

1. The regular February 7, 2007 meeting was called to order at 6:07 p.m. by Mayor Hodson in the Municipal Building, 111 River Styx Road, Hopatcong, NJ.

Mayor Hodson announced this meeting is held in accordance with the Open Public Meetings Act, NJSA 10:4-1 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.

In accordance with NJUFC, please note there are exits to the left of the dais and right rear of the room that should be utilized in case of emergency or fire.

2. Roll Call. Councilmembers present: John Armeno, Richard Bunce, Marie Ryder-Galate, Estelle Klein, Madeline McManus & Sylvia Petillo. Others present: Attorney John Ursin, Administrator Steven Ward & Clerk Lorraine Stark.
3. Council President Petillo moved Resolution for Closed Session, at 6:08 p.m., seconded by Armeno. The vote was unanimous. Mayor Hodson announced matters to be discussed pertained to personnel, litigation and attorney/client.

Continue open session at 7:47 p.m.

4. Moment of Silent Reflection and Pledge of Allegiance to the flag of the USA. Mayor Hodson announced that on Saturday, February 17th Christian Fernandes would be receiving his Eagle Scout Award and was proclaiming that day Christian Fernandes Day in the Borough of Hopatcong. Council President Petillo said that she was not at the last meeting, and wanted a few minutes to respond to comments made by the public. Council President Petillo stated that she was not part of the planning of the sewer project. She explained the ordinance process, the adoption in December, and how the sewer department had trouble calculating EDU's because the old ordinance was so complicated, and commercial properties with mixed uses were not addressed in the old ordinance. Council President Petillo revealed how commercial property was metered for excess water use and was charged a surcharge of \$17.40 per 1,000 gallons over the 22,000 that is considered one EDU. Changes were made to make the ordinance fair and equitable for everyone, and to bring clarity to the ordinance.

Mayor Hodson informed those present that Contract S-13 would be awarded this evening, but it would not include the homes on Hudson Avenue. However, in two weeks the governing body would accept a change order for the Hudson Avenue 12 homes; the reason being that by doing the S-13 Contract in two parts it would be saving money because the contractor agreed to a lump sum for the Hudson Avenue work instead of unit prices.

5. Meeting open to public for comments on items on the agenda for which no public discussion is provided. In an effort to provide everyone interested an opportunity to address his or her comments to the Governing Body, a public comment time limit has been instituted for each speaker. **PLEASE LIMIT YOUR COMMENTS TO THE GOVERNING BODY TO A MAXIMUM OF 5 MINUTES.** Mayor Hodson remarked that there was going to be a time limit in an attempt to move the meeting along, and asked Mr. Ursin if someone could give away their unused minutes to another person. Mr. Ursin responded no.

Toni Haines commented that two weeks ago she asked those present whose idea it was to change the ordinance, and who was responsible for writing those changes. She wondered why the governing body thinks these changes are fair, because she believes that they are in favor of the businessmen. Mrs. Haines questioned a mistake that was made in billing residential EDU's with grinder pumps, and wanted to know who made the mistake and how it happened. Mr. Ward remarked that he was looking into this matter, something that was brought to his attention today by Mr. Lawler. He had no further information to impart at this time. Mrs. Haines volunteered to be a member of a sewer sub-committee should one be formed, and once again asked that this ordinance be revisited.

Diane Del Guercio commented about Section 4 of Ordinance #39-2006; the cost for sewers has increased \$200, and she thinks this is wrong. She said that she understood that sewer rates would go up but this is ridiculous, and that the customers are being taken advantage of.

Diane Tyrpact inquired if the sewer costs were going to be capped. Mayor Hodson responded no, because the costs were based on the actual cost of running the system. She noted that not only were people paying for sewers, but they were spending money on restoring their property that was damaged during construction; this was definitely upsetting and was making a lot of people leave town.

Robin Vaughan said that at the last meeting the governing body said they would see if homes could be assessed for the sewers. Mr. Ursin reported that this was not possible without restructuring the bonds and that was almost impossible due to the favorable interest rate that was obtained.

Larry Sossin asked if now was a good time to sell his house. Mayor Hodson revealed that the revaluation cards are being mailed out next week. Mr. Sossin said that sewer customers were going to be paying a lot more in 2009.

A woman inquired about the sewer allocations that were being awarded to vacant property. Mr. Ward informed her that twenty were award in 2006 and that thirty will be awarded in 2007.

Sam Ciardi of 123 Lakeside Blvd. & Naumce Sekoulovic of 39 Cove Road spoke about a letter received from the Administrator regarding a water leak on their property. They explained that it was determined by the Water Department that they were responsible for putting in a new water line. Mayor Hodson agreed that since the line was shared by the two properties, and on private property it was their responsibility. Both gentlemen asked if there wasn't something that the Borough could do to assist, that they were willing to pay, and urged them not to turn off their water supply.

A gentleman inquired about how many EDU's would decrease the sewer bill by \$20.00. Answer was that each additional EDU is equivalent to 50 cents. The question was raised if there was a project manager who over saw the work. The answer was no, no one from the Borough acted in that capacity.

6. Approval of minutes from the reorganization meeting held on January 3, and special budget meeting held on January 8, moved by Ryder-Galate, seconded by Bunce. The vote was unanimous. Approval of minutes from the special Highlands Regional Plan meeting held on January 11, 2007, moved by Bunce, seconded by Klein. Roll Call Vote: **YES** – Bunce, Klein, McManus & Petillo. **ABSTAIN** – Armeno & Ryder-Galate.

7. Reports from Administrator.

A. River Styx Bridge Water Main Update. Mr. Ward reported on a meeting held last week, one Freeholder was present during the discussion; it was a very productive meeting.

- The County is looking at resurfacing the bridge deck in 2008-09, thereby requiring the Borough to remove their water main. The County offered to assist with engineering and grant applications, while they are requesting assistance from the Borough with traffic detours during construction phase. The County's position is that the cost for the main relocation was the responsibility of the Borough of Hopatcong.
- B. NJIT Bond refinancing. We received word that these bonds were being refinanced to take advantage of a favorable rate; this is good news.
 - C. Water Connection Allocations (35 total). Mr. Ward explained that in addition to the Pickerel Point residents, two others have requested connection to the municipal water system. One of the individuals has a contamination problem, and the other wants to make improvements on their property (denied request). Mr. Ward researched this matter and will be writing a letter to those thirty-five with outstanding water allocations, which paid from zero to \$750 in an attempt to find out their intention. Mayor Hodson remarked that these allocations were not for new construction.
 - D. Schedule 2007 Municipal Budget Hearing Date. The governing body members scheduled the meeting for Wed., Feb. 28th at 6 p.m. in the Municipal Building. Mayor Hodson commented that due to State increases in pension requirements, 4 ½ tax points increased the budget. This does not include any other budget increases. Mr. Ward noted that the auditor recommended that the budget not be introduced until we have the State Aid numbers.

8. Consent Agenda.

***RESOLUTION AUTHORIZING PASSAGE OF CONSENT AGENDA**

WHEREAS, the Borough Council of the Borough of Hopatcong has reviewed the Consent Agenda consisting of various proposed resolutions; and

WHEREAS, none of the Councilmembers are desirous of removing any resolutions for individual action from the agenda;

NOW, THEREFORE BE IT RESOLVED, that the following resolutions on the Consent Agenda are hereby approved:

- A. #56-07 Approve Payment Escrows.*
- B. #57-07 Approve Refund for Overpayment of 4th Quarter 2006 Taxes for 8 properties (various reasons). *
- C. #58-07 Approve Cancellation of First Half 2007 Taxes due to combined lots for 9 properties. *
- D. #59-07 Approve Cancellation of First Half 2007 Taxes due to combined lots for B31106/12.*
- E. #60-07 Accept Firemen P. Pampanin for Defiance Fire Company #3.*
- F. #61-07 Accept 2006 Board of Health Annual Report.*
- G. #62-07 Award Contract for Non-Fair & Open DSP Pump Service.*
- H. #63-07 Approve Refund of 4th Quarter 2006 Taxes due to Overpayment for 13 properties.*
- I. #64-07 Approve Refund for Overpayment for Smoke Detector Compliance Test Inspection in the amount of \$35.00 to L Amato.*

Bunce moved the consent agenda, seconded by Ryder-Galate. The vote was unanimous.

9. Ordinances/Resolutions.

- A. #65-07 Resolution – Approve Payment of Bills. Motioned by Bunce, Seconded by Armeno. Roll call vote: **YES** – Bunce, Armeno, Ryder-Galate, Klein, McManus, Petillo.
- B. #66-07 Resolution – Award Contract S-13 to PM Construction base bid at **\$2,118,021.25**. Motioned by Bunce, seconded by Armeno. **YES** – Bunce, Armeno, Ryder-Galate, McManus, Petillo. **NAY** – Klein.
- C. # 67-07 Resolution – Approve Change Order #CM-005 for Contract S-4 “Final Quantities Change Order”. Motioned by Bunce, seconded by Armeno. **YES** – Bunce, Armeno, Ryder-Galate, McManus, Petillo. **PRESENT** – Klein.
- D. #68-07 Resolution – Approve Change Order #CM-007 for Contract S-5 Metra Industries “Final Quantities Change Order”. Motioned by Bunce, seconded by Armeno. **YES** – Bunce, Armeno, Ryder-Galate, McManus, Petillo. **PRESENT** – Klein.
- E. #69-07 Resolution – Approve Change Order #CM-010 for Contract S-7 Metra Industries in the amount of \$52,075.00. Motioned by Bunce, seconded by Armeno. **YES** – Bunce, Armeno, Ryder-Galate, McManus, Petillo. **PRESENT** – Klein.
- F. #70-07 Resolution – Approve Change Order #CM-011 for Contract S-7 Metra Industries “Final Quantities Change Order”. Motioned by Bunce, seconded by Armeno. **YES** – Bunce, Armeno, Ryder-Galate, McManus, Petillo. **PRESENT** – Klein.
- G. #71-07 Resolution – Approve Change Order #CM-002 for Contract S-11 Metra Industries in the amount of \$95,462.64. Motioned by Bunce, seconded by Armeno. **YES** – Bunce, Armeno, Ryder-Galate, McManus, Petillo. **PRESENT** – Klein.
- H. #72-07 Resolution – Approve Change Order #CM-003 for Contract S-11 Metra Industries “Final Quantities Change Order”. Motioned by Bunce, seconded by Armeno. **YES** – Bunce, Armeno, Ryder-Galate, McManus, Petillo. **PRESENT** – Klein.
- I. #73-07 Resolution – Award Professional Services Contract for the Municipal Attorney, John Ursin, Esq., authorize Mayor & Borough Clerk to Execute Agreement. Motioned by Klein, seconded by Bunce. **YES** – Klein, Bunce, Petillo. **PRESENT** – Armeno, McManus. **ABSTAINED** – Ryder-Galate.

10. Old Business.

- A. Sewer Update: Status of Contracts; current status of potential Phase III. Mayor Hodson remarked that he saw Representative Rodney Frelinghuysen, and he was not optimistic of any large sum of monies coming to Hopatcong for sewers. Councilman Bunce reported: as of February 7th 2566 connections, 181 extensions granted, 2741 EDU’s in the system, and average flow per day per EDU is 130.31 gallons. Contract S-13 would be awarded this evening and that would complete both Phase I & II of the sewer project.
- B. Five Minute Rule for Public Comments. Councilwoman McManus said that she asked to have this on the agenda because the five minute rule was put into effect without it being an agenda item at the last meeting; just wanted to give the public an opportunity to comment, if they wished. Councilmembers Armeno & Ryder-Galate commented that the public handled it very well this evening, and that this was instituted to give everyone an opportunity to speak in a timely and orderly manner.

11. New Business.

- A. Discussion and Possible Introduction of Ordinance re: Adjustment membership to Hopatcong Open Space Committee. Mr. Ursin revealed that he was directed to provide a written report regarding the Open Space Ordinance, give a recommendation, and if it was possible to create space for another member on the Committee. He edited the ordinance to provide for one member each from the Planning & Zoning Boards. Councilmember Bunce questioned tie breaking and what procedure would be in place since this was now an eight-member body. He noted that no land for open space has been purchased during the past seven years. There was a discussion about the involvement of the Recreation Commission, relationship of the Recreation Plan and the involvement of the Borough Planner in the land selection process. There was also mention of the possibility of deferring the tax for a year or so; Mayor Hodson said that he had recommended that last year.
- B. Discussion regarding the potential creation of a Sewer Commission or Public Works/Utilities Commission. Mayor Hodson stated that back in January he formed two committees. Council President Petillo remarked that what she had in mind was having professionals on the committee. Councilwoman McManus wanted to see residents involved from throughout the community so that they could inform their neighbors on what was happening. Councilman Bunce was looking for a policymaking group for water & sewer. Mr. Ursin reported a sewer utility could be created, as per State Statute.
- C. Lake Hopatcong Commission: update on activities; request for additional funding. Councilperson Bunce informed those present that the Lake Commission meeting scheduled for today was cancelled, the next meeting is 20th of February at the State Park. Mr. McCarthy provided a letter that Councilman Bunce read encouraging support of the Lake Commission funding.
- D. Water System: update on activities; report on requests for connection to the system. Mr. Ward discussed this matter earlier in the meeting.
- E. #74-07 Appointments to Open Space Committee: Recreation – J. Reilly, Environmental – E. Mauro, Zoning – C. Lundin, moved by Klein, seconded by Petillo. The vote was unanimous.
- F. #75-07 Appointment to Board of Health: Mayor’s nominee Selma Reichert. Motioned by Klein, seconded by Petillo. The vote was unanimous.
- G. Mayor’s Appointment to Environmental Commission: Sheryl Nowell.
- H. #76-07 Approval for Placement of Ambulance Squad Fundraiser Signs. Mr. Ward informed those present that he and Mr. Jobeless looked into the four locations, provided the Ambulance Squad with guidance, and recommended approval. Councilwoman Klein departed. Motioned by Bunce, seconded by Petillo. **YES** – Bunce, Petillo, Armeno, Ryder-Galate, McManus. **ABSENT** – Klein. Councilperson McManus asked Mr. Ward to check with Mr. Carey about the Veteran’s Field location.

12. Comments from the public. **PLEASE LIMIT YOUR COMMENTS TO THE GOVERNING BODY TO A MAXIMUM OF 5 MINUTES.** Mrs. Haines said that there should be a committee of citizens who use the service, and be informed about what is going on. She also asked Mr. Ward when he would have the answer about the 6 grinder pumps. Mr. Ward accepted responsibility for the error, and would when he returned from vacation, and obtained all of the relevant information, provide the answer to her questions. Regarding information that Mrs. Haines

has been reporting, she has gotten it from Borough offices; she does her homework and always tell the truth.

Don Bogardus commented that he thinks it would be a great injustice if the open space tax was done away with; it is the future that we need to think about and the impact this would have on future generations.

13. Comments from Councilmembers. Councilwoman McManus questioned Mr. Ursin about voting terms and the interpretation of ‘rescue’, ‘abstention’ and ‘present’. Mr. Ursin said that he would provide information at the next meeting.

Councilperson Ryder-Galate informed those present that the Business Association is speaking with Steve Guerriero and Bob Hastings in the matter of the memorial bench for Maxim Glen Park. She noted that Mr. Ricca has provided a letter for his upcoming retirement, wishing him well and thanking him for his 20 years of service.

Council President Petillo expressed concern about the revaluation because the company did not perform the work in accordance with how they said they would; they used replacement cost not revaluated on neighborhoods. She would like to have an opportunity as a group to ask them questions and get answers. Council President Petillo reported that Malcolm Piester has tendered his letter of resignation from the Environmental Commission, thanked him for his work especially with the trails plan. She also noted the return from Iraq of Michael Rooney and his accomplishments with the Warren County Sheriff’s Department.

Councilmember McManus said that Messrs. Ricca & Piester would be missed, and reported that President’s Day was approaching.

Councilman Bunce congratulated Christian Fernandes, thanked Lou and Malcolm, and inquired the status of the Ambulance Squad’s new building. Mr. Ward responded that they had a meeting today with the auditor, and he made recommendations that should be coming before this body in the near future. Councilperson Bunce thanked everyone for coming this evening.

Councilmember Armeno thanked Malcolm Piester and Lou Ricca, and showed a business calendar that Newton provides, which might be something for Hopatcong to do in conjunction with the HBA.

Mayor Hodson noted that he was looking forward to the Eagle Scout Award presentation, and that the HBA has a program on Saturday 10th at the High School Gym.

14. Council President Petillo moved to adjourn at 11:20 p.m., seconded by Bunce. The vote was unanimous. Absent – Klein.

Respectfully submitted: