

The January 19, 2011 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 – Councilmember present: Howard Baker, Richard Bunce, Michael Francis, Marie Galate, Madeline McManus & John Young.

MOMENT OF SILENT REFLECTION AND PLEDGE OF ALLEGIANCE

SALE OF PROPERTY: Councilman Bunce conducted the public sale to contiguous owners of Block 40001, Lot 8.03. Vito Castoro bid the minimum price, of \$2,500.00; no other bids were received. #43-11 Authorize the Sale to V. Castoro in the amount of \$2,500. Motioned by Baker, seconded by Francis. Roll Call Vote: **YES** – Baker, Francis, Bunce, and Young. **ASTAINED:** Galate. **NAY** – McManus.

COMMITTEE REPORTS: Councilman Francis noted that the energy report showed a significant energy savings to the Municipal, Board of Health & DPW Buildings. The cost estimate for the project improvements is \$143,726.11; 60 percent is paid by the State. Factoring in the energy savings, this project would pay for itself in a very short period of time. Councilmember Francis highly recommended moving forward with this project. Mr. Ursin informed those present that he has just received a copy of this contract and has some reservations as it relates to the Public Contract Law; would like to look into this agreement prior to the governing body authorizing the work. Mr. Francis commented that the audit was performed by Department of Energy vendor; the State has addressed the contract issues. Mr. Ursin would review the contract and determine if it meets the criteria. Administrator Steinel reported that this money was available in the Capital Budget. Due to time constraints for this grant, a special meeting was scheduled for January 26, 2011 at 6 p.m.

Council President Young revealed that the Recreation Commission met a short time ago; Street Hockey registration is taking place, Basketball Program has started with over 150 participants, and 50 are participating in the Bowling program currently underway. Councilman Bunce said that the Real Estate Committee is considering a number of properties for sale; the Lake Hopatcong Commission will hold a special meeting on January 31st.

Mayor Petillo stated that the 2011 Recycling Newsletter would be at the printers next week; distributed in the near future.

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). Mara Modes asked about the sale of property and the vacation of a portion of Dibert Road. It was noted that contiguous owners were notified and Mr. Castoro being one provide the

minimum bid. Mr. Ursin explained the procedure for vacation of land that is a paper street; divided between contiguous property owners not sold to the land owners. Council President Young moved to close public comment period, seconded by Bunce. Those present voted affirmative.

APPROVAL OF MINUTES: Councilwoman Galate moved Sine Die meeting January 5, 2011 minutes, seconded by Young. Those present voted affirmative.

ADMINISTRATOR'S REPORT:

Administrator Steinel reported that final preparations were being made to replace the municipal server; quote was submitted by United Computer Services. She asked that they look favorably on this resolution.

Regarding the FMLA Extension – Mrs. Steinel requested that this be granted to an employee who is caring for a very ill family member.

Budget Committee Meeting - Due to the absence of the State Budget Workbook the meeting has been cancelled.

DPW Employee Retirement – Administrator Steinel requested that the governing body let her know if they wanted to hire an individual off the DOP Lay-Off List to fill this vacancy. #44-11 Authorize the Administrator to Fill the DPW Vacancy from the DOP Lay-Off List, moved by Francis, seconded by Young. Roll Call Vote: **YES** – Francis, Young, Baker, Bunce, Galate, McManus.

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. #45-11 Approve Payment of Escrows.*
- B. #46-11 Approve Outside Lien Redemption for Arque Tax - Two Redemptions.*
- C. #47-11 Approve Outside Lien Redemption for FNA Jersey Lien Services, LLC – Seven Redemptions.*
- D. #48-11 Approve Outside Lien Redemption for Mathurine Louis – Four Redemptions.*
- E. #49-11 Approve Outside Lien Redemption for Rosehill Fund – Three Redemptions.*
- F. #50-11 Approve Outside Lien Redemption for Tower Lien, LLC – One Redemption.*
- G. #51-11 Approve Outside Lien Redemption for US Bank/CCTS – One Redemption.*
- H. #52-11 Approve Outside Lien Redemption for US Bank for Pro Capital – Nine Redemptions.*
- I. #53-11 Approve Outside Lien Redemption for Elliot Loeb – One Redemption.*
- J. #54-11 Authorize Cancellation for a Portion of 2009 Taxes Due to State Tax Court Appeal Judgment for Blk. 30803, Lt. 43.*

- K. #55-11 Authorize Agreement with Signature Information Solutions for the Electronic transmission of Property Tax Payment Information.*
- L. #56-11 Authorize Cancellation of Tax Delinquency of less than \$10.00*
- M. #57-11 Approve Refund of Monies Due to Overpayment of 4th Quarter 2010 Taxes for Three properties.*
- N. #58-11 Approve Outside Lien Redemption Certificate #2010-30 in the amount of \$3,180.32 plus premium in the amount of \$100.*
- O. #59-11 Approve Outside Lien Redemption Certificate #2008-87 in the amount of \$23,018.15 plus premium in the amount of \$17,000.*
- P. #60-11 Approve Outside Lien Redemption Certificate #2010-42 in the amount of \$2,399.65 plus premium in the amount of \$100.*
- Q. Accept 2010 Zoning Year End Report.* Councilwoman Galate said that she did not know what this report was telling them; does not understand what is being communicated by the Zoning Officer. She would like to see more detail and know what the outstanding issues from 2010 are. Administrator Steinel would speak to Mr. Donegan about this matter. Both Messrs. Bunce & Francis agreed that they needed a better understanding of what was happening in zoning. Held.
- R. #61-11 Appoint J. Swanson as OEM Coordinator & R. Haffner Deputy Coordinator.*
Following the removal of item Q., 2010 Zoning Year End Report the Consent agenda motioned by Bunce, seconded by Young. Vote was unanimous.

INTRODUCTION OF ORDINANCES:

A. Ord. #1-2011 AN ORDINANCE PARTIALLY VACATING AN UNNAMED 50-FOOT RIGHT-OF-WAY EXTENDING FROM DIBERT ROAD TO PITNEY ROAD IN THE BOROUGH OF HOPATCONG, COUNTY OF SUSSEX AND STATE OF NEW JERSEY. This matter was held as per attorney's request until 2/2/11.

RESOLUTIONS:

- A. #62-11 Approve Payment of Bills, following the removal of checks #166, #1140, #28976, #29013, #29026, & #28984. Motioned by Bunce, seconded by Galate. Roll Call Vote: YES – Bunce, Galate, Baker, Francis, McManus, Young.
- B. #63-11 Approve Payment of checks #166, #1140, #28976, #29013, #29026, and #28984. Motioned by Bunce, seconded by Young. Roll Call Vote: **YES** – Bunce, Young, Baker, Francis, McManus. **ABSTAINED**: Galate.
- C. #64-11 Approve professional Services for IT – United Computer. Motioned by Galate, seconded by Bunce. Roll Call Vote: **YES** – Galate, Bunce, Baker, Francis, McManus, Young.
- D. #65-11 Approve Contract with United Computer for New Server in an amount not to exceed \$17,849.00. Motioned by Young, seconded by Galate. Roll Call Vote: **YES** – Young, Galate, Baker, Bunce, Francis, McManus.

- E. #66-11 Authorize Hepatitis B Vaccination Letter of Understanding for 2011 with Sussex County. Motioned by Bunce, seconded by Galate. Roll Call Vote: **YES** – Bunce, Galate, Baker, Francis, McManus, Young.
- F. #67-11 Approve FMLA requested extension for M. Santi, Tax Collector's Office. Motioned by Bunce, seconded by Galate. Roll Call Vote: **YES** – Bunce, Galate, Baker, Francis, McManus, Young.
- G. #68-11 Authorize Agreement for Website Updates & Incidental Services to K & B Studios. Motioned by Francis, seconded by Bunce. Roll Call Vote: **YES** – Francis, Bunce, Baker, Galate, McManus, Young.

OLD BUSINESS:

A. Discussion – Snow Ordinance. Councilman Baker stated that he thinks that this is a reasonable compromise; some residents are defying the DPW when they are asked to remove vehicles from the roadway. Council President Young noted that these cars slow down the snow plows, and cause a hazardous situation; affecting not only snow removal but also emergency vehicles. Resolution – #69-11 INTRODUCE ORDINANCE #1-2011AN ORDINANCE OF THE BOROUGH OF HOPATCONG, COUNTY OF SUSSEX, STATE OF NEW JERSEY AMENDING SECTION 231-3J OF THE BOROUGH OF HOPATCONG MUNICIPAL CODE REGARDING WINTER PARKING, moved by Baker, seconded by Young. All in favor except for a **NAY** by McManus.

B. Discussion – NJDCA Grant for Civic Center; Resolution to change name if in order. Councilmember Baker expressed concern that if the name was changed to the Senior Center, the State would be asked to have money returned as they did for the school because their facility use was expanded. Mayor Petillo informed those present that the DCA is very aware of the center's use, and that we are not changing that usage. Resolution - #70-11 Authorize the change of "Civic" Center to "Senior" Center, moved by Francis, seconded by Young. The vote was unanimous.

C. Appoint 2011 Citizen to Open Space Committee (if in order). No action at this time.

NEW BUSINESS:

A. Discussion – Amend Chapter 171 Entitled "Peddling & Soliciting". This ordinance would be introduced at the next meeting.

B. Request to Construct Retaining wall in the ROW at 31 Papoose Trail. Mr. Ursin reported that the fence was not within the Right-of-Way, but the land disturbance for this improvement required that the engineer review and comment on the plans. Mr. Ruschke has recommended that four (4) items be addressed by the property owner for this retaining wall. Resolution - #71-11 Authorize the Wall Construction within the ROW as per J. Ruschke's memo of December 8, 2010, and Four (4) Recommendations, moved by Bunce, seconded by Young. The vote was unanimous.

C. Mothers Against Drunk Driving (MADD) 2009 Law Enforcement Distinguished Service Award – David Kraus. Mayor Petillo read the award that Patrolman Kraus received, congratulated him for this honor. Councilperson Baker commented that he hopes Officer Kraus continues to be successful in his pursuit of drunk drivers.

D. Reader's Digest – "We Hear You America" promotional contest. Mayor Petillo explained this program sponsored by Reader's Digest. The censuses was to not participate, but to see what the outcome was this year.

E. Outside Shed at Civic Center – Request from Hopatcong Warriors to place an additional structure at the site. Council President Young spoke about the necessary of having storage space close to the field and how it would solve several of the Warriors problems. The bottom line is that this shed would be more accessible and less costly for the organization. Council President Young thought that the Warriors would be required to obtain a Variance. Mr. Ursin reported that this was Municipal property and although the Warriors were purchasing the shed, a variance was not required. Council President Young said that the shed would be 12X20 feet and placed alongside of the existing recreation shed at this facility. Mr. Ursin would speak with Mr. Haggerty, approval would only be contingent upon Engineer's review of the area drainage. Resolution - #72-11 Approve Warrior Shed at Senior Center Site as per Engineer's review. Motioned by Bunce, seconded by Francis. Those present voted affirmative.

PUBLIC COMMENT: (comments limited to 5 minutes). Mara Modes a resident from Ithanell Road asked about Catholic Charities' use of the Senior Center. Mrs. Steinel reported that we have an agreement with Sussex County. Mrs. Modes questioned the Streetscape construction. Administrator Steinel stated that the contractor was paid by the grant funds, and the Borough pays for the soft costs.

Henry Schmidt a resident from Oklahoma Trail said commended the DPW for doing a great job cleaning the snow & ice off of the street.

Mara Modes read a statement pertaining to Pastor Dave Jones' Invocation comments at the Reorganization Meeting (attachment to minutes).

Councilman Bunce moved to close public comment period, seconded by Galate.

COUNCIL COMMENTS: Councilman Baker thanked everyone for coming, and complimented the DPW for doing a great job.

Councilperson Bunce said thank you all for coming, and thanked the DPW employees. Also cautioned residents to watch out for pedestrians walking in the roadways, and wished everyone a good night.

Councilwoman McManus thanked Officer Kraus for his award, thanked Cliff Lundin for his years of service on the Planning Board and noted that Martin Luther King Day has passed but was worthy of remembering the individual.

Council President Young thanked the residents for attending this meeting, and asked that they keep our Service Personnel in their prayers. He also commended the DPW employees, who were doing an outstanding job and wished the Jets fans the best.

Councilmember Francis thanked the DPW and noted that they have set the bar for surrounding municipal; some like Roxbury have fallen short. He wished all a good night & good luck.

Councilwoman Galate concurred with Mr. Schmidt & Councilmembers about the DPW & commented that Sussex County is also doing an exemplary job.

Mayor Petillo congratulated Dave Kraus and Ron Jobeless.

Council President Young moved to adjourn at 8:56 p.m., seconded by Bunce. The vote was unanimous.

Respectfully submitted: