

MINUTES - REGULAR MEETING MAYOR & COUNCIL - 3/16/05 P1

1. The March 16, 2005 regular meeting was called to order at 6:07 p.m. by Mayor Hodson in the Municipal Building, 111 River Styx Road, Hopatcong, NJ. Councilmembers present: John Armeno, Richard Bunce, Paul Fisher, Estelle Klein (arrived at 6:14 p.m.), Madeline McManus & Sylvia Petillo.

Others present: Attorney Richard Stein (closed only), Administrator Steven Ward & Clerk Lorraine Stark.

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. Council President McManus moved Resolution for Closed Session to be held in the Municipal Building at 6:09 p.m., seconded by Armeno. Those present voted affirmative; Klein arrived at 6:14 p.m. Mayor Hodson reported that matters to be discussed pertained to personnel, litigation, and attorney/client.

Continued Open session at 7:47 p.m.

Mrs. Hodson presented Mayor Hodson with a birthday cake celebrating his 70th Birthday, those present sang and wished him a "Happy Birthday".

3. Moment of Silent Reflection. Two seventh graders led the Pledge of Allegiance to the Flag of the USA from Saint Michael's, Melissa and Christopher.

Proclamation Kenneth Morris is retiring from the DPW after almost 30 years of service to the Borough of Hopatcong; Ken "Mo" Morris Day April 2, 2005.

4. Councilmember Klein moved approval of minutes from the regular meeting held on February 16, 2005, seconded by Armeno. Those present voted affirmative, except for an abstention by Fisher.

5. Meeting open to public for comments on items on the agenda for which no public discussion is provided. Susan Wilson inquired about item 11.B. and what is the status of the Marbell Contact in Phase I? Mayor Hodson remarked that we expect to have this resolved within the next two weeks; the Bond Company is very close to an agreement with a contractor to complete the project.

6. Reports of Engineers:

- A. Borough Engineer John Ruschke to discuss Stormwater Management Plan & other matters. Mr. Ruschke explained that all but one component has been completed, that being the build-out analysis component that isn't required until February 2006, which is being completed by the County of Sussex. The four ordinance attached to the Plan are being introduced this evening, the Planning Board adopted the Plan, and Mr. Ruschke recommended that the governing body do the same. A question was raised about what CAFRA stood for. Mr.

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Ruschke responded that it had to do with Costal areas, applies to other areas in New Jersey. Questions were raised about runoff, and if it would now be permitted, enforcement of the Stormwater Management Plan, and yard waste collection that the Borough does not do. Mayor Hodson informed those present that the Borough's plan could be more restrictive than the State.

- B. Mr. Ruschke reported that he prepared two DOT Applications for sidewalk projects: River Styx and an upgrade of Durban Avenue. Both requested \$120,000 grants from the State. Mr. Ruschke inquired which application would be ranked number one. Following a brief discussion, those present agreed to rank Durban Avenue as their number 1 priority. #103-05 Authorize the Borough Engineer to submit two (2) Applications: Durban Avenue #1 priority and River Styx Road Sidewalks for the DOT Safe Kids to School Program. Motioned by Klein, seconded by Bunce. Roll Call Vote: **YES**- Klein, Bunce, Fisher, Armeno, Petillo, McManus.

7. Reports of Administrator.

- A. Chincopée Ave./Soap Box Derby. Mr. Ward reported that he received a letter from the Hopatcong Business Association inquiring about the paving of Chincopée Avenue for the June 4th Soap Box Derby. After conferring with the sewer engineer, it was determined that the roadway would not be available at that time due to the required six months of settling prior to paving; expect to pave the roadway in the fall. Mr. Ward would reach out to the HBA and work with them in finding an alternate site or date for this event.
- B. Inspection of Municipal Athletic Fields – rescheduled until March 2005. Mr. Ward noted that due to the snow cover, the field inspection has been rescheduled for March 20 at 9:30 a.m.
- C. JIF Playground Survey. The JIF sent out inspectors to evaluate our playgrounds and equipment at these locations. Mr. Ward was pleased to report that our playgrounds met the standards and passed the inspection.
- D. Recycling Center Identification Verification. The DPW staff was notified that an identification system was being considered. They have begun checking Ids, a few people have been turned away; the DPW would like to continue with this procedure, and not implement a sticker system at this time.

Item 11. A., Firewise Committee. Mayor Hodson said that a discussion would be held next to accommodate Mr. Wallis: Mr. Scott Wallis spoke about this educational program, the objective to educate homeowners on how to protect their property from wildfire. He believes that the majority of homeowners are currently taking steps to keep their property safe i.e. raking leaves, cutting brush and in some cases keeping wood piles away from homes. Mr. Wallis informed those present that there were grants available to the Borough for things that they were already doing. Mayor Hodson remarked that a committee was formed back in May, and he would like to see the Borough become a Firewise Community. Mr. Wallis outlined some plans for the Borough that included a survey and a community Firewise Day. He was also looking to recruit volunteers to assist with this program. The governing body thanked Mr. Wallis for his report. #104-05 Authorize the Borough of Hopatcong to be a “Firewise” Community and appoint committee members, moved by McManus, seconded by Klein. The vote was unanimous.

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 council members 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. #105-05 Approve Payment Escrows.*
- B. #106-05 Approve Refund of Monies Due to Overpayment of 3rd & 4th Quarters 2004 Taxes on 1 property.*
- C. #107-05 Approve Cancellation of First Half 2005 Taxes due to combining lots for Blk. 70220, L 2.*
- D. #108-05 Approve 2005-06 Tow Operator Licenses for six companies.*
- E. #109-05 Approve Vendor Permit for S. O'Hearn.*
- F. #110-05 Approve Raffle License #5-2005 Hopatcong Defiance Engine Company #3 Off Premises Merchandise. Motioned by McManus, seconded by Bunce. Roll Call Vote: **YES**- McManus, Bunce, Klein, Armeno, Petillo. **ABSTAINED**: Fisher.

Following the removal of item F. Councilperson Fisher moved the consent agenda, seconded by McManus. Roll Call Vote: **YES** – Fisher, Bunce, Klein, McManus, Petillo & Armeno.

9. Ordinances and Resolutions.

A. #111-05 Intro. Ord. #7-2005 AN ORDINANCE OF THE BOROUGH OF HOPATCONG, SUSSEX COUNTY, NEW JERSEY TO AMEND CHAPTER 197 OF THE CODE OF THE BOROUGH OF HOPATCONG CONCERNING PERFORMANCE GUARANTIES FOR SOIL EROSION AND SEDIMENT CONTROL PLANS. Motioned by Klein, seconded by Bunce. Roll Call Vote: **YES**- Bunce, Klein, Fisher, Armeno, McManus, Petillo.

B. #112-05 Intro. Ord. #8-2005 AN ORDINANCE TO AMEND SUBSECTION A (1) "WATER RATES" OF CHAPTER 51 OF THE CODE OF THE BOROUGH OF HOPATCONG ENTITLED "WATER DEPARTMENT". Motioned by Klein, seconded by Bunce. Roll Call Vote: **YES**- Klein, Bunce, Fisher, Armeno, Petillo, McManus.

C. #113-05 Intro. Ord. #9-2005 AN ORDINANCE ESTABLISHING A MINIMUM AND MAXIMUM RANGE OF SALARY AND COMPENSATION FOR CERTAIN TITLES OF OFFICERS AND NON-CONTRACTUAL EMPLOYEES OF THE BOROUGH OF HOPATCONG. Motioned by Armeno, seconded by Bunce. Roll Call Vote: **YES**- Armeno, Bunce, Klein, Fisher, McManus, Petillo.

D. #114-05 Intro. Ord. #10-2005 AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 209 OF THE CODE OF THE BOROUGH OF HOPATCONG ENTITLED "SUBDIVISION OF LAND" TO INCORPORATED NONSTRUCTURAL BEST MANAGEMENT PRACTICES FOR STORMWATER CONTROL AS REQUIRED BY THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION. Motioned by Klein, seconded by Bunce. Roll Call Vote: **YES**- Klein, Bunce, Fisher, Armeno, Petillo, McManus.

E. #115-05 Intro. Ord. #11-2005 AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 191 OF THE CODE OF THE BOROUGH OF HOPATCONG ENTITLED

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- “SITE PLAN REVIEW” TO INCORPORATE NONSTRUCTURAL BEST MANAGEMENT PRACTICES FOR STORMWATER CONTROL AS REQUIRED BY THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION. Motioned by Bunce, seconded by McManus. Roll Call Vote: **YES**- Bunce, McManus, Fisher, Armeno, Klein, Petillo.
- F. #116-05 Intro. Ord. #12-2005 AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 242 OF THE CODE OF THE BOROUGH OF HOPATCONG ENTITLED “ZONING” TO ADOPT A STORMWATER CONTROL ORDINANCE FOR THE BOROUGH OF INCORPORATING BEST MANAGEMENT PRACTICES AS REQUIRED BY THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION. Motioned by McManus, seconded by Klein. Roll Call Vote: **YES**- McManus, Klein, Fisher, Armeno, Petillo, Bunce.
- G. #117-05 Intro. Ord. #13-2005 AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 167 OF THE CODE OF THE BOROUGH OF HOPATCONG ENTITLED “PEACE AND GOOD ORDER” BY ADDING ARTICLE II ENTITLED “SUPPLEMENTAL STORMWATER CONTROL STANDARDS”. Motioned by Bunce, seconded by McManus. Roll Call Vote: **YES**- Bunce, McManus, Fisher, Armeno, Klein, Petillo.
- H. #118-05 Resolution – Approve Transfers. Motioned by Armeno, seconded by Bunce. Mr. Ward stated that this resolution did not contain any new transfers, but was being submitted based on a recommendation from the auditor. Roll Call Vote: **YES**- Armeno, Bunce, Klein, Fisher, McManus, Petillo.
- I. #119-05 Resolution – Approve Change Order for Contract S-10, Stacey in an amount not to exceed \$23,486.72. Motioned by Bunce, seconded by McManus. Roll Call Vote: **YES**- Bunce, McManus, Armeno, Petillo, Armeno. **PRESENT**- Klein. Councilwoman Klein said that she voted present because she does not vote on anything pertaining to Phase II, and this was for a contract in Phase II.
- J. #120-05 Resolution – Approve Change Order for Contract S-7, Metra Industries, Inc. in an amount not to exceed \$48,424.48. Motioned by Bunce, seconded Armeno. Roll Call Vote: **YES**- Bunce, Armeno, Klein, Fisher, Petillo, McManus.
- K. #121-05 Resolution – Approve Bill List. Motioned by Armeno, seconded by Bunce. Councilman Fisher wanted Mr. Ward to have additional information on the charges associated with check #18619, because they range from 92 cents to almost \$700. Roll Call Vote: **YES**- Armeno, Bunce, Klein, Fisher, Petillo, McManus.
- L. #122-05 Intro. Ord. #14-2005 CALENDAR YEAR 2005 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40a:4-45.14). Motioned by Klein, seconded by Bunce. Roll Call Vote: **YES**- Klein, Bunce, Armeno, Petillo, McManus. **ABSTAINED**- Fisher. #123-05 Introduction of the 2005 Municipal Budget, public hearing scheduled for April 20, 2005. Motioned by McManus, seconded by Bunce. Roll Call Vote: **YES**- McManus, Bunce, Fisher, Armeno, Petillo, Klein.
- M. #124-05 Resolution – Award Contract to Mobile Vision for Digital Audio/Video Mobile Recording Equipment & Software in an amount not to exceed \$52,115. Motioned by

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McManus, seconded by Bunce. Roll Call Vote: **YES**- McManus, Bunce, Armeno, Fisher, Klein, Petillo.

- N. #125-05 Resolution – Award Contract for 2005 Lawn & Field Maintenance to Green Leaf in an amount not to exceed \$37,780. Motioned by McManus, seconded by Bunce. Mr. Ward explained that the low bidder, Andy Matt, had a fatal flaw in his bid, and could not be awarded the contract. Therefore, Green Leaf, second lowest bidder was being awarded the contract for 2005. Roll Call Vote: **YES**- McManus, Bunce, Fisher, Klein, Armeno, Petillo.
- O. #126-05 Resolution – Adopt Stormwater Management Plan. Motioned by Armeno, seconded by Bunce. Roll Call Vote: **YES**- Armeno, Bunce, Klein, Fisher, McManus, Petillo.

10. Old Business.

- A. Trout Stocking: acknowledge change in policy; express appreciation for reconsideration of policy. Mayor Hodson revealed that a letter would be sent to Senator Littell for his assistance in this matter. It was suggested that letters go to Senator Bucco and Mr. Campbell as well.

11. New Business.

- A. Firewise Program: discussion earlier in the meeting and appointment of committee: Chairperson Scott Wallis, Richard Cook, Mary Takacs (or her designee), John Armeno, Madeline McManus, Steven Ward & Mayor Hodson.
- B. Sewer Project: Currently 626 customers, 70,000 gallons per day flow to the MSA, which is less than estimated number, holding off on awarding Contract for S-14, Crescent Cove Pumping Station was originally scheduled for completion by the end of March however, it will be delayed until end of April, and the engineer is seeking approval from the DEP to activate the remainder of S-7.
- C. School Budget: status. Councilperson Petillo reported that the School Board would be making a million dollar cut this week, and should be ready to present their budget on March 22nd during a Republican Club meeting at the Civic Center.
- D. Business activities in the Borough. Councilwoman Klein presented a report: former Blue Coyote was sold and is to be a family restaurant; Starbucks did not appear before last night's Planning Board. Mayor Hodson noted that Mr. Gruber would be requesting to purchase a Borough lot for his business expansion, and that the Quick Chek application has been approved and issues resolved.
- E. Tax Payment Discount for pre-payment. Councilmember Petillo said that she inquired about this, and that this discount is something the State permits, up to 6%; currently no municipalities participate. However, at one time Clifton gave a 2% discount. Mr. Ward noted that the Borough did not meet criteria for providing this type of discount, and that he spoke with the Tax Collector who did not favor a tax discount program for the Borough.

12. Comments from public, none was forthcoming.

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13. Comments from governing body. Councilmember Armeno said that it was nice to be back from vacation, wished everyone a Happy Easter, and Happy Birthday to Mayor Hodson.

Councilman Bunce reported that the Knights of Columbus would be holding their Beefsteak Dinner on April 23rd at St. Jude's, and wished all a Happy Easter Season.

Council President McManus wished everyone a Happy St. Pat's Day, Mayor Hodson Happy Birthday, and thanked the Spaziani family for raising over \$25,000 for the Caetero family.

Councilwoman Klein thanked the young students for attending the meeting and learning about their town, and wished Mayor Hodson a Happy Birthday.

Councilperson Petillo announced that a town meeting sponsored by SWAT was to be held on March 30th at 7:00 p.m., thanked the Hopatcong Business Association for honoring the servicemen at their dinner, and revealed that the Borough was planning on a celebration for veterans over the Memorial Day Weekend. She also reported that Mark Huber was a recipient of a Bronze Star.

Councilmember Fisher requested that the Administrator contact Hardyston Township for information pertaining to their new municipal building. He also wished the new government in Iraq good luck.

Mayor Hodson said that 30 students participated in the 30-Hour Famine Weekend, thanked them for raising money, \$2,560 for the Easter Baskets of food that would be distributed to Hopatcong families. He also stated that this weekend there would be a number of activities held in the Borough, and wished everybody a good Holiday.

14. Council President McManus moved to adjourn at 9:55 p.m., seconded by Bunce. The vote was unanimous.

Respectfully submitted: