

The March 18, 2009 regular/work meeting was called to order by Mayor Petillo at 6:30 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: Richard Bunce, Michael Francis, Marie Galate, Madeline McManus & John Young. Absent - Robert Modick. Others present: Attorney John Ursin, Acting Administrator John Eskilson & Clerk Lorraine Stark.

Resolution for executive session moved by Council President Galate, seconded by Bunce at 6:31 p.m. Those present voted affirmative. Absent - Modick. Mayor Petillo reported matters to be discussed pertained to contract negotiations.

Continue open session at 7:42 p.m.

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

Sale of property: Block 20004, Lot 4 (partial), Ordinance #10-2009. Mr. & Mrs. Steven Croft requested this matter be carried until the 15 April meeting because they did not have all of the information needed about costs associated for the subdivision and survey. Mr. Ursin said that the governing body could postpone the sale. Councilman Bunce move to hold the sale on 15 April 2009, seconded by Galate. The vote was unanimous. Absent - Modick.

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). Cliff Lundin is the Vice-Chairman of the Open Space & Trails Committee and spoke about item H. He noted that this was a grant opportunity with ANJEC, and that the maximum matching contribution from the Borough would not exceed \$3,300. The committee has been discussing this project with Byram & Stanhope, and believes that it would be a great addition to the existing trails system. Council President Galate remarked that she thinks this is a wonderful application, and appreciates all of the hard work and effort that has gone into this project. Toni Haines said that she wanted to know about a referendum for garbage. Mr. Ursin said that according to the NJ State Statutes a Borough form of governing would only hold a referendum at the General Election; one could be held in November should the governing body authorize it.

Mrs. Haines questioned the cost for running the garbage. Mr. Eskilson reported that it was approximately 1.6 million dollars. Regarding hospitalization, Mrs. Haines said that what they do is a part-time job, and that she was asking them to give up hospitalization.

Council President Galate moved approval of minutes for the regular meeting of February 4, 2009, seconded by Francis. The vote was unanimous. Absent - Modick.

#### ADMINISTRATOR'S REPORT:

Mr. Eskilson informed those present that the State has published a new budget deadline that we will not meet, looking at 15 April as a target date for introduction. In addition, they have drastically changed the pension deferral rules, and there is no guarantee that the Local Finance Board would grant a CAP waiver even with the one-year pension deferral. He noted that the budget news continue to worsen because the State Aid has been cut by \$30,000 in 2009; for every two dollars that is cut from the mid-year 2009 budget there is a savings of one dollar. The Borough could be forced to cut 2.1 million dollars. Mr. Eskilson remarked that we must resolve the issues at hand, which would result in extreme actions being taken, in order to achieve the goal of getting into a position for a sustainable future for the Borough of Hopatcong.

#### ENGINEER'S REPORT:

Lawn & Field Maintenance Contract - Mr. Ruschke reported that he assisted Ron Jobeless with this matter, and that bid solicitation should be authorized.

Water Accounting - The problem has not been resolved, and remains above the State permitted number of 15%. This has presented a problem because the DEP will not increase our allocation or approve our application to activate Elba Point Well due to the high percentage of unaccounted water. Mr. Ruschke said that the water loss issues include: software, replacing school meters, recalibrating home meters and finding leaks. Mr. Lawler noted that leaks have been found and repaired on Bell Avenue; two meters were replaced in schools this week, and he thinks the software issue has been resolved. He believes that he is getting better numbers now, and is not recommending a software change at this time. Mr. Lawler explained that he is also working on each well, and that it would take time because he was not able to shut down more than one well at a time. He anticipates that the home meter replacement program would be completed before next quarter. Regarding the leak detection, 80% of the town was finished last week. Mayor Petillo thanked Rob for the information, and his work.

Stimulus Grants - Mr. Ruschke remarked that the State has now decided that there would be grants and not just Infrastructure Loans. Since the deadline was Monday, he submitted two applications on behalf of the

Borough. One was requesting monies for drainage improvements for the Dupont/Alfred Way Project, which is bid ready and valued at \$400,000. It was not known what the grant amount would be should one be awarded. Resolution – #112-09 Endorse Stimulus Grant and Drainage Application for Durban Ave & Alfred Way as prepared by Borough Engineer John Ruschke, P.E. Motioned by Bunce, seconded by Francis. Those present voted affirmative. **ABSENT** – Modick.

Mr. Ruschke noted that a previous sewer extension discussion has revolved around Dupont Avenue and 600 homes. He said that this area appears to be less costly than other areas, and prepared the second application he submitted for this wastewater project, which is not bid ready. Mr. Eskilson inquired how much money it would cost to get this project bid ready. Mr. Ruschke responded \$20,000 to \$40,000 not including DEP fees. There was a discussion about the benefit of line drilling to determine the rock profile in the area; it would be most beneficial however, there was not time to do line drilling. Mr. Ruschke recommended endorsement of this application, especially since Hopatcong is currently #24 in the State on the DEP List.

Resolution – #113-09 Endorse Sewer Collection System for Dupont area as prepared by Borough Engineer John Ruschke, P.E. Motioned by Bunce, seconded by Galate. Those present voted affirmative. **ABSENT** – Modick. Skateboard Park – Councilwoman McManus asked Mr. Ruschke if this equipment was designed for bikes. Mr. Ruschke responded that he believes that the manufacturer certified that it was, and that it was a policy decision for this body to make. Councilman Young noted that the trend has changed from boards and skates to bikes, and that the pegs on the bikes were causing damage to the equipment. Mr. Ursin said if there is a defect in the equipment, and you are given notice of the situation, you should close the facility. Councilperson Young revealed that the basketball court at Jefferson Field has sustained vandalism, and the netting is no longer there to prevent balls from going onto the playground; potential for injuring someone playing in the playground. Mr. Ursin remarked that either the playground should be closed or the netting repaired.

Solid Waste Bids – Mr. Ruschke commented that three contractors submitted bids on March 10<sup>th</sup>; the low bidder was Suburban Disposal, Inc. who had the lowest base price as well as several supplemental items. The numbers reviewed by Mr. Ruschke was based on twelve DPW employees because that is the number of employees it takes to collect the garbage; CFO, DPW and Administrator provided the numbers.

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. #114-09 Approve Payment of Escrows.\*
- B. #115-09 Approve Outside Lien Redemption Certificate #2007016 in the amount of \$3,984.21 plus premium in the amount of \$900.\*
- C. #116-09 Approve Outside Lien Redemption Certificate #2007020 in the amount of \$17,448.06 plus premium in the amount of \$4,800.\*
- D. #117-09 Approve Outside Lien Redemption Certificate #2008-10 in the amount of \$4,499.86 plus premium in the amount of \$400.00.\*
- E. #118-09 Approve Outside Lien Redemption for Plymouth Park Tax Services, LLC for 5 Certificates in the total amount of \$20,692.33 plus premium in the total amount of \$3,100.00\*
- F. #119-09 Approve Outside Lien Redemption for CCTS Capital, LLC for 5 Certificates in the total amount of \$17,307.35 plus premium in the total amount of \$1,400.00.\*
- G. #120-09 Authorize Reduction in Agreement for Risk Manager to 3% for a savings of approximately \$13,500.\*
- H. #121-09 Authorize Tri-Community Trail Link Application.\*
- I. #122-09 Authorize Revision of OPRA Form.\*
- J. #123-09 Authorize Settlement Wolosky v Borough of Hopatcong GRC Complaint #2009-13.\*
- K. #124-09 Authorize 2008 Recycling Grant Application.\*
- L. #125-09 Authorize Borough Administrator to solicit bids for Lawn & Field Maintenance.\*
- M. #126-09 Approve Raffle License RA #9-2009 for Hopatcong Elementary. Parent Teacher Org. Off Premises 50/50 Raffle.\*

Consent agenda motioned by Bunce, seconded by Galate. Vote was unanimous with the exception of Modick - **ABSENT**.

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

- A. Public Hearing Ord. #13-2009 AN ORDINANCE TO AMEND CHAPTER 108 OF THE CODE OF THE BOROUGH OF HOPATCONG ENTITLED "FEES". Open to the public for comment, none was forthcoming. Motioned by Francis, seconded by Bunce. Roll Call Vote: **YES** - Francis, Bunce, Galate, McManus & Young. **ABSENT** - Modick.
- B. Public Hearing Ord. #14-2009 CALENDAR YEAR 2009 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40a: 4-45.14). Open to the public for comment, none was received. Motioned by Bunce, seconded by Galate. Roll Call Vote: **YES** - Bunce, Galate, McManus, Young & Francis. **ABSENT** - Modick.

INTRODUCTION OF ORDINANCES:

- A. #127-09 Ord. #15-2009 ORDINANCE OF THE BOROUGH OF HOPATCONG, SUSSEX COUNTY, NEW JERSEY TO MODIFY SECTION 33-2 OF THE CODE OF THE BOROUGH OF HOPATCONG REGARDING THE ADMINISTRATOR. Motioned by Bunce, seconded by Galate. Mr. Ursin reported that there is a State procedure in the Statutes, Hopatcong currently has an additional step, and this ordinance removes that procedure, allows the governing body to follow the State Statute. Roll Call Vote: **YES** - Bunce, Galate, Francis, McManus, Young. **ABSENT** - Modick.

RESOLUTIONS:

- A. #128-09 Approve Amendment to the Temporary Budget. Motioned by Galate, seconded by Francis. Roll Call Vote: **YES** - Galate, Francis, Bunce, McManus, Young. **ABSENT** - Modick.
- B. #129-09 Approve Transfer Appropriations General Fund. Motioned by Galate, seconded by Bunce. Roll Call Vote: **YES** - Galate, Bunce, Francis, McManus, Young. **ABSENT** - Modick.
- C. #130-09 Approve Payment of Bills following the removal of check # 26305 & #2370. Motioned by Bunce, seconded by Francis. Roll Call Vote: **YES** - Bunce, Francis, Galate, McManus, Young. **ABSENT** - Modick.
- D. #131-09 Approve Payment of Check #26305 & #2370. Motioned by Bunce, seconded by Francis. Roll Call Vote: **YES** - Bunce, Francis, McManus & Young. **ABSTAINED** - Galate. **ABSENT** - Modick.
- E. #132-09 Authorize Mayor & Clerk to execute Agreement with Sussex County for Open Space 20, Blk. 40001, Lt. 9. Motioned by Galate, seconded by Bunce. Roll Call Vote: **YES** - Galate, Bunce, Francis, McManus, Young. **ABSENT** - Modick.
- F. #133-09 Authorize New Club Liquor License for Garden State Yacht Club. Motioned by Francis, seconded by Bunce. Mr. Ursin pointed out that by issuing a Club License the Yacht Club could now purchase liquor liability coverage and regulate alcohol consumption. Roll Call Vote: **YES** - Francis, Bunce, Galate, McManus, Young. **ABSENT** - Modick
- G. #134-09 Appoint Bond Counsel - Professional Services Contract w/Hawkins Delafield & Wood, LLP for 2009. Motioned by Galate, seconded by Bunce. Roll Call Vote: **YES** - Galate, Bunce, Francis, McManus, Young. **ABSENT** - Modick.

OLD BUSINESS:

- A. #135-09 Intro. Ordinance #16-2009 ORDINANCE OF THE BOROUGH OF HOPATCONG, SUSSEX COUNTY, NEW JERSEY TO ADD CHAPTER 90 TO THE CODE OF THE BOROUGH OF

HOPATCONG TO REGULATE CLOTHING BINS. Mr. Ursin informed those present that the State Statute gives the municipality the power to regulate clothing bins and issue permits. Councilperson McManus questioned who would be policing these bins. Mr. Ursin replied the Zoning Officer. Motioned by Francis, seconded by Galate. Roll Call Vote: **YES** – Francis, Galate, Bunce, McManus, Young. **ABSENT** – Modick.

- B. Based on the information discussed earlier in the meeting the consensus was to close the Skating Park and refer the matter to the Recreation Commission.
- C. Discussion – Garbage Stickers. Mayor Petillo said that she asked the DPW to stop issuing stickers for incorrect garbage cans, and has placed a letter on the web page to inform the residents of the change in policy. She would send residents another letter to explain the new changes, and after that the stickers would be placed on the garbage cans of those not in compliance.

#### NEW BUSINESS:

- A. Habitat For Humanity request to waive UCC fees for 125 Bergen Trail. Mayor Petillo noted that fees were waived for their last project. #136-09 Authorize Waiver of UCC fess for 125 Bergen Trail. Motioned by Francis, seconded by Galate. Those present voted affirmative. Absent – Modick.
- B. Discussion – Hopatcong Days. Mayor Petillo reported that the Borough would not be paying for music or fireworks in 2009. They would be looking for donations to support Hopatcong Days, which would still be held on July 11 & 12.
- C. Grace Church Outreach. Mayor Petillo read a letter that explained that a group of people would be providing services to residents of Hopatcong during June 13 & 14, 2009. The church was asking the Borough for assistance so that people in need could be identified. These residents would than receive “acts of kindness” during the June weekend. Anyone who knew of someone in need was asked to inform Mayor Petillo.
- D. Snow Removal Ordinance; Clarification of 167-11as it pertains to Naritcong. Mayor Petillo said that she visited the location several times, and has spoken with Chief Swanson & Ron Jobeless about this matter. She said that Hopatcong has many Right-of-Ways that are used by the DPW to deposit snow; the ROW meaning in the ordinance pertains to traveling roads not tree lined ROWs. Mr. Ursin stated that the Zoning Officer has discretionary enforcement in the Code; your Zoning Officer can choose when he should take action. Mayor Petillo explained that there was dumping of debris, ashes and leaves, which can be enforced at the site. A resident inquired about the curb that was broken, and not by the DPW. Councilwoman McManus said that to her this was a clear-cut

issue; no one should be dumping snow in the ROW. Mr. Ursin remarked that this was municipal property and the governing body would have to decide if the Zoning Officer was going to enforce the snow issue. This type of enforcement should be site specific and decided on case by case. Mr. Rehe 501 Nariticong Avenue said that the sewer contractor left the pile of dirt there. Mr. Ursin commented that this is an issue of public safety, not code enforcement. Councilman Francis wanted additional information from the Zoning Officer. Councilmember McManus stated that the issue was enforcement. Council President Galate encouraged everyone to visit the area. Councilman Bunce moved to carry this matter until the next meeting, seconded by Galate. There was a consensus. Jennifer said that a “no dumping” sign placed on the property would be nice.

- E. Discussion - Ordinance change Chpt. 43-22 Health Benefits; remove elected officials. Mayor Petillo said this was a political issue last year, and that what they do is not a part-time job; she takes her responsibilities very seriously. She takes dental and a \$3,000 stipend as Mayor. Mayor Petillo explained that the public contacts her constantly by telephone, and she feels that a tremendous amount of time is spent as a public official. Mayor Petillo stated that she was not in favor of changing the ordinance, but believes that the choice should be left up to the individual whether or not they wanted to accept the benefits. Councilwoman McManus moved to change Code 43-22; Health Benefits by removing elected public official. There was no second. Councilman Francis commented that he holds a high regard for elected officials and that more people should participate. He thinks that they should have the opportunity to choose. Councilperson McManus noted that \$70,000 is budgeted in 2009 and that could be two employee salaries. She remarked that other volunteers work many hours and don't get compensated. Council President Galate commented that she thinks Mrs. McManus is being self-righteous and bullying them; they are not volunteers but elected officials who take their responsibilities very serious, and have spent money to get elected. She thinks that if changes were going to be made they should be made across the board, and not just to impact six people.
- F. Mr. Ursin revealed that our Code does not have any regulations pertaining to massage establishments or licensing protocol. He offered the ordinance as a way of providing some control, and State licensing requirements. Council President Galate inquired about licensing under cosmetology. Mr. Ursin responded that falls under the Board of Nursing regulations. #137-0-9 Intro. Ordinance #17-2009 ORDINANCE OF THE BOROUGH OF HOPATCONG COUNTY OF SUSSEX, STATE OF NEW JERSEY TO ADD

CHAPTER 150 "MASSAGE ESTABLISHMENTS, LICENSING AND REGULATION" TO THE CODE OF THE BOROUGH OF HOPATCONG.

Motioned by Francis, seconded by Bunce. Roll Call Vote: **YES** – Francis, Bunce, Galate, McManus & Young. **ABSENT** – Modick.

- G. Information on Stimulus Package. Discussed earlier in meeting.
- H. Informational – Budget Meeting 3/23/09 at 6:30 p.m. in Fire House #3, Hopatchung Road.
- I. Informational – "Town Meeting" for discussion of Solid Waste Bids; resolution authorizing rejection or acceptance of bids. Thursday, 26<sup>th</sup> March, High School Auditorium at 7:00 p.m.

COMMITTEE REPORTS: Council President Galate reported on the meeting she had with her favorite group, senior citizens. The membership is now over 100 with 35 members over 80 years young. She spoke about the NJ Shares Program and Senator Bucco's Office providing assistance with the application; they are no longer able to assist Hopatcong residents. Therefore, Senator Oroho's Office in Sparta will provide assistance. Council President Galate revealed that she would receive training in this matter over the next several months to assist the seniors with the applications.

Councilmember Francis commented that they were moving forward with solar energy, and would in fact be meeting with a group on Friday. He also noted that the School Board was very interested in participating in this program.

Councilperson Young remarked that the Easter Egg Hunt was being held on April 4<sup>th</sup> with a rain date of the 5<sup>th</sup> and invited residents to participate. Mayor Petillo said that she spoke with the Borough Planner and a tentative date of April 18<sup>th</sup> was set for a discussion of the Visionary Plan. Council President Galate asked Mr. Eskilson about the County's meeting regarding Vision 20/20. Mr. Eskilson responded that it was educational and to inform mainly planners about being a Star Site and what could be accomplished.

Councilwoman McManus informed those present that Sussex County Census information was distributed at the Sussex County League meeting. The Census was looking for local residents to work for them in performing the 2010 Census.

Councilman Bunce remarked that it was very important that every individual in the County is counted during the 2010 Census. Regarding the Lake Hopatcong Commission Mr. Bunce said that Governor Corzine has withdrawn money that he was going to send the Commission. The State is still looking to have a user boat fee. The business community is very concerned about the low level of the lake water, and there is talk about looking at the Water Management Plan in the future because the current plan is outdated.

Mayor Petillo reported that they found the children responsible for the graffiti, it was not gang or drug related, and the children would be

cleaning up the mess they made. She also thanked Vito Castoro for the wonderful pie chart he made, which shows residents how the 2008 taxes are distributed by percentage.

PUBLIC COMMENT: (comments limited to 5 minutes). Sal Guglielmello resides at 120 Marne Road requested a favor because the soccer field is not playable, and estimates have been received from three contractors estimating the work to be approximately \$3,540. The Soccer Club does not have sufficient funds to make the necessary improvements; asked the governing body if the money could come from the Open Space Trust Fund.

Mrs. Haines said that she has a petition, which says: "We the undersigned, as Hopatcong residents, are instructing our Mayor and Council Not to privatize any part of the Hopatcong DPW. If there is any decision made by the Mayor and Council to privatize any part of the Hopatcong DPW, we are requesting that the decision be decided by the voters through a referendum". She said that she would be presenting this petition to Mayor Petillo in the near future. She also inquired if they were going with Blue Diamond. Mr. Eskilson responded that the Borough professionals were currently reviewing the bids. Mrs. Haines asked why we were bidding lawn and field maintenance. Mayor Petillo said because it was cheaper. Mrs. Haines reported that money could be saved by turning off lights at the DPW and Municipal Building as well as closing down Firehouse #4 and moving them into #3, and by firing the grant writers. She also wanted the Governing Body members to give up health benefits.

Alex Martinez from 8 Lincoln Trail said he commended Mrs. McManus for putting forth the ordinance because he believes the change needs to be made. Mayor Petillo commented that they shouldn't be bullied into a position because it is a political issues; give the Board an opportunity to do what they think is right, you don't need to change the ordinance. Wayne Galate, Mrs. Ryder's husband, said that he wanted to thanked thank them for their class and tolerance for listening to what Mrs. Haines had to say.

Councilman Bunce moved to adjourn at 10:58 p.m., seconded by Galate. Those present voted affirmative. Absent - Modick.

Respectfully submitted: