

The April 7, 2010 regular meeting was called to order by Mayor Petillo at 6:32 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, Marie Galate, & John Young. Absent – Madeline McManus. Others: Attorney John Ursin, Administrator Catherine Steinel & Clerk Lorraine Stark.

Councilman Bunce moved resolution for closed session at 6:33 p.m., seconded by Galate. The vote was unanimous. Absent – McManus. Mayor Petillo informed those present matters to be discussed pertain to contracts: PBA, White & Blue Collar, & Borough Administrator position.

Continue open session at 7:30 p.m. (Council President Francis not present; returned at 7:47 p.m.).

MOMENT OF SILENT REFLECTION AND PLEDGE OF ALLEGIANCE

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.

Councilmember Bunce moved to close public comment period, seconded by Galate. Those present voted affirmative. Absent – Francis & McManus.

APPROVAL OF MINUTES: Regular meeting March 3, 2010; these minutes were held until the next meeting.

ADMINISTRATOR’S REPORT:

Safe & Security Communities Program – Senator Oroho looked into this program for us, and he found out that Hopatcong still qualifies; we have a resolution on the agenda to submit the application for the \$60,000.

Union Contracts – Mrs. Steinel informed those present that the Blue & White Collar union employees have agreed to move forward with their contracts; the governing body would authorize that the attorney proceed with the agreements. These agreements provide re-assurance to our employees by providing some sense of security over the period of the contract.

Municipal Budget – Administrator Steinel reported that the Finance Committee has been working diligently on addressing all budget issues;

it appears that there will be an increase of \$761,265 over last year's budget; most of the increase is due to the loss of revenues. The projected increase is 6.94% or \$9.66 per month to the average assessed home resulting in an annual total of \$116. We plan on introducing the 2010 Budget on May 5th with the public hearing in July; adoption may not happen in July because a waiver hearing has to be scheduled with the Local Finance Board. Confidential Budget Workbooks were distributed to the governing body by Mrs. Steinel; requested they review the workbook, and any adjustments would be made before finalizing the document. Mayor Petillo thanked the Finance Committee for working so diligently. Councilman Bunce remarked that this is a good solid budget, which contains a small increase and is the first step to finance security for this town.

ENGINEER'S REPORT:

Streetscape Beautification Project – Mr. Ruschke commented that bids for this project would be received next week.

Solar Project – Unfortunately we did not receive any bids. There were a number of inquiries by contractors however, it appears that the project as bid was too complex; contractors found that this project was not worth the effort because no substantial savings were being realized. Currently there is a law in the works that would make this project more attractive, and provide more savings. In addition, it is difficult to borrow money and many potential bidders did not feel that the Borough was financially stable. Administrator Steinel reported that because of the long term sewer debt the project did not look favorable. However, we are looking into re-setting our sewer debt through the new bond attorney; this would improve the Borough's bond rating. She was looking to fund a rating review next year, which would cost \$5,000 to \$10,000; attempting to establish a higher bond rating. Another alternative is to explore what the Morris County Improvement Authority has done with solar energy projects; we have a meeting with them to discuss smaller projects.

Council President Francis returned at 7:47 p.m. Mr. Ruschke informed those present that we accomplished our goals without spending \$50,000.

Status of Wells – The three wells currently waiting for DEP permits are Mariner, Bayview and Rand Street. There are still some issues to be addressed such as electrical and easement with the Rand Street Well. Mr. Ruschke reported that the capacity of these three wells is significant, almost the same as Elba Point.

Elba Point Project – Mr. Ruschke continues to discuss this project with the DEP, there is a definite need for this project as confirmed by the study. He is hopeful that something would be forthcoming from the DEP so this project could move forward.

Underground Storage Project – Progress reported indicated that several parts have been replaced, the contractor is on schedule, and no change

orders have been submitted. They anticipate that it would be finished by the end of the month.

Light Manufacturing Zone – Council President Francis remarked that this area is in the Highland Protection area, and that he has found some relief; he would like John Ruschke to work on obtaining a waiver for this property. He is also working on a Conservation Easement for the property across the street.

County Dispatch Center – Police Chief John Swanson was present for this discussion. Chief Swanson revealed that Kimble and Associates has completed their latest consolidation study; they found that adding Emergency Services (EOC) escalated the project cost to 11 million dollars. By cutting the Emergency Services from the proposal, the 9-1-1 Center reduction was 50% and 20% for operating costs. Chief Swanson explained the change in technology, which includes receiving calls over the internet; that is referred to as next generation technology. He also remarked that the State has established criteria for each Center based on a population of 65,000; he believes that this forced consolidation could come as soon as 2013. Chief Swanson noted that consolidation is necessary due to the high cost of upgrading the current equipment in the existing 9-1-1 facilities. He also noted that currently the County has not provided municipalities with accurate figures so that they can make an informed decision. This County Center would be funded through municipal assessment. Mayor Petillo remarked that the County wants to know if Hopatcong is interested in continuing this discussion. Administrator Steinel raised the question of whether or not someone would be hired to man our Dispatch Center to assist the public if 9-1-1 gets regionalized. The consensus from the governing body was to continue the discussion; they were interested in getting the real numbers for the consolidation proposal. Mrs. Steinel recommended that we keep the dialog open. Council President Francis said that this was just another unfunded mandate by the State of New Jersey.

Louise Bagby commented that she thinks the County would move ahead with the total plan including the Emergency Operating Center.

Carolyn Lynch questioned if we didn't want to be a part, would we be forced into joining the County Center anyway.

Councilman Baker said that this is an issue we have to keep on top of especially because it would continue to change. Mayor Petillo thanked Chief Swanson.

Mr. Ursin stated that he would have a draft resolution for the next meeting.

Councilman Bunce moved to bring the discussion back to the dais, seconded by Galate. The vote was unanimous.

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. #157-10 Approve Payment of Escrows.*
 - B. #158-10 Approve Refund of Monies Due to Overpayment of 1st Quarter 2010 Taxes for four (4) properties.*
 - C. #159-10 Approve Cancellation of a portion of 2010 Preliminary Taxes due to assessment reduction by Assessor for two (2) properties*
 - D. #160-10 Approve List of Uncollectable taxes for the Tax Year 2009 for various reasons in the total amount of \$91,760.99.*
 - E. #161-10 Approve Outside Lien Redemption Certificate #2008-72 in the amount of \$17,396.84 plus premium amount of \$1,900.00.*
 - F. #162-10 Approve Outside Lien Redemption Certificate #2009-29 in the amount of \$1,738.95*
 - G. #163-10 Approve Fireman D. Tallaksen for Northwood Company #2.*
 - H. #164-10 Approve Cadet Firemen K. Dickson, D. Scarpone & T. Ukleya.*
 - I. #165-10 Approve Supporting Resolution for Click It or Ticket Mobilization of May 24 - June 6, 2010.*
 - J. #166-10 Approve Raffle License RA#11-2010 for an Off Premise 50/50 for Birth Haven, Inc.*
- Consent Agenda motioned by Bunce, seconded by Baker. Vote was unanimous. **ABSENT** - McManus.

ADOPTION OF ORDINANCES:

A. Public Hearing Ord. #4-2010 AN ORDINANCE TO MODIFY SECTIONS 242-29 AND 242-71 OF THE CODE OF THE BOROUGH OF HOPATCONG REGARDING POLITICAL SIGNS AND ENFORCEMENT. Open to the public for comment. Mara Modes from 3 Ithanell Road asked about the size of signs if more than one person is running for office. She said that if a bigger sign was placed in front of a smaller one, it could not be seen. Carolyn Lynch commented that there was nothing to say when signs could go up. Mr. Ursin noted that matter was addressed in another part of the ordinance. Mrs. Lynch also wanted to know if the ordinance said that County signs had to be the same in size. Mr. Ursin responded, yes any political sign had to be the same size. Mrs. Lynch said things were not that clear, and she didn't want things to have to go to court. Mrs. Modes said that it appears the ordinance was changed to cover Council signs from last year. Both Councilmembers Galate & Bunce took offense at this comment. Administrator Steinel revealed that Mr. Donegan Zoning Officer, was requested to make recommendations, which have been incorporated into this ordinance. Motioned by Bunce, seconded by

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

INTRODUCTION OF ORDINANCES:

A. #167-10 Intro. Ord. #5-2010 ORDINANCE OF THE BOROUGH OF HOPATCONG, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AMENDING CHAPTER 33 OF THE CODE OF THE BOROUGH OF HOPATCONG ENTITLED “OFFICERS AND EMPLOYEES TO LIMIT DEFENSE AND INDEMNIFICATION BY BOROUGH REGARDING PUNITIVE DAMAGES, PENALTIES AND FINES”. Mayor Petillo noted that these changes have been made upon recommendation from our JIF. Motioned by Young, seconded by Bunce. Roll Call Vote: **YES** – Young, Bunce, Baker, Francis, Galate. **ABSENT** – McManus.

B. #168-10 Intro. Ord. #6-2010 AN ORDINANCE TO SUPPLEMENT CHAPTER 242 OF THE CODE OF THE BOROUGH OF HOPATCONG, SUSSEX COUNTY, NEW JERSEY, ENTITLED “ZONING” BY ADDING SUBSECTION 242-15a “HANDICAP ACCESS RAMPS”.

Mrs. Steinel commented that she realized that when they went into closed session they didn’t notify the public that tax appeals would also be discussed; wanted to bring this forward for the record.

RESOLUTIONS:

- A. #169-10 Approve Amendment to Temporary Appropriation. Motioned by Bunce, seconded by Young. Roll Call Vote: **YES** – Bunce, Young, Baker, Francis, Galate. **ABSENT** – McManus.
- B. #170-10 Approve Payment of Bills following the removal of checks #27979, & #1624. Motioned by Bunce, seconded by Young. Roll Call Vote: **YES** – Bunce, Young, Baker, Francis, Galate. **ABSENT** – McManus.
- C. #171-10 Authorize payment of checks #27979 & #1624. Motioned by Bunce, seconded by Young. Roll Call Vote: **YES** – Bunce, Young, Baker, Francis. **ABSTAINED** – Galate. **ABSENT** – McManus.
- D. #172-10 Authorize Execution of the White Collar Union Contract. Motioned by Bunce, seconded by Young. Roll Call Vote: **YES** – Bunce, Young, Baker, Francis, Galate. **ABSENT** – McManus.
- E. Authorize Execution of the Blue Collar Union Contract. Motioned by Bunce, seconded by Young. Roll Call Vote: **YES** – Bunce, Young, Baker, Francis, Galate. **ABSENT** – McManus.
- F. Authorize Execution of the PBA Contract (if in order). No action.
- G. Authorize Safe & Secure Community Program. Motioned by Bunce, seconded by Galate. Vote was unanimous. **ABSENT** – McManus.

OLD BUSINESS:

A. Conservation Easement Discussion. Mayor Petillo reported that letters were being sent out to property owners; asking if they want to donate property. Mr. Ursin said that these properties are within the

Natural Preserve Area. Council President Francis remarked that he had gone over the letter and list to make sure that it was in order. Mr. Ursin commented that it was premature to do anything else at this time regarding the easement.

B. County Dispatch Services Discussion. Discussed earlier in the meeting.

C. Solar Project – Bid. None were received, part of engineer’s report.

D. Fees – Tax Collector’s recommendation as per State Law; amend Chpt. 108. Mayor Petillo said that the State Law has changed permitted to charge a \$50 fee. The Tax Collector is recommending we amend our fee ordinance. Mr. Ursin was authorized to draft an ordinance with this fee; said he would provide a draft ordinance at the next meeting.

E. Shared Services Agreement with Vernon Township for Administrator & search for new Administrator. Mayor Petillo informed those present that there was nothing new; Catherine Steinel would stay on with us until her contract was up; perform as Interim Administrator for Vernon. Mayor Petillo wanted to thank Catherine for doing a terrific job during a difficult time. We are very grateful that she was instrumental in turning our financial situation around, and is leaving with the Borough in a stable & secure financial place.

NEW BUSINESS:

A. Proposals for 2010 Planner – J. Ruschke, Hatch Mott MacDonald. Mayor Petillo said that John Ruschke is a certified Planner and we have asked him to work with us regarding a waiver from the Highlands Council for property on Stanhope/Sparta Road. Mr. Ursin stated that he would write the resolution. Council President Francis said he would get Mr. Ruschke to provide him with the parameters. The governing body is still evaluating RFP’s from Municipal Planner.

B. Correspondence – Letter to Mayor Petillo regarding DPW workers: Tom, Joe & Chris; job well done. Mayor Petillo read two letters from residents expressing their thanks to the DPW employees.

C. Mayor’s Appointment – Environmental Commission Alternates: Bradley Hoferkamp Alt. #1 (two year term) & Pat Hoferkamp Alt. #2 (one year term).

D. Proclamation – May 1st – “Silver Star Banner Day”. Mayor Petillo read Proclamation.

E. Request for Sewer Allocation for property located at 568 Brooklyn Mountain Road, construction of new home. This matter was referred to the engineer for review and comment.

COMMITTEE REPORTS: None was forthcoming.

PUBLIC COMMENT: (comments limited to 5 minutes). Carolyn Lynch inquired if Mayor Petillo was going to write a letter to the Ruggeri family; expressing condolences for the death of their daughter. Mayor Petillo

responded that she attended the wake, and that the community provided a real out pouring of support for the family.

Councilman Bunce moved to close public comment period, seconded by Galate. Those present voted affirmative.

COUNCIL COMMENTS: Councilwoman Galate said that the Police Chief and investigators should be commended for their work during this very difficult crime. She also thanked Catherine, Mayor Petillo and the Finance Committee for the comprehensive budget document. Councilperson Galate acknowledged the outstanding leadership Mrs. Steinel has provided the Borough, and thanked everyone for coming this evening. Council President Francis thanked the residents for coming this evening, and said that the Police Department did everything correct; they protected the crime scene and did a great job as professionals. He said that Catherine would be missed; she came at a difficult time and met the challenge; wished all a good night and good luck.

Councilman Young agreed with Mrs. Galate's comments about the Finance Committee, thanked them for their work on the budget. He thinks it is safe to put away the snow shovels, and cautioned about joggers and children playing outdoors, drive safe. Also thanked Catherine and said good night.

Councilmember Bunce thanked Mrs. Steinel for her work as a member of the Finance Committee; she was always prepared and ready with the information, which helped to turn the Borough's finances around. He also said that Mrs. Steinel did a tremendous job, and would look forward to seeing her at County functions.

Councilperson Baker thanked all for coming, the Police Department for handling a very unfortunate situation in a professional manner, and Catherine for setting a new standard.

Mayor Petillo spoke highly of the Police Department's handling of the crime scene and respect shown to the family during this difficult time. She also thanked everyone that was involved with the Easter Egg Hunt; it was a lot of fun for the kids.

Councilman Bunce moved to adjourn at 9:03 p.m., seconded by Galate. The vote was unanimous. Absent - McManus.

Respectfully submitted: