

The July 21, 2010 regular/work meeting was called to order at 6:30 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 to go into closed session at 6:32 p.m., seconded by Galate. The vote was unanimous. Mayor Petillo reported matters to be discussed pertained to a stipend for Water Supervisor, possible contact regarding Atno property and letter to residents.

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). Michael Simon a resident from 9 Bear Pond spoke about working with the engineer and Mr. Donegan on resolving the encroachment in the Borough Right-of-Way. Mr. Simon agreed to install a guard rail as per engineer's recommendation. He noted that this error was made in all likelihood due to the erosion of the property, causing the area to be incorrectly identified as his property; there was no intent to encroach on the ROW. Mayor Petillo revealed that she and Council President Francis had been to the property, and that Mr. Simon has made a number of improvements to his property. The governing body would take action under new business later in the meeting. Councilperson Bunce moved to close the public comment period, seconded by Young. Those present voted affirmative.

APPROVAL OF MINUTES: Special meeting May 14, 2010, regular/ work meeting May 19, 2010, special meeting June 12, 2010 and regular/work meeting June 16, 2010. Councilman Bunce had not received copies and asked that these minutes be tabled until the next meeting. The consensus was to table the minutes.

ADMINISTRATOR'S REPORT:

River Styx Well – Mrs. Steinel informed those present that emergency repairs were required, and due to the importance of this well they had to be made immediately. She asked that the governing body adopt the emergency resolution this evening.

DEP Underground tank removal – Administrator Steinel remarked that the cost estimate for this project including the soft costs is \$40,000, which is in the budget. The Bond Attorney is preparing an ordinance for the August meeting to proceed with this project.

Draft Ordinances – Dumpsters on private property, this ordinance would require a cover as well as requiring a permit and fee for those located within public roads. This would also provide a check and balance for the Building Department regarding construction. The permits would only be required if on Borough property, which would address liability issues and health concerns.

Abandon vehicles & maintenance of grinder pumps, these too have been presented for review and comment. No action to be taken this evening.

ANJEC Resolution – Mrs. Steinel revealed that a 50% grant was applied for, however only 46% was granted. Therefore, the Borough's costs have increased. An ordinance is being prepared to authorize the spending of money from Open Space Trust account.

Risk Management – An audit was performed of our inventory and assessments. During this review, it was determined that buildings were not reported on prior inventories, therefore a supplement is being provided to amend our application.

Water Supervisor Stipend – Administrator Steinel has recommended that Mr. Lawler be paid \$6,000 per year to perform weekend water testing during the year. Mr. Lawler has already taken on this responsibility since the DEP has required water testing seven days per week. She asked that they approve this stipend.

Sussex County Flu Clinic – Mrs. Steinel reported that the October clinic would be held in the High School, and a fee of \$206 is being charged for this usage. She has e-mailed the County to see if they would pay this because we don't want to lose this facility; it is an opportunity to have Hopatcong as a host for the lower end of Sussex County. Mayor Petillo noted that the County requested the High School facility, which was suited for the clinic; the Civic Center was not acceptable because of the lay-out and limited parking. Councilmember Galate suggested Fire House #3 as an alternate site. Mayor Petillo didn't want to see the County relocate the clinic because of the \$206 fee (\$96 for custodian & \$125 usage); we have worked too hard at getting the clinic to be scheduled in Hopatcong. Mrs. Steinel said that she would present options to Mr. Yardley, and see what can be done. Councilwoman Galate remarked that it was the principal of having to pay twice for the school facility. Council President Francis said that for the record if the Board of Education wanted to use this Council room, he wouldn't charge them.

ENGINEER'S REPORT:

A. Storm Drainage Project for Crescent Cove – 319 Grant. Mr. Ruschke reported that this was a project undertaken by the Lake Hopatcong Commission, and the second location because of difficulties encountered, the project was being re-designed and moved to Tor Place. The discharge would be on the beach club property, an additional easement has been secured. The work would begin after Labor Day.

B. 217 Hudson retaining wall. A request to re-construct the retaining wall within the Borough Right-of-Way on Hudson Avenue has been under review. Mr. Ruschke informed those present that the walls along Hudson were the responsibility of the homeowners, and that this particular structure was a major encroachment within the ROW. The homeowner has consented to make the changes recommended by the Engineer and Construction Official; actually moving the wall away from the ROW. Administrator Steinel remarked that these wall improvements make the road safer for our snow plows. She wanted the governing body cognizant of these improvements due to the size of the wall; requested that they give approval for the re-construction of this retaining wall. The consensus from those present was that it was okay to proceed. Mrs. Steinel reported that an escrow account would be established for this work.

C. Request for improvements to current septic system on the Hudson Farm property. Mr. Ruschke said that modifications were being made to one of their structures, and they wanted to also make improvements to the existing septic system, which requires approval from the DEP. #257-10 Authorize approval for a sewer collection system (TWA) on Block 50002 Lot 7, Sparta/Stanhope Road to the DEP for the alteration/no expansion or change of use on an existing sanitary sewer system, moved by Bunce, seconded by Galate. The vote was unanimous.

D. Veteran Field Lighting – Presently the consideration for the lights includes six poles, however the cost would be \$150,000. Mr. Ruschke explained that he was exploring the possibility of using only four poles and a reduction in the lighting standards, which would be acceptable for the recreational use. He didn't believe that there was any need to have a higher lighting capacity because what he is proposing is very common for recreational use. He anticipates having a cost estimate for this project at the August meeting.

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. #258-10 Approve Payment of Escrows.*

- B. #259-10 Approve Refund of Outside Lien Redemption Certificate #2007-22 in the amount of \$8,774.80 plus a Premium in the amount of \$2,100.*
- C. #260-10 Approve Refund of Outside Lien Redemption Certificate #2009-5 in the amount of \$1,699.32.
- D. #261-10 Approve Refund of Outside Lien Certificate #2009-19 in the amount of \$1,955.26.*
- E. #262-10 Approve Refund of Outside Lien Certificate #2009-27 in the amount of \$3,524.19.*
- F. #263-10 Approve Refund of Outside Lien Certificate #2009-28 in the amount of \$4,614.08.*
- G. #264-10 Approve Refund of Outside Lien Certificate #2009-32 in the amount of \$7,314.49.*
- H. #265-10 Approve Refund of Outside Lien Certificate #2009-42 in the amount of \$6,920.04.*
- I. #266-10 Approve Refund of Outside Lien Certificate #2009-43 in the amount of \$1,868.87.*
- J. #267-10 Approve Refund of Outside Lien Certificate #2009-54 in the amount of \$4,210.89.*
- K. #268-10 Approve Refund of Outside Lien Certificate #2009-56 in the amount of \$6,145.47.*
- L. #269-10 Approve Chapter 159 for Safe & Secure Communities Program in the amount of \$60,000.*
- M. #270-10 Approve Chapter 159 for Click It or Ticket 2010 Mobilization in the amount of \$4,000.*
- N. #271-10 Approve Chapter 159 for Municipal Alliance in the amount of \$13,134.*
- O. #272-10 Approve Chapter 159 for ANJEC Grant in the amount of \$6,500.*
- P. #273-10 Approve Chapter 159 for Over the Limit Under Arrest 2010 Mobilization in the amount of \$4,400.*
- Q. #274-10 Approve Raffle License Applications #19 & 20-2010 for High School Parent Association for a 50/50 & Tricky Tray.*
- R. #275-10 Approve Raffle License Application RA #21-2010 for Pope John XXIII H.S. Booster Club On Premises 50/50.*
- S. #276-10 Approve Raffle License Applications RA #22, 23 & 24-2010 for Hopatcong Wildcat Cheerleading Association On Premises 50/50, Merchandise & Casino Games.
- T. #277-10 Approve Refund of Outside Lien Certificate #2002-47 in the amount of \$75,365.94.*

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

ADOPTION OF ORDINANCES:

A. Public Hearing Ord. #15-2010 ORDINANCE TO AUTHORIZE THE SALE OF LOT BY THE BOROUGH OF HOPATCONG TO OWNERS OF

CONTIGUOUS PROPERTY, BLOCK 40504, LOT 64. Open to the public for comment, none was forthcoming. Motion to close public hearing, moved by Galate, seconded by Bunce. Those present voted affirmative..Councilman Bunce reported that the Real Estate Committee recommends this sale; ordinance moved by Bunce, seconded by Galate. Roll Call Vote: **YES** – Bunce, Galate, Baker, Francis, McManus, Young.

B. Public Hearing Ord. #16–2010 AN ORDINANCE ESTABLISHING THE MINIMUM AND MAXIMUM RANGE OF SALARY AND COMPENSATION FOR CERTAIN TITLES OF OFFICERS AND EMPLOYEES OF THE BOROUGH OF HOPATCONG (PBA). Open to the public for comment, none was received. Motion to close the public comment period was moved by Bunce, seconded by Baker. The vote was unanimous. Ordinance moved by Bunce, seconded by Young. Roll Call Vote: **YES** – Bunce, Young, Baker, Francis, McManus. **ABSTAINED** – Galate.

RESOLUTIONS:

- A. #278–10 Approve Payment of Bills, following the removal of check #28334, #28356, #28367, #28390, #28426, 28320, #28368 & #28405. Motioned by Bunce, seconded by Francis. Roll Call Vote: **YES** – Bunce, Francis, Baker, Galate, McManus, Young.
- B. #279–10 Authorize payment of checks: #28334, #28356, #28367, #28390, & #28426. Motioned by Bunce, seconded by Francis. Roll Call Vote: **YES** – Bunce, Francis, Baker, Galate, McManus. **ABSTAINED** – Young.
- C. #280–10 Authorize payment of checks: #28320, #28368, & #28405. Motioned by Baker, seconded by Young. Roll Call Vote: **YES** – Baker, Young, Bunce, Francis, McManus. **ABSTAINED**: Galate.
- D. #281–10 Authorize Emergency Appropriation Repairs to the River Styx Pump Station in an amount not to exceed \$12,000. Motioned by Young, seconded by Bunce. Roll Call Vote: **YES** –Young, Bunce, Baker, Francis, Galate, McManus.
- E. #282–10 Approve Extension Grace Period for 2010 of 3rd Quarter Taxes. Motioned by Bunce, seconded by Young. Roll Call Vote: **YES** – Bunce, Young, Baker, Francis, Galate, McManus.
- F. #283–10 Approve Execution of ANJEC Grant in the amount of \$6,500. Motioned by Young, seconded by Baker. Roll Call Vote: **YES** – Young, Baker, Bunce, Francis, Galate, McManus.
- G. #284–10 Approve Contract with The Land Conservancy of N.J. in an amount of \$14,000 to update Borough’s Open Space & Recreation Plan. Motioned by Bunce, seconded by Baker. Roll Call Vote: **YES** – Bunce, Baker, Francis, Galate, McManus, Young.
- H. #285–10 Approve 2010–11 Liquor License Renewals Ridgewood & Tidal Wave. Motioned by Bunce, seconded by Galate. Roll Call Vote: **YES** – Bunce, Galate, Baker, Francis, McManus, Young.

- I. #286-10 Approve 2009 Audit Report. Motioned by Bunce, seconded by Baker. Roll Call Vote: **YES** – Bunce, Baker, Francis, Galate, McManus, Young.
- J. #287-10 Approve Submission of DOT SAGE Application for Safe Streets. Motioned by Bunce, seconded by Young. Roll Call Vote: **YES** – Bunce, Young, Baker, Francis, Galate, McManus.
- K. #288-10 Approve Submission of DOT Safe Streets Grant Application for Lakeside Blvd. Sidewalks. Motioned by Bunce, seconded by Galate. Roll Call Vote: **YES** – Bunce, Galate, Baker, Francis, McManus, Young.
- L. #289-10 Approve Authorizing a Memorandum of Understanding with Board of Education in making application for the COPS SOS 2010 Grant Program. Motioned by Bunce, seconded by Young. Roll Call Vote: **YES** – Bunce, Young, Baker, Francis, Galate, McManus.
- M. #290-10 Authorize Appointment of Alternate Prosecutor J. Confrancesco, Esq. Motioned by Bunce, seconded by Young. Roll Call Vote: **YES** – Bunce, Young, Baker, Francis, Galate, McManus.
- N. #291-10 Authorize the DPW to Purchase Bituminous Concrete (I-5) in an amount not to exceed \$54.25 per ton. Motioned by Bunce, seconded by Francis. Roll Call Vote: **YES** – Bunce, Francis, Baker, Galate, McManus, Young.
- O. #292-10 Authorize State Contract for Firefighter gear with Firefighter One Online in an amount not to exceed \$80,000. Motioned by Bunce, seconded by Young. Roll Call Vote: **YES** – Bunce, Young, Baker, Francis, Galate, McManus.
- P. #293-10 Authorize payment of a Stipend in the amount of \$6,000.00 for Water Supervisor for weekend water system testing duties in 2010. Motioned by Bunce, seconded by Young. Roll Call Vote: **YES** – Bunce, Young, Baker, Francis, Galate, McManus.

OLD BUSINESS:

A. 2010 Entertainment Licenses. #294-10 Mayor and Council do endorse and uphold the Administrative action taken by Administrator Steinel regarding the suspension of Entertainment Licenses issued on June 16th, 2010. Motioned by Bunce, seconded by Young. The vote was unanimous. #295-10 Authorize the Borough Clerk to issue the 2010 Entertainment Licenses to applicants, Northwood/Kabobs, Garden State Yacht Club, Pavinci's Restaurant, and Cast-A-Ways, motioned by Bunce, seconded by Young. Those present voted affirmative.

B. Draft Ordinance – Abandon Vehicles. Mayor Petillo noted that the draft ordinances were provided for comment, and recommended that any costs associated with the towing of vehicles be at the owners' expense and included within the ordinance.

C. Draft Ordinance – Grinder Pumps. No action taken.

D. Request for Vacation of Roadway – from Fleming regarding Dibert Lane. #296–10 Authorize Borough Engineer to prepare Metes and Bounds description for this project, moved by Bunce, seconded by Galate. Those present voted affirmative, except for an abstention by McManus.

NEW BUSINESS:

A. Donation of land. Block 40309, Lot 13, Susquehanna Trail. Councilperson Bunce remarked that the Real Estate Committee endorses the acceptance of this property. #297–10 Authorize Borough Attorney to perform Title Search, and if the Title is found to be clear, accept donation of this property, moved by Bunce, seconded by Young. Those present voted affirmative.

B. Request for Connection to Municipal Water due to contaminated area at 20 Alfred Way. Mr. Ruschke reported that a water main extension is already in the roadway, and that we know the area is contaminated. #298–10 Authorize a Municipal Water Connection to 20 Alfred Way due to contamination, motioned by Bunce, seconded by Galate. The vote was unanimous.

C. Request for Connection to Municipal Water due to shared well at 41 Brooklyn Mountain Road. This application was endorsed by Messrs. Ruschke & Jobeless due to hardship. #299–10 Authorize connection to Municipal Water System as per hardship, motioned by Bunce, seconded by Young. The vote was unanimous.

D. Draft Ordinance – Dumpster Refuse Container. No action at this time.

E. Request to keep infringement in the ROW at 9 Bear Pond Trail, parking area. Council President Francis inquired as to what the proper procedure is in this matter. Mr. Ruschke reported that he did not see an issue with keeping the driveway in the ROW; complete a driveway permit & install the guard rail. Administrator Steinel remarked that the Encroachment Form & Hold Harmless paperwork should be filed. #300–10 Authorize the encroachment in the ROW at 9 Bear Pond Trail as per Engineer & Zoning Officer’s recommendations, moved by Bunce, seconded by Young. The vote was unanimous.

F. Draft Ordinance – Facility Use Ordinance & Fees. This draft was provided to the governing body for review and comment, no action at this time.

G. Certification of Taxes. Mr. Vex explained that a potential buyer for the property on Lakeside Blvd., Block 10601, Lot 11 was applying to the Planning Board for a minor sub-division, and that no certification of taxes will be provided until the time of closing. He said that this idea permits people to explore what was possible for land development without making a commitment. The governing body has reviewed this request, and found it to be in the best interest of all parties to permit the Planning Board application without the certification of taxes. Councilmember McManus stated that she would vote in favor, providing there is no

conflict with our Borough Code. #301-10 Authorize Attorney to draft a contract with Any Day Now Construction LLC & Atno for the payment of delinquent taxes at the closing for the purchase of Block 10601, Lot 11, moved by Bunce, seconded by Galate. Roll Call Vote: **YES** – Bunce, Galate, Baker, Francis, McManus, Young.

COMMITTEE REPORTS: Councilman Bunce informed those present that the weed harvesters were on the lake collecting the weeds. Because of the late start they would not be coming as close to docks this year. Mayor Petillo thanked our DPW for the service they provided by making welding repairs to the machines.

Councilperson Young reported on the Recreation Commission activities: Summer Camp has 48 participants, Street Hockey Program is finished, sixty kids participated in this program; discussed a fall tennis lesson program & the number of out-of-towners per team. Councilman Young revealed that the schools were charging a fee to the recreation groups and summer program for the use of their facilities. Councilmember McManus said that they should be sent a letter, because these were Hopatcong children. Based on some of the information presented, it appears that there was no logic to the fees charged to the various groups, and that custodian fees were being charged during times when these employees were already working. Councilman Young said that if expenses were generated due to the group using the facility, he was not opposed to paying for those services. Councilperson Baker commented that the School Board's discussion for Pay-to-Play was not necessary for this year because they already have money for this year. He encouraged residents to attend the School Board meetings, and to ask questions. The governing body authorized Administrator Steinel to write a letter to Dr. Maranzano.

PUBLIC COMMENT: (comments limited to 5 minutes). None was forthcoming. Councilperson Galate moved to close public comment period, seconded by Bunce. Those present voted affirmative.

COUNCIL COMMENTS: Councilwoman Galate reported that this Saturday the Senior Picnic would be held at the Civic Center Pavilion from noon until 3 p.m., all Hopatcong seniors were invited. At the picnic Mayor Petillo would be announcing the 2010 Senior of the Year. Councilmember Galate noted that the senior's club was open to age 62 and older; some of their activities include lunch program, shopping trips, social twice a month, traveling trips including a trip to Cape Cod in September and other new things. She thanked the Hopatcong Day & EMS Day participants and volunteers; this was one of the best Hopatcong Days. Marie Galate thanked our professionals that donated to this event, and is looking forward to next year.

Council President Francis agreed that Hopatcong Days and the parade was great; thanked all of the volunteers. He informed those present that PSE &G has donated a fuel propane generator to the town, which is being serviced and would be available for winter; this unit is probably valued at \$50,000 to \$75,000. He thanked PSE &G and Bobby Rehe for picking the unit up for us at no cost to the Borough. Council President Francis wished everyone a good night & good luck.

Councilman Young thanked all for coming; remarked on the wonderful Hopatcong Days activities & thanked the Police, CERT & Vito Castoro; noted the outstanding Soap Box Derby run by the Hopatcong Business Association; Cathy Bowen & HEPTO & congratulated the Little League Coaches on winning the softball tournament. He encouraged everyone to get outside and enjoy themselves.

Councilperson McManus reported on the Municipal Alliance movie and anti-drug program, another movie is scheduled for August 13th. Another activity that is scheduled is on September 12th, there will be a ceremony by the old County Bridge for the 3 Trails that converge on the Sparta/Stanhope Road; anyone interested in volunteering to help mark the trails or come to the ceremony are welcome.

Councilman Bunce thanked everyone for coming tonight; thanked Billy Wagner & the Wagner Family as well as Vito Castoro; commented that the parade and the recognition of our veterans and service personnel were very touching. He requested that everyone watch out for the children playing outdoors, and said good night.

Councilmember Baker thanked everyone for coming, and added his congratulations to those involved in Hopatcong Days; thanked Vito Castoro and Congressman Rodney Frelinghuysen. He also noted that the 4th of July celebration is a time to remember those who have served and are serving. Councilman Baker also thanked Seth Katz for providing the Bat mobile & Bat boat.

Mayor Petillo recognized Vito Castoro, Officer Bob Haffner & HEPTO member Cathy Bowen, St. Jude Knights of Columbus & Boy Scouts for their contribution to the very successful Hopatcong Days celebration; next year will be even bigger & better. Thanked the residents for coming.

Councilperson Bunce moved to adjourn at 9:12 p.m., seconded by Galate. The vote was unanimous.

Respectfully submitted: