

The regular May 5, 2010 meeting was called to order at 6:33 p.m. by Mayor Petillo 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 Howard Vex, Administrator Catherine Steinel & Clerk Lorraine Stark.

Councilman Bunce moved resolution for closed session at 6:34 p.m., seconded by Young. The vote was unanimous. Mayor Petillo informed those present matters to be discussed pertained to contract negotiations and tax appeals.

Continue open session at 7:30 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). Mr. Lavery a resident of 117 Bell Avenue said that he wanted to speak about the decision they would be making regarding the school budget cuts. He has four children in the school district and was concerned about the budget cuts, and the loss of the marching band, possible kindergarten & transportation cuts, and the disadvantage the kids would experience as they compete for college. He reported that he did not want to see his taxes increase, but wanted to get a budget through without any cuts; because the children and property values would be adversely affected. Mayor Petillo explained that at this time the governing body has not meet with the auditor to review potential budget cuts, no decisions have been made. They are interested in what is being said, and would take these comments into consideration. Should the governing body decide to reduce the school budget they would only be recommendations to where the cuts could be made; the School Board makes the final decision.

Janine Munoz revealed that on behalf of the band and German students these program cuts would have an effect on her future; she wants to major in German and offered some suggestions. Mayor Petillo suggested that she write these down and submitted them to the School Superintendent.

A resident from 7 Center Street said that he knows the governing body could not influence the final cuts but there was nothing more important than educating our children. If cuts are made the children would not be given all of the opportunities they need for their future. He voted in favor of the budget, and does not want it reduced because this is our kid's future.

Steve Taesler revealed that he was a member of the marching band, and that this was his connection to new friends. He had tried several other activities, but found his niche with the band and feels like he is part of a family in that group. He implored the governing body to keep intact whatever programs they could.

Shirley Marchena remarked that advanced placement classes were being cut; this effects how colleges look at honor students. The cutting of various programs would affect the kids, and people would not be moving into town.

Fred Samson a resident of 65 Elba Avenue said that he never thought he would speak on behalf of a budget that would cost him money. He commented that if the Municipal Budget was up to the voters it too would be defeated; something they should keep in mind.

Dan McCarthy spoke about being a graduate of Hopatcong High School and the history of the band, which started in 1971. He hopes that his two sons have an opportunity to participate in this activity. Mr. McCarthy noted that without certain activities kids had no place to go after school, and as an attorney he did not want to defend Hopatcong children in County Court because they didn't have anything positive to do with their time.

Steven Munoz stated that he has enjoyed high school, and has participated in a lot of activities and classes. He asked that the budget be kept as is or that as little as possible be cut.

Mayor Petillo thanked the residents and especially the students; they have listened and would take everything that was said into consideration. She appreciated the respect that was shown by those in attendance this evening.

Council President Francis moved to close the public comment period, seconded by Bunce. The vote was unanimous.

Councilmember Bunce moved approval of minutes for the regular/work meeting March 17, 2010, seconded by Galate. Those present voted affirmative.

ADMINISTRATOR'S REPORT: Mrs. Steinel spoke about the 2010 Municipal Budget, and public hearing that would be held on June 16, 2010. The greatest impact was from the State and revenue reductions; outside revenue sources that had to be covered in this year's budget. If these reductions did not have to be addressed the budget would have been reduced by 1.34 percent. Unfortunately, the 2010 Budget reflects an

increase of 6.94 percent, which could change due to the amount of uncollected taxes. Administrator Steinel praised the Finance Committee for their work, and requested that the governing body look favorably on this budget. She also reported that on June 16th our accountant would be present to answer questions and give a brief overview of the document. Mrs. Steinel requested that since our CFO Kelleyanne McGann was present that the three items pertaining to the budget be addressed at this time. There was no objection.

- Introduction of the 2010 Municipal Budget – Councilperson McManus stated that she thinks this is an efficient budget, but would vote no because she was not part of the process. Councilman Bunce commented on the budget, and informed those present that this budget would keep all services currently being provided. This document was “right on track” and he was looking forward to an improving economy. Mayor Petillo thanked the Finance Committee, and informed those present that last year the increase was \$158 dollars. This year with all of the hits we took, the increase is \$116.

Mayor Petillo revealed that the State examines our budget every three years. We had to apply for a State waiver last year, since that would not be the case this year, we are permitted self-examination.

Kelleyanne McGann CFO, explained that we approved a CAP ordinance in March but the auditors made a CAP adjustment, which is a little more than what was reflected in the ordinance, so we are introducing this new ordinance based on that adjustment.

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. #196-10 Approve Payment of Escrows.*
- B. #197-10 Approve Outside Lien Redemption Certificate #2007019 in the amount of \$10,030.31.*
- C. #198-10 Approve Firemen R. Carpenter & C. Cordasco.*

Consent agenda motioned by Bunce, seconded by Galate. Vote was unanimous.

ADOPTION OF ORDINANCES:

A. Public Hearing 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. Open

to the public for comment, no comments were forthcoming. Ordinance moved by Bunce, seconded by Galate. Roll Call Vote: **YES** – Bunce, Galate, McManus, Young, Baker & Francis.

B. Public Hearing 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”. Open to the public for comment, no comments were received. Ordinance moved by Young, seconded by Francis. Roll Call Vote: **YES** – Young, Francis, Galate, McManus, Baker & Bunce.

INTRODUCTION OF ORDINANCES:

A. #199–10 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). Motioned by Bunce, seconded by Galate. Roll Call Vote: **YES** – Bunce, Galate, Baker, Francis, McManus, Young.

B. #200–10 Intro. Ord. #10–2010 CALENDAR YEAR 2010 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4–45.14). Motioned by Bunce, seconded by Francis. Roll Call Vote: **YES** – Bunce, Francis, Baker, Galate, McManus, Young.

RESOLUTIONS:

- A. #201–10 Approve Payment of Bills, following the removal of checks #28095, #28113 & #28123. Motioned by Bunce, seconded by Young. Roll Call Vote: **YES** – Bunce, Young, Baker, Francis, Galate, McManus.
- B. #202–10 Approve payment of checks, #28095, #28113, and #28123. Motioned by Bunce, seconded by Young. Roll Call Vote: **YES** – Bunce, Young, Baker, Francis. **ABSTAINED** – Galate, McManus.
- C. #203–10 Approve Introduction of 2010 Municipal Budget. Motioned by Francis, seconded by Bunce. Roll Call Vote: **YES** – Francis, Bunce, Baker, Galate, Young. **NAY** – McManus.
- D. #204–10 Approve Waiver of Reading in Full of the 2010 Budget. Motioned by Francis, seconded by Bunce. The vote was unanimous..
- E. #205–10 Approve 2010 Self–Examination of 2010 Municipal Budget. Motioned by Francis, seconded by Bunce. Those present voted affirmative.
- F. #206–10 Authorize Tom Valiante & Son Inc. to construct the 2009 Capital Improvement Project at Fire House #2 as proposed on March 5, 2010, in an amount not to exceed \$14,900. Motioned

- by Bunce, seconded by Galate. Roll Call Vote: **YES** – Bunce, Galate, Baker, Francis, McManus, Young.
- G. #207–10 Approve One Year Extension of Sewer Allocations currently allotted to vacant properties. Motioned by Bunce, seconded by Young. Roll Call Vote: **YES** – Bunce, Young, Baker, Francis, Galate, McManus.
 - H. #208–10 Authorize W. Laufenberg, Esq. & B. Shinberg, Esq. as substitute Public Defenders for 2010. Motioned by Bunce, seconded by Galate. Roll Call Vote: **YES** – Bunce, Galate, Baker, Francis, McManus, Young.
 - I. #209–10 Authorize Professional Services Agreement for Municipal Planner to Heyer, Gruel & Associates for 2010. Motioned by Francis, seconded by Young. Roll Call Vote: **YES** – Francis, Young, Baker, Bunce, Galate, McManus.

OLD BUSINESS:

A. Bids for the Streetscape Project. Mr. Ruschke provided the governing body with a letter recommending the contract be awarded to Covino & Sons. Resolution – #210–10 Award bid to lowest responsible bidder Covino & Sons Construction in an amount not to exceed \$337,121.00. Motioned by Francis, seconded by Young. Roll Call Vote: **YES** – Francis, Young, Baker, Bunce, Galate, McManus.

B. #211–10 Authorize Borough Clerk to re-advertise the sale of 16 Tufts Trail, Block 40306, Lot 2. Motioned by Francis, seconded by Bunce. Councilperson Bunce said that he would be providing the Clerk with information. The vote was unanimous.

NEW BUSINESS:

A. Discussion – Ordinance regarding abandoned motor vehicles. Mayor Petillo noted that a large number of complaints have been received; there are a number of issues associated with abandoned cars that need to be addressed. She wanted to commence a discussion so that issues could be identified and therefore addressed by ordinance. Councilwoman Galate wanted them to look at property maintenance as well. Council President Francis remarked that some people work on cars as a hobby, and that they needed to be sensitive to this issue. He questioned how an abandon vehicle would be defined. Councilman Bunce commented that definitions would have to be written and parameters set; this was a work in progress.

COMMITTEE REPORTS: Councilmember McManus revealed that the Environmental Commission held a very successful Electronic Day, filled 3 dumpsters; thanked Mrs. Young for chairing this project. Other activities planned by the Commission include: tree planting at the Westside Methodist Church, and a rain barrel seminar on June 12th.

Council President Francis thanked Catherine and Richard for working with him on the budget.

Councilman Bunce reported that the Real Estate Committee was making progress, and having an appraisal performed on one property. Regarding the Lake Hopatcong Commission, State monies will not be provided.

Therefore, the Commission is exploring grant opportunities.

Councilperson Baker informed those present that the Board of Health met last week, there are no big issues that they had to deal with. Mayor Petillo said that the Board was looking at scheduling a Flu Clinic at the High School sometime in November.

Mayor Petillo reminded the residents of the upcoming Clean Communities Day on May 15, and encouraged them to take part in the activities as well as adopt a street/road/stream. She also revealed that she watched the firefighters perform a drill at Firehouse #4 with the Jaws of Life apparatus; thanked the firemen for all that they do. National Police Week is underway, thanked the Police Officers for their service and sacrifice.

PUBLIC COMMENT: (comments limited to 5 minutes). Sal Guglielmello asked if there was a State vehicle ordinance that the Police could use. He does not think that current ordinances are being addressed, and that residents are permitted one nonregistered car on their property. He also spoke about his daughter's car which has been parked on his property; it is insured and has been licensed. Mr. Guglielmello also informed those present that four cars are being parked on property, which impedes the sight line when making a turn. Mayor Petillo commented that they are trying to create an ordinance with teeth so it can be enforced. Mr. Guglielmello said he just wanted to see the ordinance done correctly. Mara Modes wanted to know what happen to all of the people who got ticketed based on the existing ordinance. Mayor Petillo responded that most were released. Ms. Modes asked what happens to the people who paid the fine because the ordinance was unenforceable. Administrator Steinel revealed that the Borough would not refund money to those who paid the fine. Anyone who sent in their money plead guilty to the violation.

Louise Bagby, a resident of Stevens Trail said she was having a hard time with all of the budget talk; she does not understand how it can be introduced when the public does not have a copy. Administrator Steinel remarked that she could have a copy of the budget as introduced this evening. Clerk Stark verified that she had several copies available this evening, and would give a copy to Ms. Bagby and anyone else that requested one.

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

COUNCIL COMMENTS: Councilman Baker thanked everyone for coming. He reported that he attended all of the School Board meetings and has a good feeling for the sentiment in the community as it pertains to the budget. He would be more than happy to share those observations so that they are all well informed. Councilmember Baker wished everyone a good night.

Councilperson Bunce noted that Sunday was Mother's Day and wished them all the best; his mother is deceased but would be remembered on this special day.

Councilwoman McManus wished a Happy Mother's Day to all, and thanked the residents for coming. She acknowledged Police Week and pointed out the wonderful job John Swanson does as Police Chief. She thanked the Environmental Commission for the work they performed during Electronics Day, and thanked the students and parents for coming.

Councilmember McManus commented that the school system affects property values in town, and that was something to keep in mind.

Councilman Young thanked everyone for coming, and reported that Kyle the young man undergoing cancer treatment was doing well; he is currently 9 years old and is participating in his favorite sport, baseball. There are two additional young residents with cancer undergoing treatment, he wished them well. Councilperson Young encouraged everyone to get outdoors, wished all mothers a Happy Mother's Day and said good night.

Council President Francis thanked all for attending, especially the young people; it is important for them to take part in the process. He wished a Happy Mother's Day and said good night & good luck.

Councilwoman Galate thanked the residents for coming out tonight, thanked the Finance Committee and Catherine for their work on the budget. She also revealed that the marching band cuts were made prior to the election, and commended those who spoke in support of the school budget.

Mayor Petillo said that tomorrow was National Day of Prayer and invited the community to attend the service at noon at the Gazebo in Maxim Glen Park.

Councilperson Young moved to adjourn at 9:02 p.m., seconded by Baker. Those present voted affirmative.

Respectfully submitted: