

The September 16, 2009 regular/work meeting was called to order at 6:31 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, Madeline McManus & John Young. Absent: Marie Galate. Others present: Attorney John Ursin, Administrator Catherine Steinel & Clerk Lorraine Stark.

Councilman Bunce moved resolution for closed session at 6:32 p.m., seconded by Francis. Those present voted affirmative. Absent - Galate. Mr. Ursin reported matters to be discussed pertained to PBA negotiations, County Flow Ordinance discussion, salaries & hiring.

Continue open session at 7:39 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). Toni Haines questioned the percent of increase for the salaries. Mrs. Steinel responded that the maximum was raised between 4 to 6 percent; an employee is not guaranteed that they would receive that amount. She said that she was recommending a 3% salary increase. Mrs. Haines spoke about how the School Board gives raises, and said that the Borough does not have any money and shouldn't be giving 3% raises. Councilperson McManus stated that these individuals, Department Heads, helped the Borough get through a very difficult time, worked extra hours and took on extra duties; she supported the 3% raise. Mayor Petillo revealed that the DPW union employees received a 3.9% increase in 2009. Mrs. Modes asked if this included back pay. Administrator Steinel said that her recommendation was for this increase to be retroactive from January 1st, 2009.

Councilperson Bunce moved to close public comment period, seconded by Young. Those present voted affirmative.

Mayor Petillo informed those present that she would be establishing a committee for the Brownfield Grant.

ADMINISTRATOR'S REPORT:

New Shared Services Agreements – Mrs. Steinel reported that she is working diligently on bringing in new sources of revenue.

Safety Committee – The first meeting was held in August, training would be provided to employees. Laura Burns has been selected as Committee Secretary and Lorraine Stark has volunteered to be the Safety Officer. The Safety Committee's objective is to help avoid Workers' Compensation Claims and help reduce the insurance premium.

Anti-Theft Policy – Administrator Steinel revealed that Mr. Ursin is working on guidelines.

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. #345-09 Approve Payment of Escrows.*
 - B. #346-09 Approve Outside Lien Redemption Certificate #2008003 in the amount of \$7,136.27 plus the premium in the amount of \$1,100.*
 - C. #347-09 Approve Part-Time Temporary employees to assist with mailing Tax Bills at \$7.25 per hour.*
 - D. #348-09 Approve Chapter 159 for Additional Funds in the amount of \$9,040.37 for the Division of Motor Vehicles Borough DDEF.*
 - E. #349-09 Approve Raffle License RA#26-2009 & RA#27-2009 Hopatcong Warriors Merchandise & On Premises 50/50. Bunce moved, seconded by Francis. Roll Call Vote: **YES** – Bunce, Francis, McManus & Baker. **ABSTAINED** – Young. **ABSENT** – Galate.
- Following the removal of E. the Consent agenda motioned by Bunce, seconded by Francis. Vote was unanimous. **ABSENT** – Galate.

ADOPTION OF ORDINANCES:

- A. Ord. #34-2009 ORDINANCE OF THE BOROUGH OF HOPATCONG, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO SUPPLEMENT SECTION 38-17 OF THE CODE OF THE BOROUGH OF HOPATCONG Open to public, none was forthcoming. This ordinance establishes the position of part-time Recycling Operator & sets a salary range. Motioned by Francis, seconded by Bunce. Roll Call Vote: **YES** – Francis, Bunce, Baker, Young. **Nay** – McManus. **ABSENT** – Galate.

INTRODUCTION OF ORDINANCES:

RESOLUTIONS:

- A. #350-09 Approve Payment of Bills, following the removal of check #27129. Motioned by Bunce, seconded by Young. Roll Call

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

- B. #351-09 Approve payment of check #27129. Motioned by Bunce, seconded by Francis. Roll Call Vote: **YES** – Bunce, Francis, Baker, McManus. **ABSTAINED** – Young. **ABSENT** – Galate.
- C. #352-09 Authorize the Acceptance of Escrow in the amount of \$3,000 from the Arthur Road Well Association regarding inter-connection to the Municipal Water System. Motioned by Francis, seconded by Bunce. Mr. Ursin explained that the DEP was evaluating this project and that it was necessary for the professionals to provide information, therefore an escrow account was necessary to pay these fees. Roll Call Vote: **YES** – Francis, Bunce, Baker, McManus, Young. **ABSENT** – Galate.
- D. #353-09 Authorize Participation in the DCA Small Cities/SAGE Grant Program & Submission of Application. Motioned by Bunce, seconded by Baker. Mayor Petillo reported that the application has been submitted for this grant for improvements to the Civic Center; the public comment hearing was also held earlier this month. Roll Call Vote: **YES** – Bunce, Baker, Francis, McManus, Young. **ABSENT** – Galate.
- E. #354-09 Authorize position of senior clerk typist for the Finance and Payroll Department to Jeanmarie Kolaya-Flammia. Motioned by Baker, seconded by Francis. Roll Call Vote: **YES** – Baker, Francis, Young, Bunce. **NAY** – McManus. **ABSENT** – Galate.
- F. #355-09 Authorize position of clerk typist for the Tax Assessment and Tax Collector Department to Ms. Wendy Chudley. Motioned by Baker, seconded by Francis. Roll Call Vote: **YES** – Baker, Bunce, Francis, Young, **NAY** – McManus. **ABSENT** – Galate.

OLD BUSINESS:

- A. Ordinance #30-2009 ORDINANCE OF THE BOROUGH OF HOPATCONG, COUNTY OF SUSSEX, STATE OF NEW JERSEY TO REPLACE PORTIONS OF CHAPTER 43 TO SET 2009 SALARIES. Open to public for comment, no additional comments were received. Motioned by Bunce, seconded by Francis. Roll Call Vote: **YES** – Bunce, Francis, Baker, McManus, Young. **ABSENT** – Galate.
- B. #356-09 – Introduction Ord. #35-2009 AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 242 OF THE CODE OF THE BOROUGH OF HOPATCONG, SUSSEX COUNTY, NEW JERSEY, ENTITLED “ZONING” BY AMENDING SUBSECTION 242-15 TO CHANGE THE SETBACK REQUIREMENTS FOR ACCESSORY STRUCTURES AND TO SUPPLEMENT SUBSECTION 242-38D(5)(b) TO SET FORTH THE SIDE YARD SETBACK REQUIREMENT AS TO THE CORNER LOT Motioned by Baker, seconded by Francis. Councilmember Francis spoke about the long narrow lots located throughout the Borough and the owner’s inability to construct a

shed on their property without obtaining a variance. He noted that what this ordinance does is to define what a shed is. Roll Call Vote: **YES** – Baker, Francis, Bunce, Young. **ABSTAINED** – McManus. **ABSENT** – Galate.

- C. Solar Project – Authorize Professional Services. Mr. Ursin requested that this matter be deferred since he has not had an opportunity to finalize the arrangement with the School Board. He noted that the closed landfill consists of 26 acres, which are ideal for this type of project, especially with 4 schools located within the area. We are looking to have a solar farm built, which would benefit the Municipality and School Board equally. The consensus was to carry this matter until the next meeting.
- D. Discussion – Lake Hopatcong Boat Fees. Mayor Petillo discussed the Lake Commission and potential boat fees. The State does not provide sufficient money to repair the weed harvesters so a coalition was formed by the 4 towns; weed harvesters were repaired & weeds were cut due to the efforts of these communities. In addition, shared services agreements are being discussed by the 4 towns and 2 counties. Next Monday the Lake Commission would discuss moving forward with establishing boat fees. Mayor Petillo asked the governing body if they were in favor of establishing these fees. Councilman Bunce said that the State has abandoned Lake Hopatcong, and that they should be providing the money. However, since there does not seem to be any alternative solution he doesn't see how the lake can survive without boat fees at this point in time. Councilwoman McManus said affirmative on the boat fees. Councilman Baker agreed with boat fees because the DEP does not care about the weeds or the survival of the lake economy. Councilmember Young agreed that it is our backyard and we are the ones that need to protect our interests, yes to boat fees. Councilman Francis commented that it really isn't the State's lake; it is our quality of life and real estate values that are being eroded. In his opinion the State should go away because the real issue isn't with weeds, the State does a poor job maintaining the water levels, the people who are drinking the water should be paying a water tax. Boat fees are just a piece of the puzzle and it is our responsibility. Mayor Petillo would forward the favorable response to Dan McCarthy our Lake Hopatcong Commissioner.
- E. Discussion – Brownfield Grant. Mayor Petillo informed those present that the Borough did not receive a grant from their first application. We are applying for a \$400,000 Assessment Grant and improving this application. The Brownfield Advisory Committee would be holding a public meeting to discuss this project on October 3, 2009 at 10 a.m. in the Municipal Building; public invited to attend.

NEW BUSINESS:

- A. Discussion – Ad Interim Permit/Renewal Liquor License– Tidal Wave. Mr. Ursin remarked that it was the Borough’s responsibility to direct the Clerk to renew the Ad Interim Permit as an extension of last year’s license; they must continue to work off of the prior year’s license because no Tax Clearance Certificate has been issued by the Division of Taxation. Charlie Retcho, owner of the Tidal Wave Bar & Grill was requested to be present this evening for this discussion. Mr. Retcho said that he has received three Ad Interim Permits already, and that he cannot be issued another one. Mr. Retcho commented that he was going down to Trenton to pay the outstanding balance, and that the governing body should hold a special meeting for the renewal of his 2009/2010 Liquor License. Mr. Ursin said he wouldn’t recommend scheduling a special meeting at this time. The governing body agreed that if appropriate, a special meeting would be scheduled.
- B. Tennis Lessons – Recreation Commission accepted proposal from the Tennis Academy for a 15% fee. Mr. Ursin reported that the procedure was established by the governing body a couple of years ago; nothing unusual about this request. #357-09 Approve Tennis Fees. Motioned by McManus, seconded by Young. Those present voted affirmative. Absent – Galate.
- C. Correspondence from J. Carter regarding DPW road crew. Mayor Petillo read the “thank you” letter to the DPW employees for work they performed, thereby fixing an outstanding existing problem.
- D. Correspondence from S. Nowell regarding Recycle Center. Mayor Petillo said that Mrs. Nowell has presented a very good idea, and that it would be placed on the web site so that residents can take advantage of this suggestion. Councilman Baker encouraged those who use containers for their paper, to clearly mark it as “recycling”.
- E. Discussion – Fund Raiser for Kyle. Mayor Petillo informed those present that a group of parents wanted to hold a fund raising event for Kyle on October 4, 2009 at the Park & Ride facility; an antique car show is the featured event. There were no objections voiced.
- F. County Flow Control. Mr. Ursin revealed that Sussex County has amended their Solid Waste Plan to include flow control. This was done due to financial reasons because of the reduction in materials they are currently receiving. The outcome will affect all of Sussex County residents because the County holds bonds on the facility. The governing body will continue to monitor this proposed change in policy.

COMMITTEE REPORTS: Councilmember Young remarked that the Summer Recreation Program was very successful and self-supporting. The new panels for the skate park equipment have been received and installation would be done by the DPW. The Halloween Parade & Contest is being held on October 25th with no rain date this year; this activity is sponsored by the Hopatcong Business Association & Recreation Commission. Everyone is invited to attend.

Councilwoman McManus reported that the Environmental Commission was planning a one day electronics Recycling Day; details to be released. Councilperson Francis noted that he distributed information to the Council regarding deer control and would be making a recommendation to allow bow hunting on public property in concert with the Division of Fishing & Wildlife; this would include the Highlands property. He would be finalizing plans before any action is approved, because he wants to make sure this hunt is done correctly.

Councilman Bunce remarked that the Real Estate Committee would soon be making a recommendation pertaining to Borough property.

PUBLIC COMMENT: (comments limited to 5 minutes). Mrs. Haines asked if there was a solar consultant presently hired. Mr. Ursin responded, no because we are waiting to receive proposals. He noted that the approximate cost is \$15,000, which would be split between the School Board & Borough. Toni Haines inquired about the money spent on Sharing Contracts. Administrator Steinel did not have this information with her. Mrs. Haines questioned the zoning change to 3 feet from the property line. Mr. Ursin explained that this ordinance goes to the Planning Board for comment, and that the idea for this change was proposed by a committee comprised of Planning & Zoning Board members. Mrs. Haines asked how many people applied for the snow plowing position. Mrs. Steinel said four, and that these individuals currently work for the Borough in some capacity; this would not affect the Borough's insurance.

Lorraine Everard 109 Rollins Trail reported that she travels a lot on Borough roads, and sees a lot of couches and other debris left at the curb.

John Lynch inquired if the solar expert was being hired to tell us whether or not the solar panels would work. Mr. Ursin responded no, because our engineer has already confirmed that this would work. Mr. Lynch questioned if geo-thermal energy was being looked into. The answer was not at this time because there is no grant money.

Mrs. Modes said that Mr. Retcho should pay for the advertising if a special meeting is held to approve his liquor license renewal. Mara Modes asked if residents could put out shredded paper for recycling. The answer was yes. Pertaining to insurance, Mrs. Modes questioned if an employee working out of title would be covered. Mr. Ursin commented that our insurance agent would be contracted for that answer.

Jack Quirk resides at 142 Marne Road as said that he was asked to come this evening because the name of Jesus was used at the 9/11 Memorial Ceremony; he is a former teacher and has seen what happened when prayer was removed from the schools. He stated that he was offended that someone would take offense; he did not see why this was a problem to this individual.

Susan Jones reported that she was the person that was offended, and that she sees this as a matter of separation of Church & State; wrote the letter to the Editor in the NJ Herald objecting to what happened during the 9/11 Memorial Service.

Mayor Petillo revealed that Pastor Ken was not her Pastor as reported in the newspaper.

Helen Miller spoke about how she believes that there was not a attempt to offend anyone. She noted that people have a difference of opinion when it comes to the separation of Church & State; citing George Washington, Thomas Jefferson & John Adams. There was no attempt to insult anyone's belief.

Carolyn Lynch commented that now there is a Jew speaking, the point is that all groups should get along and should be respected. She took offense at the Pastor using "Jesus"; he could have used a different name like the other people speaking.

Mrs. Haines said that during the 9/11 attack many people of various backgrounds and religions perished; the minister should have invoked all Gods. There is separation in schools, and should be with this body.

Louise Bagby from Stevens Trail spoke about the Memorial Day Parade and walking behind the Byram Bay Church truck that contained 8 - 10 year olds who were distributing literature; she takes exception to this during a Borough event. She also thinks that it was not safe for these children to be climbing on & off the truck.

Paul Procacci a resident of Papakating Road said that he supports separation of Church & State, the practice of religion without persecution and permitting freedom of speech.

Alex Martinez reported that he is a member of the Knights of Columbus, and believes that faith is our moral compass. He noted that his Police Academy graduation took place in a Catholic Church, and that he considered the 9/11 Ceremony a faith based community event.

Mayor Petillo informed those present that she handled this service the same way it was done in the past; attempted to get all churches involved in this event. She even followed the same agenda that was used in the past; faith has never been an issue in this town.

Tom Friel 365 Maxim Drive remarked that he has been reading John Adams lately and quoted from his writing of the 1st Amendment; he did not believe the intent was to cause a riff between Church & State.

Jack said that the name of Jesus was used; it was possible that some cultures that have female Gods were offended. Maybe we should remove all of the symbols that represent Christianity.

Mara Modes doesn't know why we are discussing this because she attended the event and was a little offended because religion and history were mixed; a little upset about it being political.

Councilmember Francis moved to close open comment period, seconded by Bunce. The vote was unanimous.

COUNCIL COMMENTS: Councilmember Baker thanked those that attended the Saturday grant public meeting; very positive comments from those in attendance. He also thanked those for coming tonight.

Councilman Bunce thanked everyone for expressing their feelings; October 19th Senior Citizen Spaghetti Dinner sponsored by Knights of Columbus & the Borough from 1 to 3 p.m.; music provided by Ron Anthony.

Councilperson McManus noted the upcoming celebration of Constitution Week; provides for people to assemble, express their views and discuss; just what the founding fathers had in mind. She thanked them for their foresight.

Councilman Young reported that Kyle was an 8 year old diagnosed with an inoperable brain tumor; the fund raiser is being held to assist his family. He encouraged the residents to participate in the "Be Strong for Kyle" car show and other activities. John Young cautioned all to drive carefully, and wished them a good night.

Councilmember Francis remarked that everyone has an opinion, our great U.S. was based on Gods, "In God We Trust" a national motto on coins. The point is that God, no matter who he is, is in people's lives; be tolerant with each other. Mr. Francis wished all a good night and good luck.

Mayor Petillo thanked everyone for coming.

Councilperson Young moved to adjourn at 10:21 p.m., seconded by Bunce. The vote was unanimous. Absent - Galate.

Respectfully submitted:

CLOSED – Sept. 16, 2009

All members were present except for Council President Galate. Others: J. Ursin, C. Steinel & L. Stark.