

The April 1, 2009 regular meeting was called to order at 6:35 by Mayor Petillo in the Municipal Building, 111 River Styx Road, Hopatcong, NJ.

Mayor Petillo announced that 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.

Council President Galate moved resolution for closed session at 6:36 p.m., seconded by Bunce. Those present voted affirmative. Absent - Modick. Mayor Petillo announced matters to be discussed pertained to personnel, contracts and tax appeals.

Continue open session at 7:41 p.m.

MOMENT OF SILENT REFLECTION AND PLEDGE OF ALLEGIANCE

Mayor Petillo read a Proclamation: April 2009 Autism Awareness Month.

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). Carolyn Lynch reported that she was the past President for the Hopatcong Woman's Club and she and her husband were placing a display in the library pertaining to Autism Awareness. Mrs. Lynch noted that last week the Club raised \$800 for various programs for the community. Mayor Petillo thanked her for the work she and the Woman's Club does for the good of the community.

Mrs. Haines inquired about the Administrator Ordinance. Mr. Ursin explained that the State requires a two-thirds vote for removal. The current ordinance requires two hearings, and the change was to make the process the same as the State Statute.

Councilperson Bunce moved the approval of minutes for the regular meeting of February 18, 2009, seconded by Galate. Those present voted affirmative. Absent - Modick.

ADMINISTRATOR'S REPORT:

ENGINEER'S REPORT:

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. #138-09 Approve Outside Lien Redemption Certificate #2008-25 in the amount of \$9,908.65 plus premium of \$3,000.*
- B. #139-09 Approve Outside Lien Redemption Certificate #2008-47 in the amount of \$2,975.27 plus premium in the amount of \$400.*
- C. #140-09 Approve Outside Lien Redemption Certificate #2008-17 in the amount of \$3,517.32 plus premium in the amount of \$400.*
- D. #141-09 Approve Outside Lien Redemption Certificate #2006023 in the amount of \$87.22.*
- E. #142-09 Authorize Mayor & Clerk to Execute Agreement with Sussex County for Lease Agreement - Nutrition Site.*
- F. #143-09 Resolution - Honoring Our Troops & "Support Our Troops Day".*
- G. #144-09 Resolution - Oppose Governor Corzine's FY 2010 State Budget.*
- H. #145-09 Support "Click It Or Ticket" Campaign, May 18 - 31, 2009.*
- I. #146-09 Approve Fireman R. Gulan for Northwood Fire Company #2.*
- J. #147-09 Approve Raffle License RA #10-2009 for Hopatcong Chief Football Parents Assoc. Off Premises 50/50 Raffle.*

Consent agenda motioned by Bunce, seconded by Galate. The vote was unanimous with the exception of Mr. Modick due to absence.

ADOPTION OF ORDINANCES:

- A. Public Hearing 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. Open to the public for comment none was forthcoming. Moved by Galate, seconded by Bunce. Roll Call Vote: **YES** - Galate, Bunce, Francis, McManus & Young. **ABSENT** - Modick.
- B. Public Hearing Ord. #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. Open to public for comment, none was received. Mr. Ursin remarked that the State of New Jersey recently adopted regulations to provide guidance for clothing bins. Hopatcong is

adopting this enabling ordinance. Bunce moved ordinance, seconded by Galate. Roll Call Vote: **YES** – Bunce, Galate, McManus, Young & Francis. **ABSENT** – Modick.

- C. Public Hearing Ord. #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. Mr. Ursin reported that this ordinance regulates massage establishments and requires two permits be obtained. In addition it defines the type of business. Open to public for comment, none was forthcoming. Moved by Francis, seconded by Galate. Roll Call Vote: **YES** – Francis, Galate, McManus, Young & Bunce. **ABSENT** – Modick.

INTRODUCTION OF ORDINANCES:

RESOLUTIONS:

- A. #148-09 Approve Payment of Bills. Motioned by Bunce, seconded by Galate. Roll Call Vote: **YES** – Bunce, Galate, Francis, McManus, Young. **ABSENT** – Modick.
- B. #149-09 Authorize Acceptance of Property: Block 41001, Lot 24 (53 Mountain Trail) and Block 40310, Lot 6 (31 Susquehanna Trail). Motioned by Bunce, seconded by Galate. Roll Call Vote: **YES** – Bunce, Galate, Francis, McManus, Young. **ABSENT** – Modick.

OLD BUSINESS:

- A. Discussion – Nariticong Snow Ordinance. Mayor Petillo reported that she went back up to visit the property once again, and had Messrs. Donegan & Jobeless with her so that they could mark off the property. They found that the neighbor was encroaching on Borough property, and there was not a problem pushing snow into this ROW. The problem is the broken berm, which the Borough would replace in the spring and the illegal dumping; signs would be placed there. It was suggested that the governing body re-write the ordinance to address the intent, which is for certain Right-Of-Ways to be exempt because they are not roadways.

NEW BUSINESS:

- A. Discussion – Dates for Budget Meetings. April 15th was selected to hold the public discussion and action on garbage bid, the meeting to be held at the High School Auditorium. Another meeting was scheduled: Monday, 13th for special budget to discuss Health and Dispatching Services at 7 p.m. at Firehouse #3.

- B. Tennis Flyer – Mr. Ursin noted that the Recreation Commission has recommended that the vendor pay 15% of gross fee, and this body should ratify this. #150-09 Ratify the Recreation Commission's Decision to Charge a Fee of 15% for the Tennis Lessons as per Flyer. Motioned by Bunce, seconded by Galate. Those present voted affirmative. Absent – Modick.

COMMITTEE REPORTS: Councilmember Bunce reported that Mr. Dietz has a training workshop for the governing body members, which would reduce the insurance fee paid to the Joint Insurance Fund. Two dates were suggested, April 22 or April 29 at 6 p.m.; Mayor Petillo would finalize the date with Mr. Dietz.

Mr. Ursin informed those present that last year the governing body permitted volunteers to work on the athletic fields; they should provide a Certificate of Insurance once again and coordinate with Mr. Jobeless. Councilwoman McManus commented that Dave Knutz from Sussex County spoke to the Environmental Commission about GIP Program; very informative program.

Councilman Francis remarked that they were moving forward with solar energy, and that they were still looking for answers. He also noted that Operation Porch Light was happening in some communities, going door-to-door replacing light bulbs. Councilperson McManus revealed that Mrs. Takacs was working with someone to provide energy conservation information to the High School.

Councilman Young said that the Recreation Commission continues to work on the Summer Recreation Program, and that the Easter Egg Hunt was at noon in Modick Park on Saturday.

Mayor Petillo informed those present that the HBA Fish & Chips Dinner would be honoring the Wildcat Cheerleaders this year because no soldiers were presently home on leave.

PUBLIC COMMENT: (comments limited to 5 minutes). Tom Aimone resides on Billings Road said that there was a Bill before the Legislature pertaining to a Pilot Program with the County and Tax Assessor, which seemed to be a good program. He also noted that there is an Assembly Bill that authorizes purchases of goods and services if the cost is below State Contracts, and encouraged this matter to be looked into. Mr. Aimone said that he would be requesting some insurance information. Mrs. Haines distributed information regarding the extra cost to privatize garbage, and the impact of stickers and reduction of fees due to free stickers for senior citizens. She also revealed Governor Corzine was not instituting a lay-off plan for the State, suggested the Borough go to a furlough plan like the State.

Mike Dinapoli lives on Normandy Circle questioned what time the garbage should be at the curb; according to the newsletter it should be at

the curb by 6 a.m. He asked who was going to enforce this. He also wanted to know why there is a time if it was not going to be enforced. Elide Young questioned what municipal receivership was, and asked Mr. Ursin what happens if the town goes into this. Mr. Ursin replied that the municipality is a corporation mandated by the State to provide services; bankruptcy or a Chapter 9 filing would require that the State take over the operations.

Toni Haines said that the numbers given out by the Borough for the cleanup job done by the DPW employees was incorrect. Mayor Petillo responded that our numbers are right.

Mr. Burger from 11 Adelphi inquired about the Board of Health services, such as rabies clinic and senior clinics. Mr. Eskilson reported that the County's intent was to run all clinics locally. Mr. Burger expressed concern about people leaving Hopatcong, because they could no longer live here, and the erosion of revenue. Mr. Eskilson revealed that the taxable value of property has declined by 8 million dollars in 2009.

Comments from Council: Council President Galate informed those present that the HBA Fish Fry was Saturday from 5:30 to 7:30 at St. Jude. Malcolm Piester has volunteered to assist with the NJ Share Program applications by becoming a trainer for the program. She also noted that the 10 million dollars has been committed, but referred residents to the energy assistance program through Sussex County. Council President Galate noted the arrest of juveniles responsible for graffiti on signs in Borough, and thanked the Police Department. Council President Galate said that the DPW would be restructured, she did not know if the proposed Union givebacks were in writing, and that this matter was being negotiated. Mr. Ursin stated that the governing body could go to the Union requesting an official outline of their proposal. Mr. Eskilson remarked that there should be a consensus on strategy, and some direction should be given to Mr. Ursin. He commented that furloughs are not legitimate, and if they are being considered we need to determine what units and how the furlough would be served. Those present authorized Mr. Ursin to negotiate with the DPW Union in order to solicit their best offer.

Councilman Francis informed those present that a grant for removal of graffiti in the amount of \$2,000 has been applied for. He thanked everyone for coming and wished him and her a good night.

Councilmember Young thanked everyone for coming, and reminded all to be aware of more pedestrian traffic on the roadways, especially watchful of children.

Councilwoman McManus noted the new regulations for Senior Citizen Tax Freeze, \$60,000 single and \$70,000 husband/wife. She thanked the people who came out for the last meeting and tonight. Also said that Passover & Easter was approaching wishing everyone a good holiday.

Councilperson Bunce wished all a Happy Easter, reported on the St. Jude Beefsteak Dinner, and the Sussex County Crime Stoppers fund raising event on May 1. He was getting free Crime Stopper signs that would be installed by the DPW. Wished those present a good night.

Mayor Petillo thanked everyone for attending the meeting, and wished him or her a Happy Easter & Passover.

Mr. Burger commented that the DPW Shop Stewart said he was willing to negotiate with the governing body.

Lee Ann Scanlon from 40 Mountain Road asked that when they decided to privatize why didn't they get the numbers.

Mayor Petillo responded that they did not know what the numbers were going to be until the bids were received.

Council President Galate moved to adjourn at 9:13 p.m., seconded by Bunce. Those present voted affirmative. Absent - Modick

Respectfully submitted: