

The February 17, 2010 regular/work meeting was called to order at 7:30 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 - Councilmember present: Richard Bunce, Howard Baker, Michael Francis, Marie Galate, Madeline McManus & John Young. Others present: Attorney John Ursin and Clerk Lorraine Stark.

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). None was forthcoming. Councilmember Bunce closed the public comment period, seconded by Baker. The vote was unanimous.

APPROVAL OF MINUTES: Councilman Bunce moved regular/work meeting January 20, 2010, seconded by Galate. The vote was unanimous. Councilperson Young reported that he was appointed to the Open Space Committee and that the Re-Organization minutes are incorrect; citing Council President Francis in the minutes. Councilmember Bunce moved to approve the January 6, 2010 Re-organization meeting as amended, seconded by Galate. Those present voted affirmative.

ENGINEER'S REPORT:

Subdivision of two lots - Mr. Ruschke reported on two lots within the Highlands Preservation area: one was the proposed location for a new cell tower and the other has a pump station & Vassar Well. He suggested that these two areas be cut out from the existing lot because one would have a cell tower & the other would satisfy the DEP requirements for vacant area surrounding a functioning well. He noted the remaining land would be unimproved and could be used as the Borough sees fit. Mayor Petillo remarked that a "concept plan" is being considered for this property because it is within the natural preserve area; exploring the possibility of a private/public entity purchasing the land in a partnership with the Borough for a Conservation Easement. The Borough has over the past several years attempted to develop trails within the area. Mayor Petillo distributed three samples of Conservation Deed Easements, which she asked the governing body to review. A special meeting with the Open

Space Committee has been scheduled for March 4 at 7 p.m. to discuss this conceptual plan and review the three sample deeds.

#90-2010 Authorize Borough Engineer to prepare subdivision of Blk. 40003 Lt. 1; AT&T cell tower site, and Carteret Road Pump Station, Blk. 20002 Lt. 4 for Planning Board, moved by Bunce, seconded by Francis. The vote was unanimous.

Attorney John Ursin commented that the governing body requested that he look into the matter of ham radio antennas; these requests came from individuals who reside outside of Hopatcong. Mr. Ursin expressed some reservations about placing these on Borough property, as well as the fact that there are costs associated with the request, which would be paid by the taxpayers, if the applicants did not pay the cost. In addition, Mr. Ruschke has some reservations about these being placed on Borough structures. Mr. Ursin revealed that he would follow up with Chief Swanson and the County Emergency Management Coordinator for additional information.

Streetscape Project - Mr. Ruschke informed those present that additional monies have been awarded for street lights; after looking into what was available, two types of poles and luminary fixtures have been selected for the governing body to review. Examples of these fixtures are located within two municipalities: the York style is found in Morristown, and the Oxford style is in Sparta; 26 fixtures will be installed between Chincopee to Hopatcong Hardware. Councilwoman McManus question the maintenance of the lights. Mr. Ruschke reported that Mr. Jobeless was consulted and that is one of the reasons these two are being proposed; he needs an answer by the next meeting because of the DOT bid time requirements for this project.

Item H - DOT Road Redevelopment & Beautification Project - Mr. Ruschke encouraged the governing body to authorize the execution of this agreement.

Item J - Change Order for Top Line Construction Corp. - Mr. Ruschke remarked that previously the governing body had approved additional monies for this project in the amount of 20%, and since there is a penalty assessed to the contractor this change order is necessary to decrease the amount of his payment.

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. #91-2010 Approve Payment of Escrows.*

- B. #92-2010 Approve Outside Lien Redemption Certificate #2007028 in the amount of \$90,553.82 plus premium amount of \$50,000.*
- C. #93-2010 Approve Outside Lien Redemption Certificate #2008-71 in the amount of \$3,298.76.*
- D. #94-2010 Approve Outside Lien Redemption Certificate #2009035 in the amount of \$9,632.93 plus premium amount of \$1,500.*
- E. #95-2010 Approve Refund Tax Payment on Municipal Lien to First American Tax Service for 1st Quarter 2010 taxes in the amount of \$1,485.29 for Blk. 31606 Lt. 24*
- F. #96-2010 Approve Raffle License RA#9-2010 for an On Premise 50/50 for Hopatcong Woman's Club.*
- G. #97-2010 Authorize Participation in the Paris Grant Electronic Document Management System Project for 2010 sponsored by Sussex County.*
- H. #98-2010 Authorize Mayor & Clerk to execute a Lease Agreement with Sussex County for the Nutrition Site at the Civic Center.*

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

ADOPTION OF ORDINANCES:

INTRODUCTION OF ORDINANCES:

- A. #99-2010 Intro. Ord. #2-2010 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 Galate. Roll Call Vote: **YES** - Bunce, Galate, Baker, Francis, McManus, Young.
- B. Intro. Ord. #3-2010 AN ORDINANCE OF THE BOROUGH OF HOPATCONG, COUNTY OF SUSSEX, STATE OF NEW JERSEY AUTHORIZING THE SALE OF CERTAIN PROPERTY OWNED BY THE BOROUGH AND NOT REQUIRED FOR PUBLIC PURPOSES AND MORE COMMONLY KNOWN AS 16 TUFTS TRAIL. Since the appraisal was not available at this time, this matter was held until the next meeting.

RESOLUTIONS:

- A. #100-2010 Approve Transfer Appropriations. Motioned by Francis, seconded by Galate. Roll Call Vote: **YES** - Francis, Galate, Baker, Bunce, McManus, Young.
- B. #101-2010 Approve Amendment to Temporary Appropriation for General Purposes. Motioned by Francis, seconded by Young. Roll Call Vote: **YES** - Francis, Young, Baker, Bunce, Galate, McManus.
- C. #102-2010 Approve Payment of Bills, following the removal of checks #108, #1125, #27738 & #27778. Motioned by Bunce,

seconded by Young. Roll Call Vote: **YES** – Bunce, Young, Baker, Francis, Galate, McManus.

D. #103-2010 Approve Payment of checks: #108, #1125, #27738 & #27778. Motioned by Bunce, seconded by Francis. Roll Call Vote: **YES** – Bunce, Francis, Baker, McManus, Young. **ABSTAINED**: Galate.

E. #104-2010 Accept 2009 Tax Collector Annual Report. Motioned by Galate, seconded by Bunce. Roll Call Vote: **YES** – Galate, Bunce, Baker, Francis, McManus, Young.

F. #105-2010 Appoint Laura Burns as Secretary to the Open Space Committee. Motioned by Bunce, seconded by Young. Roll Call Vote: **YES** – Bunce, Young, Baker, Francis, Galate, McManus.

E. #106-2010 Appoint Special Legal Counsel – Wm. Haggerty. Motioned by Bunce, seconded by Young. Mr. Ursin commented that this resolution is in place just in case there is a conflict of interest, and he or someone else in his firm cannot represent the Borough; Mr. Haggerty is a good choice because he is familiar with Hopatcong issues. Roll Call Vote: **YES** – Bunce, Young, Baker, Francis, Galate, McManus.

F. #107-2010 Authorize Integra Realty Resources Northern NJ for Borough TDR. Motioned by Bunce, seconded by Galate. Mr. Ursin revealed that Integra has performed work as required by the Highlands, and the cost for this work should come from the grant money. Roll Call Vote: **YES** – Bunce, Galate, Baker, Francis, McManus, Young.

G. #108-2010 Authorize Mayor & Clerk to Execute Agreement as per Resolution #192-09 NJ DOT Hopatchung Road Redevelopment & Beautification Project. Motioned by Francis, seconded by Galate. Roll Call Vote: **YES** – Francis, Galate, Baker, Bunce, McManus, Young.

H. #109-2010 Approve Transfer of the 2003 Ford Ambulance Vehicle to the Hopatcong Ambulance Squad; VIN #1FDXF47P23EC58773. Motioned by Francis, seconded by Bunce. Roll Call Vote: **YES** – Francis, Bunce, Baker, Galate, McManus, Young.

I. #110-2010 Approve Change Order No. 1 for Top Line Construction Corp. for the 2009 Road Resurfacing Project. Motioned by Galate, seconded by Bunce. Roll Call Vote: **YES** – Galate, Bunce, Baker, Francis, McManus, Young.

J. #111-2010 Approve extension of family and medical leave for D. Atno through February 8, 2010. Motioned by Bunce, seconded by Francis. Roll Call Vote: **YES** – Bunce, Francis, Baker, Galate, McManus, Young.

OLD BUSINESS:

A. #112-2010 Resolution – Appoint Mary Louise Baker to Open Space Committee (Council appointment). Motioned by Bunce, seconded by Young. Roll Call Vote: **YES** – Bunce, Young, Francis, Galate, McManus. **ABSTAINED** – Baker.

B. Street Beautification Project – Discussion. This was discussed during engineer report.

NEW BUSINESS:

A. Request from Hopatcong H.S. for Facility Use Permit for the Civic Center; Wine & Cheese Tasting Fund Raising event March 20, 2010. Mayor Petillo informed those present that she discussed this request with Tom Vara; the issue becomes alcohol and in accordance with our Code and JIF requirements the Borough cannot hold this event at a municipal building. The suggestion was made to hold this event at one of the firehouses. Councilperson Young revealed that alcohol was not permitted in parks or recreation facilities. Mayor Petillo remarked that she would communicate with Mr. Vara, and inform him that this would not be permitted.

B. #113-2010 Discussion – Opposition to Senate Bill S-458. Mayor Petillo reported that this bill would require the Tax Assessor’s Office to come under the County government. Mr. Ursin noted that this bill would reduce the control of local government and establish regional offices. Mayor Petillo said that there was also another bill that would do the same for Animal Control. Councilman Bunce commented that we have been engaged in shared services for a long time; also wanted to know the cost savings if this was enacted upon. Motioned by Francis, seconded by Baker. The vote was unanimous.

C. #114-2010 Discussion – Opposition to Legislation Amending the Time of Decision Rule; Zoning regulations. Motioned by Francis, seconded by Baker. Mr. Ursin said that the way the law is now, the Council could make changes if there was a flaw; grandfathered through the appeal process. This mechanism has served municipalities well in some cases. Those present voted affirmative.

D. Public Official Training – Select date. Monday, March 15 and Thurs., March 18, 2010 at 6 p.m.; Mr. Dietz would be contacted.

COMMITTEE REPORTS: Councilperson Bunce said that an appraisal is being obtained for 16 Tufts Trail, and the ordinance would be forthcoming. In addition, he provided Mr. Ursin with a letter for a land donation, which he wants him to look into. The Lake Hopatcong Commission Business Plan is essentially complete, Trenton does not appear to be as adversarial, and they are still working on water levels. Councilman Bunce cautioned residents about open water areas on the lake, asking people to be careful. Councilmember Young revealed that the Recreation Commission met, and was informed that approximately 200 kids are participating in the basketball program; the Summer Recreation fees are being kept the same as last year; sign up for street hockey is taking place; discussed the Ms.

Hopatcong Contest, and would possibly include a Little Miss Contest as well.

Council President Francis stated that the Solar Project proposals are now available, and there appears to be an interest; about eleven proposals have been distributed.

Mayor Petillo noted that she met with Senator Oroho & Representative Chiusano today for a lively discussion on several issues including Lake Hopatcong, & COAH; provided new ideas for exploration.

PUBLIC COMMENT: (comments limited to 5 minutes). Louise Bagby from Stevens Trail said that she was listening to Mr. Ruschke when he was discussing the Beautification Project and was wondering if local contractors could be hired for the project; help the residents find employment by using local contractors. Mr. Ursin commented that bid specs for this grant are very regulated, and that Mr. Ruschke should be asked about this matter. Ms. Bagby stated that she knows from experience that in New York they were required to hire local workers. Councilman Baker reported that to the extent we can we look for local contractors.

Councilperson Baker moved to close public comment period, seconded by Galate. Those present voted affirmative.

COUNCIL COMMENTS: Councilwoman Galate thanked everyone for coming, and revealed that some of the County Health screenings scheduled in March would be held in Hopatcong, while others would be held in Sparta. In addition, the Foot Clinic has been moved back to the Board of Health Building, appointments are made through the Board of Health; the County Health Department wants residents to know that they provide services for all residents, not just senior citizens. They are attempting to provide screening services to the average person who resides in the County.

Council President Francis thanked all for coming, complimented the DPW employees for their continued stellar work snow plowing, and wished all a good night and good luck.

Councilmember Young thanked the residents for attending this meeting, and asked that our Service Men & Woman be remembered and kept in our prayers.

Councilperson McManus thanked all for being here, and noted that February is Heart Month.

Councilman Bunce wished all a good night.

Councilmember Baker wished everyone a pleasant evening.

Council President Francis moved to adjourn at 9:02 p.m., seconded by Bunce. The vote was unanimous.

Respectfully submitted: