

The August 18, 2010 regular/work meeting was called to order by Mayor Petillo at 7:30 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, & John Young. Absent - Madeline McManus. Councilman Bunce moved to excuse Mrs. McManus, seconded by Young. Those present voted affirmative. Others present: Attorney Robert McBriar & Clerk Lorraine Stark.

MOMENT OF SILENT REFLECTION AND PLEDGE OF ALLEGIANCE

SALE OF PROPERTY: Ordinance No. 15-2010 - Blk. 40504, Lt. 64
Minimum Price: \$12,000.00. Councilperson Bunce called for any interested parties to bid at this time. No contiguous owner was present to bid on this property.

PRESENTATION: Mr. Gleitz regarding Highlands Module Reports & COAH. Mayor Petillo introduced Municipal Planner Paul Gleitz. Mr. Gleitz revealed that he attended the Planning Board meeting last night and would provide an update to this body this evening. Mr. Gleitz noted that the Borough requested an extension for the June 8th COAH deadline, which was denied. The extension was requested due to insufficient staffing; the former Planner left and a search was underway to hire someone else. Mr. Gleitz is currently working on documents to meet a COAH September deadline. He spoke about prior obligations to COAH and moving forward with compliance to the Highlands Council. The Hopatcong grow share number has been reduced to 22. Some strategies discussed in achieving the COAH goal: existing units in town, looking to get these approved; potential senior housing rental units on Bell Avenue; Goldmeier site and Arrow Crest site (inclusionary development) are being explored; Habitat for Humanity & Group Homes using Borough owned property within the sewer area; these are identified as 100% Affordable developments. Paul explained that he was coordinating the partnership between the Governing Body and Planning Board. Mr. Gleitz provided three maps and explained the corrections that he would be seeking with the Highlands Council that includes the M1 Zone, which has been included within the Preservation area; as well as an expansion of the 'Town Center'. He noted that we were moving forward on both fronts, and thinks they are on the correct path; thanked the

governing body for their time. Councilwoman Galate thanked him for the simplistic explanation, and for taking a reasonable view on our COAH obligation. Mr. Gleitz reported that he thought some feedback from COAH & the Highlands Council would be forthcoming within a couple of weeks.

Mayor Petillo & Councilmembers thanked Paul for this presentation.

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). Mayor Petillo stated that she would take anyone with questions pertaining to the tax bill at this time; the bills were recently mailed.

Chris Frankowski a resident of 127 Rollins Trail asked what the municipal increase was. Kelley McGann CFO, responded 6.94%. Mayor Petillo informed those present that residents would be receiving a letter that explained this year's taxes; the tax bill reflects municipal, school, & all County taxes. Mr. Frankowski said that we need to get the spending under control and tighten our belts; cannot continue to increase taxes each year. Mayor Petillo noted that the Borough was under this year's 4% CAP, and would be faced with a 2% CAP next year. Mr. Frankowski wanted to see more shared services and a reduction in the police force; he didn't think that taxpayers could afford the current level of services any longer, need a reduction. Mayor Petillo agreed with Mr. Frankowski that taxes were too high, and that there needs to be a continued effort to reduce the tax burden by all parties. Councilman Bunce commented that this year they managed to increase revenue and created income; noting losses from State funding that adversely affected the municipal tax rate. Council President Francis remarked that he would like to see more people come to talk about the tax bills.

Mr. David Tomsen addressed the matter under new business item C; he had a Title Search done on the property and was told there was no record of an easement recorded at the County even though the Tax Map showed an access easement. He came this evening to see what he needed to do to get the governing body to provide written authorization to access his property through the adjoining Borough lot. Mr. Tomsen was referred to Attorney John Ursin.

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

Councilmember Bunce moved approval of the following minutes, Special meeting May 14, 2010, regular/ work meeting May 19, 2010, regular/work meeting June 16, 2010, and regular/work meeting July 21, 2010, seconded by Galate. The vote was unanimous. Absent - McManus. Councilman Bunce moved the approval of minutes from the special June 12, 2010 meeting, seconded by Young. Roll Call Vote: **YES** - Bunce, Young, Baker & Francis. **ABSTAINED** - Galate. **ABSENT** - McManus.

ENGINEER'S REPORT: Mr. Ruschke was present for this discussion.

Drainage Easements – Mr. Ruschke informed those present that residents on Hudson Avenue & Dupont Avenue have requested that the DPW be permitted to have access to their property to install drainage into the lake; 15 foot wide easement would be authorized for this purpose. In addition, there is a need to authorize a Right-to-Discharge Easement for Dupont Avenue. Rand Street Well Easement – Mr. Ruschke revealed that the DEP requires a 50 foot easement around all wells; since this well has been included in our water allocation permit and would be activated in the near future an easement should be secured for two properties. John reported that he has secured an appraisal, however additional proposals would be obtained.

Resolution– #302–10 Approve a Conservation Easement for Block 10502, lot 1 and Block 10504, lot 9. #302–10 – Motioned by Bunce, seconded by Francis. Roll Call Vote: **YES** – Bunce, Francis, Baker, Young. **ABSTAINED** – Galate. **ABSENT** – McManus.

Resolution – #303–10 Approve Borough Engineer to secure drainage easements on three properties, Block 30904, Lot 2, Block 31005, Lot 50 and Block 31005, Lot 2. Motioned by Bunce, seconded by Francis. Roll Call Vote: **YES** – Bunce, Francis, Baker, Galate, Young. **ABSENT** – McManus.

Dibert Road – Mr. Ruschke explained the proposal is to vacate one-half of the 50 foot road; maintain access to another lot and drainage issues. It was reported that the other property owners need to be notified of this potential vacation of Dibert Road.

Veteran Field Lighting – The proposal is to expand the existing lighting and provide wooden poles to secure netting for the softball field. Mr. Ruschke reported that six poles for the lighting were recommended, and that 6 steel poles would be substantially more expensive; 4 steel poles would not provide adequate lighting. The poles for the netting were going to be wooden, and if 6 wooden poles were purchased for the lighting this would be adequate coverage. Mayor Petillo commented that the cost for this project was coming out of the Open Space Trust Fund; our fund was for both Open Space and Recreation. Councilmember Young remarked that since wooden poles were being installed for the netting, it would make sense to be consistent and use the wood for the lighting. John Ruschke said that it seems that the wood poles are a better approach for lighting intensity on the field. The consensus was to proceed with the wood poles.

Hopatchung Streetscape Project – The contractor has established December 11th as the finish date for this project; anticipates starting by the beginning of September or sooner. Since the bid came in below the grant funding, Mr. Ruschke will speak to the DOT about change orders to modify/expand this project. One suggestion was to have the lighting changed to LED's; however that appears to be too costly at this time. John would continue to negotiate with the contractor to see if a lower price can

be reached. Another possibility is to make improvements to the landscape, sidewalks/lighting at Borough Hall and Firehouse #3; use items already within the contract. Looking to purchase 4 additional lights; total contract change orders permitted cannot exceed \$70,000. 9/11 Memorial Park – These improvements would be paid for by donations and DPW employees would be performing much of the work. A drawing that showed the project concept was provided to the governing body for review.

Reactivation of Elba Point Well – Mr. Ruschke stated that he has severe reservations because of the cost and the DEP's negative feedback; in order to meet the DEP requirements this well reactivation would be very costly. He wanted to explore other possible projects that could be done with the grant money. Mayor Petillo selected Richard Bunce & Michael Francis to serve on a sub-committee to review alternate projects for water improvements.

Extraordinary Services – Mr. Ruschke revealed that this resolution for ORPAK USA, Inc. was in order, and that this company was certified to provide this service.

Mayor Petillo and Governing Body members thanked John and wished him a good night.

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. #304–10 Approve Payment of Escrows.*
- B. #305–10 Approve Refund of Outside Lien Redemption Certificate #2008–55 in the amount of \$24,289.86 plus a Premium in the amount of \$4,000.*
- C. #306–10 Approve Refund of Monies Due to Overpayment of 3rd Quarter 2009 Taxes on Blk. 50208, Lt. 1.*
- D. #307–10 Approve Installment Agreement for Delinquent Property Taxes for Block 10210, Lt. 18.*
- E. #308–10 Approve Installment Agreement for Delinquent Property Taxes and Sewer Bills for Block 30105, Lt. 21.*
- F. #309–10 Authorize Establishment of a Petty Cash Fund for Recreation Department.*
- G. #310–10 Authorize CFO, K. McGann as Custodian of Petty Cash Fund.*
- H. #311–10 Approve Refund of Outside Lien Certificate #2009–63 in the amount of \$9,713.57 plus premium in the amount of \$500.*
- I. #312–10 Approve Cancellation of a Portion of 2010 Taxes for two properties.*

- J. #313-10 Approve Exempt Status & Cancellation of Prorated 2010 Taxes for Blk. 40106, Lt. 40.*

Consent agenda motioned by Bunce, seconded by Galate. Vote was unanimous. **ABSENT** - McManus.

INTRODUCTION OF ORDINANCES:

A. #314-10 Ord. #17-2010 AN ORDINANCE TO APPROPRIATE \$207,500 FROM MUNICIPAL OPEN SPACE RECREATION TRUST FOR THE PURPOSE OF RECREATIONAL IMPROVEMENTS. Councilman Young moved ordinance, seconded by Bunce. Roll Call Vote: **YES** - Young, Bunce, Francis, Galate & Baker. **ABSENT** - McManus.

B. #315-10 Ord. #18-2010 BOND ORDINANCE PROVIDING FOR THE REMOVAL AND REPLACEMENT OF AN OIL TANK AT THE BOROUGH MUNICIPAL BUILDING, BY AND IN THE BOROUGH OF HOPATCONG, IN THE COUNTY OF SUSSEX, STATE OF NEW JERSEY (THE "BOROUGH"); APPROPRIATING \$40,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$38,095 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COSTS THEREOF. Councilmember Bunce moved ordinance, seconded by Young. Roll Call Vote: **YES** - Bunce, Young, Baker & Francis. **ABSENT** - Galate & McManus.

C. #316-10 Ord. #19-2010 AN ORDINANCE TO AMEND CHAPTER 108 OF THE CODE OF THE BOROUGH OF HOPATCONG ENTITLED "FEES". Councilperson Bunce moved ordinance, seconded by Francis. **ABSENT** - Galate & McManus.

RESOLUTIONS:

- A. #317-10 Approve Payment of Bills following the removal of checks #1131, #28428, #28460, #28466 & #28475. Motioned by Bunce, seconded by Young. Roll Call Vote: **YES** - Bunce, Young, Baker, Francis, Galate. **ABSENT** - McManus.
- B. #318-10 Authorize payments of the following checks: #1131, #28428, #28460, #28466, #28472, & #28475. Motioned by Bunce, seconded by Young. Roll Call Vote: **YES** - Bunce, Young, Baker, Francis. **ABSTAINED**- Galate. **ABSENT** - McManus.
- C. #319-10 Approve 2010-11 Liquor License Renewal: Tonic, Inc. (Pocket). Motioned by Bunce, seconded by Galate. The vote was unanimous. **ABSENT** - McManus.
- D. #320-10 Approve Extension of Grace Period for 2010 Taxes until September 8, 2010. Motioned by Francis, seconded by Galate. Those present voted affirmative. **ABSENT** - McManus.
- E. #321-10 Agree with State Historic Preservation Officer's Comments for USDA Rehabilitation Grant. Motioned by Bunce, seconded by Young. Those present voted affirmative. **ABSENT** - McManus.

- F. #322-10 Support NJ Senate Bill No. S-2072, "Electronic Publication of Legal Notices Act". Motioned by Bunce, seconded by Galate. The vote was unanimous. **ABSENT** - McManus.
- G. #323-10 Authorize Award of Extraordinary Unspecifiable Services Contract to ORPAK USA, Inc. in an amount not to exceed \$8,250. Motioned by Bunce, seconded by Galate. Roll Call Vote: **YES** - Bunce, Galate, Baker, Francis, Young. **ABSENT** - McManus.
- H. #324-10 Authorize Agreement with First Serve Tennis Academy for Fall tennis program. Motioned by Bunce, seconded by Young. Those present voted affirmative. **ABSTAINED**- Galate. **ABSENT** - McManus.

NEW BUSINESS:

A. Request to Encroach on Borough Right-of-Way 36 Hopatchung Road, Blk. 30327, Lt. 1. Mr. Basil Castrovinci reported that he understands that the sprinkler system in the ROW on Sharp is being addressed by this agreement; he has worked with the Engineer and Planning Board. Regarding Hopatchung encroachment he would have the contractor hand dig the area at his expense. #325-10 Authorize permission for encroachment in the ROW at Block 30327, Lot 1. Motioned by Francis, seconded by Bunce. The vote was unanimous. **ABSENT** - McManus.

B. Bids for Road Resurfacing Project 2010. The bid has been reviewed by the Engineer & Attorney and both agree that the low bidder can be awarded the contract. #326-10 Award contract to Schifano Construction in the amount not to exceed \$317,700.00. Motioned by Francis, seconded by Galate. Roll Call Vote: **YES** - Francis, Galate, Baker, Bunce, Young. **ABSENT** - McManus.

C. Request for Grant of Easement for access property from Blk. 70111 Lt. 26 from D. Thomsen (Blk. 70111 Lts. 30 & 31). Mr. Thomsen will provide information for consideration.

D. Draft Ordinance - Amend Site Plan Ordinance - distribution only.

E. Informational - Mayor's Appointment Environmental Commission: replace Phelps & Jenkins due to resignation with Patricia & Bradley Hoferkamp. Mayor Petillo thanked both Celina & Mark for their service and appointed the following as alternates: Mary Louise Baker & Arlene Lelling.

COMMITTEE REPORTS: Council President Francis reported that regarding the solar energy project we have an interested party, and they are scheduling a time to discuss this matter. In addition, the Legislation he spoke about in the past has been adopted; very positive things are happening. He is also exploring savings that can be generated in existing electrical usage. Council President Francis also informed those present that he wants to pursue a Farmer's Market in town on Sundays;

no County approvals are required and the Park & Ride facility would be an ideal location.

Councilperson Young commented that the Recreation Commission met and that the Summer Recreation Program is winding down; had about 8 to 10 fewer campers this year. Other items to report included; the issuance of Fall permits and a change in the Out-of-Town player policy. The rule change is that none are permitted now unless the team can prove they are necessary; allow Borough taxpayers to use our fields first. Councilman Bunce said that Freeholder Jeff Parrott was looking into some funding for Lake Hopatcong; sent a letter revealing that this was not possible.

PUBLIC COMMENT: (comments limited to 5 minutes). Robin Wall from 125 Squaw Trail reported that vehicles travel very quickly on the road; they think it is a through street because the GPS shows it as one. She expressed concern for the children that live in the neighborhood, and wanted to know if signs 'Children at Play & Slow' could be installed because of the safety risk caused by these vehicles. Mayor Petillo said that she would bring this to Chief Swanson's attention.

Lisa Wall said that her children were concerned about the animals in town and were collecting money for the Hopatcong Pound. Lisa wished to know why Mr. Sloat told them that they had to stop collecting money because it was against the law. Mayor Petillo commented that she did not know, but would find out why Mr. Sloat told her children this.

Mara Modes a resident of Ithanell Road revealed that Louis Bagby attempted to bring a Farmers' Market to Hopatcong during Hopatcong Days; she wished Mr. Francis luck in his efforts.

Councilman Bunce moved to close public comment period, seconded by Young. The vote was unanimous. Absent - McManus.

COUNCIL COMMENTS: Councilperson Galate informed those present that the Senior Picnic in July, despite the 98 degree temperature, was a success and was the best attended to date. She thanked the Fire Department for the use of the fans and everyone who worked at making this picnic a success including the local businesses, which were very generous. She wished all a good night.

Council President Francis thanked everyone for coming and reported that the Senior Picnic was very good; our town is in a state of recovery and is looking better and will be better; we are headed in the right direction.

Council President Francis wished everyone a good night & good luck.

Councilmember Young thanked the public for being here this evening and our Miss Hopatcong for representing us at the County/State Fair. He reported that Fire Company #4 provided a tour of their work in re-vamping a 10 year old truck; he acknowledged their efforts, appreciates them, and all that they do for the Borough. Councilman Young encouraged residents to keep the Armed Services personnel in their

prayers, and to drive safely especially in small neighborhoods where children could be outdoors playing; wished all a good night. Councilman Bunce revealed that the Senior Picnic was a great time, and thanked John for acknowledging the work Fire Company #4 was doing on restoring an old fire truck. He informed the public that the Knights of Columbus luncheon is scheduled for October 24th, 1 p.m. at St. Jude, inviting all seniors to attend. He thanked everyone for coming and cautioned them to watch out for the children, who were not watching out for you.

Councilperson Baker thanked all for coming, and noted that the Senior Picnic went off well. He revealed that he attended the School Board meeting at which time the Board members discussed their goals for 2010; he encouraged more residents to attend their meetings especially the ones associated with setting objectives, since the Board would be determining how the tax dollars would be spent. Councilman Baker said that the next meeting was on Monday the 23rd, encouraging more residents attend.

Mayor Petillo thanked the Firemen, Miss Hopatcong Cristina Pena who represented us at the Fair and congratulated Byram Township on having their representative selected as the 2010 Sussex County Queen.

Councilman Bunce moved to adjourn at 9:37 p.m., seconded by Baker. Those present voted affirmative. Absent – McManus.

Respectfully submitted:

Lorraine E. Stark