

The April 21, 2010 regular/work meeting was called to order at 7:31 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 and Clerk Lorraine Stark.

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

#### SALE OF PROPERTY:

Councilmember Bunce inquired if anyone was present for the sale of 16 Tufts Trail, Block 40306, Lot 2; minimum price \$120,000.00. There was no interest expressed by those in attendance. Councilman Bunce remarked that this sale would be re-considered sometime in the future.

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). None was forthcoming. Councilperson Bunce moved to close public comment period, seconded by Galate. The vote was unanimous.

APPROVAL OF MINUTES: Regular meeting March 3, 2010 minutes were moved by Council President Francis, seconded by Young. All voted affirmative except for M. Galate's abstention. Emergency Meeting April 1, 2010 minutes were moved by Council President Francis, seconded by Young. The vote was unanimous.

Mr. Ursin explained the matter of appointing the Administrator as appointing authorize for the NJ Civil Service; this action was based on a dispute regarding whether the Council form of government or the Mayor was responsible. The New Jersey Civil Service Commission has requested that the Borough designate an individual by resolution, which is being done this evening.

Regarding the resolution for CVI, Mr. Ursin reported that this company performed the revaluation and has in the past participated in the Tax Appeals; they would be hired as an expert witness this year for the approximately 95 hearings. CVI would be paid at the rate of \$85 per case, which would save the Borough money over what was paid last year. Mr. Ursin informed those present that the Shared Services Agreement with Vernon was reviewed by an independent attorney because he

represents both Vernon & Hopatcong; Mr. Haggerty who is the Planning Board Attorney was assigned this task.

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. #176-10 Approve Payment of Escrows.\*
- B. #177-10 Approve Cancellation of a Portion of 2007, 2008 & 2009 Taxes Due to State Tax Court Appeal Judgments on four (4) properties.\* Moved by Bunce, seconded by Galate. Those present voted affirmative, except for an abstention by Young.
- C. #178-10 Approve Installment Agreement to Omit From Tax Sale for Sewer Charges for Blk. 30505, Lot 4.\*

Following the removal of item B., the consent agenda was moved by Bunce, seconded by Young. Vote was unanimous.

#### INTRODUCTION OF ORDINANCES:

A.#179-10 Intro. Ord. #7-2010 ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 242 OF THE CODE OF THE BOROUGH OF HOPATCONG, SUSSEX COUNTY, NEW JERSEY, ENTITLED "ZONING" AMENDING SECTION 242-15 TO ADD A SUBSECTION REGULATING STORAGE SHEDS. Motioned by Bunce, seconded by Galate. Roll Call Vote: **YES** - Bunce, Galate, Baker, Francis, Young. **NAY** - McManus.

B. Intro. Ord. #8-2010 AN ORDINANCE ESTABLISHING A MINIMUM AND MAXIMUM RANGE OF SALARY AND COMPENSATION FOR CERTAIN TITLES OF OFFICERS AND EMPLOYEES OF THE BOROUGH OF HOPATCONG (Blue Collar Employees). Not ready for introduction at this time.

C. Intro. Ord. #9-2010 AN ORDINANCE ESTABLISHING A MINIMUM AND MAXIMUM RANGE OF SALARY AND COMPENSATION FOR CERTAIN TITLES OF OFFICERS AND EMPLOYEES OF THE BOROUGH OF HOPATCONG (White Collar Employees). No action taken at this meeting.

#### RESOLUTIONS:

- A. #180-10 Approve Amendment to Temporary Appropriation for Water. Motioned by Bunce, seconded by Galate. Roll Call Vote: **YES** - Bunce, Galate, Baker, Francis, McManus, Young.
- B. #181-10 Approve Amendment to Temporary Appropriation for Sewer. Motioned by Bunce, seconded by Young. Roll Call Vote: **YES** - Bunce, Young, Baker, Francis, Galate, McManus.
- C. #182-10 Approve Payment of Bills following the removal of checks #28027 & #28059. Motioned by Bunce, seconded by

Young. Roll Call Vote: **YES** – Bunce, Young, Baker, Francis, Galate, McManus.

- D. #183–10 Approve payment of checks #28057 & #28059. Motioned by Bunce, seconded by Young. Roll Call Vote: **YES** – Bunce, Young, Baker, Francis, McManus. **ABSTAINED**: Galate.
- E. #184–10 Approve Permanent Appointment of A. Torres–Pearn as Court Administrator. Motioned by Bunce, seconded by Young. Roll Call Vote: **YES** – Bunce, Young, Baker, Francis, Galate, McManus.
- F. #185–10 Approve Borough Administrator to act as the Appointing Authority for NJ Civil Service matters. Motioned by Bunce, seconded by Baker. Roll Call Vote: **YES** – Bunce, Baker, Francis, Galate, McManus, Young.
- G. #186–10 Authorize CVI to perform Tax Appeals for Hopatcong at \$85 per case in an amount not to exceed \$8,500. Motioned by Francis, seconded by Bunce. Roll Call Vote – **YES** – Francis, Bunce, Baker, Galate, McManus, Young.
- H. #187–10 Authorize New Shared Services Agreement with Vernon Township for Administrator services performed by C. Steinel. Motioned by Francis, seconded by Bunce. Roll Call Vote: **YES** – Francis, Bunce, Baker, Galate, McManus, Young.

#### OLD BUSINESS:

A. Request for Sewer Allocation for property located at 568 Brooklyn Mountain Road, construction of new home. John Ruschke inspected this property and his recommendation was not to grant a sewer allocation because it was not practical to develop this property due to its size. He noted that the governing body needed to be cautious with sewer allocations due to the limited sewer capacity. Mr. Ursin commented that the driving force in approving or not approving an application is Land Use issues. Resolution – #188–10 Deny Application for Sewer Allotment for 568 Brooklyn Mountain Road. Motioned by Francis, seconded by Galate. Roll Call Vote: **YES** – Francis, Galate, Baker, Bunce, McManus, Young.

B. Borough Administrator – Renewal of Contract for Catherine Steinel. Mayor Petillo revealed that Mrs. Steinel agreed to a contract extension, which was approved Monday night. She was delighted that Mrs. Steinel would remain as Borough Administrator.

#### NEW BUSINESS:

A. Bids for the Streetscape Project. John Ruschke reported that 10 bids were received for this project, and that his estimate was \$418,000; the low bid was below that figure. He expressed some concern about how contracts were being completed due to this economy, and wanted to do due diligence by further reviewing references and financial issues. Mr. Ruschke said he would make a recommendation at the next meeting.

B. #189-10 Little League Field Sewer charges - 33 Brant Road only has a Port-A-John, no sewer. Mr. Ruschke informed those present that when sewers were installed laterals were installed at all recreation facilities. The Little League Association never requested this nor given a "Notice to Connect". Therefore, there wasn't any reason for them to be billed for sewer allocation. Resolution - #189-10 Approve the elimination of sewer charges at the Little League Field, 33 Brandt Road & forgive all charged to this account. Motioned by Bunce, seconded by Young. Roll Call Vote: **YES** - Bunce, Young, Baker, Francis, Galate, McManus.

C. Water Service Application - W. Gutowski (one Durban Ave.). Mr. Ruschke explained that there were three homes connected to one well, and that the homeowner has demonstrated a hardship by meeting the criteria; his recommendation was to approve the connection. Resolution - #190-10 Approve Connection to the Water System at One Durban Avenue under the status of "Hardship". Motioned by Bunce, seconded by Baker. Roll Call Vote: - **YES** - Bunce, Baker, Francis, Galate, McManus, Young.

D. Water Service Application - N. Tobias (14 Chincoppee Ave.). Mr. Ruschke remarked that this request is for a new home, which does not meet the hardship criteria; feels that it is appropriate for the owner to pay for the service connection & Pilot Program fee. Resolution - #191 Authorization Connection but Deny Hardship status, all fees to be paid. Motioned by Bunce, seconded by Galate. Roll Call Vote: **YES** - Bunce, Galate, Baker, Francis, McManus, Young.

E. Voters of Hopatcong rejected the 2010-2011 School Budget. Council President Francis recommended that an auditing firm be obtained to provide assistance with the School Budget review. Resolution - #191-10 Authorize the hiring of an auditing firm to review the 2010-11 School Budget. Motioned by Francis, seconded by Bunce. Roll Call Vote: **YES** - Francis, Bunce, Baker, Galate, McManus, Young.

F. #193-10 Authorize the hiring of Lerch, Vinci & Higgins, LLP, to perform an audit of the School Board Budget in an amount not to exceed \$7,500.00. Motioned by Francis, seconded by Bunce. Roll Call Vote: **YES** - Francis, Bunce, Baker, Galate, Young. **NAY** - McManus.

G. #194-10 Authorize the Finance Committee to hold primarily meetings with the Hopatcong Board of Education for the purpose of discussing the 2010-2011 School Budget. Motioned by Francis, seconded by Bunce. Roll Call Vote: **YES** - Francis, Bunce, Baker, Galate, Young. **NAY** - McManus.

H. HEPTO Fundraiser. Mayor Petillo said that due to an oversight an application was not previously submitted by the organization, and due to the fact that it is being held this week authorization should be approved this evening. Resolution - #195-10 Authorize Raffle License Applications #12-2010 & #13-2010 HEPTO for a Tricky Tray & on Premise 50/50 to be held on April 23, 2010. Motioned by Bunce, seconded by Francis. The vote was unanimous.

COMMITTEE REPORTS: Councilman Bunce commented that the Real Estate Committee is very close to making a recommendation on 3 or 4 properties. He attended the Lake Hopatcong Commission meeting on Monday reporting that the State approved their Business Plan. Councilmember Bunce said there might be some funding coming out of Trenton for Lake Hopatcong.

Councilperson McManus remarked that the Municipal Alliance has planned an exciting meeting for October 15, 2010, 'Battle of the Bands'. The winner would get their music recorded professionally in the recording studio in town. The purpose of the Alliance is to educate young people about how drugs affect their lives.

Regarding the Environmental Commission, they would be holding an electronics day on May 1, 2010, and have invited Rutgers to present a seminar and assist residents with the construction of rain barrels sometime in June. In addition, the Westside Methodist Church would be receiving a tree for planting on Arbor Day.

Mayor Petillo informed those present that May 15<sup>th</sup> would be community Clean-up Day as well as Adopt a Street/Road etc.; she encouraged residents to participate in this event sponsored by Clean Communities. Mayor Petillo reported that she was receiving quite a bit of e-mails & letters regarding litter around town that is being thrown from cars. She encouraged residents to be mindful of their actions, because they were adversely affecting our community. Councilman Bunce remarked that Malcolm Piester had expressed a concern about our nature trails, and the damage caused by motorized vehicles trespassing in these areas.

He would be bringing this to the attention of the Police Department for enforcement. Mayor Petillo invited the public to participate in the National Day of Prayer service being held on May 6, 2010 at the Gazebo. Councilmember Young indicated that the Recreation Commission was moving forward with the Summer Recreation Program planning, and that the Ms. Hopatcong Pageant was scheduled for June 4, 2010 in the High School Auditorium; getting the word out to the community through a link on the website. Anyone interested in marching in the Memorial Day should contact Sue Parichuk for information.

Council President Francis reported that the committee was exploring Y-Fi possibilities in the Borough.

Councilman Baker explained that he was the representative to the Sussex County Solid Waste Advisory Committee, and that a sub-committee was looking into the closure of the SCMUA in as early as 2017; exploring what options would be available for waste disposal including those involving high technology.

PUBLIC COMMENT: (comments limited to 5 minutes). Louise Bagby a resident from Stevens Trail had a question about Mrs. Steinel contract; her understanding was that she was let out or terminated from her

contract with the Borough. Mr. Ursin responded that he was not at the last meeting, but asked Mrs. Bagby if she thought that by agreeing to a Shared Services Contract, Mrs. Steinel was no longer employed by the Borough. Mayor Petillo said that we never terminated Mrs. Steinel's contract, they only voted on a Shared Services Agreement with Vernon. Councilman Bunce noted that had they terminated her contract, the Borough would have no service to share with Vernon; did not terminate her contract. The shared service agreement would continue until the end of Mrs. Steinel's contract with Hopatcong. Mr. Ursin agreed that the shared service agreement and the employment issues were separate layers; to his knowledge there was no act that ended the contract by the governing body or any resignation submitted by Mrs. Steinel. Mara Modes from Ithanel Road said that she heard that there was a break in at the Civic Center; she wanted to know what was stolen. Mayor Petillo revealed that some cash, under \$200 was stolen, and that there is an investigation underway. They smashed the front door to get in; everything is going through the insurance. Mrs. Modes questioned what was being done about cleaning the Civic Center floor. Mayor Petillo responded that there was a lease agreement with Sussex County and that the floor was being cleaned. Councilperson Young remarked that he spoke with Sue Parichuk about establishing guidelines for the other groups and organizations that use the Civic Center facility. Mrs. Modes wanted to know if there was going to be a fee charged for this usage.

Councilmember Bunce moved to close public comment period, seconded by Galate. The vote was unanimous.

**COUNCIL COMMENTS:** Councilman Baker thanked everyone for coming. He also commented that the School Board Election was behind us, he thanked those who voted to express their opinion.

Councilperson Bunce thanked the residents for coming and reminded them to watch out for the kids who would be outdoors playing. He also reported that a "no wake" zone is still in effect on the lake, and wished all a good night.

Councilmember McManus thanked voters in Hopatcong who voted, this was a large voter turnout with many people expressing their opinion. She expressed her concern about a group that was in from of the Post Office demonstrating against President Obama; he was displayed with a Nazi symbol. She felt outraged by this demonstration because she felt that it was anti-everything, which does not reflect our town.

Councilman Young thanked everyone who voted exercising their right and privilege. He thanked Ron Jobeless and his staff for getting the recreational facilities ready for use. Councilperson Young revealed that the Hopatcong Hawks Track Program donated the candy used for the Easter Eggs; thanked them and the senior citizens who assisted in filling those eggs.

Council President Francis thanked everyone for coming and commented that these are trying times for our community; our town has a great future and because financial help is not forthcoming from the outside, we will have to be creative and move forward. He wished all a good night & good luck.

Councilwoman Galate thanked residents for coming, welcomed back Catherine, and informed those present that the Hopatcong Woman's Club would be holding a fashion show Sunday at the Ridgewood Restaurant. She also thanked the Finance Committee for their work with the School Budget, not going to be easy.

Mayor Petillo said that there was a celebration at the Fire Department dinner to honor Jim Sutton 50 years of service to the Fire Department. On Saturday she observed a drill held at Firehouse #4, she thanked the firefighters for their tremendous effort and dedication. She also thanked Melissa and Tara.

Councilmember Galate moved to adjourn at 8:52 p.m., seconded by Young. The vote was unanimous.

Respectfully submitted: