

The May 18, 2011 regular/work meeting was called to order by Mayor Petillo at 7:32 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 Robert Elia & Clerk Lorraine Stark.

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

COMMITTEE REPORTS: Councilwoman Galate said that she would let Michael Francis report on energy; didn't want to steal his thunder.

Councilman Francis informed those present that he met with the contractor for Phase I, materials have been ordered and the work should commence in 3 to 4 weeks. The second grant is being reviewed, and we are waiting to hear if the \$50,000 will be awarded.

Councilperson McManus reported that the Environmental Commission held their electronic recycling day, collecting over 3,400 pounds of material; another event would be scheduled during the summer since this was so successful. She also noted that due to inclement weather the hike was re-scheduled.

Councilmember Bunce said that there would be a list for the sale of real estate in the near future, and the DPW employees were getting ready for Memorial Day Parade.

Councilman Baker announced the Board of Health rabies clinic was 21<sup>st</sup> of May from 9 a.m. until noon at the DPW Building. Sussex County has been scanning Health Department files for electronic storage, and a storage shed to house pet food has been ordered for the Animal Shelter.

Mayor Petillo stated that following the Memorial Day Parade a ceremony would be held to celebrate Michael Kirspel, Jr. and John Curtain's life and sacrifice; the military is sending 30 soldiers who served with Michael.

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). Louise Bagby a resident from Stevens Trail questioned item E., Chapter 159 Solid Waste.

Administrator Elia responded that a State grant was received, and the Chapter 159 was how the revenue is entered into the budget so that the funds could be used to clean the town.

Mayor Petillo noted that the parade begins at 10 a.m. on Saturday, May 28th.

APPROVAL OF MINUTES: Special Executive meetings: May 9, 2011: Interview Candidate Municipal Clerk & Defeated School Budget. Councilman Bunce moved minutes, seconded by Young. The vote was unanimous.

ADMINISTRATOR'S REPORT:

Clean Communities – Administrator Elia informed those present that the State has decreased the amount of this award by about \$1,300 from last year's amount; the State had less money to distribute.

Website – Mr. Elia noted that Larry Stewart has taken ill and is unable to perform the maintenance duties; therefore a resolution transferring these duties over to K & B Studios is on this agenda.

Municipal Court Sharing Ordinance – This matter is ready to move forward; introduction of an ordinance this evening. Mr. Elia commented that not all of the details have been completed with Stanhope, but their Court Administrator is retiring and they wish to share court services with Hopatcong. Mr. Ursin revealed that the ordinance creates the ability to proceed in this matter, and that an agreement with Stanhope would also have to be executed at a future date.

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. #211-11 Approve Payment of Escrows.\*
- B. #212-11 Approve Outside Lien Redemption Certificate #2010-41 in the amount of \$136.93.\*
- C. #213-11 Approve Outside Lien Redemption Certificate #2010-50 in the amount of \$17,663.39 plus premium in the amount of \$9,600.\*
- D. #214-11 Approve Cancellation of Portion of 2011 Taxes Due to State Tax Court Appeal for Blk. 11014, Lt. 17.\*
- E. #215-11 Approve Chapter 159 for Solid Waste Adm. 2011 Clean Communities in the amount of \$27,499.90.\*
- F. #216-11 Authorize Refund Due to Overpayment in the amount of \$69.00 to DeVito Roofing.\*
- G. #217-11 Approve Raffle Application RA #9-2011 for On Premises 50/50 for Hopatcong Wildcats Cheerleading Association, Inc.\*
- H. #218-11 Approve Bingo Application BA #1-2011 for St. Jude thru December 31, 2011.\*

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

INTRODUCTION OF ORDINANCES:

A. Intro. Ord. #14-2011 AN ORDINANCE TO REPLACE CHAPTER 13 OF THE CODE OF THE BOROUGH OF HOPATCONG ESTABLISHING A SHARED MUNICIPAL COURT. #219-11 Motioned by Bunce, seconded by Galate. Roll Call Vote: **YES** – Bunce, Galate, Baker, Francis, McManus, Young.

ADOPTION OF ORDINANCES:

A. Ord. #12-2011 AN ORDINANCE OF THE BOROUGH OF HOPATCONG, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AMENDING AND REPLACING 108-1 OF THE CODE OF THE BOROUGH OF HOPATCONG

REGARDING FEES. Open to the public for comment, none was forthcoming. Galate moved to close comments, seconded by Bunce. Those present voted affirmative. Councilman Francis moved ordinance, seconded by Young. Roll Call Vote: **YES** – Francis, Young, Baker, Bunce, Galate & McManus.

B. Ord. #13-2011 AN ORDINANCE TO APPROPRIATE \$60,000 FROM MUNICIPAL OPEN SPACE RECREATION TRUST FOR THE PURPOSE OF RECREATIONAL IMPROVEMENTS. Open to the public for comment, none was received. Bunce moved to close comments, seconded by Young. The vote was unanimous. Council President Young moved ordinance, seconded by Galate. Roll Call Vote: **YES** – Young, Galate, McManus, Baker, Bunce & Francis.

#### RESOLUTIONS:

- A. #220-11 Approve Payment of Bills, following the removal of checks #2578, #29540, #29563 & #29582. Motioned by Bunce, seconded by Young. Roll Call Vote: **YES** – Bunce, Young, Baker, Francis, Galate, McManus.
- B. #221-11 Approve payment of checks: #2578, #29540, #29563 & #29582. Motioned by Bunce, seconded by Young. Roll Call Vote: **YES** – Bunce, Young, Baker, Francis, McManus. **ABSTAINED**: Galate.
- C. #222-11 Authorize Execution of Agreement & Appointment of Borough Clerk; vacancy due to retirement. Motioned by Bunce, seconded by Young. Roll Call Vote: **YES** – Bunce, Young, Baker, Francis, Galate, McManus.
- D. #223-11 Approve Cancellation of Sewer Allocation for 303 Durban Avenue as per property owner's request. Motioned by Bunce, seconded by Galate. Roll Call Vote: **YES** – Bunce, Galate, Baker, Francis, McManus, Young.
- E. #224-11 Authorize K & B Beck Studios to perform website updates & maintenance service in an amount not to exceed \$3,000. Motioned by Bunce, seconded by Young. Roll Call Vote: **YES** – Bunce, Young, Baker, Francis, Galate, McManus.
- F. #225-11 Urge Sussex County Municipalities to Draft Bill to Amend OPRA Law. Motioned by Bunce, seconded by Galate. The vote was unanimous.

#### OLD BUSINESS:

A. Employee Drug Policy – Discussion of Amended Document & Adoption. This item was not ready for action, carried to the next meeting.

B. Defeated 2011-2012 School Budget. Mayor Petillo informed those present of the action taken during the joint meeting with the School Board; a resolution was adopted to decrease the School Budget by \$225,000. Both parties came to this agreement and the Board Secretary/Business Administrator selected the items that were reduced. Mayor Petillo noted that no teachers/staff were released due to these budget reductions. She thanked Terry for her efforts, and noted that the School Board was looking into forming a committee to explore all areas for future budgets.

C. Bid for Bituminous Materials; none were received. #226-11 Authorize re-bid. Motioned by Bunce, seconded by Young. Those present voted affirmative.

#### NEW BUSINESS:

A. Discussion – Ordinance Amendments for Chapter 124, “National Flood Insurance Management Ordinance”. #227-11 Introduction of Ord. #15-2011 AN ORDINANCE OF THE BOROUGH OF HOPATCONG, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY, AMENDING AND REPLACING CHAPTER 124, “NATIONAL FLOOD INSURANCE MANAGEMENT ORDINANCE OF THE BOROUGH OF HOPATCONG”. Ordinance motioned by Bunce, seconded by Young. Roll Call Vote: **YES** – Bunce, Young, Baker, Galate, Francis & McManus.

B. Request from “Parents on the Lake”, Special Kids Special Parents for use of Senior Center; they cannot provide Certificate of Insurance as per Facility Use Permit requirements. Attorney Ursin remarked that since the request was a deviation from an existing policy the matter requires consideration because of the consequences; we need to consider the risks involved in the two requests because of the activities proposed. Mr. Ursin expressed concern with the car wash & potential accidents. Regarding the parent group his recommendation was to have each individual sign an indemnification. Councilman Bunce wanted to hear what our insurance company had to say. Councilmember Baker suggested a six month waiver for a trial period. #228-11 Approve Use of the Senior Center for a Period of Six Months for “Parents on the Lake” provided each participating parent sign a Hold Harmless. Motioned by Francis, seconded by McManus. Those present voted affirmative.

C. Request from Hopatcong Golf Parent Association for a car wash at Firehouse #3; they cannot provide Certificate of Insurance as per Facility Use requirements. Councilwoman Galate stated that since Mr. Ursin recommended against granting a waiver due to liability & risk a waiver should not be granted. #229-11 Deny Request for Use Of Fire House #3 for Car Wash. Motioned by Francis, seconded by McManus. The vote was unanimous.

D. Drainage & Pavement Easement for 29 Oakdale Avenue, Block 50509 Lt. 7. Mr. Ursin informed those present that this request came from a Planning Board Sub-Division and a 10 foot permanent easement was required. #230-11 Authorize execution of Deed of Easement by Mayor & Borough Clerk, motioned by Bunce, seconded by Young. The vote was unanimous.

E. Request for Street Light from 25 Chamberlain Street, pole #NJ 313HO/NJ45.HO. This matter was referred to Police Chief for review.

PUBLIC COMMENT: (comments limited to 5 minutes). Mara Modes a resident from Ithanell Road questioned the resolution for OPRA reform; she was concerned about future changes. Attorney Ursin noted that this was nothing tangible at this time; could not comment on something that may or may not happen.

Louise Bagby lives on Stevens Trail and asked about the construction which was taking place off of Hudson Avenue. The response was that it was a project by the Lake Hopatcong Commission, and that the new basins were being installed to keep silt out of the lake. This area is known for being a mud hole, and the improvements should make a positive impact on the water quality.

Councilperson Bunce moved to close comment period, seconded by Young. The vote was unanimous.

COUNCIL COMMENTS: Councilman Baker thanked everyone for coming, thanked the members of the Board of Education, Finance Committee and Terry Sierchio; he believes that the Board is moving toward a higher level of credibility in the budget process. He hopes residents would attend the Memorial Day Parade.

Councilmember Bunce noted that the Memorial Day Parade would be very special; on Sunday there would be an Armed Forces Event at Pavinci's and hoped that everyone would come out to support this event. He revealed that there was a \$10 donation and the money raised would be distributed to four agencies to help our Veterans.

Councilperson McManus thanked all for attending this meeting; said that the Mayor & Council worked very diligently to preserve the education system, and that the current school budget did not have any money for capital items. She remarked that if something were to break there would be no funds for repairs; community; residents cannot continue to vote down the school budget.

Council President Young thanked everyone who came to Pavinci's for the Zack Rey Dinner on Saturday; welcomed the new Administrator Bob Elia and new Clerk to be Catherine Gleason. He hopes to see residents at the nature walk on Saturday at Hudson Guild Farm, as well as the Memorial Day & Ceremony. He asked those present to keep the Service personnel in their prayers, and wished all a good night.

Councilman Francis said that it was important for citizens to participate in government and to get accurate information. He pointed out that the electronic collection and Borough wide cleanup were very successful; Boy Scouts and other groups did a tremendous job. Councilperson Francis wished all a good night and good luck.

Councilwoman Galate thanked everyone for coming, and thanked Terry Sierchio for her work on identifying the budget cuts; the Council has a good working relationship with the School Board members. She noted that the Hudson Guild Charity walk was on Saturday; encouraged residents to participate in this 3 & 1/2 mile hike, which benefited 4 Borough groups. Councilmember Galate thanked Peter Kellogg for providing his beautiful property for this event and for writing the checks to the charities. She also welcomed Bob Elia to our staff.

Mayor Petillo thanked Ms. Gleason for coming on board, the Boy Scouts for participating in the Community Cleanup Day, and Mr. Kellogg for his community spirit and generosity.

Councilperson Bunce moved to adjourn at 8:32 p.m., seconded by Galate. The vote was unanimous.

Respectfully submitted: