has a lot of issues that aren't easily going to be overlooked by the DEP. It has wetlands delineation, endangered species and 100' stream buffers. The DEP has put a lot of restrictions on that property and even if the town wanted to donate the property it is unlikely that the DEP would allow any building on the site.

Mayor Petillo stated that the town had looked at that property for commercial and industrial use but the DEP will not let us develop it. It is an environmentally sensitive piece of property on the other side of the road as well.

Mr. Ursin told Mr. Clark that before he and the Warriors spend any more time or money on the issue that they should review the information that he and Mr. Ruschke have on the property.

Mr. Clark stated that it is about the future of the kids in the Borough and he hopes that the Council will support them.

### Discussion - Telephone Carrier

This item was pulled from the agenda

### Discussion – Sharps Rock Drive

Mayor Petillo stated that this is a residential area with a fire lane and that Mr. and Mrs. Krause came to see her about it a few weeks ago.

Mr. Ursin stated that the fire lane that they are discussing is public property and that there is a dock attached to it. When this issue came up a few years ago he told the Council that it is municipal property and as such it should be opened up for everyone to use. There should not be a fence or a lock to keep residents out. Some of the residents believe that because they have access rights to the lake that they should be the only ones who can use it. If the town so chooses they can decide that they don't want to

maintain it and lease it out to a neighborhood group. That group could then regulate it, maintain it and hold insurance on it.

Mr. Krause, 12 Sharps Rock Drive, read a letter to the Council outlining all of the problems that they have been having down at the fire lane. There are kids hanging out there all times of the day and night. He would like to see more stringent regulations enforced with regard to times the fire lane is open to the public, the age and number of children allowed to be down there and the use of alcohol by minors. Mr. Jenkins and other members of the club erected a fence a few years ago and they hoped that it would rectify the situation, but it hasn't. Mr. Krause stated that his house is very close to the fire lane so they can hear everything that goes on down there. Last year they had an issue and approached the Mayor and she recommended that when they have a problem to call the police. This past May there was a problem with kids being down there so he called the police, as the Mayor suggested, but the police told him that they can't enforce anything since the kids legally have access. He stated that they also have issues with the parking on the street. The road is really not wide enough for people to park on safely.

Mr. Krause stated that he spoke to the Mayor about a month ago and that he gave the Mayor some recommendations as to how to enforce the rules through an ordinance. He doesn't like strangers down there by his house. He stated that there were changes in the ordinance to address the parking conditions in the fire lane but not on the entire street. He stated that they are fine with the local neighbors using the access but that they don't want strangers using it.

Councilman Francis stated the town is going to adopt an ordinance this evening regarding parking on fire lanes. It gives the Fire Marshal authority to enforce parking regulations in situations that he believes are a danger to the residents.

Mr. Ursin stated that it only provides for temporary relief. This street can be added to the no parking list, however, if the Council agrees to do so.

Mr. Elia stated that he did speak to the Chief about this issue and the Chief told him that signs can be added because it doesn't meet the State parking statutes.

Mr. Krause stated that he would like to have limited hours enforced as well as no alcohol, no pets, no smoking and that children must be accompanied by an adult. People are coming down after 9 pm. He would like the time in the ordinance to be changed till 8 pm. He stated that he doesn't think that the fire lane should be a congregation point for minors. Before we know it there will be nothing to control how many people are allowed down there.

Councilwoman Galate asked about the installation of the fence.

Mr. Krause stated that everyone agreed to put up the fence to deter people from using the fire lane. A lock was put on the fence.

Mr. Ursin stated that the agreement was not an agreement with the town.

Mr. Krause stated that the town gave permission to put up the fence.

Mr. Ursin stated that it is a public place with a public dock and needs to be open to everyone or it needs to be leased to an organization who would then take responsibility for the property.

Mr. Scott Prior, 336 Lakeside Blvd, addressed the Council regarding the fence on the property. He knows that it is town property and wants to know why they can put up a fence and lock it up. He can only go when he gets the key. He always took his children down there but on the 4<sup>th</sup> of July it was locked. He stated that he is opposed to it being locked. He agrees that the parking situation is dangerous.

Mr. Mark Jenkins, 324 Lakeside Blvd, stated that they are in the process of forming an association of residents who have lake rights through their deeds. The problem is that there are people who are going down there who shouldn't be going down there. He agreed with the parking problem. People who have to drive there don't belong there.

Mr. Ursin stated that it is a public place and anyone can go there. He also stated that in the ordinance Sharps Rock Drive is already a no parking area.

Mr. Jenkins stated that they are currently collecting dues from 12 residents who have lake access.

Councilwoman Galate asked about the deeded rights.

Mr. Ursin stated that they may have deeded rights but that the access is not exclusive. All of the taxpayers are allowed to go there.

Councilman Baker stated that there are two different issues, the parking and the access to the fire lane. He stated that perhaps controlling the parking will solve the other problem.

Mr. Jenkins stated that it costs money to maintain the dock and that it eventually needs to be replaced. That is why they have been collecting dues. They are paying to take care of it and don't think that others should be able to use it. He agrees that if people are going down there late at night that the police should be called. He goes down there to throw people out who don't belong there. Another problem is that the Krause's dog is always barking. That is what is making the most noise. He goes down there when the dog is barking to see if he can catch someone down there.

Mr. Ursin stated that the noise issue is secondary. The Council has three alternatives. Either this is a public dock and the municipality has to be responsible for it, some group of neighbors, at a bidding process, leases the property, or the town takes down the dock and only uses the property for fire access. Mr. Jenkins cannot tell people that they can't use the dock. Mr. Ursin stressed again that it is public property. The dock, if it is attached to the property, belongs the Borough.

Councilman Francis stated that the town should take the dock down.

Mr. Ursin agreed and stated that the town should not have that liability. Someone is going to get hurt on it and the town is going to be on the hook.

Mr. Jenkins stated that the town told them to create an association and then to lease the property from the Borough. That is what they are in the process of doing.

Mr. Ursin stated that they can lease the dock, with restrictions, but not the property. Whoever wins the bid will control the dock. The Council has to decide how to handle it. Whether or not they want to lease the dock is a decision that they have to make.

Mr. Bob Weiser, 25 Oakwood Road, stated that the dog barking and the parking are both issues that need to be addressed.

Councilwoman McManus stated that the Council has to decide what they want to do.

Mr. Jenkins asked if he can go to any fire lane in the Borough and Mr. Ursin stated that public property is regulated by ordinance.

Mayor Petillo told Mr. Jenkins that they really need to get the association together as soon as possible.

Councilwoman Galate stated that if any of the residents feel that the law is being broken then the police should be called to enforce the laws.

Mayor Petillo stated that the lock should be taken off since it is public property.

Mr. Ursin stated that he will do a draft of what the bid would look like for the lease. He recommended doing it in the fall and having the lease follow a calendar year. It would be a lease just of the dock, not the fire lane.

Councilman Francis stated that they should get the association together and set the bylaws and create a membership.

Mr. Krause stated that he understands that the bid process will be open to the public but regardless of who wins the bid the laws have to be enforced.

Mr. Ursin recommended that all of the neighbors try to get along and come together so that they are not bidding against one another for the lease of the property.

Mayor Petillo stated that the parking signs will be put up right away.

Ordinance #23-2011 – Combined Land Use Board

A discussion took place regarding combining the Planning and Zoning Boards. Mayor Petillo stated that not much is going on in either Board because of the Highlands and the economy. Combining the Boards is cost effective and will make things more efficient. Mayor Petillo stated that the matter would have to go out to referendum because the Borough has more than 15,000 residents.

Councilwoman Galate stated that she thinks it is a great idea. It would be very cost efficient.

Mr. Ruschke stated that if things got busy then special meetings could be held to accommodate the work load. The town has been sensitive to the needs of the residents and has adopted ordinances that allow them to get things done without having to go to the Board for a variance. That, as well as the economy, has lessened the work load on the Boards.

The Council agreed that it was a good idea and decided to introduce the Ordinance at this time.

Councilman Francis made a motion to introduce an ordinance entitled "AN ORDINANCE PETITIONING THE CLERK OF SUSSEX COUNTY TO PLACE ON THE BALLOT A REFERENDUM TO CREATE A SINGLE LAND USE BOARD IN THE BOROUGH OF HOPATCONG". Seconded by Councilwoman Galate.

Upon roll call vote:

Ayes: Baker, Francis, Galate, McManus, Young

Nays: None Absent: Bunce Abstentions: None

**FINAL READING: AUGUST 3, 2011**

Facility Use Request – Hopatcong Warriors

A discussion took place regarding the request made by the Hopatcong Warriors to use the DPW Parking lot, FD#3 Field and the Park N Ride on July 30, 2011 from 9 am to 12 pm for a music concert, car show, food court and activity booths. Mayor Petillo stated that it is going to be a wonderful event and now that it is going to be in the center of town more people will probably attend.

It was pointed out that the event will run from 9 am to 12 am, not 12 pm.

Councilman Francis made a motion to approve the request with the time change as noted above. Seconded by Councilman Baker.

Upon roll call vote:

Ayes: Baker, Francis, Galate, McManus

Nays: None Absent: Bunce Abstentions: Young

**PUBLIC SESSION:**

Mayor Petillo opened the meeting to the public for any questions or comments that they might have regarding any items that are on the agenda for this evening's meeting.

There being no one who wished to address the Governing Body at this time, Councilwoman Galate made a motion to close the meeting to the public and return to the regular order of business. Seconded by Councilman Young. All were in favor.

**APPROVAL OF MINUTES:**

Councilman Young made a motion to approve the meeting minutes of the Regular Meeting held on May 18, 2011, and the Joint Meeting with the School Board held on May 18, 2011 and the regular meeting held on June 1, 2011. Seconded by Councilwoman Galate. All were in favor.

**ADMINISTRATOR'S REPORT:** At this time Robert Elia, Borough Administrator, gave his report for the meeting of July 6, 2011. He stated that there is a resolution on the agenda this evening to buy 35 sets of turn out gear and they are being purchased for \$80,000 under the State contract. He also reported that the Borough received \$4,000 for the Click it or Ticket campaign and that the money will be added into the budget. On Monday they met with the auditors to discuss the debt service plan for the town. Money is at an all time low for notes. He also stated that Governor Christie has reduced discretionary aid for road programs and the town didn't get any money. He recommends that the capital program be increased by \$300,000.00. He also reported that the flood ordinance has to be amended to cover the change recommended by the DEP with regard to the flood panels. That ordinance is on the agenda this evening.

**ENGINEER'S REPORT:**

John Ruschke, Borough Engineer, reported that PSE&G. as part of the transfer switch project, will be removing a large amount of trees and as part of the mitigation process they are proposing to extensively landscape and hardscape Borough Hall and other Borough property. They are going to do the sidewalks, the two monuments and the walkways to those locations. They will be putting lighting along the walkways and they will be landscaping around the new sign as well. It is a very substantial amount of landscaping at their expense and it is very exciting.

Mayor Petillo thanked John Ruschke for all of his help getting those improvements. PSE&G also donated \$1,000.00 for Hopatcong Day. Many other professionals donated as well and she thanked them all.

**INTRODUCTION OF ORDINANCES:**

Introduction Ordinance #19-2011 - Salary Ordinance

Councilman Young made a motion to introduce an ordinance entitled "AN ORDINANCE ESTABLISHING A MINIMUM AND MAXIMUM RANGE OF SALARY AND COMPENSATION FOR CERTAIN TITLES OF OFFICERS AND EMPLOYEES OF THE BOROUGH OF HOPATCONG." Seconded by Councilwoman Galate.

Upon roll call vote:

Ayes: Baker, Francis, Galate, McManus, Young

Nays: None Absent: Bunce Abstentions: None

**FINAL READING: August 3, 2011**

Introduction Ordinance #20-2011 – Games of Chance

Councilman Francis made a motion to introduce an ordinance entitled "AN ORDINANCE TO REPLACE CHAPTER 129 OF THE CODE OF THE BOROUGH OF HOPATCONG REGARDING GAMES OF CHANCE". Seconded by Councilman Young.

Mayor Petillo explained that since there is no money involved and that sometimes, especially in the summer, time is of the essence for the approvals, it just makes sense to have the Borough Clerk approve the applications.

Upon roll call vote:

Ayes: Baker, Francis, Galate, McManus, Young

Nays: None Absent: Bunce Abstentions: None

**FINAL READING: August 3, 2011**

Introduction Ordinance 21-2011 - \$300,000 Road Paving Capital Bond Ordinance

Councilman Francis made a motion to introduce an ordinance entitled "A BOND ORDINANCE PROVIDING FOR VARIOUS 2011 ROADWAY IMPROVEMENTS, BY AND IN THE BOROUGH OF HOPATCONG, IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY (THE "BOROUGH"); APPROPRIATING \$300,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$285,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COSTS THEREOF". Seconded by Councilwoman McManus.

Mayor Petillo stated that a lot of our roads need to be repaved and that the cost is reasonable this year.

Mr. Ruschke stated that the cost of petroleum is only going to go up and that the more we can do this year the better. He stated that he will be talking to Ron about taking preventive measures which will extend the life of the roads. They are going to come up with a road maintenance program.

Upon roll call vote:

Ayes: Baker, Francis, Galate, McManus, Young

Nays: None Absent: Bunce Abstentions: None

**FINAL READING: AUGUST 3, 2011**

Introduction Ordinance #22-2011 – National Flood Insurance Management

Councilman Francis made a motion to introduce an ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 124, ‘NATIONAL FLOOD INSURANCE MANAGEMENT’ ORDINANCE OF THE BOROUGH OF HOPATCONG”. Seconded by Councilwoman McManus.

Upon roll call vote:

Ayes: Baker, Francis, Galate, McManus, Young

Nays: None Absent: Bunce Abstentions: None

**FINAL READING: AUGUST 3, 2011**

**ADOPTION OF ORDINANCES:**

Adoption Ordinance #16-2011 – Water Rate and Fees

Councilman Young made a motion to adopt an ordinance entitled “AN ORDINANCE TO MODIFY CHAPTER 51-12 OF THE CODE OF THE BOROUGH OF HOPATCONG REGARDING WATER RATE AND FEES.” Seconded by Councilwoman McManus.

At this time Mayor Petillo opened the meeting to the public for any questions or comments that they may have regarding Ordinance #16-2011.

There being no one from the public who wished to address the Governing Body regarding Ordinance #16-2011, Councilwoman McManus made a motion to close the meeting to the public. Seconded by Councilwoman Young. All were in favor.

Upon roll call vote:

Ayes: Baker, Francis, Galate, McManus, Young

Nays: None Absent: Bunce Abstentions: None

Adoption Ordinance #17-2011 – Storm Sewers

Councilman Young made a motion to adopt an ordinance entitled “AN ORDINANCE OF THE BOROUGH OF HOPATCONG, COUNTY OF SUSSEX AND STATE OF NEW JERSEY, AMENDING CHAPTER 167, OF THE CODE OF THE BOROUGH OF HOPATCONG AND ADDING CHAPTER 203 ENTITLED STORM SEWERS.” Seconded by Councilwoman Galate.

Mr. Ruschke stated that the State is mandating this change for commercial properties.

At this time Mayor Petillo opened the meeting to the public for any questions or comments that they may have regarding Ordinance #17-2011.

There being on one from the public who wished to address the Governing Body regarding Ordinance #17-2011, Councilwoman Galate made a motion to close the meeting to the public. Seconded by Councilman Young. All were in favor.

Upon roll call vote:  
Ayes: Baker, Francis, Galate, McManus, Young  
Nays: None Absent: Bunce Abstentions: None

Adoption Ordinance #18-2011 – Fire Lanes

Councilman Francis made a motion to adopt an ordinance entitled “AN ORDINANCE OF THE BOROUGH OF HOPATCONG COUNTY OF SUSSEX, AND STATE OF NEW JERSEY REPLACING SECTION 120-13 OF THE CODE OF THE BOROUGH OF HOPATCONG REGARDING FIRE LANES.” Seconded by Councilwoman Galate.

At this time Mayor Petillo opened the meeting to the public for any questions or comments that they may have regarding Ordinance #18-2011.

There being no one from the public who wished to address the Governing Body regarding Ordinance #18-2011, Councilman Young made a motion to close the meeting to the public. Seconded by Councilwoman McManus. All were in favor.

Upon roll call vote:  
Ayes: Baker, Francis, Galate, McManus, Young  
Nays: None Absent: Bunce Abstentions: None

**RESOLUTIONS:**

Resolution #2011-261 - Liquor License Renewal – Northwood Inn & Tonic

Councilwoman Galate made a motion to adopt a resolution to approve 2011-2012 Liquor License Renewals, Northwood Inn and Tonic. Seconded by Councilman Young.

Upon roll call vote:  
Ayes: Baker, Francis, Galate, McManus, Young  
Nays: None Absent: Bunce Abstentions: None

Resolution #2011-262 - Miss Hopatcong Registration Fee and Summer Program Fees

Councilwoman Galate made a motion to adopt a resolution approving the \$15.00 Registration Fee for 2011 Miss Hopatcong Contest Application and the fees for the Summer Recreation Program. Seconded by Councilwoman McManus.

Councilman Young stated that there are 37 girls participating and that the fees are the same as last year.

Upon roll call vote:  
Ayes: Baker, Francis, Galate, McManus, Young  
Nays: None Absent: Bunce Abstentions: None

Resolution #2011-263 - Appoint Robert Elia QPA.

Councilwoman Galate made a motion to adopt a resolution appointing Borough Administrator Robert Elia as the QPA for the Borough of Hopatcong. Seconded by Councilman Francis.

Upon roll call vote:  
Ayes: Baker, Francis, Galate, McManus, Young  
Nays: None Absent: Bunce Abstentions: None

Resolution #2011- 264 - Title Change, Payroll Clerk

Councilwoman McManus made a motion to adopt a resolution approving a title change for Jeanmarie Flammia to Principal Payroll Clerk effective July 1, 2011 with salary increase. Seconded by Councilman Young.

Upon roll call vote:  
Ayes: Baker, Francis, Galate, McManus, Young  
Nays: None Absent: Bunce Abstentions: None

Resolution #2011-267 Morris County CO-OP Contact for Tilcon, Road Re-surfacing

Councilwoman Galate made a motion to adopt a resolution approving a contract with the Morris County CO-OP for Tilcon to do road resurfacing in the Borough in an amount not to exceed \$237,500.00. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Baker, Francis, Galate, McManus, Young

Nays: None Absent: Bunce Abstentions: None

Resolution #2011-268 – Approve Change Order #1 – Energy Audit

Councilwoman Galate made a motion to adopt a resolution approving change order #1 for the Phase I Energy Audit pursuant to the NJBPU Direct install Program in the amount of \$2,758.46, increasing the Borough portion by \$3,863.39. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Baker, Francis, Galate, McManus, Young

Nays: None Absent: Bunce Abstentions: None

Resolution #2011-269 – Firefighter Gear Purchase

Councilwoman Galate made a motion to adopt a resolution to enter into a contract with Firefighter One Online, Sparta, NJ to purchase 35 sets of firefighter gear at a cost not to exceed \$80,000. Seconded by Councilman Baker.

Mayor Petillo stated that this completes the gear for the fire department.

Upon roll call vote:

Ayes: Baker, Francis, Galate, McManus, Young

Nays: None Absent: Bunce Abstentions: None

Resolution #2011-271 - Payment of Bills.

Councilman Young made a motion to adopt a resolution authorizing the payment of bills for the meeting of July 6, 2011, minus check #s 1148, 29804, 29805, 29844, 29845, 29857, 29885, 29828. Seconded by Councilwoman Galate.

Upon roll call vote:

Ayes: Baker, Francis, Galate, McManus, Young

Nays: None Absent: Bunce Abstentions: None

Councilman Young made a motion to approve the following check #s - 1148, 29804, 29805, 29844, 29845, 29857, 29885, 29828. Seconded by Councilman Baker.

Upon roll call vote:

Ayes: Baker, McManus, Young

Nays: None Absent: Bunce Abstentions: Francis, Galate

Resolution #2011-266 – Change Order #3 – Hopatchung Road Project

Resolution #2011-272 – Change Order #4 – Hopatchung Road Project

Councilman Young made a motion to adopt a resolution authorizing Change Order #3 in the amount of \$1,082.80 and Change Order #4 in the amount of \$628.00 for the Hopatchung Road Redevelopment and Beautification Project. Seconded by Councilwoman Galate.

Mr. Ruschke stated that these are requests for more funds from the federal government, not asking the town to contribute more funds. He stated that the quality of the contractor's work has been extremely poor and he has made the contractors redo the sidewalks numerous times. Ultimately there will be another change order to do other work – a sign over the LED sign, street signs and decorative holdings for those signs. They had to give the contractor an ultimatum to finish the project or his bond would be in jeopardy.

Councilwoman McManus asked Mr. Ruschke if he could check with PSE&G to see if they could do some landscaping by the Hudson Maxim School and Mr. Ruschke responded that he would.

Upon roll call vote:

Ayes: Baker, Francis, Galate, McManus, Young

Nays: None Absent: Bunce Abstentions: None

Resolution #2011-273 – Award of Contract – Tandem Truck Body

Councilman Young made a motion to adopt a resolution authorizing the award of a contract to Tony Sanchez, LTD, in the amount of \$22,499.00 (less trade in value of \$5,500 for the packer body for a net cost of \$16,999.00) for the purchase of a tandem truck body for the Department of Public Works. Seconded by Councilman Baker.

Upon roll call vote:

Ayes: Baker, Francis, Galate, McManus, Young

Nays: None Absent: Bunce Abstentions: None

Resolution #2011-275 – Special Item of Revenue – Click it or Ticket

Councilman Young made a motion to adopt a resolution requesting the Director of the Division of Local Finance to approve the insertion of the Click It or Ticket 2011 Mobilization Grant in the amount of \$4,000 into the budget for the year 2011. Seconded by Councilwoman Galate.

Upon roll call vote:

Ayes: Baker, Francis, Galate, McManus, Young

Nays: None Absent: Bunce Abstentions: None

Resolution #2011-265 – Employee Drug Testing Policy

Councilman Francis made a motion to adopt a resolution adopting the Employee Drug Testing policy dated July 6, 2011 and that it be incorporated into the Borough's Personnel Policies. Seconded by Councilman Young.

Upon roll call vote:

Ayes: Baker, Francis, Galate, McManus, Young

Nays: None Absent: Bunce Abstentions: None

**PUBLIC COMMENT:**

Mayor Petillo opened the meeting to the public for any questions or comments concerning the good and welfare of the Borough. (Comments limited to 5 minutes).

After giving all persons present an opportunity to address the Governing Body, Councilman Young made a motion to close the meeting to the public and return to the regular order of business. Seconded by Councilman Baker.

**COUNCIL COMMENTS:**

Councilwoman Galate thanked everyone for coming and reminded everyone about Hopatcong Day this weekend.

Councilman Young thanked the five residents who were still in attendance and remembered Howard Karl. He congratulated Tina and Ashley and Luke Serna and stated that the young man that the police saved was Kyle O'Brian. He is a very brave young boy who never complains and is still battling his illness. The raffle that the Warrior's are holding on Hopatcong Day will benefit him. He stated that he hopes everyone attends Hopatcong Day.

Councilwoman McManus thanked everyone for coming, as did Councilman Baker.

Mayor Petillo thanked the Yacht Club for providing the fireworks and also congratulated the Seniors of the Year, Diane Scotto and Ken Marison. She encouraged everyone to attend the Queen of the Fair ceremonies and thanked everyone for coming to this evening's meeting.

**ADJOURNMENT:**

Councilman Young made a motion to adjourn the meeting of July 6, 2011. Seconded by Councilman Baker. All were in favor.

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Sylvia Petillo, Mayor

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Catherine Gleason, RMC